



REGULAR PLANNING COMMISSION AGENDA

October 25, 2022 at 7:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/83425441349> or 1-253-215-8782 Webinar ID: 834 2544 1349

A. LAND ACKNOWLEDGEMENT

B. ROLL CALL

C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. September 27, 2022 Draft Minutes Regular Planning Commission - APPROVED

E. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

G. ITEMS FOR RECONSIDERATION

H. CONSENT AGENDA

I. UNFINISHED BUSINESS

J. REGULAR AGENDA

2. USE2022 0013: A Conditional Use Permit to create seven apartments - APPROVED ON REGULAR AGGENDA

Applicant: Juneau Housing First Collaborative dba The Glory Hall

Location: 241, 243, & 247 S. Franklin Street

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and DENY the requested Conditional Use Permit. The permit would allow the development of a multi-family apartment building with seven dwelling units in a Mapped Landslide and Avalanche Hazard Area.

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit to create seven apartments in a Mapped Landslide and Avalanche Area. The project will provide affordable and/or workforce housing in the Downtown Historic District and a commercial restaurant on the first floor. In 1989, the property received Conditional Use Permit approval to operate an emergency shelter in a Mapped Hazard Area, based on conditions outlined in a 1989 engineering report. Those conditions have not been confirmed as completed. The project will increase density of dwelling units by converting an emergency shelter into a multi-family apartment building.

Staff recommends the Planning Commission adopt the Director's analysis and findings, and DENY the application.

- 3. PAD2022 0003: A CBJ Property Disposal next to 12005 Glacier Highway - RECOMMENDED DENIAL
Applicant: City & Borough of Juneau and James Parise
Location: Next to 12005 Glacier Highway

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of DENIAL to the CBJ Assembly for the land disposal.

DIRECTOR'S REPORT

The applicant request a Property Acquisition and Disposal permit to purchase approximately 6,098 square feet of land located along Glacier Highway in the Auke Bay area in order to construct a driveway for a single-family residential lot. The applicant proposes purchasing the land and consolidating it with their property in order to create an improved access off of the highway.

Staff recommends the Planning Commission adopt the Director's analysis and findings, and recommend DENIAL of the land disposal to the Assembly.

K. OTHER BUSINESS

- 4. 2023 Legislative Priorities
- 5. 2023 Proposed Meeting Dates

L. STAFF REPORTS

M. COMMITTEE REPORTS

N. LIAISON REPORT

O. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

P. PLANNING COMMISSION COMMENTS AND QUESTIONS

Q. EXECUTIVE SESSION

R. SUPPLEMENTAL MATERIALS

- 6. Additional Materials for October 25, 2022 Planning Commission

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.org.

DRAFT MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Michael LeVine, Chairman

September 27, 2022

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Bell

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

II. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:00 p.m. Mr. LeVine announced Mr. Alper has resigned from the Commission.

Commissioners present: Commissioners present in Chambers – Michael LeVine, Chairman; Paul Voelckers, Vice Chair; Travis Arndt, Clerk; Dan Hickok, Deputy Clerk; Joshua Winchell; Erik Pedersen; Matthew Bell

Commissioners absent: Mandy Cole

Staff present: Jill Maclean, CDD Director; Teri Camery, CDD Senior Planner; Jennifer Shields, CDD Planner II; Chelsea Wallace, CDD Administrative Assistant; Lily Hagerup, CDD Administrative Assistant; Sherri Layne, Law Assistant Municipal Attorney

Assembly members: Alicia Hughes-Skandijs

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – None

IV. APPROVAL OF MINUTES

A. August 23, 2022 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Arndt to approve the August 23, 2022 Planning Commission Regular Meeting minutes.*

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Chair LeVine gave a description of the rules for participating via hybrid zoom/in-person meeting

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

VII. ITEMS FOR RECONSIDERATION – None

VIII. CONSENT AGENDA

- SGE2022 0001:** A Conditional Use Permit renewal for sand and gravel extractions, with blasting and rock crushing as accessory uses
- Applicant:** City & Borough of Juneau
- Location:** City & Borough of Juneau’s North Lemon Creek Material Source

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Sand and Gravel Extraction Permit. The permit would allow for sand and gravel extraction with blasting and rock crushing as accessory uses at CBJ's North Lemon Creek Material Source. The approval is subject to the following conditions:

1. The Extraction Permit shall expire fifteen years from the date of Planning Commission approval.
2. Hours of operation shall be 7 a.m. to 6:30 p.m. Monday through Friday, and 7 a.m. to 5 p.m. Saturday and Sunday.
3. Blasting operations shall be conducted during daylight hours between 9 a.m. and 5 p.m.
4. Blasting operations shall be prohibited on Saturdays, Sundays, and official Federal and State holidays.
5. Blasting and rock crushing shall be limited to the development of the access road.
6. Warning signs with the time and date of the blast shall be posted 24-hours prior to blasting on Anka Street and Davis Road.
7. Prior to blasting, 24-hour notice shall be provided to the Juneau Flight Station, CBJ Police Department and Fire Departments, and Alaska State Troopers.
8. Three air horn blasts will be made five minutes prior to blasting.
9. The 20-foot buffer that surrounds the property and a 20-foot buffer with a minimum of a five-foot berm on the Western project boundary shall be maintained for the life of the pit.

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit with the following modifications to Conditions 5 and 6, and all other conditions remaining the same:

1. Prior to the opening of the facility, smoke detectors must be installed in the sleeping area and in each of the shelter's restrooms.
2. Prior to the opening of the facility, an alarm must be installed on the emergency exit door in the shelter's sleeping area.
3. If new exterior lights are added to the church building, a lighting plan illustrating location and type of exterior light shall be provided to the Community Development Department.
4. Prior to the opening of the facility, exterior security cameras must be installed and functional.
5. The shelter facility's operating start time will not be before 8:00 P.M. and will end by 7:30 A.M. the next day.
6. The shelter facility can operate ~~from October 15 to~~ **UNTIL** May 1, **2024**.
7. When the shelter facility is operating, there must be a minimum of two (2) staff present at all times.
8. The shelter facility will provide a contact number to the surrounding neighbors that will be actively answered during operating hours. The intent of this condition is to provide a way for shelter staff to respond to issues as they arise in the area.
9. The permit will expire on June 1, 2024.

STAFF PRESENTATION by Director Maclean

APPLICANT PRESENTATION

Pastor Karen Perkins explained the reason of the permit was to cover the time period between when the campgrounds close and the shelter opening date. Additionally, they would like to alter the hours to coincide better with bus schedules as the morning bus is at 7:15 a.m.

QUESTIONS FOR APPLICANT

Mr. Voelckers recalled during the original permit process, the applicant had stated they did not plan to be in the shelter business on a long-term basis and asked if that has changed. Pastor Perkins explained they operated as a shelter over the last year because they saw a need that was not otherwise being filled in the community. They are not pursuing an alternative shelter as this is not part of their primary or long-term ministry. Mr. Voelckers asked whether there had been "scary" incidents affecting the neighborhood over the past year and if there were methods for communicating with the neighborhood. Pastor Perkins explained there is a phone number that is answered whenever the shelter is open. She added there have been no disruptive or damaging incidents.

Mr. Winchell asked if the staff had received training and, if they had, what sort of training was it and what the result was. Pastor Perkins said they have had extensive trainings regarding customer service, dealing with angry people and de-escalation. They are continuing with three hours of training each month.

Mr. Arndt asked if there was a purpose to the October 15 start date if the shelter opening was tied to the temperature falling below thirty-two degrees. Mr. LeVine added to this asking if they would be allowed to open early if the need arose or if they would be tied to October 15 by the contract. Pastor Perkins said they do not have an intention to open on October 15 but they would like to be able to if it was needed. Brad Perkins came forward and explained the contract is not tied to an opening date. They are prepared and can open as soon as needed. He added that because this is a fixed fee contract, it behooves them to only open when needed. Otherwise, it would be too costly for them to operate. He explained there are also challenges to obtaining enough food for the shelter as donations are down at the food bank.

Mr. Winchell asked if the recent weather events and floodings would be cause to open. Pastor Perkins said they could be. They have been in contact with the Red Cross and were told that anybody who has been displaced has found a place to stay already.

Mr. Arndt said he would like to remove the open date limitation but was concerned that this would allow the location to then become a long-term shelter and asked if that was a possibility. Pastor and Mr. Perkins explained that they have no intention of making that change. They cited the financial constraints and added they are not equipped to provide these services on an on-going basis.

COMMISSIONER DISCUSSION

Mr. Voelckers asked Director Maclean if she is aware of any CBJ conversations regarding a longer-term solution to this issue. She was not aware of any. She explained the Homeless programs are not part of her department, they are part of the Managers office.

MOTION: *by Mr. Winchell to accept staff's findings, analysis, and recommendations, and approve USE2022 0014.*

MOTION TO AMEND: *by Mr. Arndt to amend condition 6 to read "The shelter facility can operate until May 1, 2024"*

The motion to amend passed with no objection.

The amended motion passed with no objection.

XI. **OTHER BUSINESS** – None

XII. STAFF REPORTS

Director Maclean reported

- She will not attend the October 11 meeting. Mr. Ciambor will be there in her stead.
- On the October 11 agenda is an alternative residential subdivision for four hundred and forty units on Glacier Highway. This is a complicated case and she suggested the commissioners familiarize themselves ahead of time.
- Lands Committee met last night. They recommended a motion to begin the process of a land disposal.
- The hazard assessment mapping is online and available and was funded by a FEMA grant.

XIII. COMMITTEE REPORTS

Mr. Arndt reported Title 49 met last week and started work on Table of Dimensional Standards

Mr. Hickok asked how to get a Governance meeting scheduled. Mr. LeVine suggested he work with Ms. Wallace.

Mr. LeVine appointed Mr. Bell to the Governance Committees and named him liaison to the Wetlands Review Board. He further encouraged Mr. Bell to attend a Title 49 meeting.

XIV. LIAISON REPORTS

Ms. Hughes-Skandijs reported

- The landslide appears to have caused property but not personal damage.
- Committee of the Whole met and discussed a resolution that would limit the use of the accessory apartment grant to disallow grantees from using the apartment for short term rental use during the first three years.
- They approved using affordable housing funds for a loan to Gastineau Lodges LLC using their property as collateral.

She intends to work to get the assembly and PC together for a follow up to their joint meeting.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None**XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. Winchell asked about opening PC meetings earlier so they could end earlier. Mr. LeVine suggested the governance committee would be a good place to begin the discussion.

XVII. EXECUTIVE SESSION – None**XVIII. ADJOURNMENT – 7:46 p.m.**

Next regular meeting October 11, 7:00 p.m.



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/community-development/planning-commission

155 S. Seward Street • Juneau, AK 99801

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: November 7, 2022
Case No.: USE2022 0013

Juneau Housing First Collaborative dba The Glory Hall
ATTN: Chloe Papier
8715 Teal Street
Juneau, AK 99801

Proposal: Conditional Use Permit to create seven apartments in a Mapped Landslide and Avalanche Area
Property Address: 247 South Franklin Street
Legal Description: Juneau Townsite Block M Lot 2 Fraction
Parcel Code No.: 1C070B0M0010
Hearing Date: October 25, 2022

The Planning Commission, at its regular public meeting, voted six to zero (6 / 0) to approve the development of seven apartments as described in the project description and drawings submitted with the application. The Commission adopted the Director’s Findings 1, 2, and 5 from the staff report dated October 17, 2022 and made revised Findings 3, 4, and 6 as stated below:

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

Yes. In this circumstance, there is no increase in density. For dwelling units, it is living, sleeping, eating, cooking, and sanitation in one place. In order, if they were just to take the stoves out and put a congregate stove for everybody to use that would get rid of the ‘and’ and this would be perfectly fine. Compared to the current use, the duration of time is approximately the same, the services provided at the site are approximately the same. The difference is that, there’s a wall between the stoves instead of all the stoves in one room.

Juneau Housing First Collaborative dba The Glory Hall
File No: USE2022 0013
November 7, 2022
Page 2 of 3

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

No. The number of people located at that site will be reduced over the currently permitted shelter.

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

Yes, it conforms with the land use plan and other adopted plans. It will increase housing downtown. It reduces the number of people that were in it, and in harm's way, by just moving some walls and not changing the outside, the site, or the neighborhood.

Attachments: October 17, 2022, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding USE2022 0013.

Additional Materials packet with public comments.

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

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

Effective Date: The permit is effective upon approval by the Commission, October 25, 2022.

Expiration Date: The permit will expire 18 months after the effective date, or April 25, 2024, 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.



Michael LeVine, Chair
Planning Commission

November 7, 2022

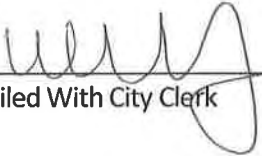
Date

Juneau Housing First Collaborative dba The Glory Hall

File No: USE2022 0013

November 7, 2022

Page 3 of 3



Filed With City Clerk

11/7/22

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 STAFF
CONDITIONAL USE PERMIT USE2022 0013
HEARING DATE: OCTOBER 25, 2022

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

DATE: October 17, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Jennifer Shields, Planner II *Jennifer L. Shields*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Conditional Use Permit to create seven apartments in a Mapped Landslide and Avalanche Area.

STAFF RECOMMENDATION: Denial

KEY CONSIDERATIONS FOR REVIEW:

- The property is in a Mapped Severe Landslide and Avalanche Hazard Area.
- In 1989, the applicant received Conditional Use Permit approval to operate an Emergency Shelter in a Mapped Hazard Area, based on conditions outlined in a 1989 R&M Engineering Report. **Those conditions have not been confirmed as completed.**
- The project may provide affordable or workforce housing and a commercial restaurant on the first floor. No restrictions are currently in place to require affordable or workforce housing.
- The project will increase density of dwelling units by converting an emergency shelter into a multi-family apartment building.

| GENERAL INFORMATION | |
|--------------------------------|---|
| Property Owner | Juneau Coop Christian Ministry |
| Applicant | Juneau Housing First Collaborative dba The Glory Hall |
| Property Address | 247 South Franklin Street |
| Legal Description | Juneau Townsite Block M Lot 2 Fraction |
| Parcel Number | 1C070B0M0010 |
| Zoning | Mixed Use |
| Land Use Designation | Traditional Town Center |
| Lot Size | 3,196 square feet |
| Water/Sewer | Public water and sewer |
| Access | South Franklin Street |
| Existing Land Use | Temporary Emergency Shelter |
| Associated Applications | APL2021 0006, BLD2021 0765 |

ALTERNATIVE ACTIONS:

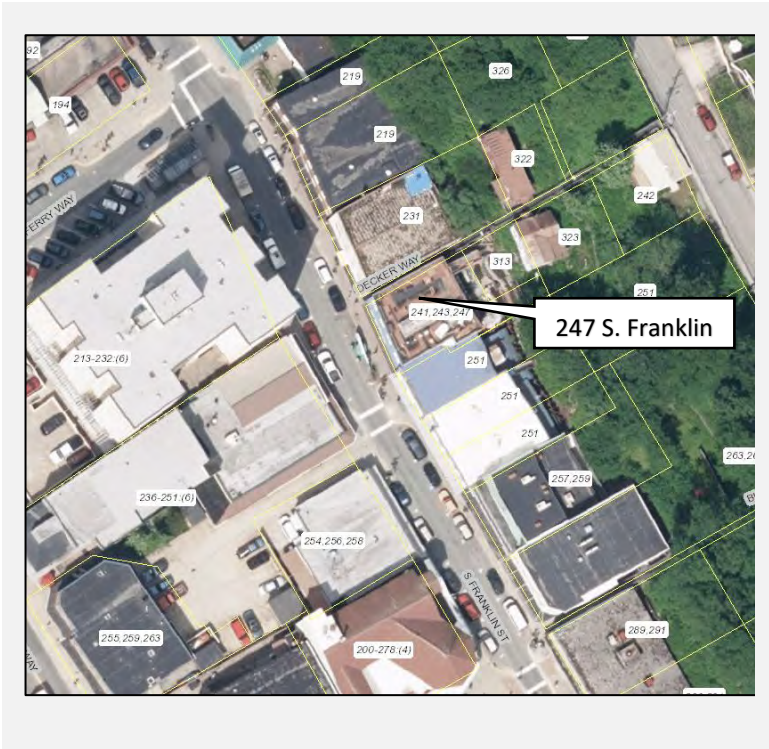
1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Approve:** approve the permit and adopt new findings for items 1-6 below that support the approval.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.15.330 (CUP)
 - CBJ 49.20.110 (appeals)
 - CBJ 49.30.260 (nonconforming)
 - CBJ 49.70.300 (hazards)
 - CBJ 49.80 (definitions)



| SURROUNDING ZONING AND LAND USES | |
|----------------------------------|-------------|
| North (MU) | Mixed Use |
| South (MU) | Mixed Use |
| East (MU) | Residential |
| West (MU) | Mixed Use |

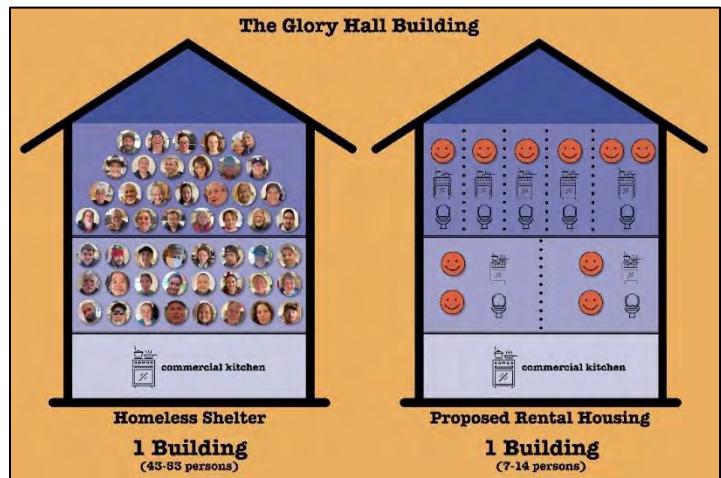
| SITE FEATURES | |
|-------------------|--------------------------|
| Anadromous | None |
| Flood Zone | None |
| Hazard | Severe |
| Hillside | Yes |
| Wetlands | No |
| Parking District | No Parking Required Area |
| Historic District | Yes |
| Overlay Districts | No |

BACKGROUND INFORMATION

Project Description – The applicant is requesting a Conditional Use Permit to create seven (7) new apartments in the former Glory Hall building at 247 South Franklin Street, located in a Mapped Severe Landslide/Avalanche Area (Attachment A).

The existing Glory Hall building is a three-story structure. The applicant is proposing to rent out the first floor of the building as commercial restaurant space. According to CBJ 49.25.300, Table of Permissible Uses, the proposed use of the building for the first floor is USE 8.100: Restaurants, or bars without drive through service. This use is permissible in the Mixed Use (MU) Zoning District.

The applicant is also proposing to renovate and rent seven (7) dwelling units of affordable or workforce housing on the second and third floors of the building. No restrictions are currently in place to require affordable or workforce housing. Specifically, the applicant wants to remodel the second floor into two (2) efficiency apartments and the third floor into four (4)* efficiency apartments plus one (1) one-bedroom apartment, for a combined total of seven (7) apartments on



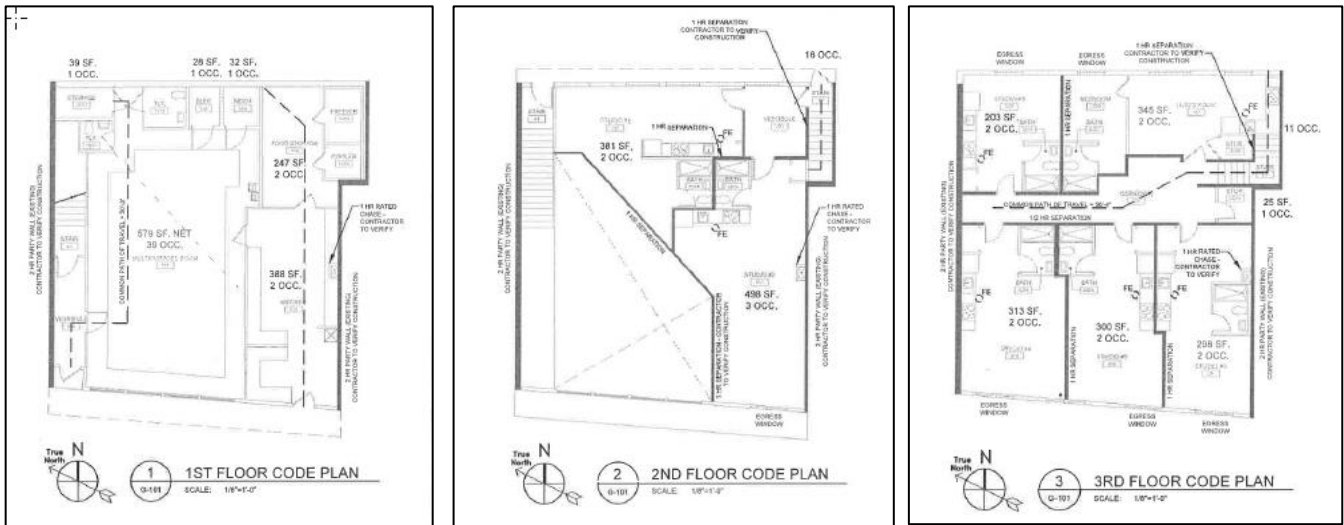
Source: Juneau Housing First Collaborative.

both floors. Each apartment may be rented to one or two persons, for a total of between 7 to 14 persons maximum living in the structure. According to CBJ 49.25.300 Table of Permissible Uses, the proposed use of the building for the second and third floors is USE 1.300: Multi-family dwelling, a sub-category of USE 1.000 Residential uses.** “Multi-family dwelling” is defined in CBJ 49.80.120 as, “A building designed for or occupied by three or more families.” “Family” is defined as, “One or more persons living as a single housekeeping unit.” This use is an allowable use in the MU Zoning District.

*The application narrative states that, “the third floor will be remodeled into three (3) efficiencies and one (1) one-bedroom”. The applicant was advised of this error and agreed to change the third floor proposal to four (4) efficiencies and one (1) one-bedroom on September 19, 2022.

**The application originally listed a proposed use of USE 1.920: Three or More Dwelling Units. This use falls under USE 1.900: Common Wall Development, a sub-category of USE 1.000 Residential uses. CBJ 49.80.120 Definitions: Dwelling, common wall, means a single-family dwelling attached by a common wall to one other single-family dwelling on a separate lot. The applicant was advised of this distinction and agreed to change the proposed use to USE 1.300 on September 19, 2022.

Proposed Occupant Load Floor Plans

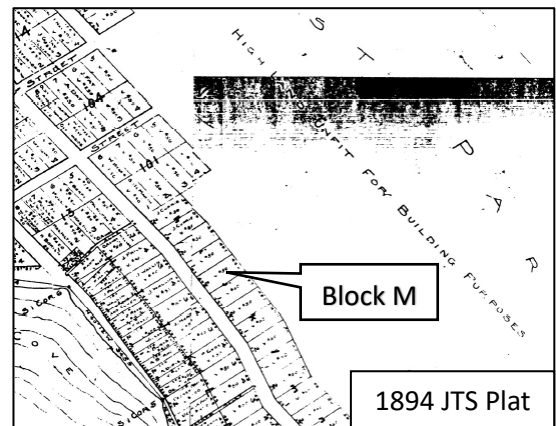


Source: Stantec 35% Design Sheet No. G-101 submitted with application, dated 10/07/21 (Attachment A).

Background – Historical Uses on the Lot

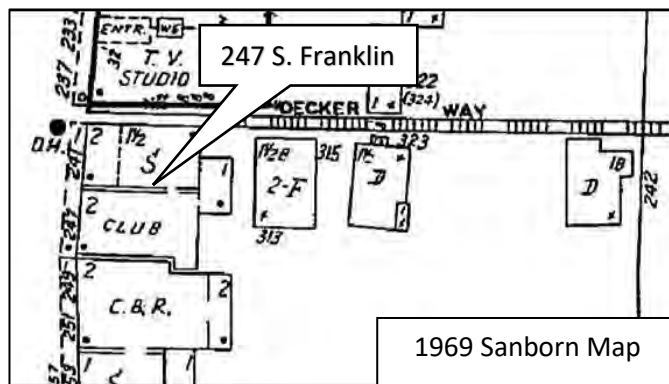
The lot was originally platted in 1886 as part of Juneau Townsite (JTS) Block M. An 1892 JTS plat identifies the unoccupied land directly behind the multiple lots along South Franklin Street as a “steep side hill”.

By 1894, Block M was subdivided and the property became Lot 2. JTS plats from both 1897 and 1914 identify the area behind the lot as “high land unfit for building purposes” (Attachment B).



Sanborn Maps and a Tax Map from the era between 1904 to 1948 show multiple buildings and a variety of residential and commercial uses on the lot, including single-family and two-family dwelling units, a restaurant, a curio shop, and a bar (Attachment C).

In 1969, a Sanborn Map labeled the main building on the lot as a club (Attachment C). The other half of the building was labeled as a S(tore) with a divided line, likely meaning two stores with addresses of 241 and 243 South Franklin Street. Residential structures behind the main building were addressed off of Decker Way.

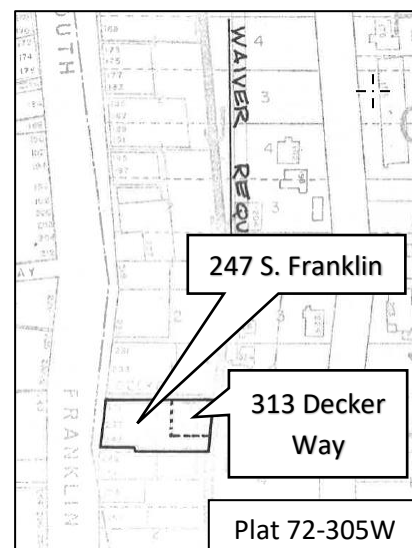


In 1972, the original Lot 2 was subdivided by Plat Waiver 72-305W, removing the area with a residential structure at the rear of the lot (now known as 313 Decker Way) and creating the current lot configuration (Attachment D).

A 1978 Building Permit indicates that the original two-story structure on the lot included four apartments and two stores at that time (Attachment E).

Background – Existing Conditional Use Permit

Conditional Use Permit USE1989-0017 was approved by the Planning Commission (Commission) on January 23, 1990 to demolish the original structure and construct the existing Glory Hall building in a Mapped Landslide and Avalanche Hazard Area (Attachment F). The existing use of the property fell under CBJ’s Table of Permissible Uses as USE 7.200: “Nursing care, immediate care, disabled or infirm, and child care institutions, and boarding homes for sheltered care.” (Emphasis added)



Note: In 2015, Ordinance 2015-34(am) modified USE 7.200 to: “Assisted living”, and defined Assisted Living as, “A facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelter. Assisted living use that occurs within a single-family dwelling is regulated as a single-family dwelling use.” (Emphasis added)

A Historic Design Review Permit (HDR1989-0009) was also approved as part of the project since the original building was considered a “contributing structure” and was located in the Downtown Historic District (Attachment G). A Right-of-Way Vacation request (SV1989-0003, Attachment H) and a Parking Variance request (VR1989-0015, Attachment I) related to the project were both denied by the Commission.

Approval for USE1989-0017 was subject to the following condition:

- 1. For the new building the developer shall include R&M Engineering’s construction recommendations listed in the projects Hazard Analysis report.

For a detailed analysis of the 1989 R&M Engineering Report, see the Hazard Analysis section on page 17. The R&M report erred in citing the property as being in a “Potential Hazard” area with respect to mass wasting, when in fact the property was mapped within a “High Hazard” mass wasting area. In addition, to date CBJ has not received any documentation that R&M’s engineering mitigation measures were taken, nor has CBJ received an updated, engineer’s stamped report stating that such measures are currently in place.

On April 28, 1990, the original building and a vacant house behind it were demolished by Christian Ministries Juneau Cooperative (Attachment J). Three days later on May 1, 1990, the property experienced a slope failure due to unpermitted excavation of the toe of the slope and removal of a retaining wall.

A Building Permit for the new structure was issued on May 3, 1990. Subsequent discussions on the stability of the slope ensued until a final special inspection report on the rear retaining wall, backfill, and footings was issued on December 12, 1990 (Attachment K). A final Certificate of Occupancy was issued on August 14, 1991 (Attachment N).



During the 30+ years that the Glory Hall (formerly known as the Glory Hole) operated at 247 South Franklin Street, program managers and staff saw a steady increase in the number of clients they served, eventually providing food and emergency shelter to over 50 people per night on a regular basis.

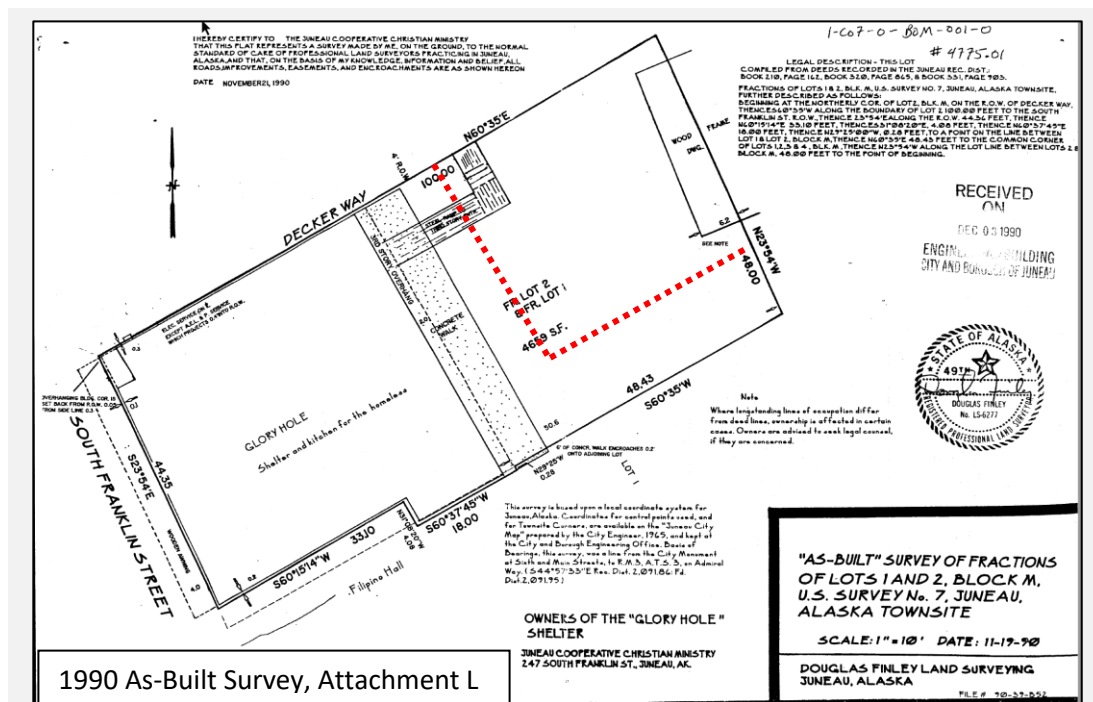
On July 14, 2020, the applicant received Conditional Use Permit (USE2020 0008) approval to move their emergency shelter to 8715 Teal Street. Since that time, the building has been used as storage space on the first floor, and as a temporary emergency shelter on the second and third floors for approximately five people (Attachment A). The table below summarizes relevant history for the lot.

| Year | Item | Summary |
|-----------|--|--|
| 1886-1934 | Plats | JTS Plats show the lot and surrounding areas (Attachment B). |
| 1904-1969 | Sanborn Maps and 1941 Tax Map | Shows historical building footprints and uses on the property (Attachment C). |
| 1972 | Plat Waiver | Plat Waiver 72-305W to subdivide a rear portion of the lot that included a residential structure (Attachment D). |
| 1978 | Building Permit | BLD-11980 shows four apartments and two stores on the property (Attachment E). |
| 1989 | Conditional Use Permit and Associated Applications | Applications USE89-17, HDR89-09, SV89-03, and VAR89-15 related to the demolition of the original structure and construction of the existing structure for the Glory Hole emergency shelter (Attachments F, G, H, and I). |
| 1990 | Building Permit | BLD-4929.01 for demolition of the original structure (Attachment J). |
| 1990 | Building Permit | BLD-4775.01 for construction of the existing Glory Hall structure in a Mapped Severe Hazard Zone (Attachment K). |
| 1990 | As-Built Survey | As-Built Survey of the structure shows setbacks and encroachments (Attachment L). |
| 1990 | Floor Plans | Floor Plans of the existing structure (Attachment M). |
| 1991 | Certificate of Occupancy | Issued for the existing structure (Attachment N). |

ZONING REQUIREMENTS

| Standard | | Requirement | Proposed | Existing | Code Reference |
|--------------------------|----------------------------|-------------------|--------------|------------------------------|------------------|
| Lot | Size | 4,000 square feet | No Change | 3,196 square feet | CBJ 49.25.400 |
| | Width | 50 feet | No Change | 44.35 feet | CBJ 49.25.400 |
| | Depth | N/A | No Change | 100.00 feet | CBJ 49.25.400 |
| Setbacks | Front (west) | 0 feet | No Change | 0.1 feet | CBJ 49.25.400 |
| | Rear (east) | 0 feet | No Change | ~10 feet | CBJ 49.25.400 |
| | Side (south) | 0 feet | No Change | 0.2 feet | CBJ 49.25.400 |
| | Street Side (Decker Way) | 0 feet | No Change | 0.3 feet | CBJ 49.25.400 |
| | Front - wooden awning | 0 feet | No Change | 3.5 foot Encroachment | CBJ 49.25.430(4) |
| | Rear - steel ramp & stairs | 0 feet | No Change | ~10 foot Encroachment | CBJ 49.25.430(4) |
| Lot Coverage Maximum | | N/A | No Change | ~70% | CBJ 49.25.400 |
| Vegetative Cover Minimum | | N/A | No Change | ~20% | CBJ 49.50.300 |
| Height | Permissible (Historic) | 35 feet / 45 feet | No Change | 3-story | CBJ 49.25.400 |
| | Accessory | 35 feet / 45 feet | N/A | N/A | CBJ 49.25.400 |
| Maximum Dwelling Units | | N/A | 7 | N/A | CBJ 49.25.500 |
| Use | | MU | Multi-family | Emergency Shelter | CBJ 49.25.300 |

SITE PLAN



Note: The 1990 As-Built Survey did not include the subdivision of the lot with Plat 72-305W (red dashed line).

APPEAL OF BUILDING PERMIT DENIAL (APL2021-0006)

Timeline – On October 28, 2021, the applicant’s Executive Director reached out to CDD expressing their intent to develop seven (7) apartments on the second and third floors of the structure. This initial meeting then set the course for the following series of events that ultimately led to an appeal hearing before the Commission and the appeal’s Final Decision.

- On November 9, 2021, a Pre-Application Conference was held to provide a preliminary review of the proposed plans.
- On November 17, 2021, CDD issued a report regarding what was discussed at the Pre-Application Conference (PAC2021 0072). One of the key issues in the report involved increasing density in a severe Hazard area. The report also indicated that the applicant would need to obtain a site-specific study prepared by a licensed Civil Engineer experienced in avalanche and landslide analysis demonstrating the need for a hazard boundary relocation (Attachment O).
- On November 23, 2021, the applicant submitted a Building Permit application (BLD2021 0765, Attachment P) for the creation of seven (7) dwelling units in the building. The applicant also submitted documents from the 1989 Conditional Use Permit (USE1989-0017), and a Geophysical Hazard assessment from R&M Engineering dated December 28, 1989 (Attachment F).
- On December 2, 2021, CDD denied the applicant’s Building Permit with the explanation that "increasing the number of dwelling units is prohibited by code in the hazard zone."
- On December 9, 2021, the applicant appealed CDD’s decision to deny their request for a Building Permit to convert the building from an emergency shelter into a commercial use and residential rental units (Attachment Q).
- The Commission accepted the appeal and voted to review it on the record as provided under CBJ 49.20.110. The record was prepared by CDD based upon the materials considered and as required under CBJ 49.20.110(b). The record was supplemented with additional materials as requested by the applicant.
- On May 24, 2022, a hearing was held before the Commission, and both parties argued in support of their position. Following arguments, the Commission deliberated and voted to remand the Building Permit to CDD for further consideration.
- On June 1, 2022, the Commission circulated a Proposed Decision to the parties, and CDD filed an objection per CBJ 01.50.140 (b) (Attachment R).
- On June 28, 2022, the Commission considered the objections raised by CDD to the Proposed Decision on appeal and all other relevant information, voted to amend its decision, and issued a Final Decision on the appeal, determining that CDD erred by not requiring a Conditional Use Permit as required for this project per the CBJ code. As stated in the Final Decision: *“The Planning Commission finds that the Director erred in her interpretation of CBJ 49.70.300(a)(3) and remands APL2021-0006 to CDD to work with TGH to initiate the Conditional Use Permit process.”* (Attachment S)

Although not included as part of the appeal record, on July 28, 2022, the applicant submitted comments on the Final Decision (Attachment T).

Relevant Code Sections – Several sections of CBJ 49.70.300 applied to the Final Decision on APL 2021-0006. Two sections in bold below are of particular importance to the current request.

CBJ 49.70.300(a) states:

Generally.

- (1) *Development in all Landslide and Avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches.*
- (2) *Boundaries of potential and severe Avalanche areas will be as shown on the Landslide and Avalanche area maps dated September 9, 1987, consisting of sheets 1-8, as the same may be amended from time to time by the assembly by ordinance.*
- (3) ***Notwithstanding any other provision, all subdivision other than a boundary line relocation, and all development greater than a single-family dwelling within Landslide or Avalanche areas, shall require a Conditional Use Permit.***
- (4) *If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual Hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe Avalanche area or outside any Avalanche or Landslide area, the department shall proceed accordingly.*
- (5) *The commission may require mitigating measures certified as effective by a professional engineer for development in Landslide and Avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. **Mitigating measures may also include reduction in the proposed density.***

Further, CBJ 49.70.300(b) states:

Severe Avalanche areas.

- (1) ***Notwithstanding any other provision, no development or any part of a development, which is within a Severe Avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.***
- (2) *No subdivision shall be approved which creates a lot lacking sufficient building space outside a Severe Avalanche area.*

Density –Previous discussions regarding this proposal (Pre-Application Conference, Building Permit review, and appeal) involved numerous discussions regarding “density”, “occupancy”, and “dwelling units”. The following discussion briefly highlights a few key points.

- 1) **Definitions:** The idea arose of whether density means dwelling units, persons, buildings, or lots. Title 49 Land Use Code (Title 49) does not include definitions for “density” or “occupancy”. However, Title 49 consistently uses density to mean “dwelling units in an area.” In fact, “density” appears 44 times in Title 49. In virtually every instance, “density” represents the number of dwelling units in an area. Some examples:
 - CBJ 49.15.760 – regarding zoning and showing density as dwelling units per lot area;
 - CBJ 49.25.500-520 – regarding zoning and showing density as dwelling units per acre;

- CBJ 49.60.140 – “The allowable density of dwelling units per acre....”
- CBJ 49.65.740 – regarding zoning and referring to density in accordance with CBJ 49.25.

Exceptional interpretations of definitions runs counter to CBJ 01.15.020, the rule of construction that instructs words “*not specifically defined shall be construed according to the context and customary usage of the language.*” In order to determine customary usage, it is helpful to consider other relevant sources in the absence of a definition in Title 49. The following pages include several examples of definitions for “density”, “dwelling units”, and “occupancy” from common planning and zoning resources.

- 2) Occupancy: Occupancy is almost exclusively a concern of Title 19, Building Regulations.
- CBJ 49.70.300(a)(3): *Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling within Landslide or Avalanche areas shall require a Conditional Use Permit.*
 - CBJ 49.70.300(b)(1): *Notwithstanding any other provision, no development or any part of a development, which is within a Severe Avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.*

If the Commission determines that the intent of these sections of code is that density means occupancy – an exceptional definition in light of above – the Commission will essentially nullify CBJ 49.70.300(b)(1). As a practical matter, if the Commission renders CBJ 49.70.300(b)(1) density to mean occupancy, the Commission will open the door to substantial development within Severe Landslide and Avalanche areas. By defining density as occupancy solely in this particular section of Title 49, which is intended to minimize development in Severe Avalanche areas, the Commission would open the door to development where Title 49 seeks to limit development. Occupancy will virtually always be greater than dwelling units, and the Commission’s density definition would undermine CBJ 49.70.300(b)(1).

- 3) Dwelling units: CBJ 49.25.300 Table of Permissible Uses includes USE 1.000 residential uses, including single-family dwellings and multi-family dwellings. It also includes USE 7.000, including institutional care uses such as assisted living facilities. Clearly, these are two distinct categories between a residential dwelling where people reside on a long-term basis and an institutional facility of a more transient nature, as in the case of an emergency shelter. As discussed earlier, the current use of the property falls under USE 7.200: “Assisted living” whose definition includes emergency shelter facilities. Based upon this distinction, an emergency shelter would have a density of zero (0) dwelling units. In a similar fashion, commercial and industrial uses would also have a density of zero (0) dwelling units. In other words, density is tied to residential dwelling units, and institutional, commercial, and industrial uses are not dwellings.

Definitions – Below are customary definitions of “density”, “occupancy”, and “dwelling units” from other relevant sources as a point of reference in the absence of certain definitions in Title 49. Note: Certain words have been underlined for emphasis.

Title 49:

- Density – N/A
- Dwelling means a building or portion thereof, used exclusively for human habitation.
- Dwelling, multi-family, means a building designed for or occupied by three or more families.
- Dwelling, single-family, means a detached dwelling which is designed for and occupied by not more than one family.

- Dwelling unit means a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping, and toilet facilities for one family.
- Family means one or more persons living as a single housekeeping unit.
- Occupancy – N/A

APA Planner's Dictionary (2008):

- Density:
 - The number of dwelling units permitted per net acre of land (Coral Gables, Fla.).
 - The number of dwelling units per gross area devoted to residential development (Baton Rouge, La.).
 - The number of dwelling units per acre (Durham, N.C.).
 - The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting surface water, undevelopable lands (e.g., wetlands) and the area in Rights-of-Way for streets and roads (Muskegon, Mich.).
 - The number of dwellings or principal buildings or uses permitted per net acre of land. Net acre of land shall not include land required for public streets (Mankato, Minn.).
 - The number of dwelling units allowed on an area of land, which area of land may include dedicated streets contained within the development (North Liberty, Iowa).
 - The permitted ratio of residential units to land area or the permitted ratio of building size to land area (Concrete, Wash.).
- Dwelling unit:
 - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation (Columbia County, Wash.).
 - One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking and sleeping facilities and sanitary facilities. No dwelling unit shall contain less than 300 square feet of habitable living area (Stonington, Conn.).
 - One or more habitable rooms which are occupied, or which are intended or designed to be occupied as a residence by one family, with facilities for living, sleeping, cooking, and dining (Santa Rosa, Calif.).
 - A portion of a building designated as the residence of one family or individual with suitable approved provisions for eating, sleeping, cooking, and sanitation (Maynard, Mass.).
 - One or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one family and contain a bathroom and kitchen facilities (Wood River, Ill.).
 - Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code, for not more than one family, or a congregate residence for six or less persons. A dwelling unit shall have a minimum width of 20 feet over 75 percent of its length and a minimum roof pitch of 4:12 (North Liberty, Iowa).
 - Commentary: The definition for dwelling unit is an essential part of the definition of density. Depending on local housing conditions, cooking and sanitary facilities in each unit may or may not be required. For example, resort areas may be less likely to require a dwelling unit to have cooking facilities since they have transient populations.
- Occupancy:
 - The use of land, buildings, or structures. Change of occupancy is not intended to include change of tenants or proprietors (Quincy, Mass.).

- The residing of an individual overnight in a dwelling unit or the installation, storage, or use of equipment, merchandise, or machinery in any public, commercial, or industrial building (Siskiyou County, Calif.).
- The purpose for which a building is used or intended to be used. The term also includes the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors (Santa Rosa, Calif.).
- All or a portion of a structure occupied by one tenant (Truckee, Calif.).

International Building Code 2012 Edition, Chapter 2:

- Density: N/A
- Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- Occupancy: N/A
- Occupiable space: A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational, or similar purposes or in which occupants are engaged at labor, and which is equipped with means of egress and light and ventilation facilities meeting the requirements of this code.

Merriam-Webster Dictionary:

- Density [*option 2c selected*]: The average number of individuals or units per unit of space, a population density of 500 per square mile, a housing density of 10 houses per acre.
- Dwelling unit: N/A
- Dwelling: A shelter (such as a house) in which people live.
- Occupancy:
 - The fact or condition of holding, possessing, or residing in or on something;
 - The act or fact of taking or having possession (as of unowned land) to acquire ownership;
 - The fact or condition of being occupied;
 - The use to which a property is put;
 - A building or part of a building intended to be occupied (as by a tenant).

Collins English Dictionary:

- Density [*option 1 selected*]: The extent to which something is filled or covered with people or things.
- Dwelling unit: N/A
- Dwelling: A place where someone lives.
- Occupancy: The act of using a room, building, or area of land, usually for a fixed period of time.

Project Site and Design – The proposed commercial restaurant (first floor) and seven (7) apartments (second and third floors) will be located in a three-story building in the MU zoning district. The MU zoning district has zero-foot setbacks along all property lines and no maximum lot coverage required. However, no changes to the building footprint are proposed at this time. Per CBJ 49.25.400 Table of Dimensional Standards, the lot does not meet current zoning requirements in the MU zone for Lot Size or Lot Width. In addition, an awning encroaches into the South Franklin Street Right-of-Way, and a metal ramp and set of stairs encroaches into the adjacent residential property to the east (313 Decker Way). If the Commission approves the Conditional Use Permit, a nonconforming situation review would be required per CBJ 49.30.

Traffic – According to CBJ 49.40.300(2), a Traffic Impact Analysis is not required. The project will generate less than 250 Average Annual Daily Trips.

Vehicle Parking & Circulation – The lot is within the Town Center / No Parking Required Area. According to CBJ 49.40.200(a)(2), no additional off-street parking is required.

Non-motorized Transportation – There are sidewalks on both sides of South Franklin Street.

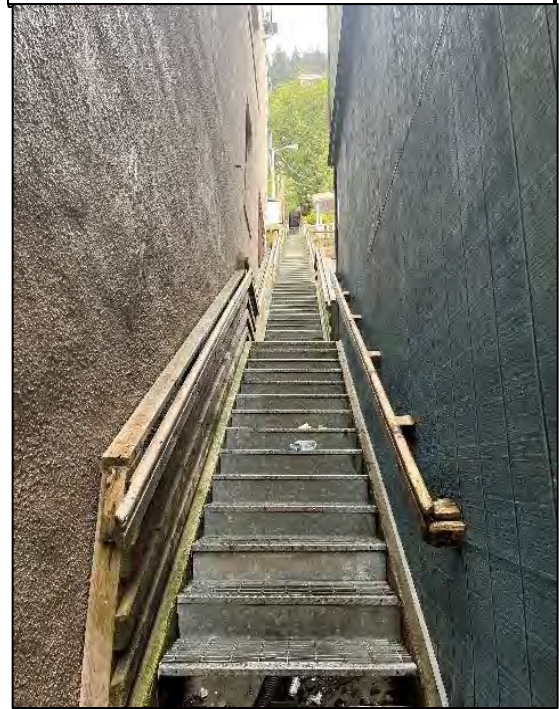
Proximity to Transit – Capital Transit operates several routes along South Franklin Street. The nearest bus stop is at the intersection of South Franklin Street and Front Street, approximately a 450-foot walk.

Noise – Noise is not expected to be out of character with the existing neighborhood.

Exterior Lighting – No new exterior lighting is proposed.



Front of the Building.



Decker Way, looking east.

Vegetative Cover & Landscaping – The MU zoning district does not require vegetative cover and landscaping, although the property includes an extensive garden area behind the building and at one time on the roof.

Habitat – No known habitat regulated by Title 49 will be affected by this proposal.

Drainage and Snow Storage – No changes to drainage or snow storage are proposed. Renovations will be within the existing building.

Historic District – The lot is within in the Downtown Historic District. The interior of the building will be remodeled extensively. Floor plans can be found in Attachment A. If the Commission approves the Conditional Use Permit, any renovations that will alter the exterior of the structure may need to be reviewed by the Historic Resources Advisory Committee prior to Building Permit approval.

Public Health, Safety, and Welfare – Refer to the analysis section for Hazard Zones – Landslide and Avalanche.

Property Value or Neighborhood Harmony – No information has been submitted that suggests the proposed use will negatively affect property values or neighborhood harmony. The proposed use is within an existing Mixed Use Residential and Commercial area.



Rear garden area, looking northeast.



Rear stair system, looking west.

Hazard Zones – Landslide and Avalanche

The lot is located at the toe of a mapped “Severe Landslide / Avalanche Area” according to Sheet 1 of 8 of the 1987 maps adopted under Ordinance 87-49 and referenced in CBJ 49.70.300. Following is a brief synopsis of plans and studies that have identified landslide and avalanche hazards specifically in the South Franklin Street area. Attachments with select pages from these documents are included at the end of this report. Documents can be found in their entirety here:

<https://juneau.org/community-development/plans-studies>

- ❖ 1972 Geophysical Hazards Investigation for the City and Borough of Juneau, Alaska: A Summary Report. Daniel, Mann, Johnson and Mendenhall. Portland, OR. October 1972. (ADOPTED)
- ❖ 1972 Geophysical Hazards Investigation for the City and Borough of Juneau, Alaska: Technical Supplement. Daniel, Mann, Johnson and Mendenhall. Portland, OR. October 1972. (ADOPTED)

The 1972 Summary Report and Technical Supplement formed a foundation for the eventual adoption of the 1987 maps and Title 49 code in use today. Specifically, the 1972 Summary Report maps delineated 247 South Franklin Street within the following areas (Attachment U):

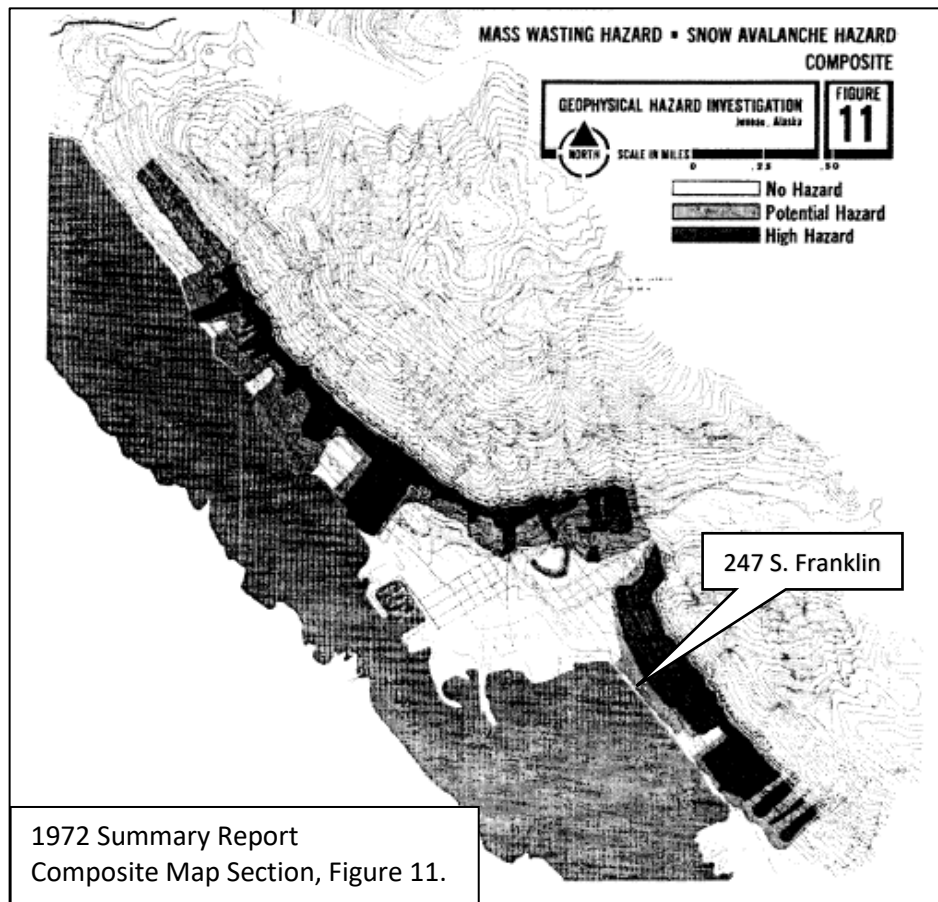
- Map Figure 6: Mass Wasting – High Hazard Area
- Map Figure 10: Snow Avalanche – Potential Hazard Area
- Map Figure 11: Composite: Mass Wasting / Snow Avalanche – High Hazard Area (see next page)

Page 51 of the Summary Report states that the purpose of the Composite Mass Wasting and Snow Avalanche hazard rating system was to, “Identify areas wherein the aggregate, life and property are exposed to high, moderate and low hazards [and] to provide a basis for prioritizing collective and preventative measures.” Furthermore, the report states:

“Each category of hazard - mass wasting and snow avalanche – identifies three degrees of hazard. Aggregating the two systems, nine combinations of hazards are possible. Practically speaking, nine classifications is an unworkable number. However, it is logical to group several of combinations under common headings. If a geographic area is known to be vulnerable to both a high snow avalanche hazard and a potential mass wasting hazard, then the known higher level of hazard should govern, and the resulting composite hazard class is High Hazard. Similarly, two high hazard ratings constitute a Very High Hazard.”

The table below shows how the two hazard scenarios were conflated. Eventually, the composite map (see next page) was broken down into smaller area maps and adopted by the Assembly in 1987.

| | | Snow Avalanche Hazard Classifications | | |
|-------------------------------------|------------------|---------------------------------------|------------------|------------------|
| | | High Hazard | Potential Hazard | No Hazard |
| Mass Wasting Hazard Classifications | High Hazard | Very High Hazard | High Hazard | High Hazard |
| | Potential Hazard | High Hazard | Potential Hazard | Potential Hazard |
| | No Hazard | High Hazard | Potential Hazard | No Hazard |



The 1972 Technical Supplement goes into detail regarding the sub-area delineated as the “Mt. Roberts Slopes” (Attachment V):

Page 31: *“By far the most hazardous area in terms of potential destruction of property and loss of life from landslides is that area at the base of the Mt. Roberts slope extending from the corner of 3rd and Harris Streets to the beginning of Thane Road. Eleven major debris avalanche-debris flow deposits have been identified and mapped on its slope. Three of these are massive in size and occurred before Juneau settlement. The remaining eight were smaller but still destructive in size. All are identifiable on the ground and the eight post-settlement slides were well documented by local newspapers at the time of their occurrence (Appendix X).”*

Page 36: *“The eight major landslides which have occurred since Juneau was settled are expressed as linear ridges near the base of the slope or as bulked deposits above Gastineau Avenue and South Franklin Street. Five of these reached South Franklin Street but did little damage on the beach side of the street (side nearest the harbor) since most of their energy was dissipated by damage and destruction above South Franklin. Three terminated on Gastineau Avenue.”*

Page 36: *“In summary, 21 gullies have been mapped on the Mt. Roberts slope above the city; 15 identified as having a high debris avalanche-debris flow hazard. Considering the extremely steep slopes, unstable bedrock and soil conditions, numerous high hazard gullies extending directly into the urban area and its past history of land-sliding, most of the Mt. Roberts slope above South Franklin Street and Gastineau Avenue must be considered as highly hazardous in terms of damage and potential loss of life from landslides.”*

❖ 1987 Landslide and Avalanche Hazard Maps (ADOPTED) and CBJ 49.70.300 - Landslide and Avalanche Areas

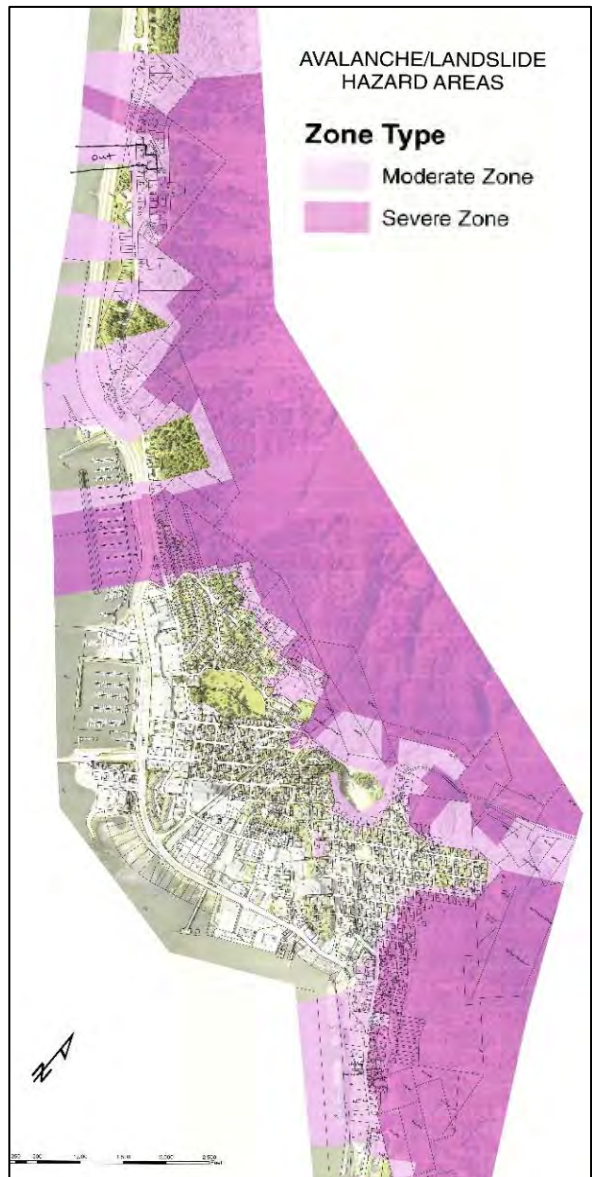
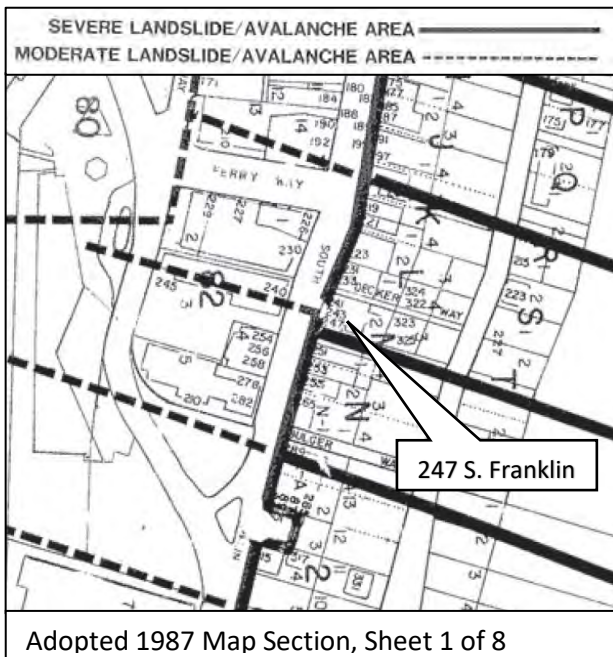
CBJ’s current code and series of hazard maps, adopted in 1987 for areas between White Subdivision to Thane, are based in part on the maps created in the 1970s. These low-resolution maps combine landslide and avalanche areas into two hazard area types: “Severe Landslide / Avalanche” and “Moderate Landslide / Avalanche”. Because of this, and the clear intent of combining the hazard areas into a composite classification as discussed above, staff believes that the heading in CBJ 49.70.300(b) labeled, “Severe Avalanche Areas” - but not landslide – was not intentional.

Specifically, the 1987 maps delineate 247 South Franklin Street within the following areas (Attachment W):

- Map Sheet 1: Composite Severe Landslide / Avalanche Hazard Area (see map below)
- Map Sheet 4: Snow Avalanche – Potential Hazard Area
- Map Sheet 5: Mass Wasting (landslide) – High Hazard Area
- Map Sheet 7: Composite Severe Landslide / Avalanche Hazard Area

The 1987 maps are specifically referenced in CBJ 49.70.300 – Landslide and Avalanche areas. This section of code was originally adopted by Ordinance 87-49, modified slightly in 1990 by repealing a requirement of hazard area recordation, and modified slightly again in 2006 to remove a reference to an outdated sensitive areas map.

The colored map to the right is **not** an adopted CBJ map; the information on this map is a compilation of the adopted 1987 Map Sheets 1-8 for illustrative purposes only.



❖ 1989 R&M Engineering Report for 247 South Franklin Street and Conditional Use Permit USE1989-0017

The Planning Commission approved USE1989-0017 to allow for the reconstruction of the Glory Hole (name at that time) building as a sheltered care facility in a Landslide Hazard area, subject to the following condition:

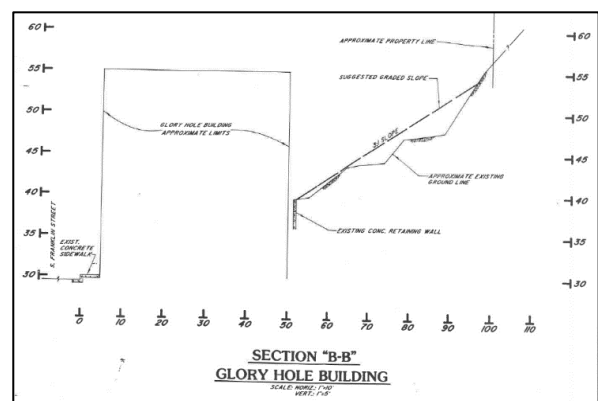
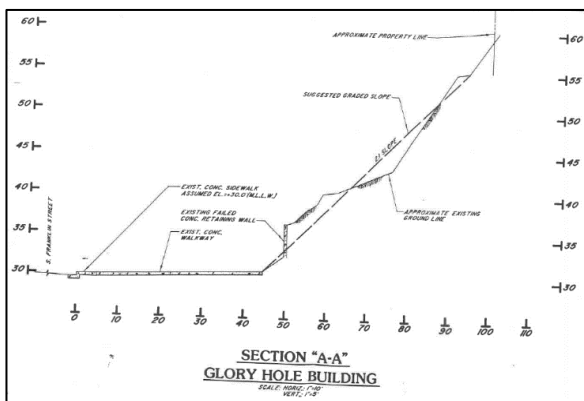
1. For the new building, the developer shall include R&M Engineering's construction recommendations listed in the project's Hazard Analysis Report.

The site-specific 1989 R&M Engineering Report (Attachment F) included slope profiles (see diagrams below) and concluded that, *“the potential for damage from mass wasting is minimal, particularly if the following five construction recommendations are followed”*:

1. Machine grade the entire surface upslope of the existing concrete retaining wall to a relatively uniform slope angle. (Shallow terracing may be more aesthetically pleasing.)
2. Found the deck support footings at least 4 feet below the slope surface as measured on the slope's low side. Footings may be designed for a soil bearing value of 1,500 PSF.
3. Relocate the fuel oil tank so it does not bear against the upslope side of the retaining wall.
4. Hydroseed the slope soils exposed by grading and hand-plant with salmonberry, alder, or other native, hardy plants.
5. Intercept sheet flow water at the upslope property line by excavating a 2-foot (minimum) depth ditch, sloped to drain without eroding the ditch bottom. The ditch should discharge into a conduit leading to the municipal storm drain system.

However, several issues need to be considered with regards to the 1989 R&M assessment of the property:

- Erred by citing the 1972 Summary Report map *Figure 6* as showing the property in a “Potential Hazard” area with respect to mass wasting, when in fact *Figure 6* shows the property within and at the toe of a “High Hazard” mass wasting area.
- Does not address avalanche risks.
- Is based on observations and circumstances from 1989 or earlier.
- Does not take into account subsequent upslope development, including the reconstruction of Gastineau Avenue and associated drainage improvements above the site.
- Is unclear of the extent to which mitigating construction measures were taken on the property and to what extent they affect the site today.
- **After multiple requests by CDD both prior to and post the appeal, the applicant has not provided documentation that any of the five construction measures have been implemented.**

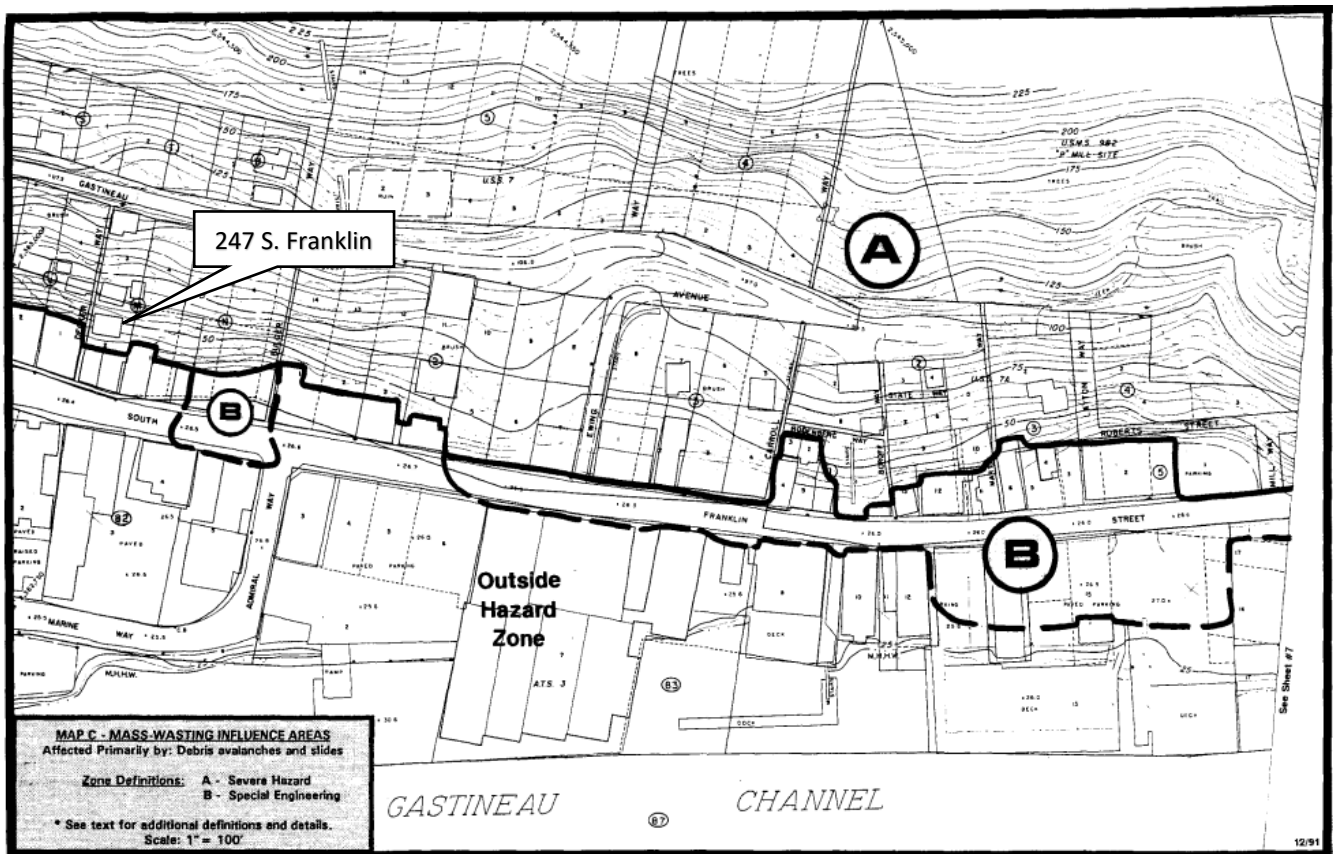


- ❖ 1992 Juneau Area Mass-Wasting & Snow Avalanche Hazard Analysis. Mears, Art; Fessler, Doug; and Fredson, Jill. Gunnison, CO and Anchorage, AK. February 1992. (NOT ADOPTED)

While **not** an adopted plan, the 1992 Hazard Analysis (Attachment X) included a re-evaluation of and updated mapping for mass wasting and snow avalanche areas in Juneau at a 1 inch = 100 feet scale. It emphasized that a site-specific analysis should be required to define the physical processes and constraints to development at each site, and that the study and accompanying maps could not be used for this purpose.

The Analysis also made suggestions for modifications to CBJ 49.70.300. Interestingly, it did not suggest changes to CBJ section 49.70.300(a)(3) regarding developments greater than a single-family dwelling requiring a Conditional Use Permit, or CBJ section 49.70.300(b)(1) regarding no development within a severe Avalanche area increasing the density of that parcel.

Specifically, the Analysis included three photos of destructive landslides along South Franklin Street from January 1920, October 1936, and November 1936, and delineates 247 South Franklin Street partially within a Mass Wasting Severe Hazard area, as shown on the map below.



❖ 2012 City and Borough of Juneau All Hazards Mitigation Plan (ADOPTED)

The 2012 All Hazards Mitigation Plan (Attachment Y) was adopted by CBJ, but is now considered expired by the Federal Emergency Management Agency (FEMA) according to grant criteria. It is still used as a reference by CBJ's Emergency Management Department, and plans for an update are underway.



Debris on South Franklin Street following landslide of November 22, 1936.

The 2012 Plan includes an avalanche section based in part by the Swiss Snow Institute Research for Avalanche Technology. The study provides options for the community to take to mitigate avalanche hazards. The Swiss Snow Institute was chosen to perform the study because they have the most current computer modeling techniques, and the Swiss wrote the standards for artificial release and hazard mitigation protection in urban avalanche environments. This study is not a new hazard map for the community, but a feasibility of cost and mitigation options.

The goal of the study was to provide reasonable mitigation measures – both active and passive – for long range protection of the environment. The study reviewed historic avalanche events, with an emphasis on the Behrends Avenue and White avalanche paths, although it briefly mentions an unmapped avalanche paths above Gastineau Avenue and South Franklin Street. The Plan also references historic studies previously done in 1967, 1968, 1972, 1992, and includes new computer modeling analysis. Mitigation strategies include prohibiting new construction in avalanche zones and utilizing appropriate methods of structural avalanche control.

The 2012 Plan also identifies landslide hazards, further characterizes that the hazard is from mass wasting, and calls out mitigation strategies for two areas in close proximity to 247 South Franklin Street:

- *Landslide-resistant construction. Several buildings in the CBJ have landslide-resistant construction, such as breakaway, sacrificial walls on the lower floors to let landslides pass through (Marine View Building). Other buildings have elevated construction to allow landslides to pass under the bulk of the building (page 57).*
- *Maintain existing drainage system above Gastineau Avenue. A drainage system above Gastineau Avenue currently exists, but there has been some disparity in determining who is responsible for maintaining it. If the system is adequate, it would benefit the CBJ to maintain the system to a useable standard (page 57).*

Specifically, the 2012 maps delineate 247 South Franklin Street within the following areas:

- Map 6/C: Avalanche – Moderate Hazard Area
- Map 9/H: Mass Wasting – Boundary between Severe Hazard and Moderate Hazard

As stated on page 42 of the Plan, *“Thus, existing land use codes and management plans discourage future development in Avalanche Hazard areas. If future development were to occur within these zones, estimates of vulnerable community assets and population loss would likely increase.”*



January 2, 1920 landslide damage, looking down from Gastineau Avenue.

❖ 2022 Tetra Tech Landslide and Avalanche Hazard Maps (NOT ADOPTED)

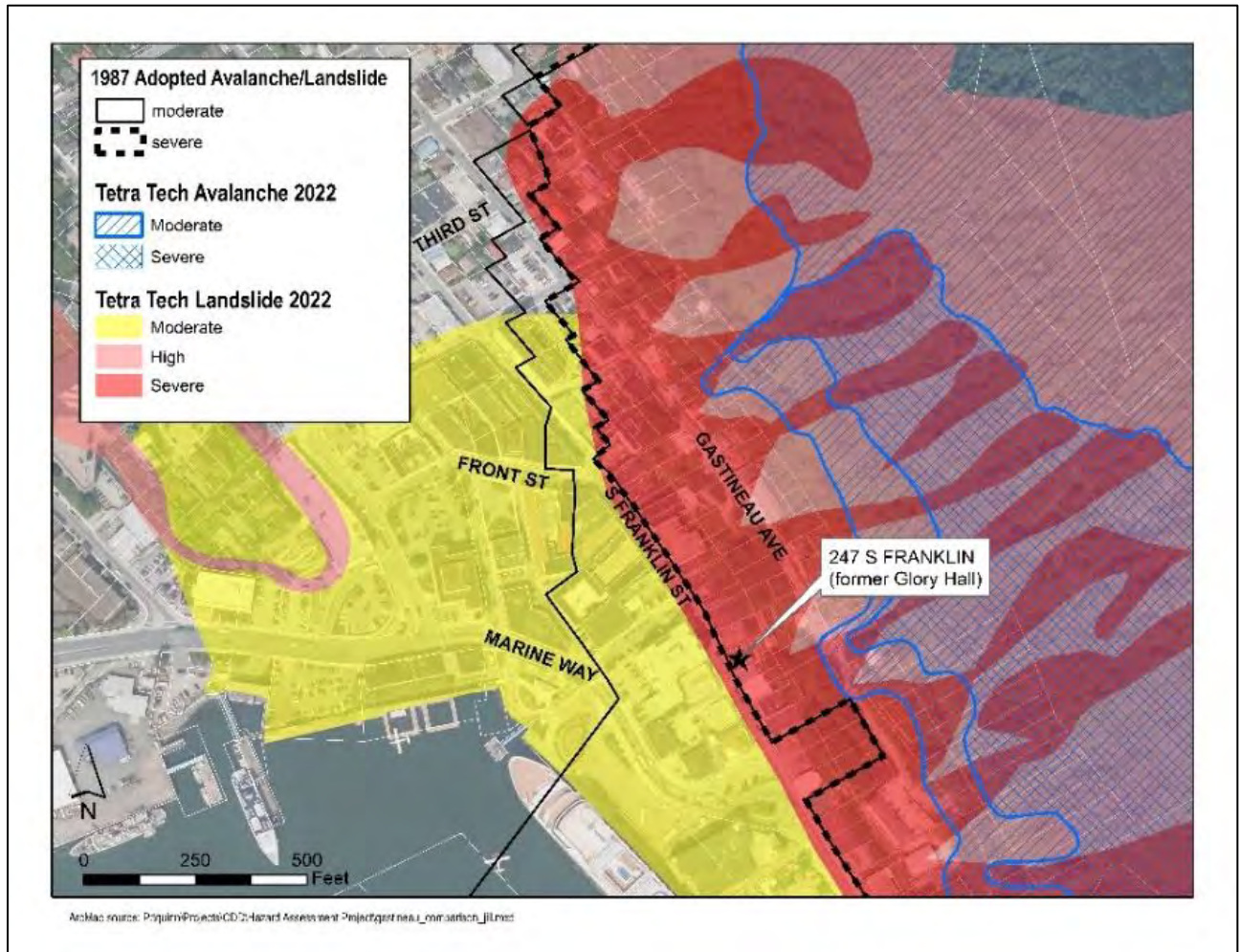
In 2018, CDD received a grant from FEMA to update the adopted 1987 maps with current scientific analysis, and to evaluate Landslide and Avalanche areas separately. Tetra Tech Inc. was hired as the contractor and provided a first draft assessment in May 2021 with new maps. In April 2022, Tetra Tech provided a final assessment with minor revisions to the primary document and maps, and supplemental memorandums. Similar to the adopted 1987 maps, these maps are not site specific. The final assessment is for informational purposes only at this time and can be found in its entirety here:

<https://juneau.org/community-development/special-projects/landslide-avalanche-assessment>

Specifically, the 2022 Tetra Tech maps delineate 247 South Franklin Street within the following areas (Attachment Z):

- Map Figure 1.6c: Severe Landslide Hazard Area
- Map Figure 2.3b: Low Avalanche Area

The map below is **not** an adopted CBJ map; the information on this map is a compilation of the adopted 1987 Map Sheets 1-8 and the 2022 Tetra Tech maps for illustrative purposes only.



❖ September 26, 2022 Landslide Near 153 Gastineau Avenue

On this date a landslide occurred involving three residential dwellings located at 153, 157, and 165 Gastineau Avenue. Fortunately, no injuries or loss of human life occurred.

Two of the structures, including a single-family dwelling and a duplex, had residents who were not home at the time of the landslide. The third structure, a single-family dwelling, was not occupied, but still had the resident's belongings in it. Property damage was significant, with at least one of the dwellings a total loss.



In a February 2020 report written in relation to the new Glory Hall Homeless Shelter Facility on Teal Street, the following was stated about the Glory Hall building on South Franklin Street:

“In 2009, 2010, and 2011 work occurred to stabilize the sliding hillside in the back of the Glory Hall and resolve issues with water seeping into the building.” (Cost Benefit Analysis of the Proposed New Juneau Glory Hall Homeless Shelter Facility, Rain Coast Data Technical Memo, February 2020)

If the Commission approves the permit, per CBJ 49.70.300(a)(4), the applicant may seek a relocation of the 1987 Landslide and Avalanche Hazard boundary by submitting an updated, site-specific study prepared by a licensed Civil Engineer with avalanche and landslide analysis experience.

AGENCY REVIEW

CDD conducted an agency review comment period between September 20, 2022 and October 5, 2022.

| Agency | Summary |
|----------------------|---|
| General Engineering | No comments received. |
| Building | No comments received. |
| Fire | There are no issues with this as far as fire code goes. |
| Emergency Management | No comments received. |

PUBLIC COMMENTS

CDD conducted a public comment period between September 22, 2022 to October 3, 2022. Public notice was mailed to property owners within 500 feet of the proposed development, and a public notice sign was posted on site two weeks prior to the scheduled hearing (Attachment Z1). Public comments from the following were received as of the date of this staff report and can be found in Attachment Z2.

| Name | Summary |
|--|--|
| Janna Auger | Supports approval of the Conditional Use Permit. |
| Diana Baetscher | Supports approval of the Conditional Use Permit. |
| Hyun Chi-Mott (Gina) | Supports approval of the Conditional Use Permit. |
| Connie Schaaf, Gastineau Human Services | Supports approval of the Conditional Use Permit. |
| Collette Costa, Gold Town Theater | Supports approval of the Conditional Use Permit. |
| Charlie Herrington | Supports approval of the Conditional Use Permit. |
| Rev. Gordon, Church of the Holy Trinity | Supports approval of the Conditional Use Permit. |
| David Branding, JAHMI | Supports approval of the Conditional Use Permit. |
| Hazel LeCount, JCCH | Supports approval of the Conditional Use Permit. |
| Elizabeth (Buffy) Pederson, Glory Hall Volunteer Group | Supports approval of the Conditional Use Permit. |
| Hazel LeCount, Polaris House | Supports approval of the Conditional Use Permit. |
| Joan O’Keefe, SAIL | Supports approval of the Conditional Use Permit. |
| David Ringle, Society of St. Vincent de Paul | Supports approval of the Conditional Use Permit. |
| Laura Talpey | Supports approval of the Conditional Use Permit. |
| Lou Taylor | Supports approval of the Conditional Use Permit. |
| Natalie Watson | Supports approval of the Conditional Use Permit. |

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan and the 2016 Housing Action Plan, provided that site-specific studies and/or mitigation measures are implemented in mapped hazard areas.

| PLAN | Chapter | Page No. | Item | Summary |
|-------------------------|---------|----------|----------|---|
| 2013 Comprehensive Plan | 4 | 37 | 4.2-SOP3 | The CBJ government should seek and facilitate new housing production, for all types, at an annual rate that mimics the growth rate of new households in Juneau, in order to maintain adequate choice of residence type, location, and cost. |
| | 4 | 37 | 4.2-SOP4 | Explore and develop methods to foster participation by private developers in the creation of affordable and workforce housing. |
| | 4 | 38 | 4.2-IA4 | Investigate ways to encourage preservation of rental housing and avoid its conversion to transient housing or non-residential uses. |
| | 4 | 38 | 4.2-IA5 | Encourage the preservation, rehabilitation and year-round occupancy of downtown Juneau upper-level rental housing units in mixed use buildings. |
| | 4 | 38 | 4.2-IA10 | Explore and implement methods to expand permanent housing options for “work force” housing. |
| | 5 | 49 | 5.5-SOP4 | Encourage development and retention of year-round businesses in downtown that provide goods and services to local residents. |
| | 5 | 49 | 5.5-IA1 | Encourage new high-density residential development as in-fill housing above ground-floor commercial space or as adaptive re-use of historic commercial or other non-residential buildings. Encourage development of housing for residents who would not own or need to park automobiles in the downtown area, such as students, elders, and downtown workers. Encourage Single-Room-Occupancy (SRO) units, loft-style housing and live-work space in the downtown area. |
| | 7 | 97 | 7.17-DG1 | If a developer disagrees with the boundaries shown on the CBJ-adopted |

| PLAN | Chapter | Page No. | Item | Summary |
|--------------------------|---------|----------|-------------------|---|
| | | | | hazard maps, the developer may seek departmental relocation of the boundaries by submitting site-specific studies prepared by a licensed Engineer, Geologist, or recognized specialist in snow avalanche or mass-wasting behavior, energy, velocity, and destructive potential. Such studies shall include detailed analyses of topography, vegetation, soil and snow conditions, storm and climate analysis, and other factors relevant to the description of the snow avalanche or mass-wasting process. The study must describe how each of the factors was used in re-evaluating the snow avalanche or mass-wasting hazard. The results must indicate hazard boundaries and the physical characteristics of the process (extent, velocity, energy, flow height, impact and depositional loading, etc.). |
| | 7 | 98 | 7.17-IA4 | Provide mitigating standards in the Land Use and/or Building Code for development in Landslide and Avalanche Hazard areas based on the 1972 study. These standards may include dissipating structures or dams, appropriate structural and special engineering, or other techniques that respond to the specific hazards of the site. All development in the hazard areas must include mitigating measures that respond to the specific hazards of that site. |
| 2016 Housing Action Plan | 2 | 50 | Downtown Strategy | Implementation: Set a goal for a number of residential units desired in downtown. |
| | 2 | 50 | Downtown Strategy | Identify a development project that CBJ can partner in that will catalyze more activity in downtown. |
| | 2 | 50 | Downtown Strategy | Seek and assemble resources, including Housing Fund resources, to coordinate restoration for housing above the retail level within historic buildings. |

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 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 the creation of a commercial restaurant and seven (7) dwelling units in a Mapped Landslide and Avalanche Hazard area. The uses are listed at CBJ 49.25.300, Section 8.100 and 1.300 for the MU 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: The proposed site design is for interior renovations only at this time.

Finding: No. Based upon the requirements of CBJ 49.70.300(b)(1), conversion of an emergency shelter into a multi-family dwelling is not permitted in a Mapped Severe Landslide and Avalanche Hazard area.

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

Analysis: Due to the proposed development being within a Mapped Severe Landslide and Avalanche Hazard area, appropriate measures as outlined in CBJ 49.70.300 are required to protect the public health, safety, and welfare.

Finding: Yes. There is evidence to suggest that the requested multi-family dwelling, in a Mapped Severe Landslide and Avalanche Hazard area, 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: The site is in an established mixed use area and the proposed development will be in harmony with the neighboring area.

Finding: No. There is no evidence to suggest that the requested multi-family dwelling, in a MU 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: While the 2013 Comprehensive Plan and the 2016 Housing Plan support additional housing and mixed use developments in the Downtown, the adopted plans also speak to the public health, safety, and welfare of the community.

Finding: No. The development of a multi-family dwelling in a Mapped Severe Landslide and Avalanche Hazard Area would put residents, including some of the most vulnerable members of the community, in a Mapped Severe Landslide and Avalanche Hazard Zone.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and DENY the requested Conditional Use Permit. The permit would allow the development of a multi-family apartment building with seven dwelling units in a Mapped Landslide and Avalanche Hazard Area.

STAFF REPORT ATTACHMENTS

| Item | Description |
|----------------------|---|
| Attachment A | Application Packet |
| Attachment B | 1886-1934 Juneau Townsite Plats |
| Attachment C | 1904-1969 Sanborn Maps and 1941 Tax Map |
| Attachment D | 1972 Plat Waiver 72-305W |
| Attachment E | 1978 BLD-11980 |
| Attachment F | 1989 USE89-17 Notice of Decision, Materials, and R&M Engineering Report |
| Attachment G | 1989 HDR89-09 Notice of Decision |
| Attachment H | 1989 SV89-03 Notice of Decision |
| Attachment I | 1989 VAR89-15 Notice of Decision |
| Attachment J | 1990 BLD-4929.01 Demolition Permit |
| Attachment K | 1990 BLD-4775.01 New Building Permit |
| Attachment L | 1990 As-Built Survey |
| Attachment M | 1990 Floor Plans |
| Attachment N | 1991 Certificate of Occupancy |
| Attachment O | 2021 PAC21-72 Final Report |
| Attachment P | 2021 BLD21-765 Application Materials |
| Attachment Q | Appeal APL21-06 Application |
| Attachment R | Appeal APL21-06 Proposed Decision and CDD Objections |
| Attachment S | Appeal APL21-06 Final Decision |
| Attachment T | Appeal APL21-06 TGH Comments on Final Decision |
| Attachment U | 1972 Geophysical Hazards Investigation Summary (select pages) |
| Attachment V | 1972 Geophysical Hazards Investigation Technical Supplement (select pages) |
| Attachment W | 1987 Hazard Study Map Sheets 1, 4, 5, 7 |
| Attachment X | 1992 Juneau Area Mass Wasting and Snow Avalanche Hazard Analysis (select pages) |
| Attachment Y | 2012 City and Borough of Juneau All-Hazards Mitigation Plan (select pages) |
| Attachment Z | 2022 Tetra Tech Maps (select pages) |
| Attachment Z1 | Abutters Notice and Public Notice Sign Photo |
| Attachment Z2 | Public Comments |

Attachment A - Application Packet



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

| | | | |
|--|---|---|-------------------------------------|
| To be completed by Applicant | PROPERTY LOCATION | | |
| | Physical Address 241, 243, 247 S. Franklin Street | | |
| | Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) JUNEAU TOWNSITE BL M LT 2 FR | | |
| | Parcel Number(s) 1C070B0M0010 | | |
| | <input checked="" type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which _____ | | |
| | LANDOWNER/ LESSEE | | |
| | Property Owner | Juneau Housing First Collaborative dba The Glory Hall | Contact Person Chloe Papier |
| | Mailing Address | 8715 Teal Street Juneau AK 99801 | Phone Number(s) 907 419-7386 |
| | E-mail Address | cpapier@juneauhfc.org | |
| | LANDOWNER/ LESSEE CONSENT | | |
| Required for Planning Permits, not needed on Building/ Engineering Permits. | | | |
| Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name. | | | |
| I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: | | | |
| A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. | | | |
| B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application. | | | |
| Chloe M Papier | | Interim ED | |
| Landowner/Lessee (Printed Name) | | Title (e.g.: Landowner, Lessee) | |
| X | <i>Chloe Papier</i> | 7/5/2022 | |
| | Landowner/Lessee (Signature) | Date | |
| Landowner/Lessee (Printed Name) | | Title (e.g.: Landowner, Lessee) | |
| X | Landowner/Lessee (Signature) | Date | |
| NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date. | | | |
| APPLICANT If same as LANDOWNER, write "SAME" | | | |
| Applicant (Printed Name) | SAME | Contact Person | |
| Mailing Address | | Phone Number(s) | |
| E-mail Address | | | |
| X | <i>Chloe Papier</i> | 7/5/2022 | |
| | Applicant's Signature | Date of Application | |

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

| | |
|--|-------------------------------|
| | Intake Initials JPM |
|--|-------------------------------|

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

| | |
|----------------------------------|---------------------------------|
| Case Number <i>Use 22-013</i> | Date Received 7/27/22 |
|----------------------------------|---------------------------------|



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

| | | | |
|---|--|------------------------------|--|
| To be completed by Applicant | PROJECT SUMMARY | | |
| | See Attached | | |
| | TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED | | |
| | Accessory Apartment – Accessory Apartment Application (AAP) <input checked="" type="checkbox"/> Use Listed in 49.25.300 – Table of Permissible Uses (USE) Table of Permissible Uses Category: <u>1.92 Three or more dwelling units & 8.1 Restaurants, bars without drive through service</u> | | |
| | IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? | | |
| | YES – Case # _____ | | <input checked="" type="checkbox"/> NO |
| | UTILITIES PROPOSED | WATER: <u>Public</u> On Site | SEWER: <u>Public</u> On Site |
| | SITE AND BUILDING SPECIFICS | | |
| Total Area of Lot <u>3,196</u> square feet Total Area of Existing Structure(s) <u>5,633</u> square feet Total Area of Proposed Structure(s) <u>5,633</u> square feet | | | |
| EXTERNAL LIGHTING <u>N/A</u> | | | |
| Existing to remain No Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures Proposed No Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures | | | |
| ALL REQUIRED DOCUMENTS ATTACHED | | | |
| Narrative including: <input checked="" type="checkbox"/> Current use of land or building(s) <input checked="" type="checkbox"/> Description of project, project site, circulation, traffic etc. <input checked="" type="checkbox"/> Proposed use of land or building(s) <input checked="" type="checkbox"/> How the proposed use complies with the Comprehensive Plan | | | |
| Plans including: <input checked="" type="checkbox"/> Site plan <input checked="" type="checkbox"/> Floor plan(s) <input checked="" type="checkbox"/> Elevation view of existing and proposed buildings <input checked="" type="checkbox"/> Proposed vegetative cover <input checked="" type="checkbox"/> Existing and proposed parking areas and proposed traffic circulation <input checked="" type="checkbox"/> Existing physical features of the site (e.g.: drainage, habitat, and hazard areas) | | | |
| If this is a modification or extension include: Notice of Decision and case number Justification for the modification or extension Application submitted at least 30 days before expiration date | | | |

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

| ALLOWABLE/CONDITIONAL USE FEES | | Check No. | Receipt | Date |
|--------------------------------|-------------------------|-----------|---------|------|
| | Fees | | | |
| Application Fees | \$ <u>500.00</u> | | | |
| Admin. of Guarantee | \$ _____ | | | |
| Adjustment | \$ _____ | | | |
| Pub. Not. Sign Fee | \$ <u>50.00</u> | | | |
| Pub. Not. Sign Deposit | \$ <u>100.00</u> | | | |
| Total Fee | \$ <u>650.00</u> | | | |

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

| | |
|---------------------------------|---------------------------------|
| Case Number <u>use 22-93</u> | Date Received <u>7/27/20</u> |
|---------------------------------|---------------------------------|

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

Pre-Application Conference: A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - A. Site plan, floor plan and elevation views of existing and proposed structures
 - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
 - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
 - D. Existing and proposed lighting (including cut sheets for each type of lighting)
 - E. Existing and proposed vegetation with location, area, height and type of plantings
 - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

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

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

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

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

From: [Chloe Papier](#)
To: [Jennifer Shields](#)
Cc: [Jill Maclean](#); [Scott Ciambor](#); [Mary Alice McKeen](#); [Robin Gilcrist](#)
Subject: Re: USE22-13 Glory Hall Apartments - Application Question re. USE Category
Date: Monday, September 19, 2022 9:59:56 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Jennifer,

Yes that is fine - Thank you.

Chloe

On Fri, Sep 16, 2022 at 1:10 PM Jennifer Shields <Jennifer.Shields@juneau.org> wrote:

Hi Chloe,

USE 1.920

I noticed on your application you listed your proposed use on the second and third floors from CBJ 49.25.300, Table of Permissible Uses is USE 1.920: Three or More Dwelling Units. This use falls under USE 1.900: Common Wall Development, a sub-category of USE 1.000: Residential uses. CBJ 49.80.120 Definitions: *Dwelling, common wall, means a single-family dwelling attached by a common wall to one other single-family dwelling on a separate lot.*

USE 1.300

USE 1.300: Multifamily Dwellings is also a sub-category of USE 1.000: Residential uses. CBJ 49.80.120 Definitions: *Dwelling, multifamily means a building designed for or occupied by three or more families.*

The distinction between the two is that the building/apartments are all on one lot, not separate lots. With your permission, I would like to state in the Staff Report that the proposed use of the second and third floors is USE 1.300: Multifamily dwelling. Is this acceptable?

Thanks,

Jennifer L. Shields| Planner II

From: [Chloe Papier](#)
To: [Jennifer Shields](#)
Cc: [Jill Maclean](#); [Scott Ciambor](#); [Mary Alice McKeen](#); [Robin Gilcrist](#)
Subject: Re: USE22-13 Glory Hall Apartments - Application Question re. Third Floor Apts.
Date: Monday, September 19, 2022 9:57:54 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Jennifer,

Apologies, yes this is correct, there would be four efficiencies and one one-bedroom on the 3rd floor.

Thank you

On Fri, Sep 16, 2022 at 1:17 PM Jennifer Shields <Jennifer.Shields@juneau.org> wrote:

Hi Chloe,

I noticed on the first page of your application Narrative that the proposal is for 2 efficiencies on the second floor and 3 efficiencies plus 1 one-bedroom on the third floor. Mathematically, this would total 6 apartments. But other places in the application state a total of 7 apartments. I think you meant 4 efficiencies and 1 one-bedroom on the third floor, is that correct?

With your permission, I would like to state in the Staff Report that the proposed use of the third floor is 4 efficiencies and 1 one-bedroom. Is this acceptable?

Thanks,

Jennifer L. Shields | Planner II

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4139

Juneau Housing First Collaborative dba The Glory Hall
Conditional Use Permit Narrative

Current use of land or building(s)

The existing 247 S. Franklin Street building was granted a conditional use permit in 1990 to operate an emergency homeless shelter. The mission of the Glory Hall is to provide food, shelter, and compassion to those in need to help achieve physical and spiritual well-being. In addition to core TGH services, TGH board and staff recognized the critical need for permanent supportive housing in Juneau, for individuals struggling with addiction issues.

The second and third floors of the building are currently being used as emergency housing for five people and the first floor is being used as storage space but it still has a commercial kitchen. We are in the process of looking for a renter for the first floor.

Description of project, project site, circulation, traffic etc.

The Glory Hall (TGH) recognizes the scarcity of affordable housing in Juneau, especially Downtown, and aims to create 7 affordable housing apartments on the second and third floors of the 247 S. Franklin Street building. The second floor will be remodeled into 2 efficiencies and the 3rd floor will be remodeled into 3 efficiencies and 1 one-bedroom. The first floor of the building will be rented out as is. Additionally, the Glory Hall is a nonprofit landlord who owns a valuable Downtown property outright, contributing to our ability to leverage the existing building thus making the development of Downtown apartments fiscally feasible. Additionally, TGH seeks an operating revenue boost to shelter programs through the revenue generated by rental income.

The project site is 247 S Franklin. There will be no changes to circulation and traffic.

Proposed use of land or building(s)

Our project specifically targets people who are 50-80% of the Median Area Income and people in need of workforce housing. We are developing Downtown housing because this is an explicitly outlined community need. Our housing will be affordable in perpetuity as it is part of our mission.

We propose renovating the second and third floors of the 247 S. Franklin Street building, formerly the Glory Hall facility, into 7 affordable housing apartments: Second floor will contain 2 efficiencies and third floor will contain 3 efficiencies and 1 one-bedroom unit. The one-bedroom unit will be slightly under 400 square feet and the efficiencies will range from slightly under 300 square feet to slightly under 500 square feet. Detailed dimensions are included in the plans, see attached. The first floor of the existing facility will be rented out and not turned

Juneau Housing First Collaborative dba The Glory Hall
Conditional Use Permit Narrative

into apartments due to the need to generate revenue through a commercial rental to support the program. Each unit will be equipped with a private kitchen and bathroom facilities. The building will use clean and economical electric radiant heat and highly efficient on demand water heaters. Each unit will contain its own utility meter. All power will be derived from electricity, contributing to the sustainability of our design.

How the proposed use complies with the Comprehensive Plan

In Chapter 4, The Housing Element of the Comprehensive Plan, begins by stating that Juneau residents suffer from a “housing crisis.” With respect to rental housing the Plan concludes that rental housing is “the most difficult to produce and finance and very few new rental units have been built in recent years.” (p. 31) The Comprehensive Plan also states:

“The loss of safe and habitable rental units within the compact downtown due to owner disinterest is damaging to the community’s housing stock and contributes to the housing crisis as well as to the blight of downtown Juneau.” (p. 31)

In 2016 the Assembly adopted the CBJ Housing Action Plan to take action against the city’s “critical shortage in housing” (p. 1) and stated that “Juneau’s downtown could be a much more vibrant, exciting place if more people lived there.” (p. 22)

Our project will add seven units of **affordable** housing to an existing building in Juneau’s downtown core which the CBJ has identified as an urgent need many times in the last decade including explicitly in the comprehensive Plan. The CBJ has clearly recognized the need for year-round rental units downtown which as stated above by the CBJ in both the Comprehensive Plan and the CBJ Housing Action Plan will contribute to the vitality of the downtown neighborhood and prevent against deterioration and blight generally. Our community is in a housing crisis and has been for many years and it appears to be only getting worse. The seven units we are proposing to create will not solve the problem but **every unit counts**.

Proposed Vegetative Cover: No minimum vegetative coverage.

Existing and Proposed Parking Areas and Proposed Traffic Circulation: This lot is in the PD-1 Parking District. Parking is not required unless there is an addition or expansion of the existing building of which there will be none.

Traffic: As calculated by the CBJ a Traffic Impact Analysis is not required.

Existing physical features of the site (e.g.: drainage, habitat, hazard zone)

Flood: Property is not in a Special Flood Hazard Area.

Juneau Housing First Collaborative dba The Glory Hall
Conditional Use Permit Narrative

Habitat: There is no wildlife habitat being disturbed.

Hazard Zone: According to the maps adopted by the CBJ in 1987 247 S Franklin St is in a severe hazard zone. In 1989 two years after the hazard maps were adopted TGH obtained a report from R&M Engineers (attached) stating that the building poses no danger to life or property. This project does not change the footprint of the building. This report was used by the CBJ in 1990 to grant a conditional use permit to TGH to construct the structure that exists on this parcel today. The property owners have relied on this conditional use permit to operate an emergency shelter for 43 to 53 homeless persons per evening. When the CBJ granted this conditional use permit in 1990 it implicitly acknowledged that TGH's parcel was not in a severe avalanche zone, it also accepted the findings of this R&M study from 1989 that this parcel is not in a severe landslide zone (p 3 File No CU-17-89). The CBJ explicitly states:

“Will the proposed development materially endanger the public health and safety?”

No. The applicant's hazard analysis report concludes that a significant landslide hazard does not exist for the subject property.” (p 3 File No CU-17-89)

The Glory Hall remodel being requested does not change the existing exterior conditions of the building. It will not materially endanger the public health and safety.

The remodel will reduce the number of occupants of the building from the homeless shelter occupancy of 43 to 53 residents per night to 7 - 14 residents with 14 being a hard maximum.

GLORY HALL RENOVATION

35% PRICING SUBMITTAL

| SHEET INDEX | |
|-------------|---|
| SHEET NO. | SHEET NAME |
| G-001 | TITLE SHEET & PROJECT INDEX |
| G-101 | CODE PLANS & DESIGN ANALYSIS |
| A-101 | FIRST & SECOND FLOOR DEMOLITION PLANS |
| A-102 | THIRD FLOOR & ROOF DEMOLITION PLANS |
| A-111 | FIRST & SECOND FLOOR NEW WORK PLANS |
| A-112 | THIRD FLOOR & ROOF NEW WORK PLANS |
| A-601 | DOOR & WINDOW TYPES, DOOR SCHEDULE AND MATERIAL FINISH SCHEDULE |
| M-001 | MECHANICAL LEGEND AND SCHEDULES |
| M-101 | DEMOLITION PLANS |
| M-102 | DEMOLITION PLANS |
| M-201 | NEW WORK PLANS - PLUMBING |
| M-202 | NEW WORK PLANS - PLUMBING |
| M-301 | NEW WORK PLANS - HEATING AND VENTILATING |
| M-302 | NEW WORK PLANS - HEATING AND VENTILATING |
| M-401 | DETAILS |
| E-001 | LEGEND AND SCHEDULES |
| E-101 | FIRST & SECOND DEMOLITION FLOOR PLANS |
| E-102 | THIRD FLOOR & ROOF DEMOLITION PLANS |
| E-111 | FIRST & SECOND NEW WORK PLANS |
| E-112 | THIRD FLOOR & ROOF NEW WORK PLANS |
| E-300 | ELECTRICAL POWER RISER DIAGRAM |
| E-400 | ELECTRICAL SPECIFICATIONS |

PROJECT DESCRIPTION: REMODEL OF THE EXISTING GLORY HALL STRUCTURE LOCATED AT 247 S. FRANKLIN STREET. RENOVATIONS INCLUDE:

- DEMOLITION OF EXISTING STAIRWELLS
- RENOVATION OF 2ND & 3RD FLOORS INTO DWELLING UNITS (7 TOTAL)
- RELOCATION OF THE EXISTING MECHANICAL ROOM
- RELOCATION OF THE EXISTING ELECTRICAL ROOM
- CONSTRUCTION OF NEW EGRESS STAIRWAY
- NEW PLUMBING FIXTURES, AND FINISHES IN RENOVATED DWELLING UNITS

THIS DESIGN PACKAGE IS PREPARED FOR PRICING PURPOSES ONLY

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|  Stantec Architecture Inc. 725 E. Fenwick Lane, Suite 200 Anchorage, AK 99503 Tel: (907) 271-4245 www.stantec.com Authorization to Practice # AECC1207 | |
| Project: GLORY HALL RENOVATION | |
| AK Mental Health Trust Authority 247 S. Franklin St Juneau, AK 99801 | |
| 35% DESIGN DOCUMENTS | |
| Project Mgr. | GAMBARDELLA |
| Drawn | EJD |
| Checked | CN GG |
| Date | 10/07/2021 |
| Sheet Contents: TITLE SHEET & PROJECT INDEX | |
| Sheet No.: G-001 | |
| Stantec W.O. 2014270100 | |



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LIFE SAFETY & CODE ANALYSIS

APPLICABLE CODES AND STANDARDS

- 2012 INTERNATIONAL EXISTING BUILDING CODE W/ CITY OF JUNEAU AMENDMENTS
- 2012 UNIFORM PLUMBING CODE W/ CITY OF JUNEAU AMENDMENTS
- 2012 INTERNATIONAL MECHANICAL CODE W/ CITY OF JUNEAU AMENDMENTS

CHAPTER 3 - OCCUPANCY TYPE (SEPARATED)

BUSINESS
RESIDENTIAL (R-2)

CHAPTER 4 - SPECIAL REQUIREMENTS

420.2 - SEPARATION WALLS - WALLS SEPARATING DWELLING UNITS FROM OTHER OCCUPANCIES CONTIGUOUS TO THEM IN THE SAME BUILDING SHALL BE CONSTRUCTED AS FIRE PARTITIONS IN ACCORDANCE WITH SECTION 708.

420.3 - HORIZONTAL SEPARATION - FLOOR ASSEMBLIES SEPARATING DWELLING UNITS IN THE SAME BUILDING AND FLOOR ASSEMBLIES SEPARATING DWELLING UNITS FROM OTHER OCCUPANCIES CONTIGUOUS TO THEM IN THE SAME BUILDING SHALL BE CONSTRUCTED AS HORIZONTAL ASSEMBLIES IN ACCORDANCE WITH SECTION 711.

CHAPTER 5 - BUILDING HEIGHTS & AREAS

TABLE 503 - BUILDING HEIGHT - 55' - BUILDING IN COMPLIANCE

TABLE 503 - NUMBER OF STORIES - 4 - BUILDING IN COMPLIANCE

TABLE 503 - BUILDING AREA (R-2) TYPE VB - At = 7,000 sf

506.1 - BUILDING AREA MODIFICATION || $A_a = (A_t + [A_t \times I_f] + [A_t \times I_s])$

Af = 0 (No Frontage Increase)
Is = 7,000 x 200% = 14,000 sf

$A_a = 7,000 \text{ sf} + [7,000 \text{ sf} \times 0] + [14,000 \text{ sf}] = 21,000 \text{ sf}$

EXISTING BUILDING AREA = 6,639 sf

TABLE 508.4.4 - SEPARATED OCCUPANCIES

SEPARATION BETWEEN R-2 AND B OCCUPANCIES - 1 HR.

CHAPTER 6 - TYPES OF CONSTRUCTION

BUILDING TYPE - VB

TABLE 602 - FIRE RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS

SEE SECTION 706.1.1 FOR PARTY WALLS

CHAPTER 7 - FIRE AND SMOKE PROTECTION

706 - FIRE WALLS - EXISTING PARTY WALLS ARE REQUIRED TO BE 2 HOUR RATED CONSTRUCTION

CHAPTER 8 - INTERIOR FINISHES

STAIRWAYS AND EXIT PASSAGEWAYS - CLASS C FINISH
CORRIDOR AND EXIT ACCESS RAMPS - CLASS C FINISH
ROOMS AND ENCLOSED SPACES - CLASS C FINISH

CHAPTER 9 - FIRE PROTECTION SYSTEMS

NFPA SPRINKLER SYSTEM - AN AUTOMATIC SPRINKLER SYSTEM SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH SECTION 903.3.1.1.

CHAPTER 10 - MEANS OF EGRESS

TABLE 1004.1.2 - OCCUPANT LOAD - SEE FLOOR PLANS

1005.3.2 - EGRESS SIZING (EXCLUDING STAIRS) = 0.2 x NO. OF OCCUPANTS

1007.1 EX.1 ACCESSIBLE MEANS OF EGRESS - ACCESSIBLE MEANS OF EGRESS ARE NOT REQUIRED IN ALTERATIONS TO EXISTING BUILDINGS.

1009.4 - STAIRWAY WIDTH - NOT LESS THAN 36" SERVING AN OCCUPANT LOAD OF LESS THAN 50.

TABLE 1015.1 SPACES WITH ONE EXIT

B OCCUPANCIES - MAX OCCUPANT LOAD = 49

1015.1 EX. 1 - ONE MEANS OF EGRESS IS PERMITTED WITHIN AND FROM INDIVIDUAL DWELLING UNITS WITH A MAXIMUM OCCUPANT LOAD OF 20 WHERE THE DWELLING UNIT IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN R-2 OCCUPANCIES.

1016.2 EXIT ACCESS TRAVEL DISTANCE
SPRINKLERED (R-2) = 250 FT - BUILDING IN COMPLIANCE

TABLE 1018.1 - CORRIDOR FIRE-RESISTANCE RATING (SPRINKLERED)
B OCCUPANCY - 0
R OCCUPANCY - 0.5 (OCCUPANT LOAD GREATER THAN 10)

TABLE 1018.2 - MINIMUM CORRIDOR WIDTH - 36" WHEN SERVING OCCUPANT LOAD OF LESS THAN 50.

TABLE 1021.2(1) STORIES WITH ONE EXIT FOR R-2 OCCUPANCIES
MAXIMUM 4 DWELLING UNITS WITH EGRESS DISTANCE < 125 FT.
VARIANCE REQUIRED.

CHAPTER 11 - ACCESSIBILITY

R-2 OCCUPANCY DOES NOT COMPLY - VARIANCE REQUIRED

CHAPTER 12 - INTERIOR ENVIRONMENT

1207.3 - AIRBORNE SOUND - WALLS, PARTITIONS AND FLOOR/CEILING ASSEMBLIES SEPARATING DWELLING UNITS REQUIRE MINIMUM STC RATING OF 50.

1208.3 - ROOM AREA - EVERY DWELLING UNIT SHALL HAVE NO FEWER THAN ONE ROOM WITH A MINIMUM NET FLOOR AREA OF 120 SF.

CHAPTER 29 - PLUMBING SYSTEMS

B OCCUPANCY

WATER CLOSET - 1 PER 25 OCCUPANTS FOR FIRST 50 OCCUPANTS MEETS REQUIREMENTS

LAVATORY - PER 40 OCCUPANTS FOR FIRST 80 OCCUPANTS - MEETS REQUIREMENTS

SERVICE SINK - 1 EXISTING - MEETS REQUIREMENTS

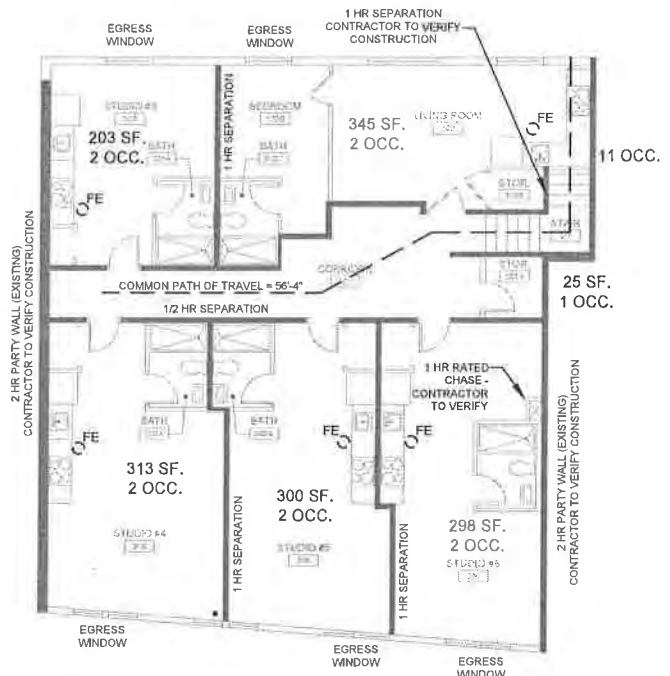
R-2 OCCUPANCY

WATER CLOSET - 1 PER DWELLING

LAVATORY - 1 PER DWELLING

BATHTUB/SHOWER - 1 PER DWELLING

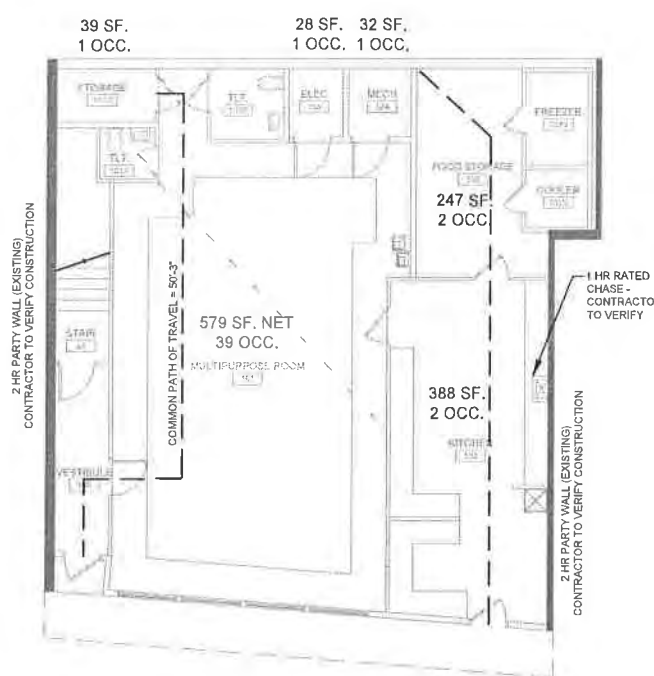
KITCHEN SINK - 1 PER DWELLING



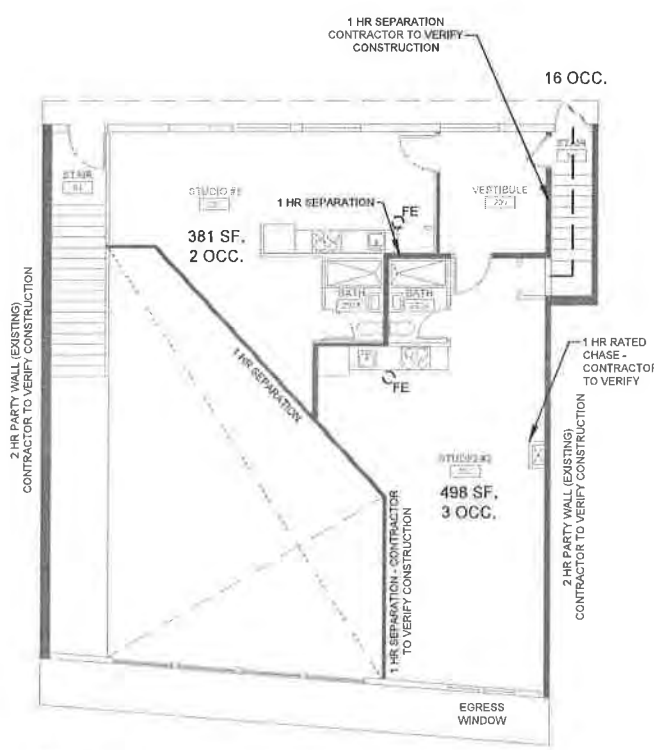
True North
3 3RD FLOOR CODE PLAN
SCALE: 1/8"=1'-0"

OCCUPANT LOAD

| | |
|---------------------------|-----------|
| RESIDENTIAL | 200 GROSS |
| ASSEMBLY (UNCONCENTRATED) | 15 NET |
| KITCHEN (COMMERCIAL) | 200 GROSS |
| ACCESSORY (STORAGE, MECH) | 300 GROSS |



True North
1 1ST FLOOR CODE PLAN
SCALE: 1/8"=1'-0"



True North
2 2ND FLOOR CODE PLAN
SCALE: 1/8"=1'-0"

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GLORY HALL RENOVATION

AK Mental Health Trust Authority
247 S. Franklin St
Juneau, AK 99801

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| Project Mgr. | GAMBARDELLA |
| Drawn | EJD |
| Checked | CN GG |
| Date | 10/07/2021 |

Sheet Contents:
CODE PLANS & DESIGN ANALYSIS

Sheet No.:

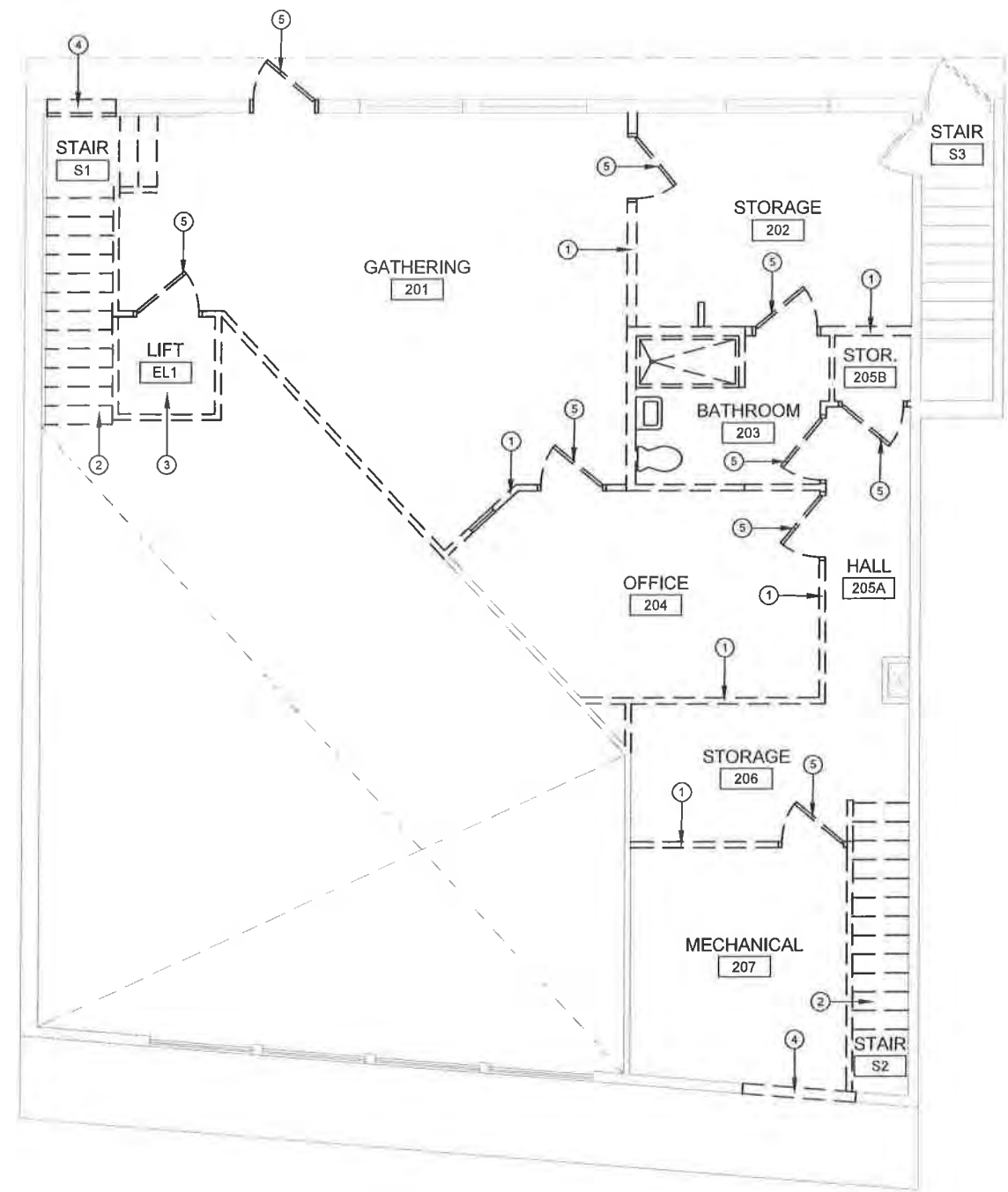
G-101

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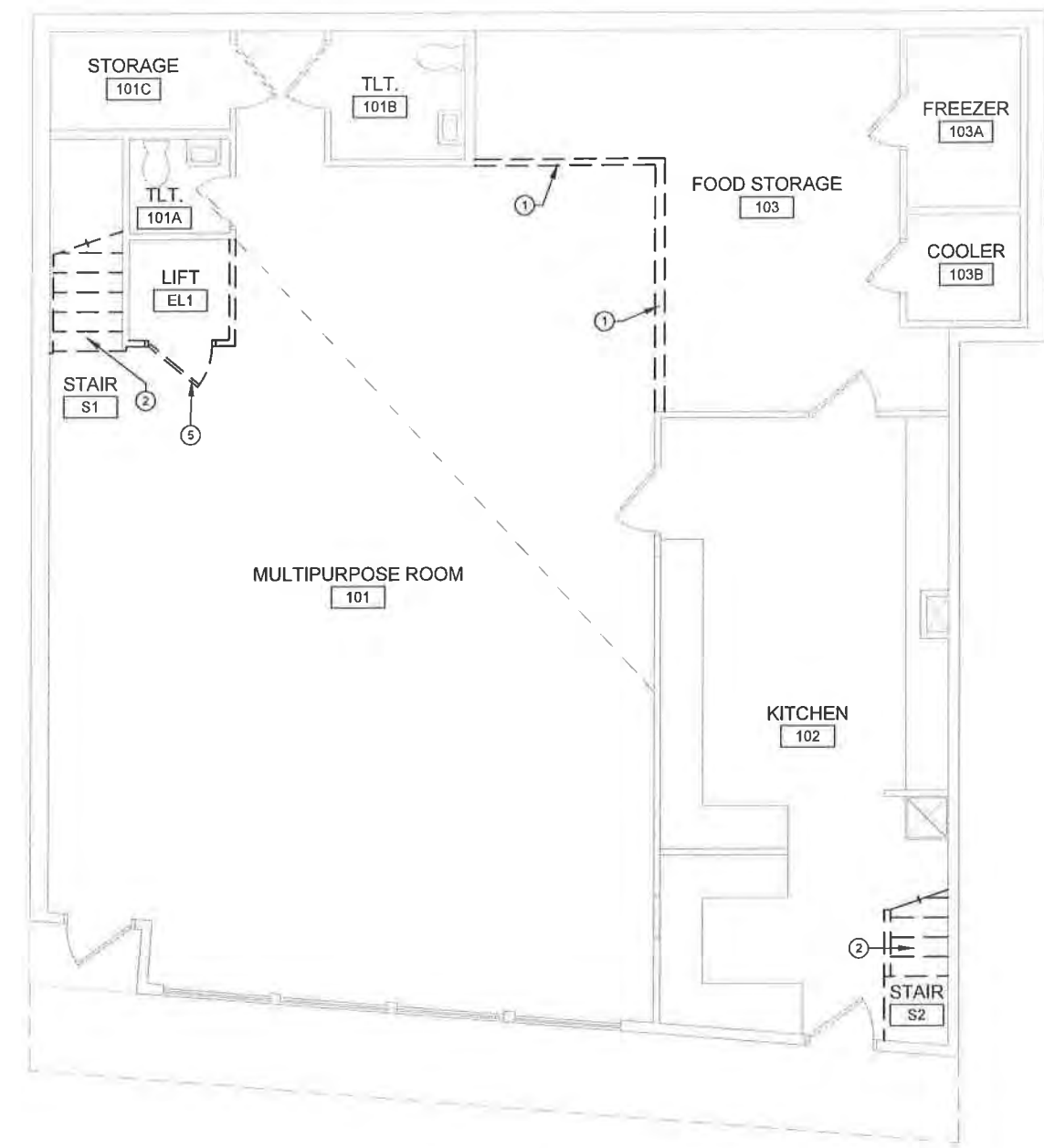
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True North
2
 A-101
2ND FLOOR PLAN - DEMOLITION
 SCALE: 1/4"=1'-0"



True North
1
 A-101
1ST FLOOR PLAN - DEMOLITION
 SCALE: 1/4"=1'-0"

KEY NOTES

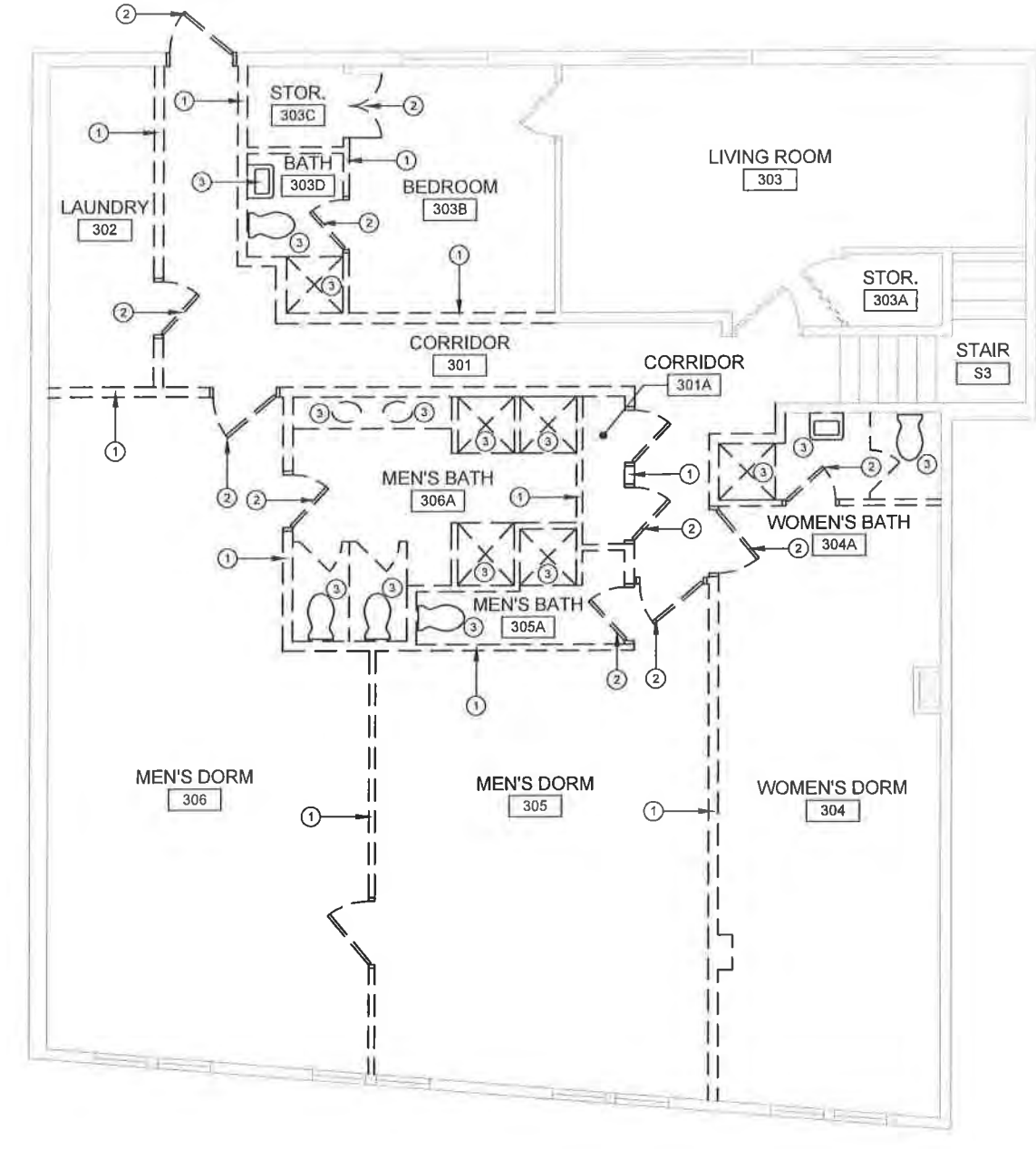
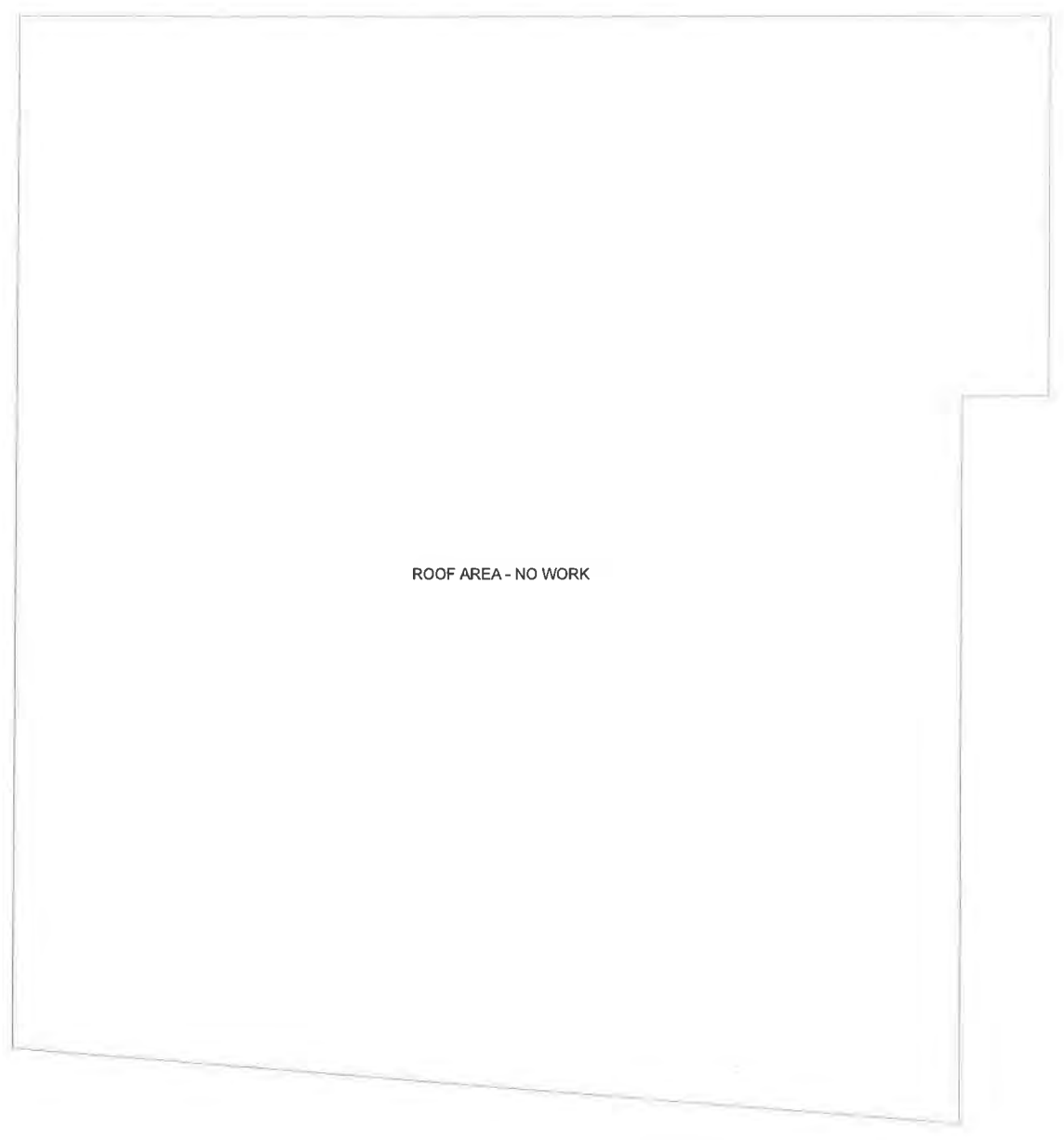
1. DEMOLISH EXISTING WALL IN PREPARATION FOR NEW WORK. PREPARE FLOOR AND CEILING FOR NEW WORK AND FINISHES.
2. DEMOLISH THE EXISTING STAIRS, PREP AREA FOR NEW WORK & NEW FINISHES.
3. DEMOLISH EXISTING LIFT. PATCH AND REPAIR FINISHES.
4. DEMOLISH EXISTING EXTERIOR WALL FOR INSTALLATION OF NEW WINDOW/DOOR.
5. DEMOLISH EXISTING DOORS.

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| Sheet Contents: FIRST & SECOND DEMOLITION FLOOR PLANS | |
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| A-101 | |
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True North **2** ROOF PLAN - DEMOLITION
A-102 SCALE: 1/4"=1'-0"

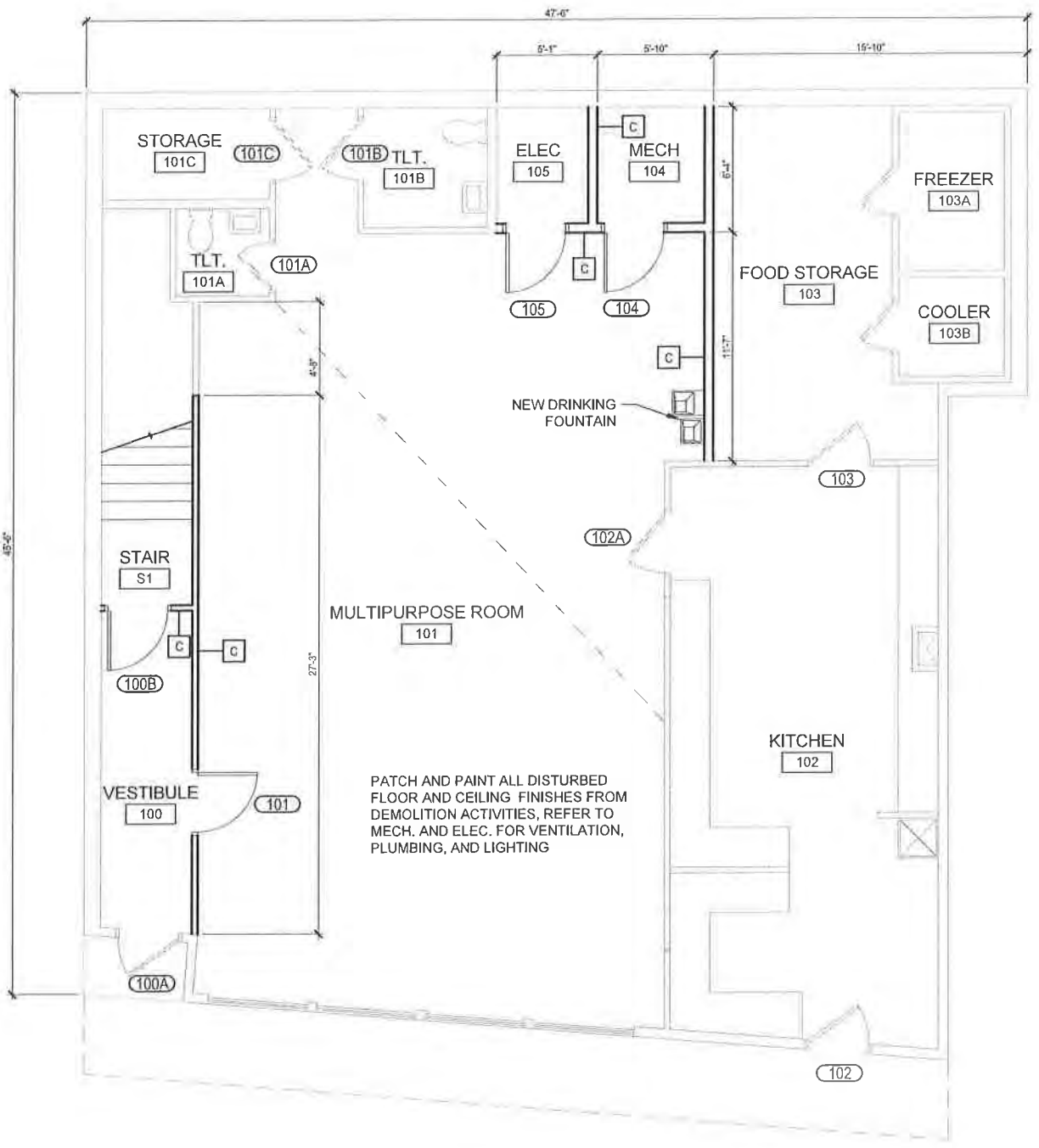
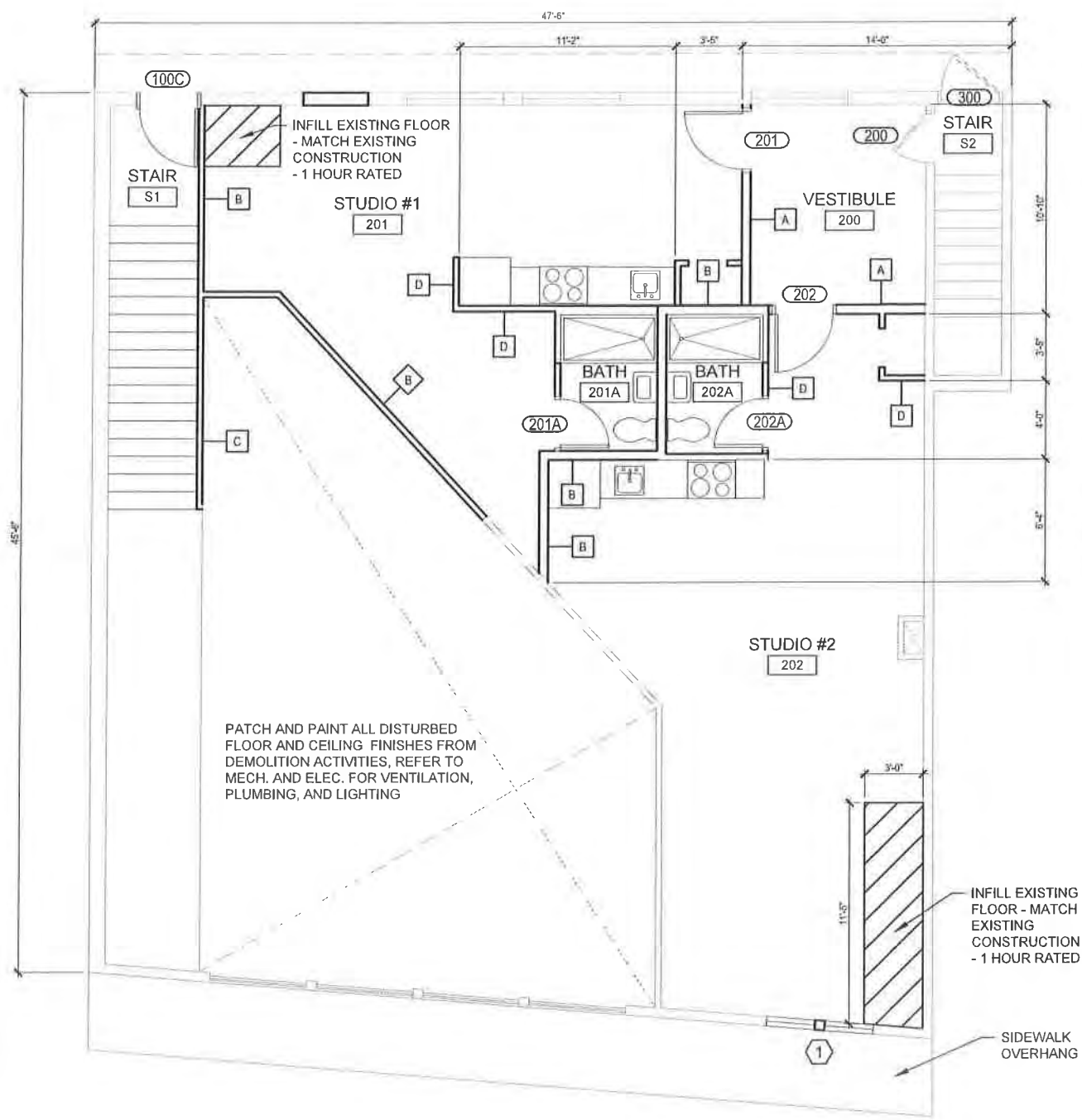
True North **1** 3RD FLOOR PLAN - DEMOLITION
A-102 SCALE: 1/4"=1'-0"

KEY NOTES

1. DEMOLISH EXISTING WALL IN PREPARATION FOR NEW WORK. PREPARE FLOOR AND CEILING FOR NEW WORK AND FINISHES.
2. DEMOLISH EXISTING DOORS.
3. DEMOLISH EXISTING PLUMBING FIXTURE.

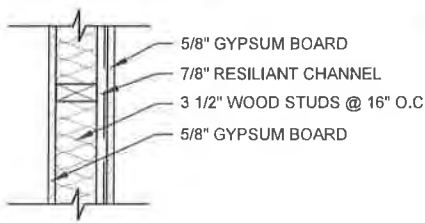
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| Checked | CN GG |
| Date | 10/07/2021 |
| Sheet Contents: THIRD FLOOR & ROOF DEMOLITION PLANS | |
| Sheet No.: | |
| A-102 | |
| Stantec W.O. 2014270100 | |



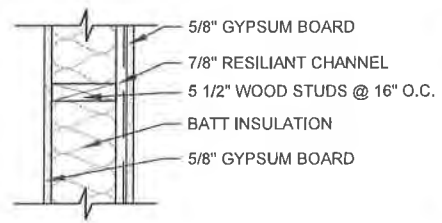


2 2ND FLOOR PLAN - NEW WORK
A-111 SCALE: 1/4"=1'-0"

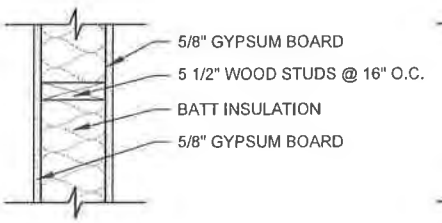
1 1ST FLOOR PLAN - NEW WORK
A-111 SCALE: 1/4"=1'-0"



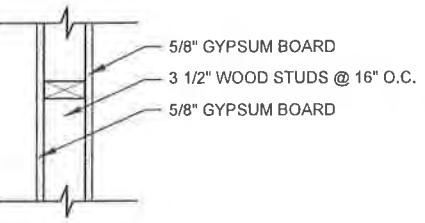
A
WP 3242 - 1 HOUR
STC 54



B
WP 3242 - 1 HR. RATED
STC 54



C



D



INFILL FLOOR
FC 3242 - 1 HR. RATED
STC 50

WALL TYPES

FLOOR TYPES

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Project Mgr. GAMBARDELLA

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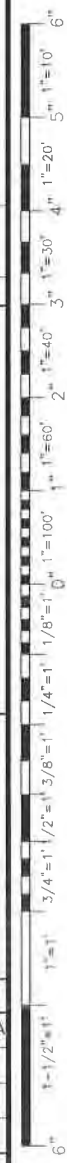
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Sheet Contents:
FIRST & SECOND NEW WORK FLOOR PLANS

Sheet No.:
A-111

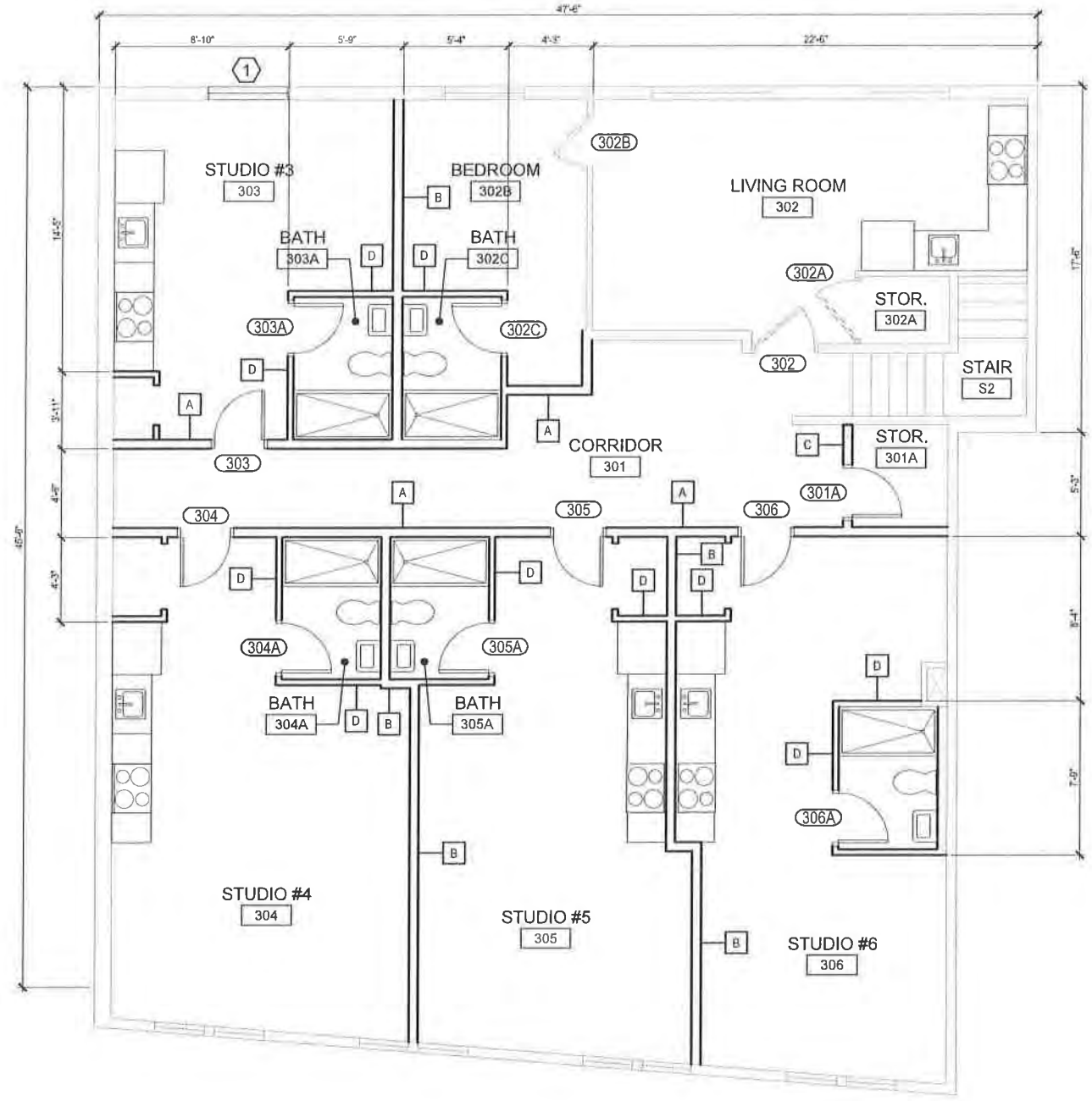
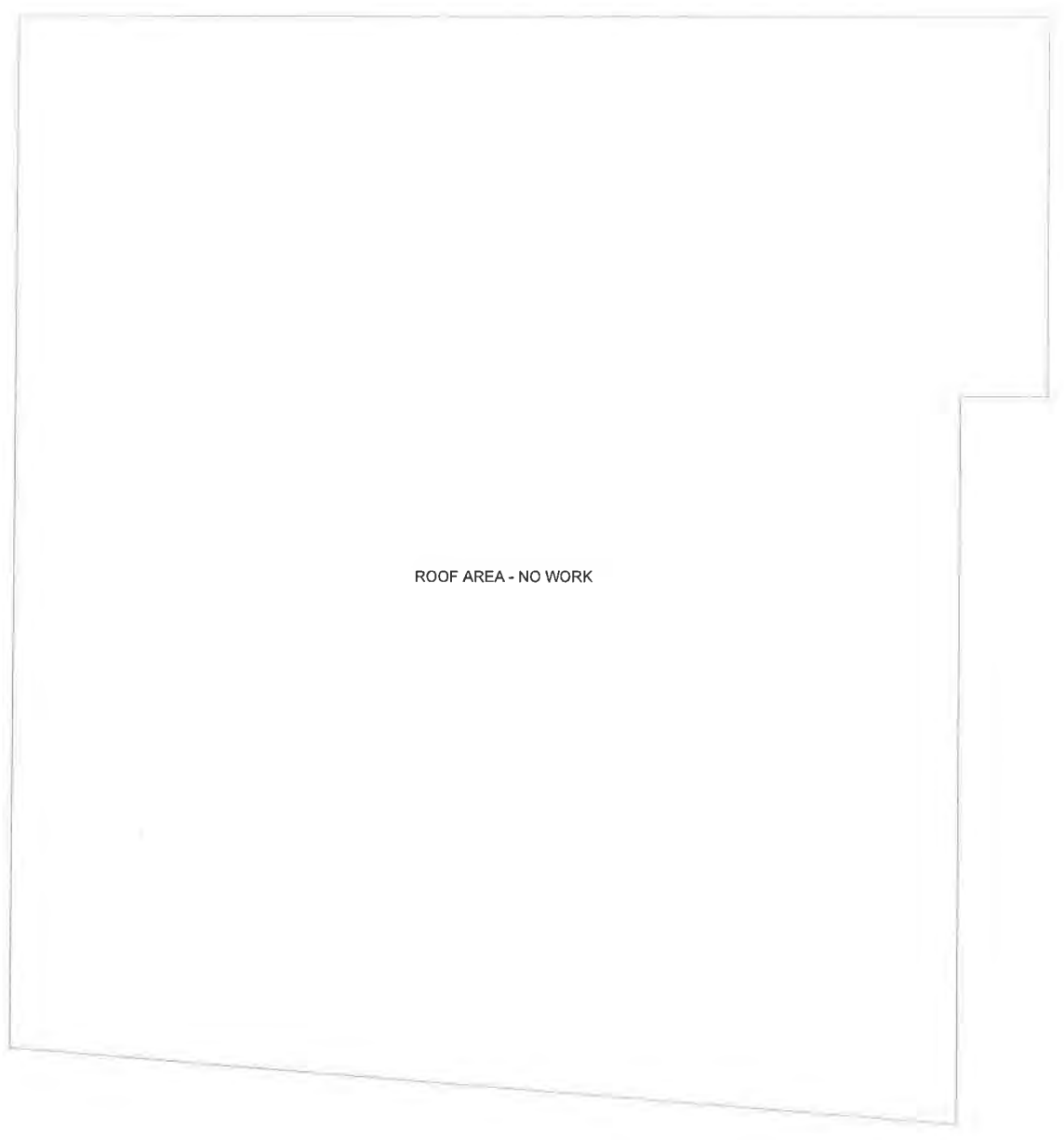
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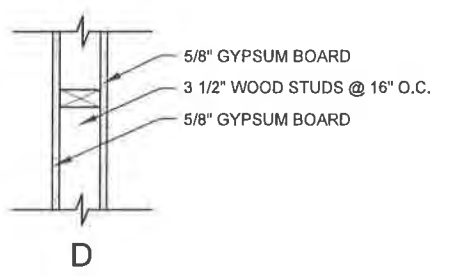
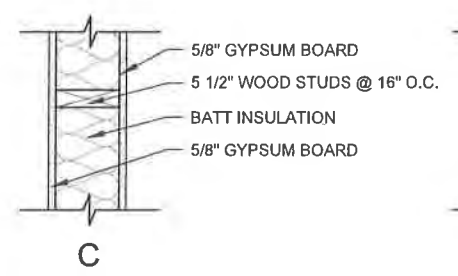
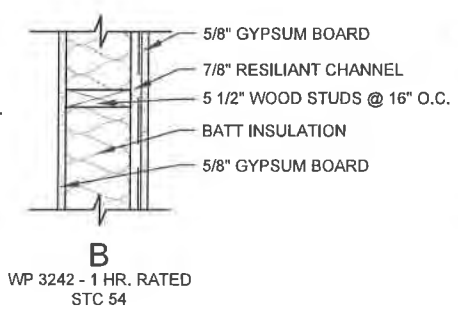
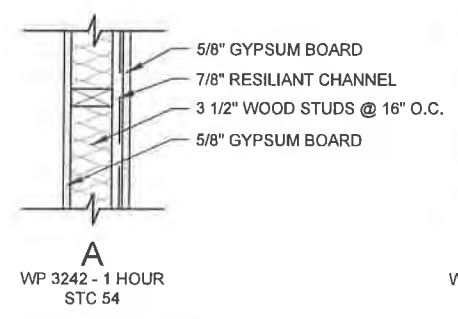
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2 ROOF PLAN - NEW WORK
 A-112 SCALE: 1/4"=1'-0"

1 3RD FLOOR PLAN - NEW WORK
 A-112 SCALE: 1/4"=1'-0"



WALL TYPES

PATCH AND PAINT ALL DISTURBED FLOOR AND CEILING FINISHES FROM DEMOLITION ACTIVITIES, REFER TO MECH. AND ELEC. FOR VENTILATION, PLUMBING, AND LIGHTING

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Project:
GLORY HALL RENOVATION

AK Mental Health Trust Authority
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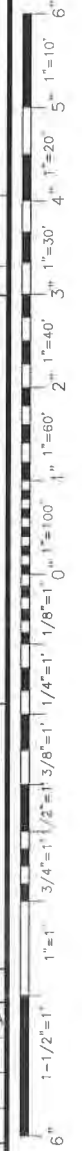
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| Date | 10/07/2021 |

Sheet Contents:
THIRD FLOOR & ROOF NEW WORK PLANS

Sheet No.:
A-112

Stantec W.O. 2014270100



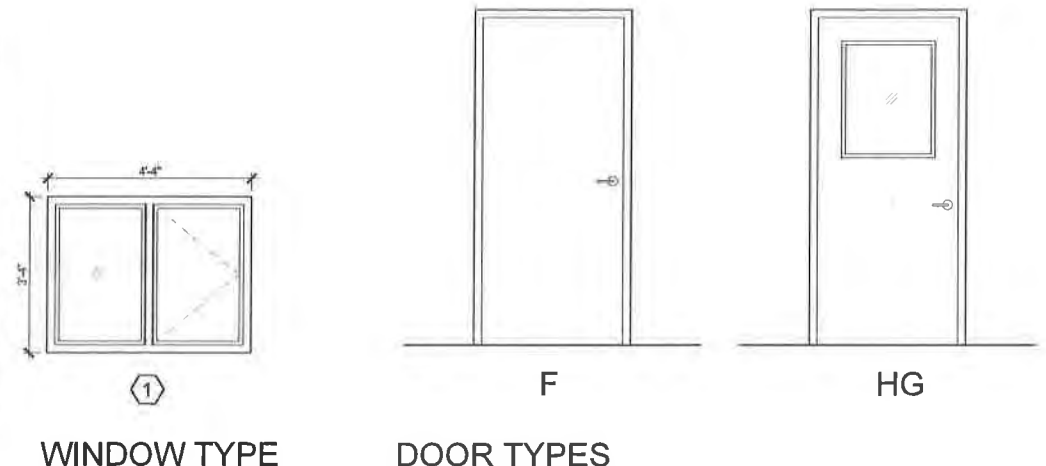
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DOOR SCHEDULE

| Opening Number | Door | | | | | | Frame | | | | Details | | | Assembly | | Opening Number | |
|----------------|-------|--------|----------|------|--------|---------|----------|------|--------|---------|---------|------|------|----------|--------------|----------------|-------|
| | Width | Height | Material | Type | Finish | Glazing | Material | Type | Finish | Glazing | Head | Jamb | Sill | Rating | Hardware Set | | Notes |
| 100A | 3'-0" | 7'-0" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | - | - | | 100A |
| 100B | 3'-0" | 7'-0" | HM | HG | PT | 1/4" | | HM | PT | | | | | | | | 100B |
| 100C | 3'-0" | 7'-0" | IHM | HG | PT | ISG | | HM | PT | | | | | | | | 100C |
| 101 | 3'-0" | 7'-0" | HM | HG | PT | 1/4" | | HM | PT | | | | | | | | 101 |
| 101A | 2'-4" | 6'-8" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | - | - | | 101A |
| 101B | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | - | - | | 101B |
| 101C | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | - | - | | 101C |
| 102 | 3'-0" | 7'-0" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | - | - | | 102 |
| 102A | 3'-0" | 7'-0" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | - | - | | 102A |
| 103 | 3'-0" | 7'-0" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | - | - | | 103 |
| 104 | 3'-0" | 7'-0" | HM | F | PT | | | HM | PT | | | | | | | | 104 |
| 105 | 3'-0" | 7'-0" | HM | F | PT | | | HM | PT | | | | | | | | 105 |
| 200 | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | - | - | | 200 |
| 201 | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | 20 MIN. | | | 201 |
| 201A | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | | | | 201A |
| 202 | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | 20 MIN. | | | 202 |
| 202A | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | | | | 202A |
| 300 | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | - | - | | 300 |
| 301A | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | | | | 301A |
| 302 | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | 20 MIN. | | | 302 |
| 302A | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | | | | 302A |
| 302B | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | EX | EX | - | - | - | | | | 302B |
| 302C | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | | | | 302C |
| 303 | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | 20 MIN. | | | 303 |
| 303A | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | | | | 303A |
| 304 | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | 20 MIN. | | | 304 |
| 304A | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | | | | 304A |
| 305 | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | 20 MIN. | | | 305 |
| 305A | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | | | | 305A |
| 306 | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | 20 MIN. | | | 306 |
| 306A | 3'-0" | 6'-8" | WD | F | PT | | | WD | PT | | | | | | | | 306A |

ROOM FINISH SCHEDULE

| Room | Room Name | Floor | Base | Wall | | | | Ceiling | | | Remarks | Room |
|------|-------------------|--------|------|------------|------------|------------|------------|-----------|--------|-------------|--|------|
| | | | | N Wall | E Wall | S Wall | W Wall | Materials | Finish | CLG. Height | | |
| 100 | CORRIDOR | CPT2 | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 100 |
| 101 | MULTIPURPOSE ROOM | EX | EX | EX | EX | EX | GWB/PT | EX | EX | 17'-0" | | 101 |
| 101A | TOILET | EX | EX | EX | EX | EX | EX | EX | EX | 7'-0" | | 101A |
| 101B | TOILET | EX | EX | EX | EX | EX | EX | EX | EX | 7'-0" | | 101B |
| 101C | STORAGE | EX | EX | EX | EX | EX | EX | EX | EX | 7'-0" | | 101C |
| 102 | KITCHEN | TL-1 | TL-1 | EX | PT1 | PT1 | EX | GWB | PT | 8'-0" | PATCH AND REPAIR SW CORNER FROM DEMOLITION OF STAIRS | 102 |
| 103 | FOOD STORAGE | EX | EX | EX | EX | EX | EX | EX | EX | EX | | 103 |
| 103A | FREEZER | EX | EX | EX | EX | EX | EX | EX | EX | EX | | 103A |
| 103B | COOLER | EX | EX | EX | EX | EX | EX | EX | EX | EX | | 103B |
| 104 | MECHANICAL | SC | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB/PT | PT | 8'-0" | | 104 |
| 105 | ELECTRICAL | SC | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB/PT | PT | 8'-0" | | 105 |
| S1 | STAIR | LVT/RF | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB/PT | PT | 8'-0" | | S1 |
| S2 | STAIR | LVT/RF | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB/PT | PT | 8'-0" | | S2 |
| 200 | VESTIBULE | CPT2 | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 200 |
| 201 | STUDIO #1 | LVT | RB | GWB/PT | GWB/PT | GWB/PT, CT | GWB/PT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 201 |
| 201A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 201A |
| 202 | STUDIO #2 | LVT | RB | GWB/PT, CT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 202 |
| 202A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 202A |
| 301 | CORRIDOR | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 301 |
| 301A | STORAGE | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 301A |
| 302 | LIVING ROOM | LVT | RB | GWB/PT | GWB/PT, CT | GWB/PT, CT | GWB/PT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 302 |
| 302A | STORAGE | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 302A |
| 302B | BEDROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 302B |
| 302C | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 302C |
| 303 | STUDIO #3 | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT, CT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 303 |
| 303A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 303A |
| 304 | STUDIO #4 | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT, CT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 304 |
| 304A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 304A |
| 305 | STUDIO #5 | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT, CT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 305 |
| 305A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 305A |
| 306 | STUDIO #6 | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT, CT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 306 |
| 306A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 306A |



WINDOW TYPE

DOOR TYPES

| | |
|---------------|--|
| Date Stamped: | |
| By | |
| Revision | |
| Date | |



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AK Mental Health Trust Authority
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Juneau, AK 99801

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|--------------|-------------|
| Project Mgr. | GAMBARDELLA |
| Drawn | EJD |
| Checked | CN GG |
| Date | 10/07/2021 |

Sheet Contents:
DOOR & WINDOW TYPES, DOOR SCHEDULE AND MATERIAL FINISH SCHEDULE

Sheet No.:
A-601

Stantec W.O. 2014270100

SHEETS ARE HALF SIZE

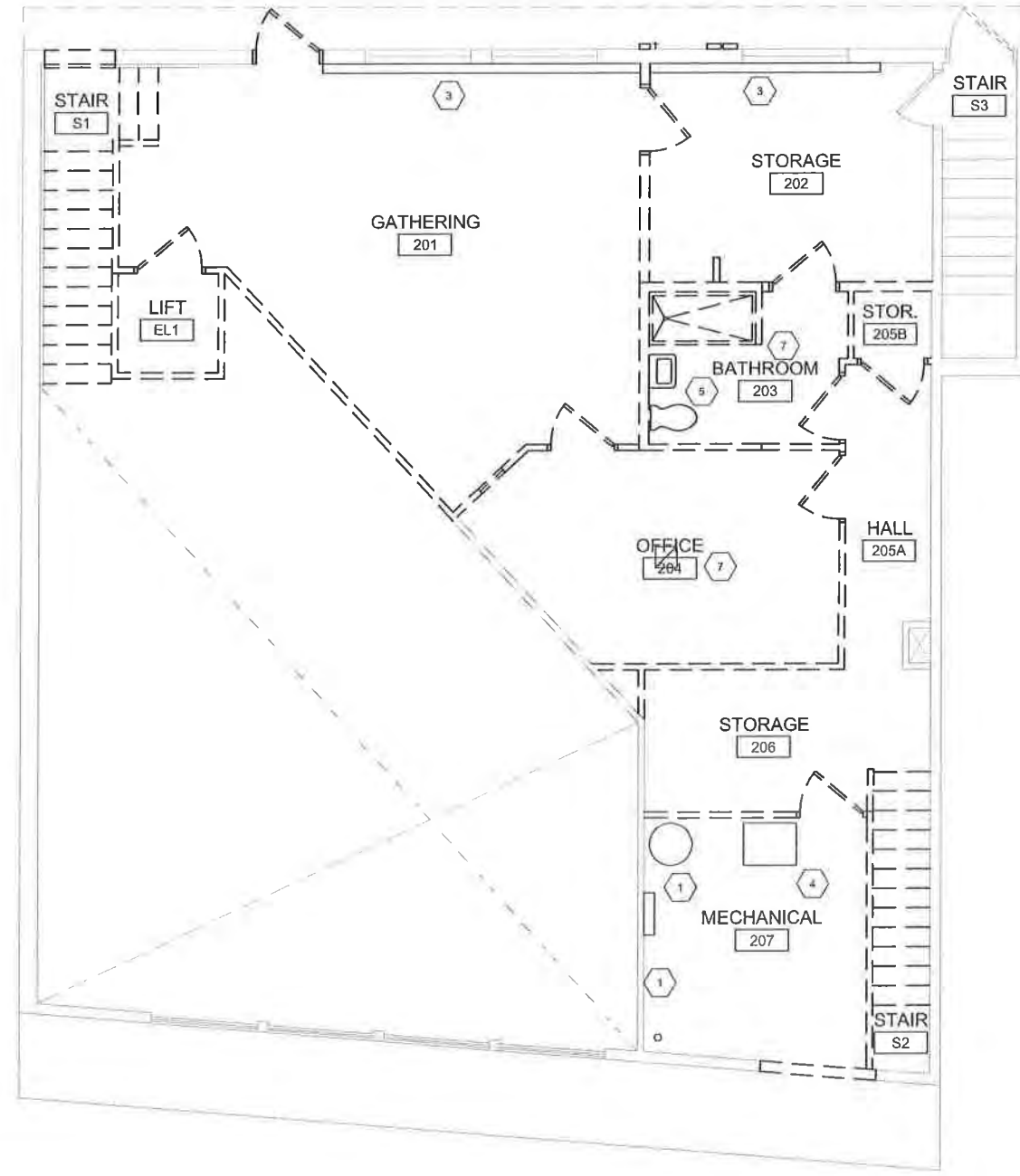
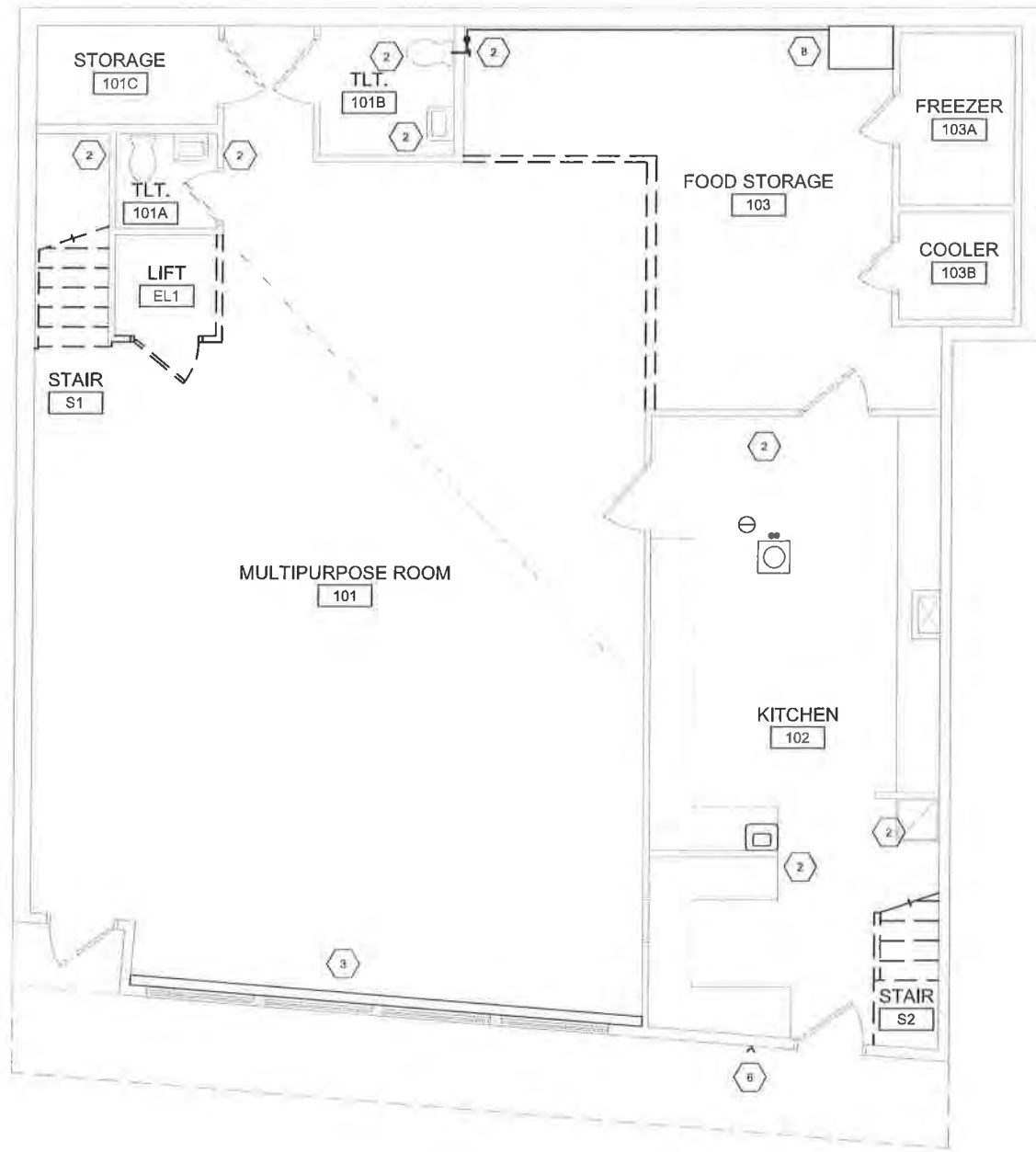
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SHEET NOTES:

1. LOCATION OF EXISTING WATER SERVICE AND SPRINKLER RISER, DEMOLISH AND PREPARE FOR RELOCATION OF BOTH.
2. ALL DOMESTIC WATER, WASTE AND VENT SHALL BE DEMOLISHED IN THE FIRST FLOOR CEILING, FIRST FLOOR FIXTURE BRANCH LINES MAY REMAIN IN PLACE PREPARED FOR CONNECTION TO NEW WATER DISTRIBUTION PIPING.
3. ALL HYDRONIC HEATING TERMINAL UNITS AND PIPING SHALL BE DEMOLISHED.
4. DEMOLISH EXISTING ELECTRIC/HYDRONIC BOILER AND ASSOCIATED PUMPS, PIPING, AND CONTROLS.
5. ALL PLUMBING FIXTURES, DOMESTIC WATER, WASTE AND VENT PIPING ON SECOND FLOOR SHALL BE REMOVED, INCLUDING THAT PIPING LOCATED IN THE SECOND FLOOR CEILING.
6. EXISTING FIRE DEPARTMENT CONNECTION AND SPRINKLER MAIN DRAIN SHALL REMAIN FOR RECONNECTION TO RELOCATED SPRINKLER RISER.
7. EXISTING EXHAUST FANS, ASSOCIATED DUCTWORK, AND EXTERIOR WALL PENETRATIONS SHALL BE DEMOLISHED.
8. EXISTING FREEZER/COOLER COMPRESSOR SYSTEM AND DRAIN SHALL REMAIN.

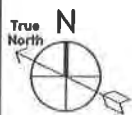
GENERAL NOTES:

1. CONTRACTOR SHALL VERIFY AND RECORD EXISTING WASTE AND VENT PIPING SIZE AND LOCATION FROM FIRST FLOOR FIXTURES.

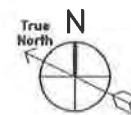


Attachment A - Application Packet

FILE: W:\2014270100\01\WORKING_FILES\09_MECHANICAL\02_CAD\03_SHEETS\M-101.DWG PLOTTED: Oct 7, 2021 - 5:14:10 PM (Thomas, Jason)



1 1ST FLOOR PLAN - DEMOLITION
M-101 SCALE: 1/4"=1'-0"

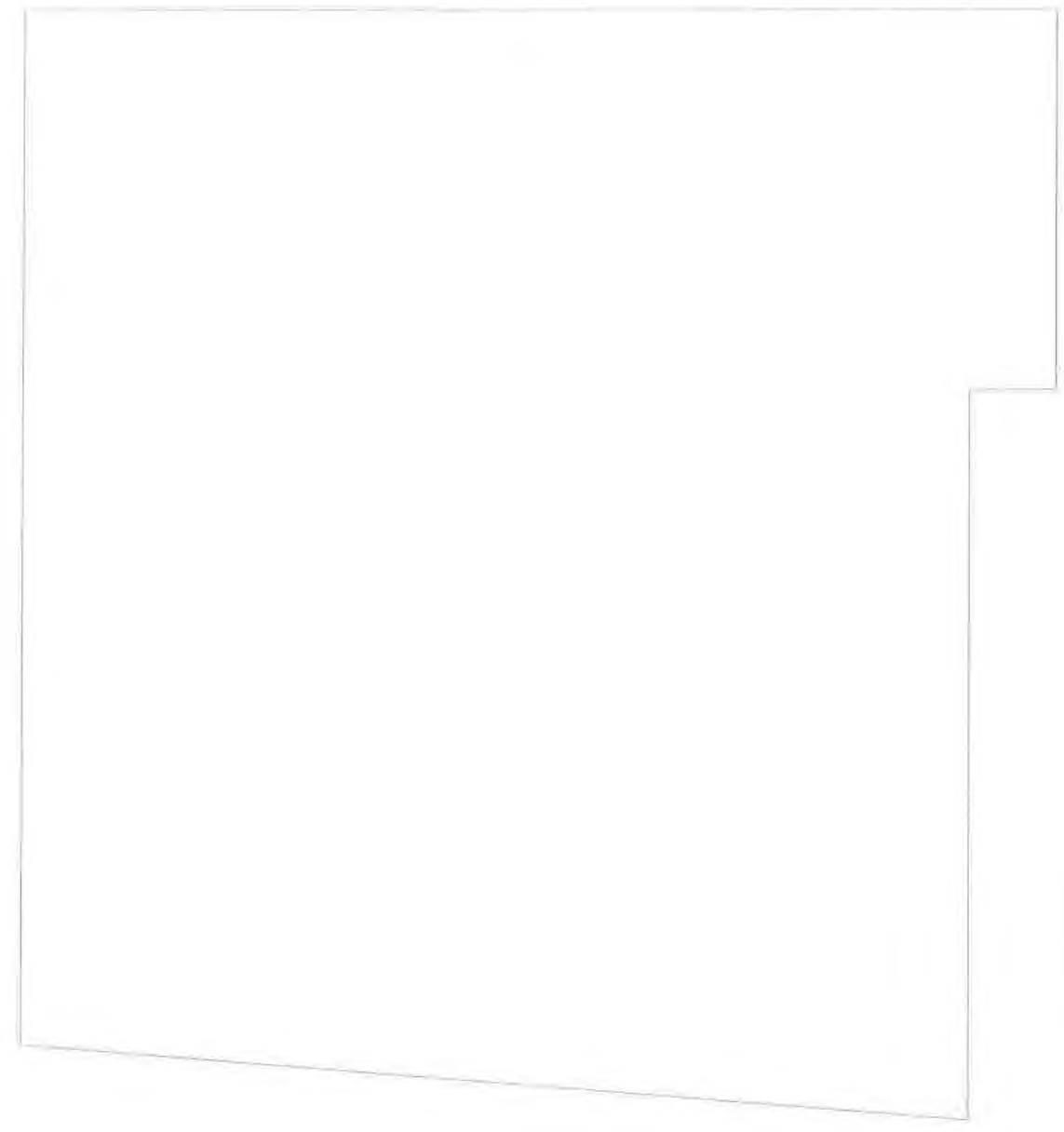
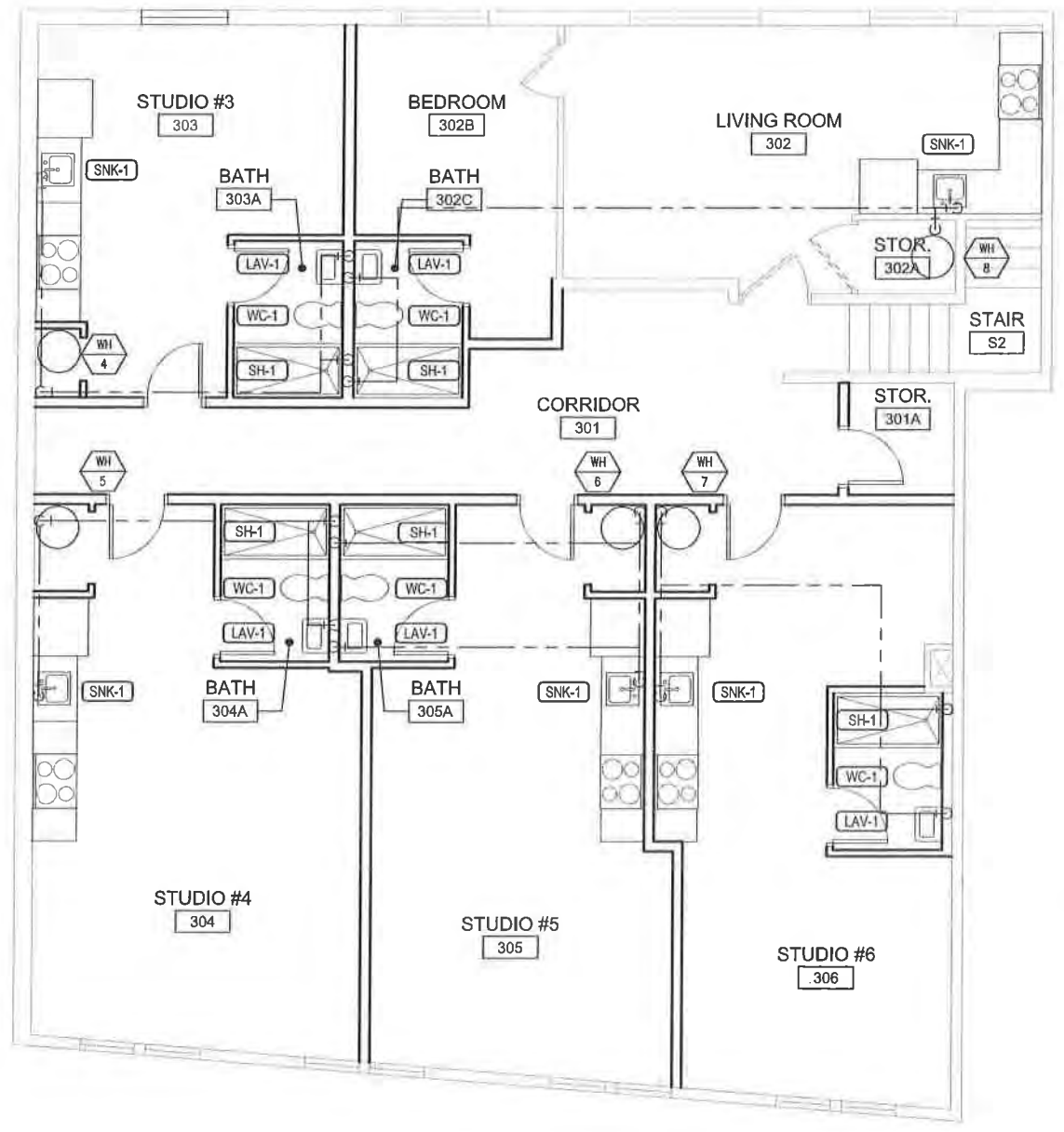


2 2ND FLOOR PLAN - DEMOLITION
M-101 SCALE: 1/4"=1'-0"

| | |
|---|-------------|
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| Revision | |
| Date | |
| <small>Stantec Architecture Inc. 725 E. Front Street, Suite 200 Anchorage, AK 99503 Tel: (907) 276-6045 www.stantec.com Authorization to Practice # AEC1207</small> | |
| Project: GLORY HALL RENOVATION | |
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| 35% DESIGN DOCUMENTS | |
| Project Mgr. | GAMBARDELLA |
| Drawn | JET |
| Checked | MAP GG |
| Date | 10/07/2021 |
| Sheet Contents: DEMOLITION PLANS | |
| Sheet No.: | |
| M-101 | |
| Stantec W.O. 2014270100 | |

SHEETS ARE HALF SIZE

FILE: W:\2014270100\01\WORKING_FILES\03_MECHANICAL\02_CAD\03_SHEETS\M-202.DWG PLOTTED: Oct 7, 2021 - 5:29:47 PM (Thoma, Jason)



Attachment A - Application Packet

True North

1 3RD FLOOR PLAN - NEW WORK
M-202 SCALE: 1/4"=1'-0"

True North

2 ROOF PLAN - NEW WORK
M-202 SCALE: 1/4"=1'-0"

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By:

Revision:

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Sheet Contents:
NEW WORK
PLANS -
PLUMBING

Sheet No.:
M-202

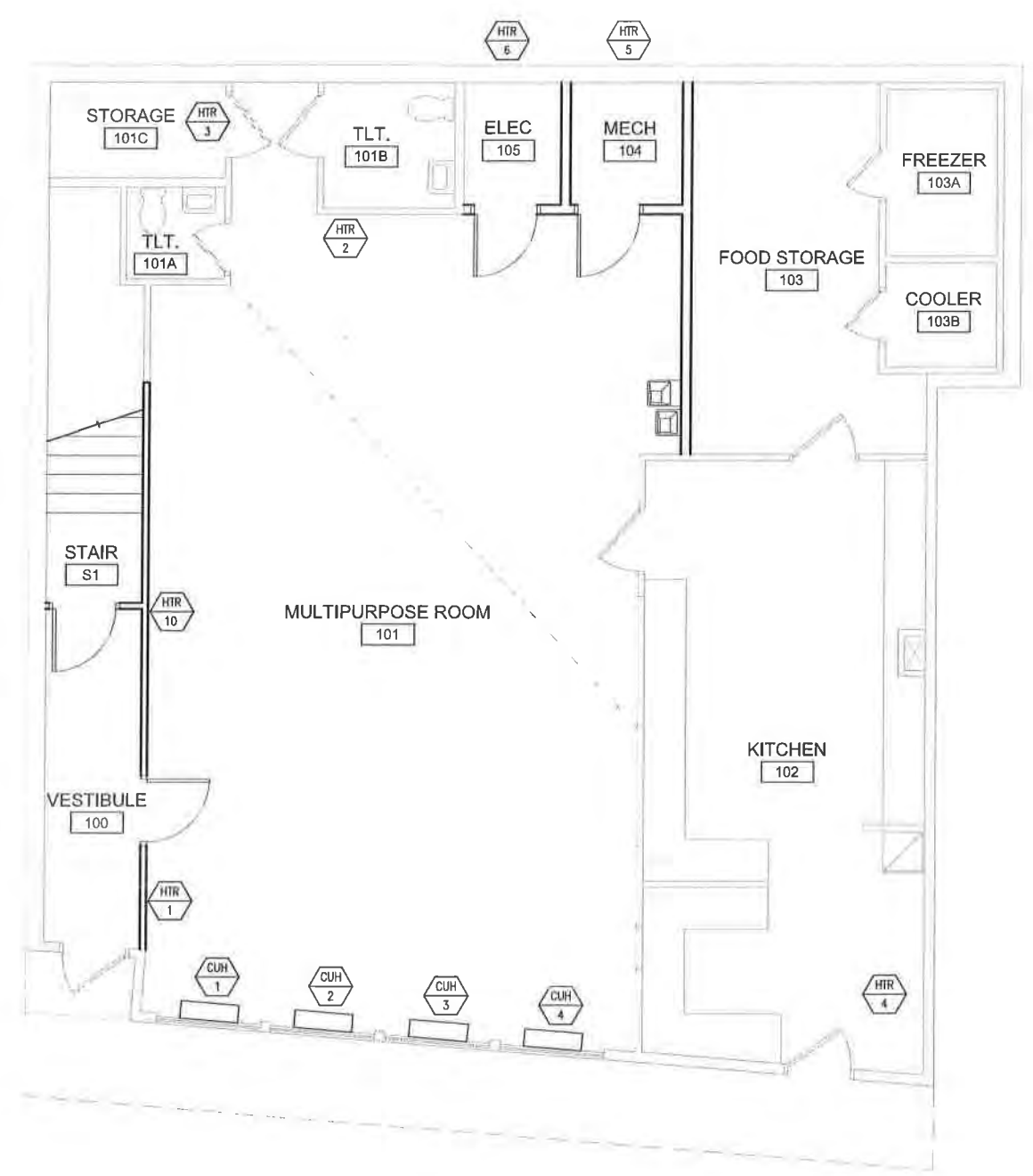
Stantec W.O. 2014270100

1 58

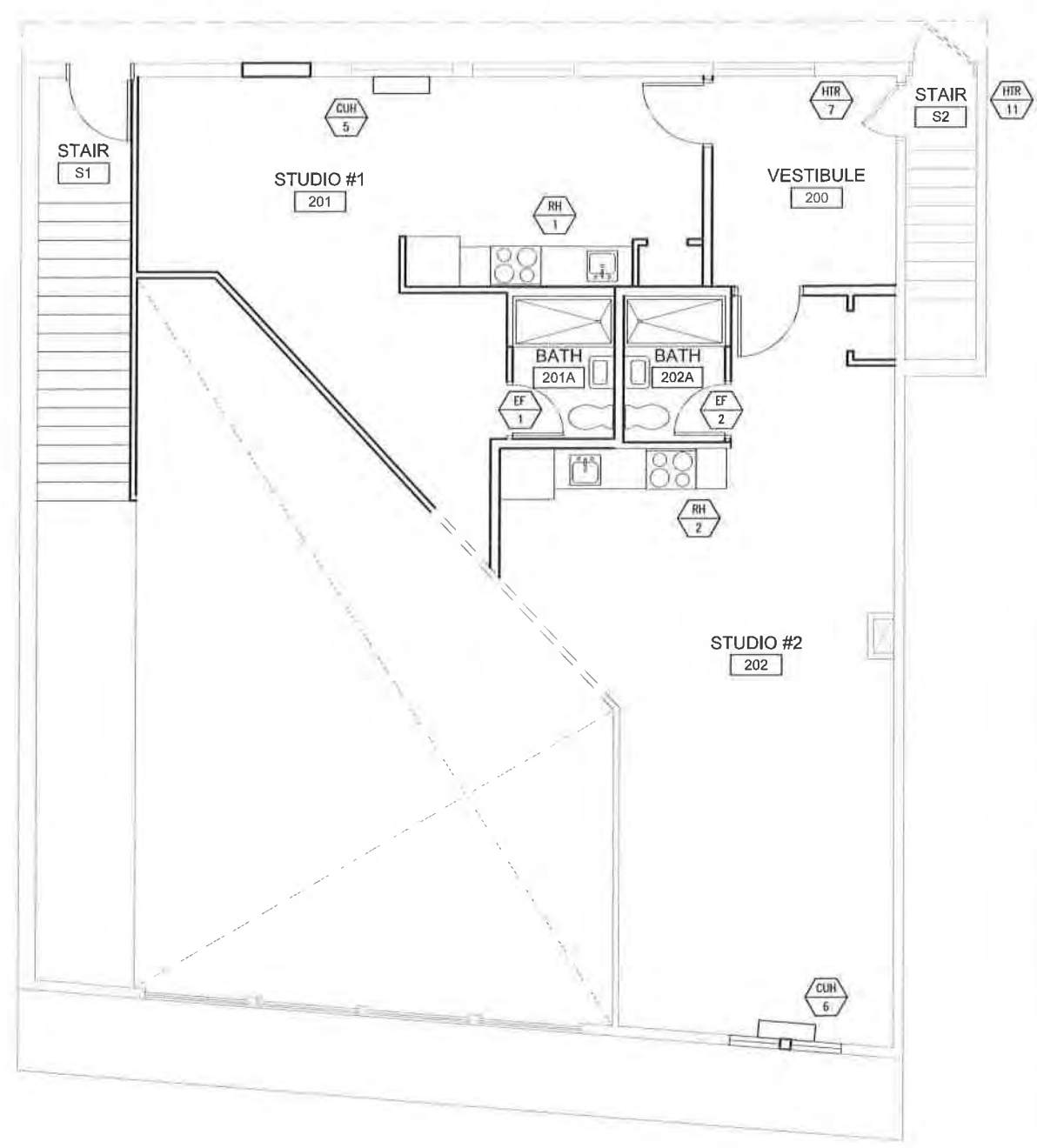
6" 1"-1/2"=1' 1"=1' 3/4"=1' 1/2"=1' 3/8"=1' 1/4"=1' 1/8"=1' 0" 1"=100' 1"=60' 2"=40' 3"=30' 4"=20' 5"=10' 6"

SHEETS ARE HALF SIZE

FILE: W:\2014270100\01\WORKING_FILES\01_MECHANICAL\02_CAD\03_SHEETS\M-301.DWG PLOTTED: Oct 7, 2021 5:35:19 PM (Thomas Jason)



True North  **1** 1ST FLOOR PLAN - NEW WORK
M-301 SCALE: 1/4"=1'-0"

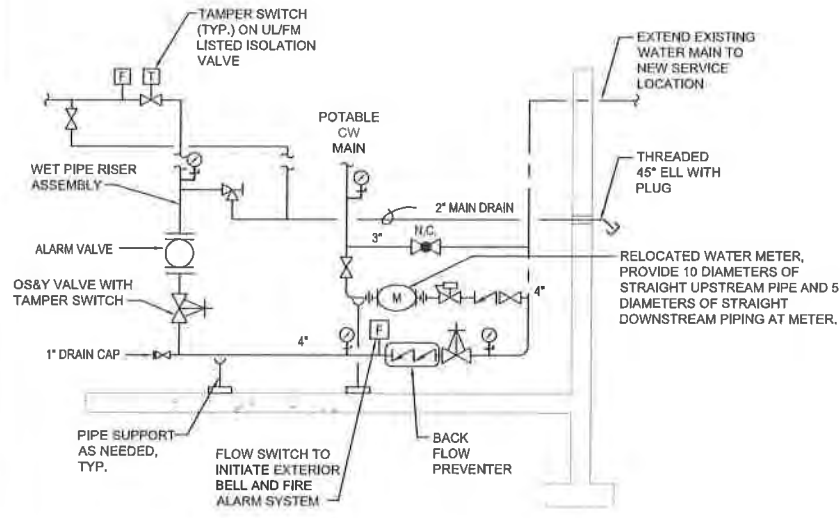


True North  **2** 2ND FLOOR PLAN - NEW WORK
M-301 SCALE: 1/4"=1'-0"

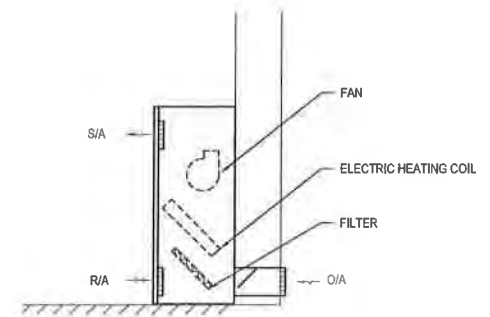
Attachment A - Application Packet

| | |
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| Revision | |
| Date | |
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| Date | 10/07/2021 |
| Sheet Contents: | |
| NEW WORK PLANS - HEATING AND VENTILATING | |
| Sheet No.: | |
| M-301 | |
| Stantec W.O. 2014270100 | |

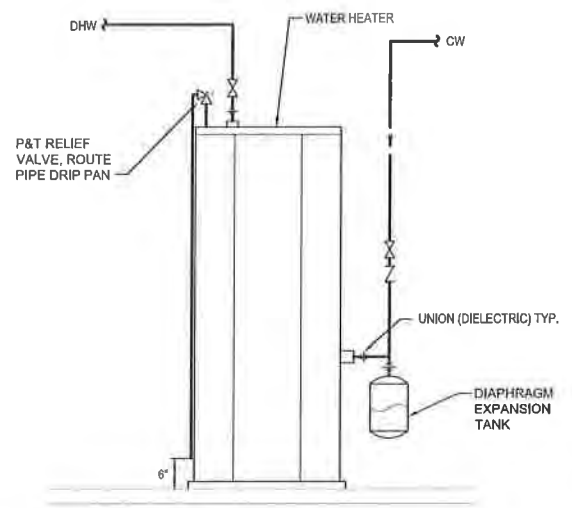
1"=1' 3/4"=1' 1/2"=1' 3/8"=1' 1/4"=1' 1/8"=1' 0"=1' 1"=60' 2"=60' 3"=60' 4"=60' 5"=60' 6"=60' SHEETS ARE HALF SIZE



1 WATER SERVICE DETAIL
M-401 SCALE: NONE



2 CABINET UNIT HEATER DETAIL
M-401 SCALE: NONE



3 DOMESTIC WATER HEATER DETAIL
M-401 SCALE: NONE

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GLORY HALL RENOVATION

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Sheet Contents:
MECHANICAL DETAILS

Sheet No.:
M-401

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| | |
|---------------|--|
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| Revision | |
| Date | |

SHEETS ARE HALF SIZE

6" 1"=1/2"=1' 1"=1' 3/4"=1' 1/2"=1' 3/8"=1' 1/4"=1' 1/8"=1' 0"=1' 1"=100' 1"=60' 1"=40' 1"=30' 1"=20' 1"=10' 6"

| LIGHT FIXTURE SCHEDULE | | | | | | | | | | | |
|------------------------|-----------------------|---------|---------------|--------|------------|---------|----------|------------|----------|--|-------|
| ID | DESCRIPTION | VOLTAGE | FIXTURE WATTS | LUMENS | COLOR TEMP | CONTROL | MOUNTING | MTH HEIGHT | CLG TYPE | MANUFACTURERS CATALOG NO. | NOTES |
| A | 2'x4' WRAPAROUND LED | 120 | 30 | 6490 | 3500K | SWITCH | SURFACE | CEILING | GWB | LITHONIA LBL4W 6500LM 80CRI 35K MODIM NYOLT | |
| B | 1'x4' WRAPAROUND LED | 120 | 25.6 | 3167 | 3500K | SWITCH | SURFACE | CEILING | GWB | LITHONIA LBL4W 3000LM 80CRI 35K MODIM NYOLT | |
| C | LED DOWNLIGHT | 120 | 16 | 1500 | 4000K | SWITCH | RECESSED | CEILING | GWB | COOPER LD4B/EU4B-80/4LB-W-1-H-IP66 | |
| D | LED WALL | 120 | 30 | 3966 | 3500K | SWITCH | SURFACE | WALL | GWB | LITHONIA ZL1D-L4B-3000LM-FST-NYOLT-3500-80CRI-WH | |
| EM | EMERGENCY LIGHT | 120 | - | - | - | - | SURFACE | - | GWB | LITHONIA ELM2L | |
| EX | EXIT SIGN | 120 | - | - | RED | - | SURFACE | - | GWB | ISOLITE LPDC-EM-R-WH-SD | |
| EX2 | LED E-LIGHT/EXIT SIGN | 120 | - | - | RED | - | SURFACE | - | GWB | LITHONIA LHOM LED R SD | |

| | | | |
|---|---|--|--|
| ABBREVIATIONS: GWB = GYPSUM WALL BOARD GRID = LAY-IN GRID STR = EXPOSED STRUCTURE ELED = ELECTRONIC HPF = HIGH POWER FACTOR | CWA = CONSTANT WATTAGE AUTOTRANSFORMER MH = METAL HALIDE HPS = HIGH PRESSURE SODIUM QTZ = QUARTZ | SFP = SEE FLOOR PL AN SMHS = SEE MOUNTING HEIGHT SCHEDULE | GENERAL NOTES: 1. MOUNTING HEIGHTS SHOWN ARE TYPICAL FOR FIXTURE TYPE UNLESS OTHERWISE INDICATED ON THE PLANS. 2. FIXTURE TYPES INDICATED IN EACH ROOM ON THE PLANS ARE TYPICAL FOR ALL FIXTURES USING THE SAME SYMBOL IN THAT ROOM UNLESS OTHERWISE INDICATED. |
|---|---|--|--|

ELECTRICAL LEGEND

LIGHTING

A LIGHTING FIXTURE DESIGNATION

□ LIGHT FIXTURE, RECESS MOUNT

□ LIGHT FIXTURE, SURFACE MOUNT

□ EMERGENCY LIGHT FIXTURE, RECESS MOUNT

□ EMERGENCY LIGHT FIXTURE, SURFACE MOUNT

○ SURFACE CEILING MOUNTED LIGHT FIXTURE

○ WALL MOUNTED LIGHT FIXTURE

□ RECESSED CEILING MOUNTED LIGHT FIXTURE

⌋ WALL SCONCE

⌋ TRACK LIGHTING, WALL MOUNT

⌋ LAVATORY LIGHT FIXTURE, WALL MOUNT

⌋ EMERGENCY LIGHT FIXTURE

⌋ EXIT SIGN, WALL MOUNT

⌋ EMERGENCY LIGHT FIXTURE WITH EXIT SIGN

⌋ OCCUPANCY SENSOR, LETTER DENOTES TYPE
A= WALL SWITCH MOUNT, B= CEILING MOUNT, INFRARED
D= WALL SWITCH MOUNT, DUAL-TECHNOLOGY
I= CEILING-MOUNT, DUAL-TECHNOLOGY WITH INTEGRATED DIMMER

⌋ SINGLE POLE SWITCH

⌋ 3-WAY SWITCH

⌋ 4-WAY SWITCH

⌋ DIMMER SWITCH

FIRE ALARM

⌋ FIRE ALARM PULL STATION

⌋ PHOTOELECTRIC SMOKE DETECTOR, "SD" INDICATES STANDALONE LINE-VOLTAGE DETECTOR

⌋ DUCT SMOKE DETECTOR

⌋ HEAT DETECTOR, SUBSCRIPT DENOTES VARIATIONS:
R = RATE-OF-RISE, R/C = RATE COMPENSATED

⌋ SPRINKLER SYSTEM TAMPER SWITCH

⌋ SPRINKLER SYSTEM FLOW SWITCH

⌋ SPRINKLER SYSTEM PRESSURE SWITCH

⌋ FIRE ALARM HORN/STROBE

⌋ FIRE ALARM STROBE

⌋ FIRE ALARM SIGNAL BELL

COMMUNICATIONS

⌋ WALL/FLOOR MOUNTED DATA OUTLET, SUBSCRIPT DENOTES NUMBER OF OUTLETS PER JUNCTION BOX (DEFAULT, ONE)

⌋ WALL/FLOOR MOUNTED TELEPHONE OUTLET, SUBSCRIPT DENOTES NUMBER OF OUTLETS PER JUNCTION BOX (DEFAULT, ONE)

⌋ INTERCOM WALL STATION

⌋ TELEVISION OUTLET

⌋ SPEAKER, WALL/CEILING MOUNTED

⌋ COMBINATION CLOCK/SPEAKER

⌋ WALL MOUNTED CLOCK

⌋ CABLE TRAY

POWER / CONTROL

⌋ SIMPLEX RECEPTACLE

⌋ GFI = GROUND FAULT INTERRUPT

⌋ DUPLEX RECEPTACLE, WALL/FLOOR MOUNTED

⌋ DOUBLE DUPLEX RECEPTACLE, WALL/FLOOR MOUNTED

⌋ SINGLE 240 VOLT RECEPTACLE, NEMA TYPE 7

⌋ SPECIAL PURPOSE RECEPTACLE, WALL/FLOOR MOUNTED

⌋ CONTROL OR TERMINAL CABINET, TYPE AS NOTED

⌋ PANELBOARD, SURFACE/FLUSH MOUNTED

⌋ TRANSFORMER

⌋ JUNCTION BOX, WALL MOUNTED

⌋ JUNCTION BOX, GRADE OR FLOOR MOUNTED

⌋ EQUIPMENT CONNECTION

⌋ MOTOR

⌋ METER (V = VOLT, A = AMP, W = WATT, WH = WATT-HOUR)

⌋ NON-FUSED DISCONNECT

⌋ FUSED DISCONNECT

⌋ COMBINATION MOTOR STARTER / DISCONNECT

⌋ MOTOR STARTING SWITCH W/ THERMAL OVERLOADS

⌋ THERMOSTAT

⌋ GROUND

⌋ CIRCUIT CONCEALED / ABOVE CEILING

⌋ FLEXIBLE CONDUIT

⌋ BRANCH CIRCUIT HOMERUN WITH GROUND, NEUTRAL AND NUMBER OF HOT WIRES

⌋ B-2 INDICATES PANEL AND CIRCUIT NUMBER

⌋ CIRCUIT BREAKER

⌋ RELAY

⌋ CONTACTOR

SITE ELECTRICAL

⌋ POINT OF CONNECTION (P.O.C.) TO UTILITIES OR EXISTING

⌋ PAD MOUNT TRANSFORMER

⌋ IN-GRADE JUNCTION BOX

⌋ POLE MOUNTED AREA LIGHT FIXTURE (DUPLIX FIXTURE SHOWN)

⌋ ELECTRICAL CIRCUIT: OH = OVERHEAD, UG = UNDERGROUND, E = ELECTRIC, T = TELEPHONE, C = CATV, SG = SPAN GUY

⌋ ELECTRIC CIRCUIT: SECONDARY, UNDERBUILD, OR SERVICE

⌋ LOADCENTER, TYPE AS NOTED

NOTATION

⌋ REFERENCE TO SHEET NOTE

⌋ REFERENCE TO REVISION

⌋ WP WEATHERPROOF

⌋ FACP FIRE ALARM CONTROL PANEL

⌋ E EXISTING

⌋ ETR EXISTING TO REMAIN

FILE: U:\2014270100\ID_WORKING_FILES\10_ELECTRICAL\02_CAD\03_SHEETS\E-001.DWG PLOTTED: Oct 7, 2021 - 1:53:23 PM (Rochers, Corey)

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Admission to practice # AEC01207

Project:
GLORY HALL RENOVATION

AK Mental Health Trust Authority
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| Checked | LPS |
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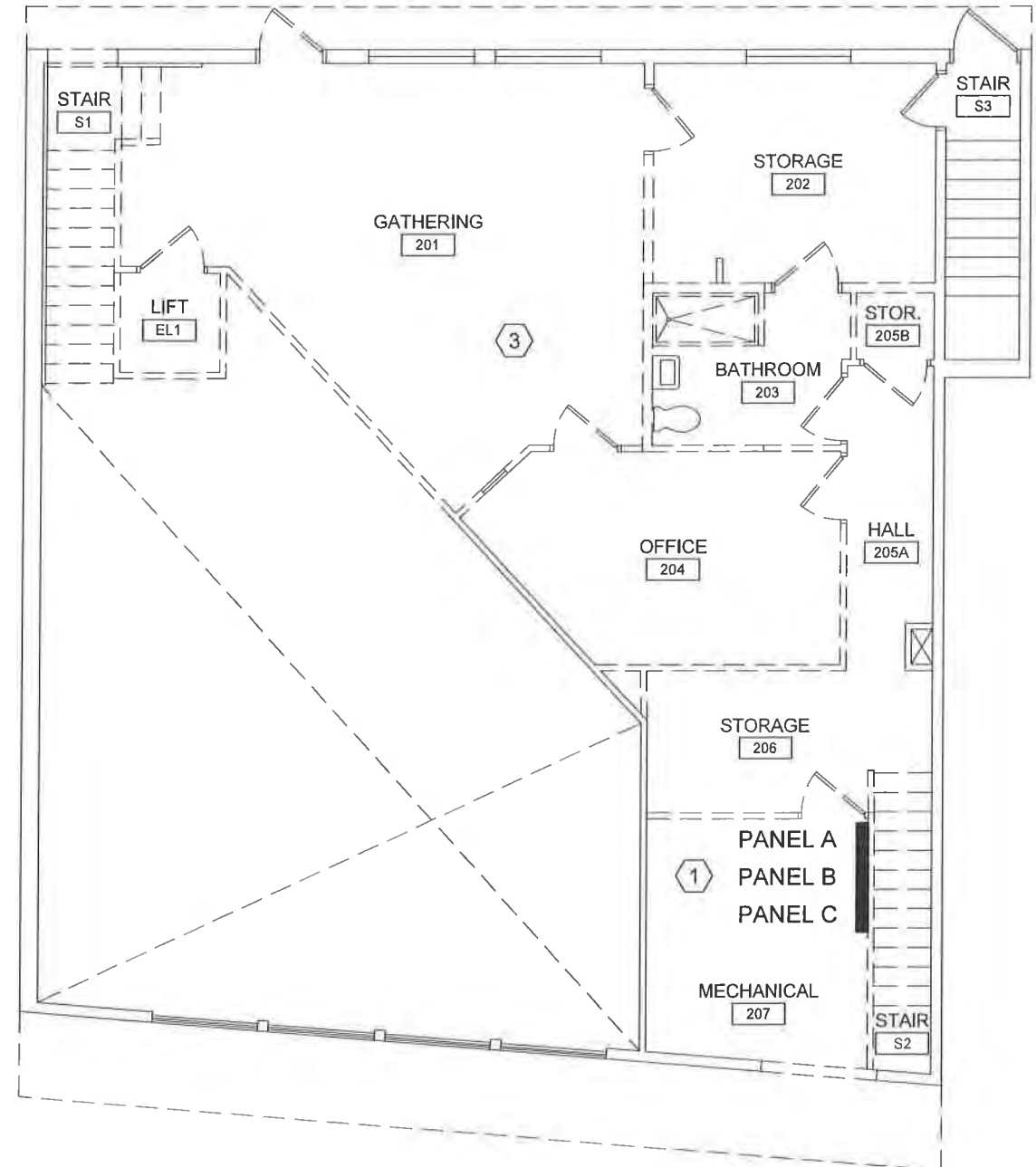
Sheet Contents:
LEGEND AND SCHEDULES

Sheet No.:
E-001

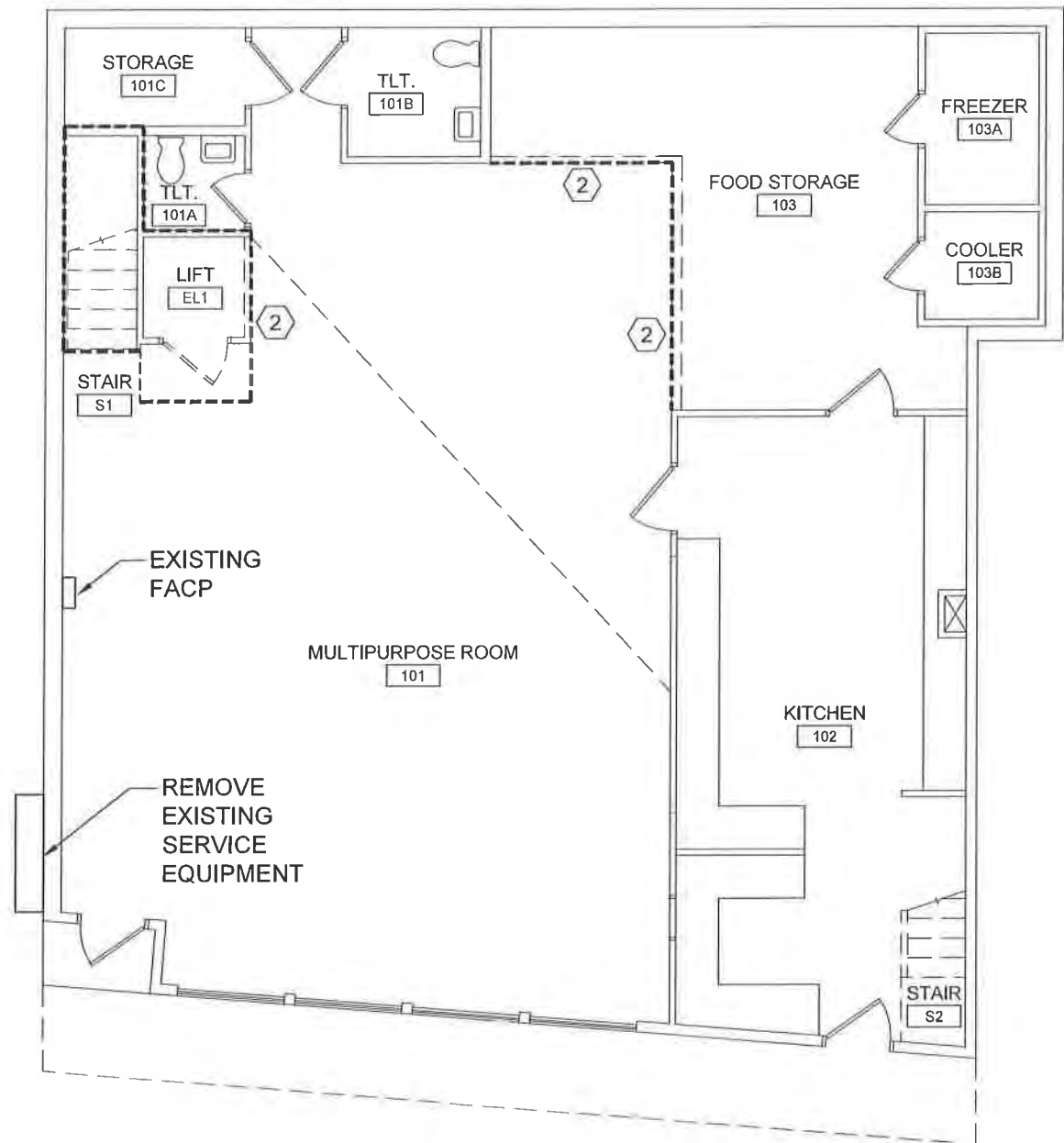
Stantec W.O 2014270100

7 SHEETS ARE HALF SIZE

FILE: U:\2014270100\0_D_WORKING_FILES\10_ELECTRICAL\02_CAD\03_SHEETS\E-101.DWG PLOTTED: Oct 7, 2021 -- 1:55:01 PM (Rogers, Corey)



True North
 2 2ND FLOOR PLAN - DEMOLITION
 E-101 SCALE: 1/4"=1'-0"



True North
 1 1ST FLOOR PLAN - DEMOLITION
 E-101 SCALE: 1/4"=1'-0"

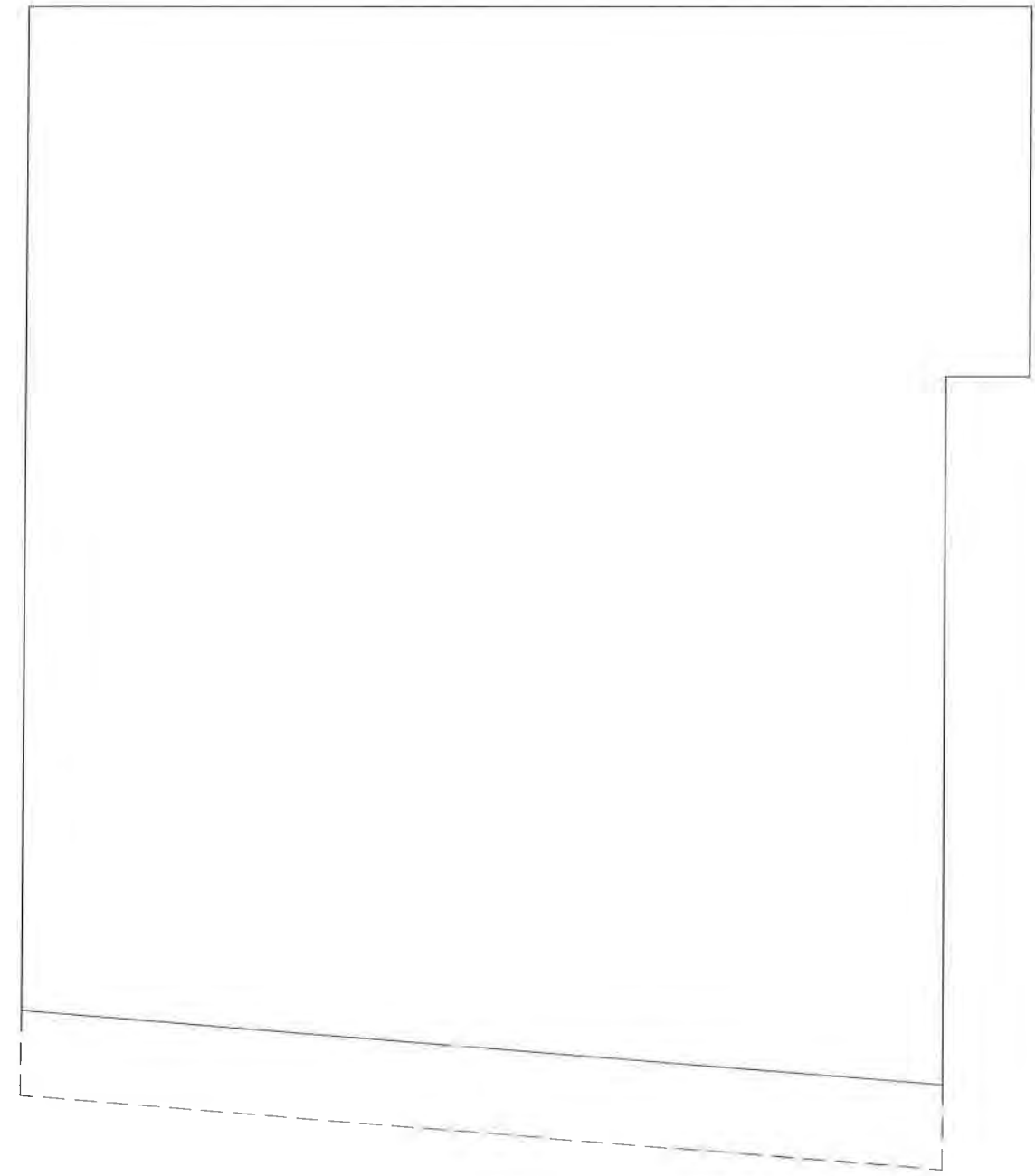
- SHEET NOTES:**
- ① DEMOLISH PANEL A, B AND C. RECONNECT LEVEL 1 EXISTING LOADS TO NEW PANEL H LOCATED IN ELEC ROOM 105 (SEE SHEET E-111).
 - ② DEMOLISH ELECTRICAL EQUIPMENT AND DEVICES.
 - ③ DEMOLISH ELECTRICAL EQUIPMENT AND DEVICES ON LEVEL 2 U.O.N.

| | |
|---|-------------|
| Date Stamped: | |
| By | |
| Revision | |
| Date | |
| Stantec Architecture Inc. 725 E. Fireweed Lane, Suite 200 Anchorage, AK 99503 Tel: (907) 274-4245 www.stantec.com Authorization ID: Practice # AEC01207 | |
| Project: | |
| GLORY HALL RENOVATION | |
| AK Mental Health Trust Authority 247 S. Franklin St Juneau, AK 99801 | |
| 35% DESIGN DOCUMENTS | |
| Project Mgr. | GAMBARDELLA |
| Drawn | CLR |
| Checked | LPS |
| Date | 10/07/2021 |
| Sheet Contents: | |
| FIRST & SECOND DEMOLITION FLOOR PLANS | |
| Sheet No.: | |
| E-101 | |
| Stantec W.O. 2014270100 | |

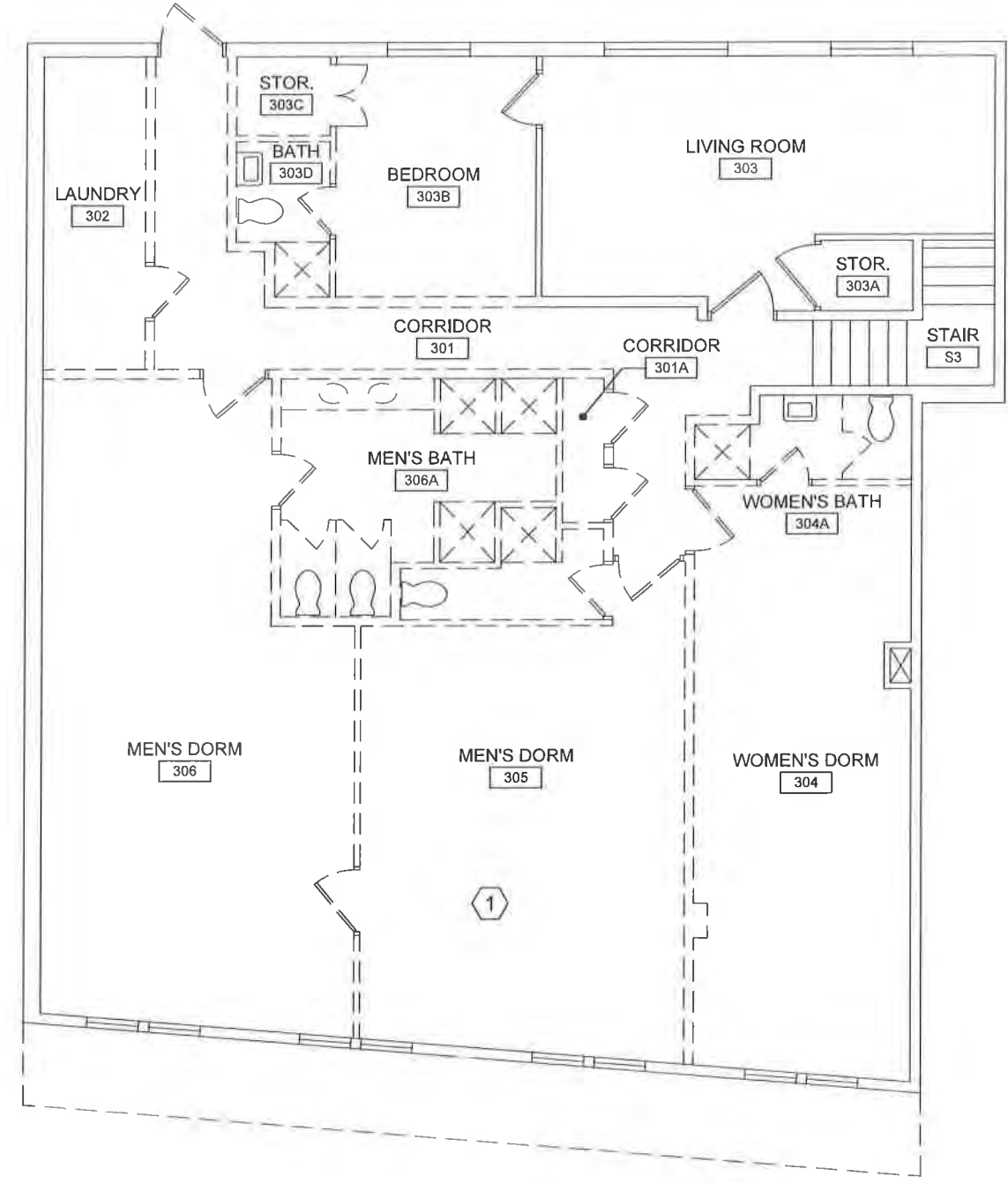
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SHEETS ARE HALF SIZE

FILE: U:\2014270100\D_WORKING_FILES\10_ELECTRICAL\02_CAD\03_SHEETS\E-102.DWG PLOTTED: Oct. 7, 2021 -- 1:55:53 PM (Rogers, Corey)



True North  **2** ROOF PLAN - DEMOLITION
E-102 SCALE: 1/4"=1'-0"



True North  **1** 3RD FLOOR PLAN - DEMOLITION
E-102 SCALE: 1/4"=1'-0"

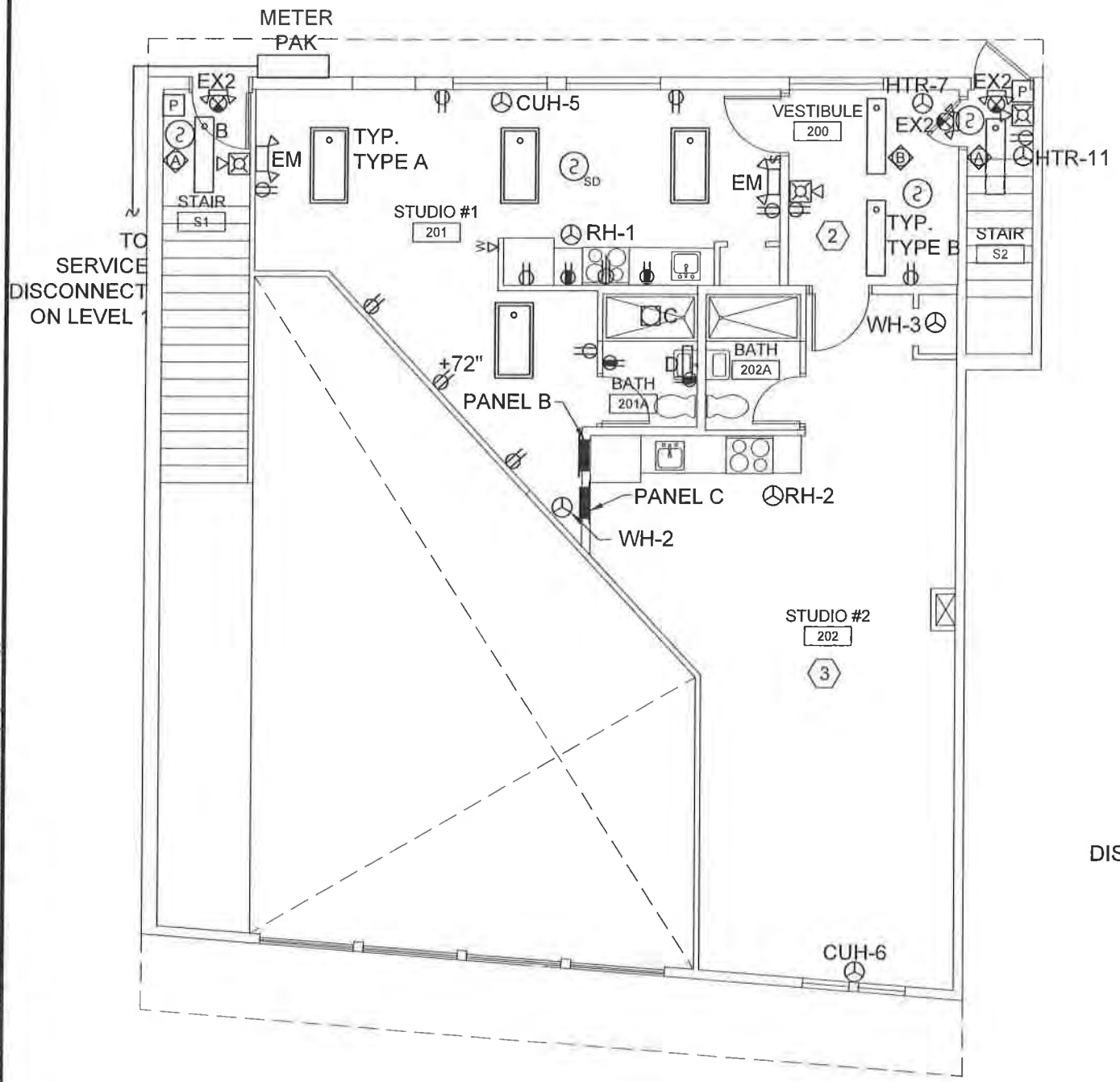
SHEET NOTES:
1 DEMOLISH ELECTRICAL EQUIPMENT AND DEVICES ON LEVEL 3 U.O.N.

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| Date | |
| Stantec | |
| Stantec Architecture Inc. 225 E. Franklin Lane, Suite 200 Anchorage, AK 99503 Tel: (907) 564-4655 www.stantec.com Authorization to Practice # AEC01207 | |
| Project: GLORY HALL RENOVATION | |
| AK Mental Health Trust Authority 247 S. Franklin St Juneau, AK 99801 | |
| 35% DESIGN DOCUMENTS | |
| Project Mgr. | GAMBARDELLA |
| Drawn | CLR |
| Checked | LPS |
| Date | 10/07/2021 |
| Sheet Contents: THIRD FLOOR & ROOF DEMOLITION PLANS | |
| Sheet No.: | |
| E-102 | |
| Stanlec W.O. 2014270100 | |

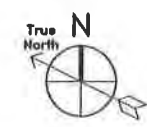
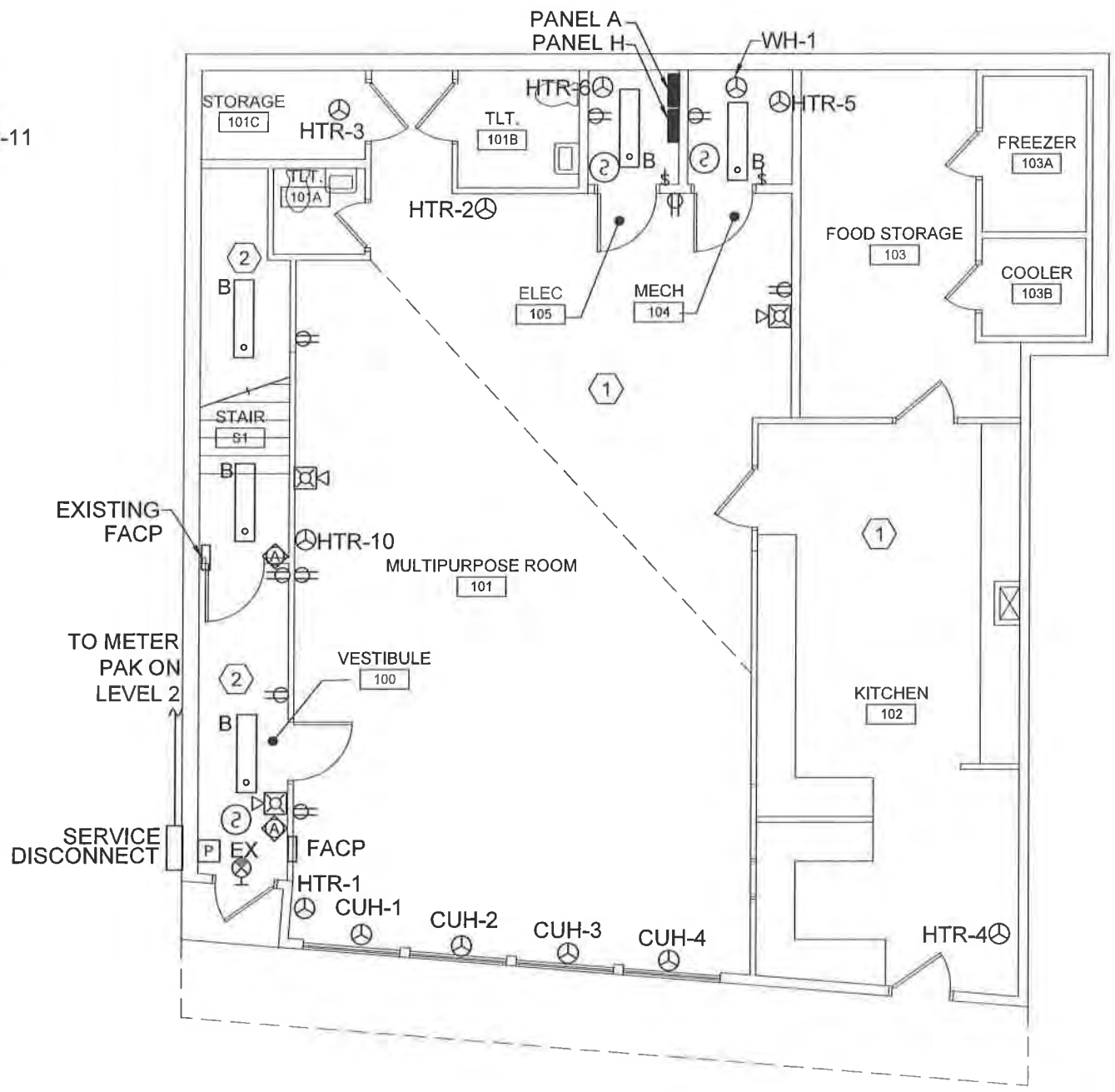
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SHEETS ARE HALF SIZE

FILE: U:\2014270100\10_WORKING_FILES\10_ELECTRICAL\02_SHEETS\E-111.DWG PLOTTED: Oct 7, 2021 - 2:28:12 PM (Roeters, Corey)



2 2ND FLOOR PLAN - NEW WORK
E-111 SCALE: 1/4"=1'-0"



1 1ST FLOOR PLAN - NEW WORK
E-111 SCALE: 1/4"=1'-0"

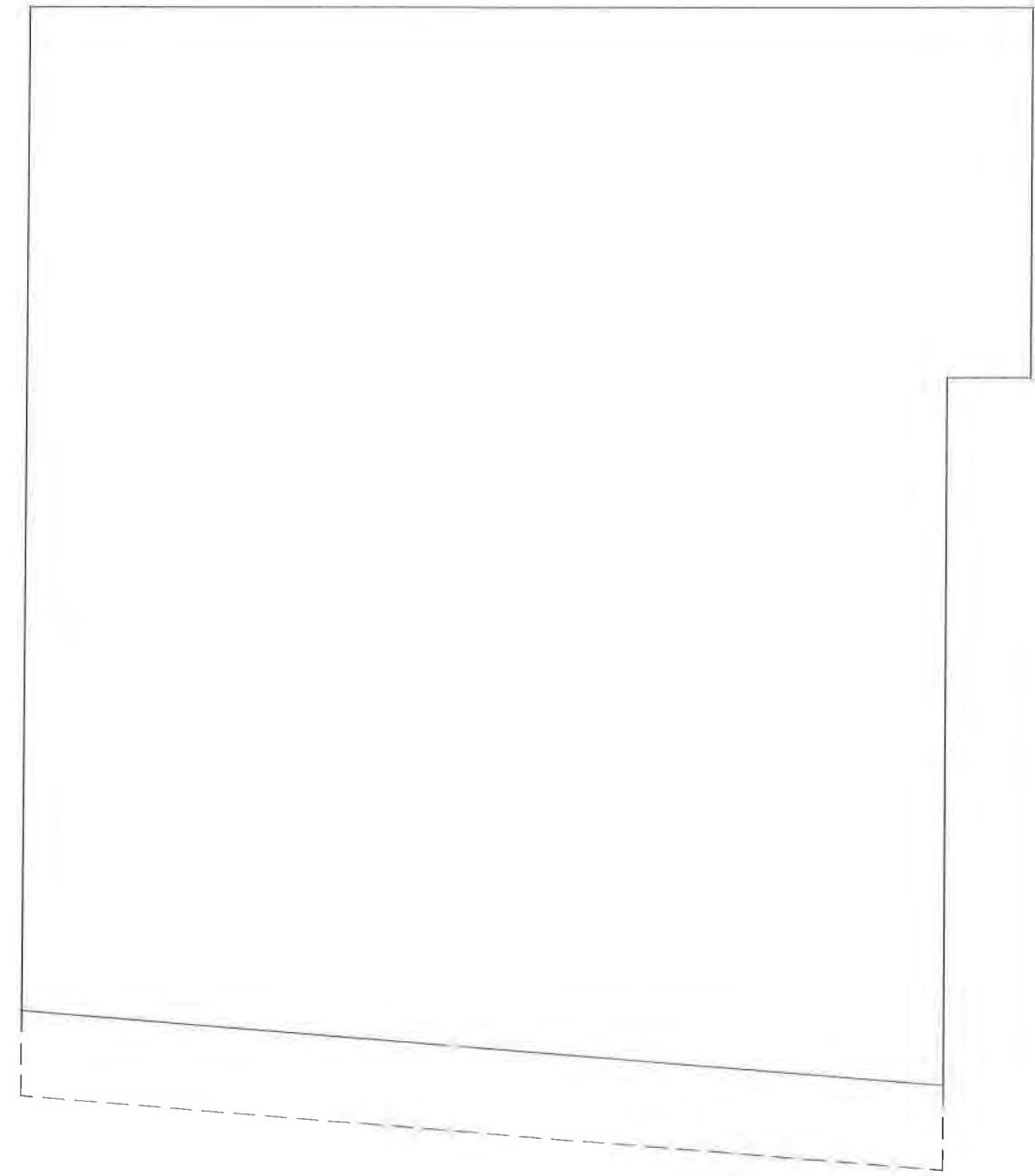
- SHEET NOTES:**
- ① RECONNECT EXISTING FIRST FLOOR TENANT SPACE ELECTRICAL CIRCUITS AND NEW LOADS TO PANEL H
 - ② COMMON SPACE ELECTRICAL LOADS SHALL BE CONNECTED TO PANEL A
 - ③ LAYOUT OF DEVICES SIMILAR TO STUDIO #1

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| Date Stamped: | |
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| Date | |
| Stantec | |
| Stantec Architecture Inc. 225 E. Riverside Lane, Suite 200 Anchorage, AK 99503 Tel: (907) 257-4245 www.stantec.com Authorization to Practice # AEC01207 | |
| Project: GLORY HALL RENOVATION | |
| AK Mental Health Trust Authority 247 S. Franklin St Juneau, AK 99801 | |
| 35% DESIGN DOCUMENTS | |
| Project Mgr. | GAMBARDELLA |
| Drawn | CLR |
| Checked | LPS |
| Date | 10/07/2021 |
| Sheet Contents: | |
| FIRST & SECOND NEW WORK FLOOR PLANS | |
| Sheet No.: | |
| E-111 | |
| Stantec W.O. 2014270100 | |

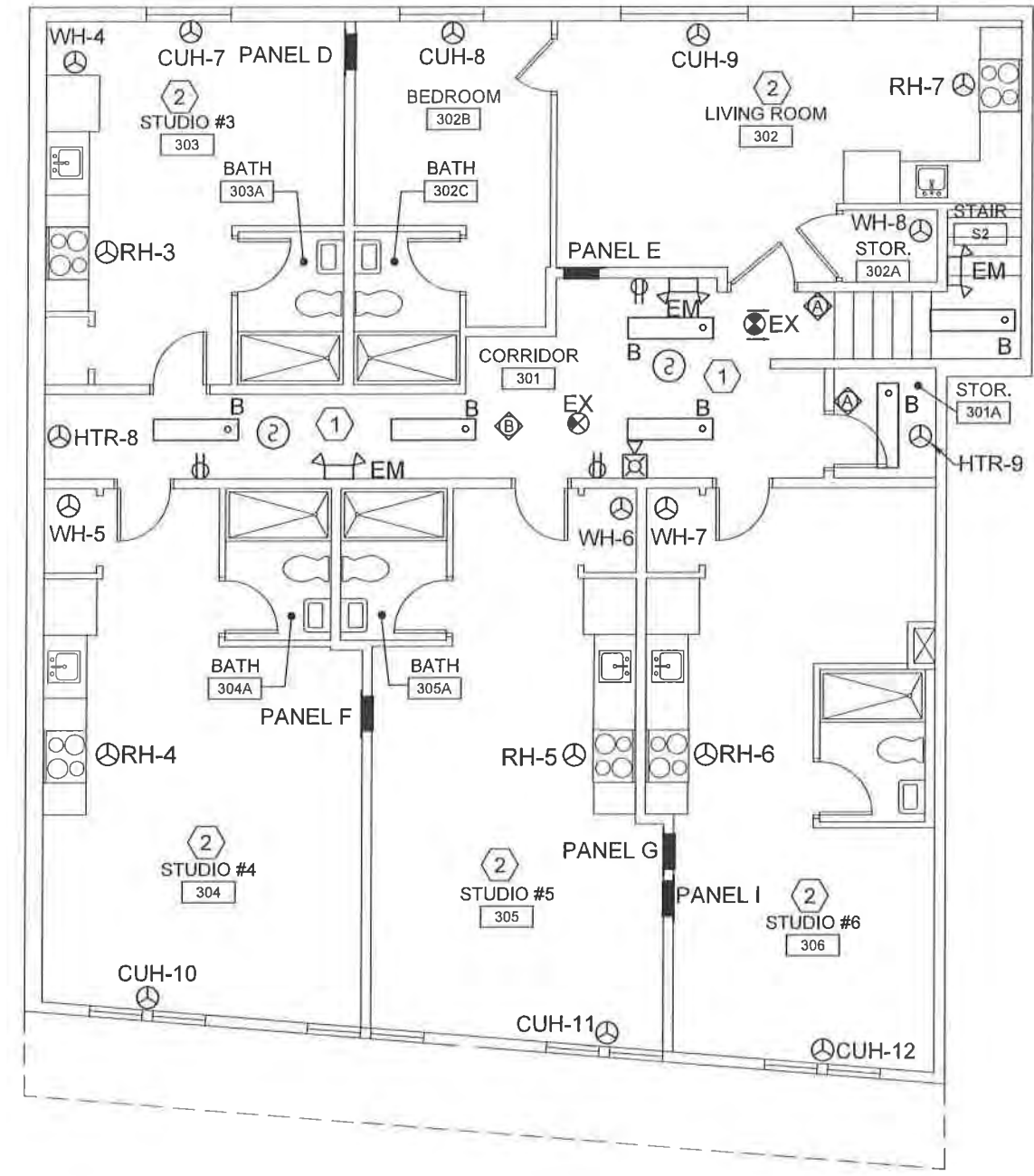
6" 1'-1/2"=1' 1"=1' 3/4"=1' 1/2"=1' 3/8"=1' 1/4"=1' 1/8"=1' 1"=100' 1"=60' 1"=40' 3"=30' 4"=20' 5"=10' 6"

SHEETS ARE HALF SIZE

FILE: U:\2014270100\0_D_WORKING_FILES\10_ELECTRICAL\02_CAD\03_SHEETS\E-112.DWG PLOTTED: Oct. 7, 2021 -- 1:56:17 PM (Rogers, Doray)



True North
 2 ROOF PLAN - NEW WORK
 E-112 SCALE: 1/4"=1'-0"

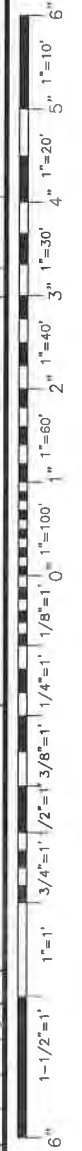


True North
 1 3RD FLOOR PLAN - NEW WORK
 E-112 SCALE: 1/4"=1'-0"

SHEET NOTES:

- ① COMMON SPACE ELECTRICAL LOADS SHALL BE CONNECTED TO PANEL A
- ② LAYOUT OF DEVICES SIMILAR TO STUDIO #1

| | |
|--|-------------|
| Date Stamped: | |
| By | |
| Revision | |
| Date | |
| | |
| Project: GLORY HALL RENOVATION | |
| AK Mental Health Trust Authority 247 S. Franklin St Juneau, AK 99801 | |
| 35% DESIGN DOCUMENTS | |
| Project Mgr. | GAMBARDELLA |
| Drawn | CLR |
| Checked | LPS |
| Date | 10/07/2021 |
| Sheet Contents: | |
| THIRD FLOOR & ROOF NEW WORK PLANS | |
| Sheet No.: | |
| E-112 | |
| Stanlec W.O. 2014270100 | |



SHEETS ARE HALF SIZE

SPECIFICATIONS

1. GENERAL
 - 1.1. ALL WORK SHALL CONFORM TO THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE (NEC) AND ALL STATE AND LOCAL CODES AND CODE AMENDMENTS.
 - 1.2. OBTAIN ALL PERMITS AND PAY ALL FEES REQUIRED BY THIS WORK.
 - 1.3. MAINTAIN RESPONSIBILITY FOR THE CONDITION OF ALL MATERIALS USED. IF LOST, STOLEN, OR DAMAGED, MATERIALS SHALL BE REPLACED AT NO EXTRA COST TO THE OWNER.
 - 1.4. ALL WORK SHALL BE PERFORMED BY WORKMEN SKILLED IN AND REGULARLY EMPLOYED IN THE TRADE. INSTALL ALL PRODUCTS IN A NEAT AND WORKMANLIKE MANNER, PER MANUFACTURER'S INSTRUCTIONS, AND IN COMPLIANCE WITH NECA 1 "STANDARD PRACTICE FOR GOOD WORKMANSHIP IN ELECTRICAL CONTRACTING" AS A MINIMUM, COMPLY WITH NFPA 70E SAFETY RULES AS A MINIMUM.
 - 1.5. PERFORM ALL CUTTING, DRILLING, AND PATCHING OF WALLS AND FLOORS NECESSARY FOR A COMPLETE INSTALLATION IN COORDINATION WITH OTHER TRADES.
 - 1.6. COORDINATION INSTALLATION AND ARRANGEMENT OF COMPONENTS AND EQUIPMENT WITH OTHER TRADES AND INSTALL TO FACILITATE ACCESS FOR FUTURE MAINTENANCE, REPAIR, AND REPLACEMENT WITHOUT INTERFERENCE TO ADJACENT WORK.
 - 1.7. REMOVE ALL DEBRIS AND SURPLUS MATERIAL FOR THE PREMISES AS PROGRESS OF THE WORK DICTATES.
 - 1.8. ALL ELECTRICAL EQUIPMENT SHALL BE LISTED BY A NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL).
2. PRODUCTS AND SUBMITTALS
 - 2.1. SUBMIT PRODUCT DATA, CERTIFICATES, AND SHOP DRAWINGS TO THE ENGINEER. PROVIDE SUBMITTALS FOR PANELBOARDS, WIRING DEVICES, LIGHT FIXTURES, CONDUCTORS, EQUIPMENT, MOTOR STARTERS, ALARM PANELS AND DEVICES.
 - 2.2. ALL PRODUCTS SHALL BE NEW AND LISTED OR LABELED BY A NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL) FOR THE INTENDED USE, UNLESS OTHERWISE INDICATED.
 - 2.3. MATCH EXISTING WHERE A UNIFORM INSTALLATION EXISTS UNLESS OTHERWISE INDICATED OR APPROVED.
 - 2.4. PROVIDE SIMILAR ITEMS FROM THE SAME MANUFACTURER THROUGHOUT THE PROJECT.
3. DEMOLITION
 - 3.1. REMOVE ALL EXPOSED ELECTRICAL WORK IN DEMOLITION AREAS. ACCESSIBLE CIRCUITS AND RACEWAYS SHALL BE REMOVED BACK TO THE SOURCE OR TERMINAL EQUIPMENT UNLESS OTHERWISE INDICATED OR WHERE CIRCUITS SERVE AREAS TO REMAIN.
 - 3.2. REMOVE CONDUCTORS FROM INACCESSIBLE CONDUITS, INACCESSIBLE CONDUITS MAY BE ABANDONED IN PLACE. TERMINATE CONDUITS 2 INCHES BELOW GRADE OR SURFACE OF ADJACENT CONSTRUCTION.
 - 3.3. REMOVE, STORE, CLEAN, REINSTALL, RECONNECT, AND MAKE OPERATIONAL COMPONENTS INDICATED FOR RELOCATION.
4. ELECTRICAL DISTRIBUTION
 - 4.1. OVERCURRENT PROTECTIVE DEVICES SHALL BE CIRCUIT BREAKER TYPE, BOLT-IN DESIGN. CIRCUIT BREAKERS SHALL BE MOLDED CASE, THERMAL-MAGNETIC DESIGN. INSTALL GROUND-FAULT CIRCUIT INTERRUPTER (GFCI) CIRCUIT BREAKERS WHERE INDICATED ON THE DRAWINGS AND REQUIRED BY CODE.
 - 4.2. DISCONNECT SWITCHES SHALL BE HEAVY-DUTY TYPE, FUSED OR NON-FUSED AS INDICATED ON THE DRAWINGS.
 - 4.3. MAGNETIC-TYPE MOTOR STARTERS SHALL BE COMBINATION UNITS INCORPORATING A NON-FUSED DISCONNECT.
 - 4.4. PROVIDE MOTOR STARTERS WITH THERMAL OR ELECTRONIC OVERLOAD ELEMENTS SIZED BASED ON THE FULL LOAD CURRENT OF THE INSTALLED EQUIPMENT.
5. RACEWAYS AND BOXES
 - 5.1. CONDUIT TYPES SHALL BE:
 - 5.1.1. INTERIOR EXPOSED BELOW 4'AFF: RMC OR IMC.
 - 5.1.2. INTERIOR EXPOSED ABOVE 4'AFF: RMC, IMC, OR EMT.
 - 5.1.3. INTERIOR CONCEALED: RMC, IMC, OR EMT.
 - 5.2. CONNECTIONS TO EQUIPMENT REQUIRING FLEXIBILITY OR SUBJECT TO VIBRATION SHALL BE:
 - 5.2.1. INTERIOR, DRY LOCATIONS: FMC OR LFMC.
 - 5.2.2. INTERIOR, DAMP OR WET LOCATIONS: LFMC
 - 5.3. MINIMUM CONDUIT SIZE SHALL BE 1/2".
 - 5.4. CONDUIT FITTINGS SHALL BE GALVANIZED STEEL AND HAVE NYLON INSULATED THROATS.
 - 5.5. CONDUIT FITTINGS FOR RMC AND IMC SHALL BE THREADED TYPE.
 - 5.6. CONDUIT FITTINGS FOR EMT SHALL BE STEEL COMPRESSION TYPE.
 - 5.7. PENETRATIONS THROUGH FIRE-RATED ASSEMBLIES SHALL BE SEALED TO MAINTAIN THE FIRE RATING.
 - 5.8. CONDUITS PASSING FROM HEATED TO COLD SPACES SHALL BE THERMALLY SEALED TO PREVENT AIR AND MOISTURE TRANSFER. CONDUIT SHALL BE SEALED WITH REMOVABLE DUCT SEALANT AT AN ACCESSIBLE LOCATION.
 - 5.9. CONDUITS SHALL BE CUT SQUARE AND ENDS REAMED TO REMOVE BURRS.
 - 5.10. MAXIMUM CONDUIT BEND SHALL BE 90 DEGREES, WITH NOT MORE THAN THREE 90 DEGREE BENDS OR EQUIVALENT BETWEEN PULL POINTS.
 - 5.11. JUNCTION AND DEVICE BOXES SHALL BE SUITABLE FOR USE AT THE INSTALLED LOCATION AND ARRANGED TO ACCEPT THE INTENDED DEVICE OR EQUIPMENT. JUNCTION AND DEVICE BOXES SHALL BE:
 - 5.11.1. INTERIOR EXPOSED BELOW 5'AFF: GALVANIZED CAST IRON OR CAST ALUMINUM WITH THREADED CONDUIT HUBS.
 - 5.11.2. INTERIOR EXPOSED ABOVE 5'AFF: GALVANIZED SHEET STEEL.
 - 5.11.3. INTERIOR CONCEALED: GALVANIZED SHEET STEEL.
 - 5.12. THE ENTIRE CONDUIT SYSTEM SHALL BE MECHANICALLY AND ELECTRICALLY CONTINUOUS FROM THE SOURCE TO ALL DEVICES AND GROUNDED IN ACCORDANCE WITH THE NEC.
 - 5.13. INSTALL CONDUIT AND DEVICES CONCEALED AND FLUSH IN FINISHED AREAS. CONDUIT AND DEVICES MAY BE INSTALLED EXPOSED IN UNFINISHED AREAS AND MECHANICAL ROOMS, AND AS INDICATED ON THE DRAWINGS.
6. CONDUCTORS AND CABLES

- 6.1. CONDUCTORS SHALL BE COPPER, SOLID FOR 12AWG AND SMALLER, STRANDED FOR 10AWG AND LARGER. INSULATION SHALL BE:
 - 6.1.1. INTERIOR, HEATED: THHN-THWN OR XHHW.
 - 6.1.2. INTERIOR, UNHEATED: XHHW.
 - 6.2. MINIMUM CONDUCTOR SIZES SHALL BE 12AWG FOR POWER AND 18AWG FOR LOW-VOLTAGE AND CONTROLS. CIRCUIT CONDUCTORS SHALL BE INCREASED IN SIZE FOR VOLTAGE DROP BASED ON THE CIRCUIT LENGTH, 12AWG UP TO 100', 10AWG UP TO 200', 8AWG OVER 200'. INCREASE SIZE OF CONDUIT AS REQUIRED FOR LARGER CONDUCTOR SIZES.
 - 6.3. TYPE MC CABLE MAY BE USED FOR BRANCH CIRCUIT WIRING BETWEEN DEVICES. HOMERUNS SHALL BE INDIVIDUAL CONDUCTORS IN CONDUIT. MC CABLE SHALL HAVE A GALVANIZED STEEL SHEATH AND INCLUDE AN EQUIPMENT GROUNDING CONDUCTOR.
 - 6.4. CONNECTORS AND SPLICES SHALL BE FACTORY-FABRICATED TWIST-ON, COMPRESSION, OR BOLTED, WITH THE AMPACITY, RATING, TYPE, AND MATERIAL APPROPRIATE FOR THE APPLICATION. PUSH-IN SPRING-TYPE CONNECTORS ARE NOT ACCEPTABLE.
 - 6.5. PROVIDE A SEPARATE GREEN INSULATED EQUIPMENT GROUNDING CONDUCTOR IN ALL POWER AND CONTROL CIRCUITS. INCREASE SIZE OF GROUNDING CONDUCTOR PROPORTIONALLY AS REQUIRED WHERE POWER CONDUCTORS ARE OVERSIZED FOR VOLTAGE DROP.
7. WIRING DEVICES
 - 7.1. RECEPTACLES SHALL BE HEAVY-DUTY GRADE, 20AMP, DUPLEX GROUNDING TYPE RECEPTACLES. RECEPTACLES SHALL BE TAMPER RESISTANT WHERE REQUIRED BY CODE OR SPECIFIED ON THE DRAWINGS.
 - 7.2. SWITCHES SHALL BE HEAVY-DUTY GRADE, 20AMP, SINGLE POLE, THREE-WAY, FOUR-WAY, KEY-OPERATED, AND PILOT-LIGHT AS INDICATED ON THE DRAWINGS.
 - 7.3. GROUND-FAULT CIRCUIT INTERRUPTER (GFCI) RECEPTACLES SHALL BE HEAVY-DUTY GRADE, 20AMP, NON-FEED-THROUGH, DUPLEX RECEPTACLES WITH CLASS A TRIP, TEST AND RESET BUTTONS, AND A PROTECTION INDICATOR LIGHT.
 - 7.4. WIRING DEVICES SHALL MATCH EXISTING.
 - 7.5. WALL PLATES SHALL BE:
 - 7.5.1. FINISHED AREAS: SATIN-FINISH STAINLESS STEEL.
 - 7.5.2. UNFINISHED AREAS: GALVANIZED STEEL.
 - 7.6. LIGHTING CONTACTORS SHALL HAVE ELECTRICALLY-HELD COILS, INDICATOR LIGHTS, CONTROL SWITCHES AND PILOT RELAYS AS REQUIRED, AND ENCLOSURES RATED FOR THE INSTALLED ENVIRONMENT.
 8. LIGHTING
 - 8.1. LIGHT FIXTURES SHALL BE AS SHOWN AND SCHEDULED ON THE DRAWINGS OR AN APPROVED EQUAL.
 - 8.2. LIGHT FIXTURES SHALL BE PROVIDED AND INSTALLED COMPLETE WITH LAMPS OR LEDS, BALLASTS OR DRIVERS, AND MOUNTING HARDWARE.
 - 8.3. EXIT SIGNS SHALL BE LED TYPE, WITH INTEGRAL NICKEL-CADMIUM BATTERIES, CHARGING AND TRANSFER ELECTRONICS, TEST PUSHBUTTON, AND CHARGE INDICATOR LIGHT.
 - 8.4. LED DRIVERS SHALL BE ELECTRONIC, RATED FOR THE LEDS INSTALLED IN THE FIXTURE, HAVE A MINIMUM POWER FACTOR OF 0.9 AND A MAXIMUM TOTAL HARMONIC DISTORTION (THD) OR 20%. DRIVERS SHALL CARRY A 5 YEAR WARRANTY.
 - 8.5. LEDS SHALL HAVE A MINIMUM RATED LIFE TO L70 OR 50,000 HOURS.
 - 8.5.1. INTERIOR: 3000K OR 3500K AS SCHEDULED, 80 CRI MINIMUM.
 9. FIRE ALARM
 - 9.1. NEW DEVICES INSTALLED SHALL BE COMPATIBLE WITH AND LISTED FOR USE WITH THE EXISTING FIRE ALARM SYSTEM.
 - 9.2. NEW INITIATION DEVICES SHALL INCLUDE PHOTOELECTRIC SMOKE DETECTORS.
 - 9.3. NEW SIGNALING DEVICES SHALL INCLUDE HORNSTROBES AND STROBES.
 - 9.4. SIGNALING LINE AND NOTIFICATION CIRCUITS SHALL MATCH THE CLASS AND STYLE OF THE EXISTING SYSTEM.
 - 9.5. FIRE ALARM WIRING SHALL BE ROUTED IN CONDUIT, OR FIRE ALARM MC CABLE.
 - 9.6. AFTER INSTALLATION OF NEW DEVICES, TEST FIRE ALARM SYSTEM IN ACCORDANCE WITH NFPA 72 AND NEC ARTICLE 760. SUBMIT ALL REQUIRED DOCUMENTATION TO THE AUTHORITY HAVING JURISDICTION (AHJ) AND OWNER.
 10. IDENTIFICATION
 - 10.1. COLOR CODE SECONDARY PHASE CONDUCTORS FOR FEEDERS AND BRANCH CIRCUITS. COLORING SHALL BE FACTORY APPLIED FOR SMALL CONDUCTORS. PHASE CONDUCTORS 8AWG AND LARGER AND NEUTRAL AND GROUND CONDUCTORS 4AWG AND LARGER MAY BE FIELD APPLIED USING COLORED PRESSURE-SENSITIVE PLASTIC TAPE. CONDUCTORS SHALL BE COLORED:

120/240-VOLT SINGLE PHASE

PHASE A: BLACK
PHASE B: RED
NEUTRAL: WHITE

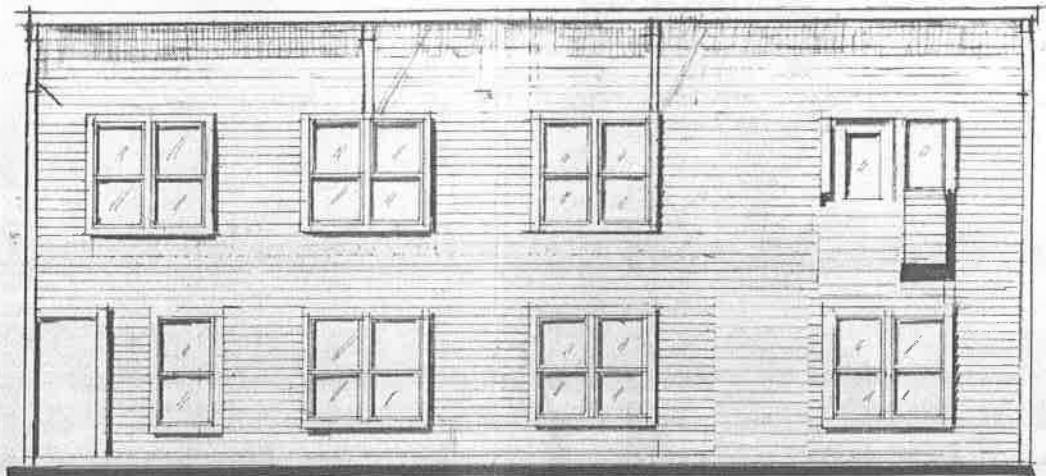
- 14.4.1. FIRE ALARM: RED
 - 14.4.2. LOW-VOLTAGE CONTROLS: GREEN
 - 14.5. PROVIDE TYPEWRITTEN CIRCUIT DIRECTORIES UNDER PLASTIC IN FRAMES FOR EACH NEW AND MODIFIED PANELBOARD. HANDWRITTEN DIRECTORIES OR CHANGES TO EXISTING DIRECTORIES ARE NOT ACCEPTABLE.
15. PROJECT COMPLETION / TESTING AND ACCEPTANCE
 - 15.1. UPON PROJECT COMPLETION, CLEAN ALL ELECTRICAL EQUIPMENT AND FIXTURES AND REPLACE OR REPAIR ANY ITEMS SCRATCHED, DENTED, OR OTHERWISE DISFIGURED.
 - 15.2. TEST ALL SYSTEMS TO ASSURE PROPER OPERATION. TEST MODIFIED PORTIONS OF EXISTING SYSTEMS UNLESS OTHERWISE DIRECTED.
 - 15.3. NOTIFY OWNER OF TEST SCHEDULE AND PROVIDE WRITTEN TEST REPORTS. INCLUDE DEFICIENCIES IDENTIFIED AND ACTIONS TAKEN TO OBTAIN ACCEPTABLE RESULTS.
 - 15.4. COMMISSION ELECTRICAL SYSTEMS IN ACCORDANCE WITH NECA 90 GUIDELINES. DURING FINAL INSPECTION, DEMONSTRATE SATISFACTORY OPERATION OF ENTIRE INSTALLATION. REPAIR OR REPLACE FAILED ITEMS AND REPAIR ALL CONSTRUCTION DAMAGE.
 - 15.5. MAINTAIN RED-LINED AS-BUILT RECORD DRAWINGS AS PROJECT PROGRESSES AND DELIVER TO OWNER AFTER FINAL INSPECTION AND ACCEPTANCE.

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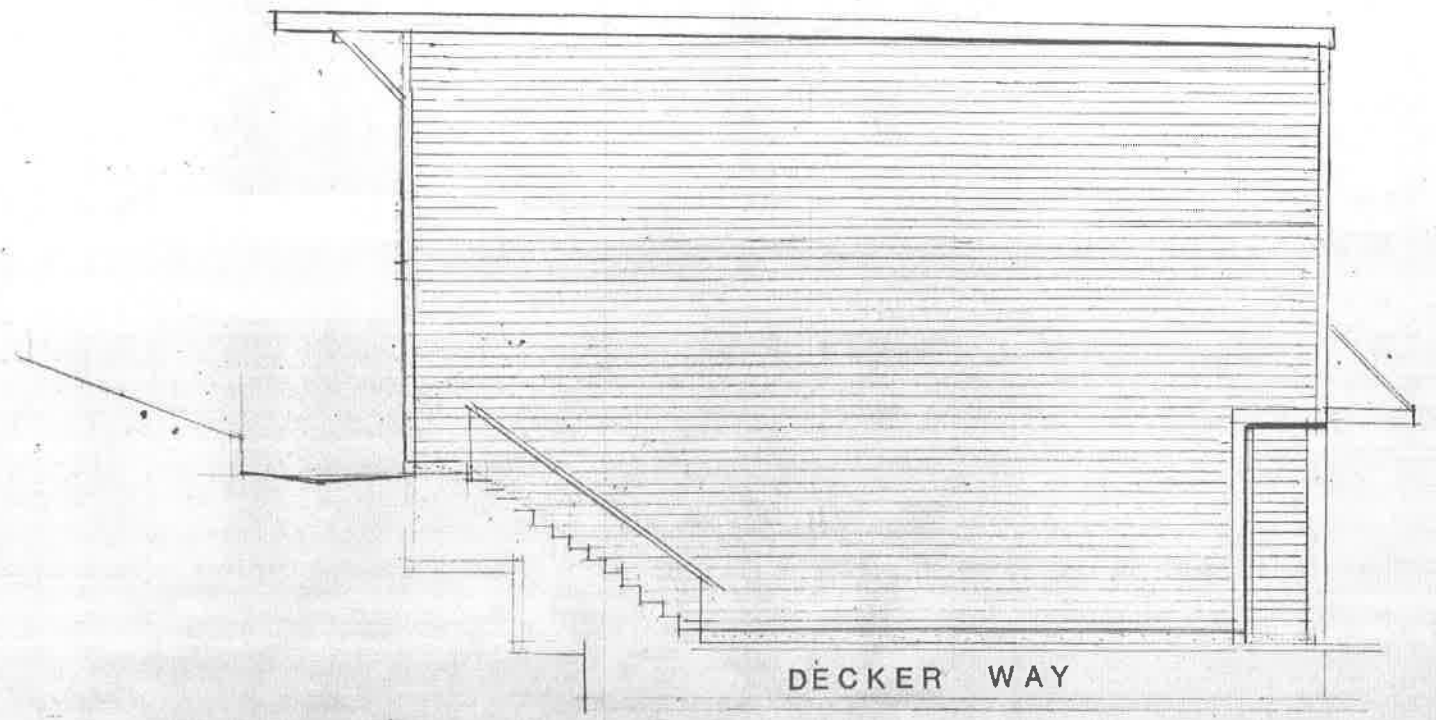
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| Date Stamped: | |
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| Revision | |
| Date | |
| | |
| Stantec Architecture Inc. 725 E. Frontend Lane, Suite 200 Anchorage, AK 99503 Tel: (907) 271-4245 www.stantec.com Authorization to Practice # AECC1207 | |
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| AK Mental Health Trust Authority 247 S. Franklin St Juneau, AK 99801 | |
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| Project Mgr. | GAMBARDELLA |
| Drawn | CLR |
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| Date | 10/07/2021 |
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| ELECTRICAL SPECIFICATIONS | |
| Sheet No.: | |
| E-400 | |
| Stanlec W.O. 2014270100 | |

SHEETS ARE HALF SIZE

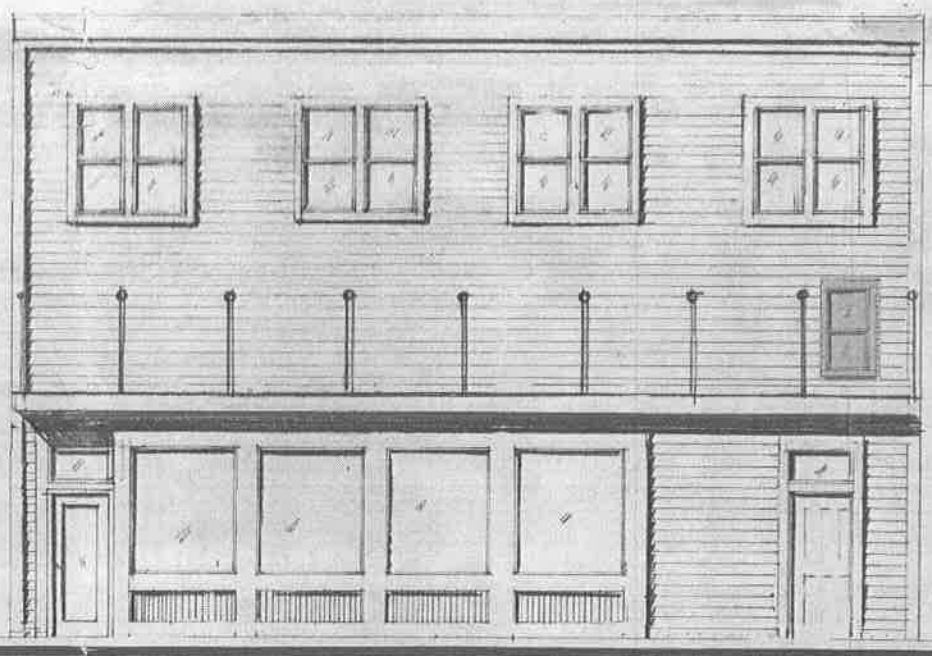
THIS DRAWING IS FOR USE ON THIS PROJECT ONLY AND IS NOT INTENDED FOR REUSE WITHOUT WRITTEN PERMISSION FROM ALASKA BUILDING CONSULTANTS (ABC). THIS DRAWING IS ALSO NOT TO BE USED IN ANY MANNER THAT WOULD CONSTITUTE A DETRIMENT DIRECTLY OR INDIRECTLY TO ABC. ANYONE USING THIS DRAWING FOR THE DESIGN, CONSTRUCTION, OR INSTALLATION OF ANYTHING OTHER THAN THAT WHICH IS SPECIFICALLY INDICATED HEREON IS DOING SO AT THEIR OWN RISK. THE FOLLOWING TRADE STANDARDS SUCH AS (a) A.C.I. A.P.A. A.T.C. C.S.I. I.B.C. DIMENSIONS AND OTHER TRADE STANDARDS, AND OTHER TRADE STANDARDS, NOTIFY THE ARCHITECT IF ANY QUESTIONS ARISE. THIS DRAWING IS NOT FOR CONSTRUCTION UNTIL SEALED BY THE LICENSED ARCHITECT OR ENGINEER.



Rear Elevation

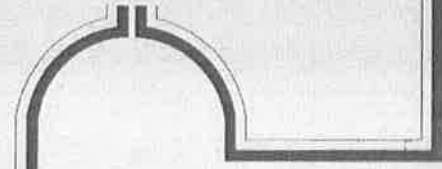


DECKER WAY



South Franklin Street Elevation
THE GLORY HOLE

FEASIBILITY • PLANNING • CODE REVIEW • ISSUE MARK • ARCHITECTURE
ALASKA BUILDING CONSULTANTS
2214 DUNLAP HIGHWAY • DUNLAP, ALASKA 99524 • (907) 304-2171

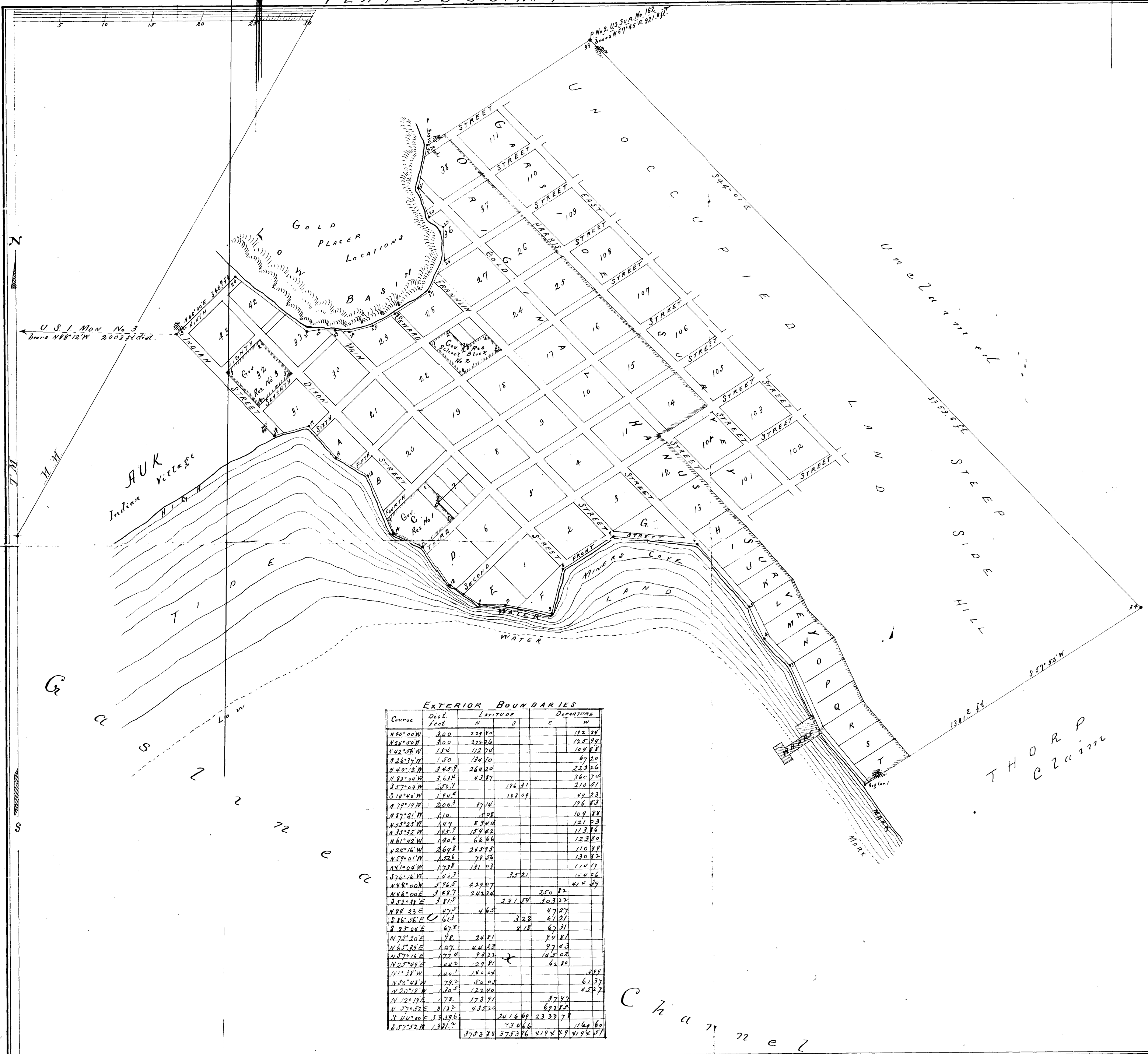


9/25/89
ELEVATIONS

The Glory Hole
267 South Franklin
Juneau, Alaska 99801

PLAT of U. S. S. No. 7

TOWN SITE of JUNEAU.



EXTERIOR BOUNDARIES

| Course | Dist. feet | Latitude | | Departure | |
|-------------|------------|----------|---------|-----------|--------|
| | | N | S | E | W |
| N 80° 00' W | 300 | 239 80 | | | 102 96 |
| N 24° 50' W | 300 | 272 26 | | | 125 89 |
| S 42° 56' W | 154 | | 122 04 | | 104 88 |
| N 26° 37' W | 150 | 134 10 | | | 69 80 |
| N 40° 13' W | 245 10 | 269 10 | | | 223 16 |
| N 32° 04' W | 248 | 207 71 | | | 260 74 |
| S 72° 28' W | 252 7 | | 226 31 | | 210 21 |
| S 14° 42' W | 124 4 | | 188 09 | | 42 23 |
| S 29° 19' W | 200 3 | | 171 4 | | 156 23 |
| N 87° 21' W | 110 | 108 | | | 109 88 |
| N 65° 25' W | 147 | 83 44 | | | 121 23 |
| N 35° 32' W | 165 7 | 159 23 | | | 113 26 |
| N 61° 02' W | 120 6 | 66 66 | | | 123 80 |
| N 24° 16' W | 269 8 | 245 25 | | | 110 87 |
| N 19° 01' W | 152 | 78 34 | | | 140 83 |
| N 1° 04' W | 173 2 | 171 03 | | | 174 17 |
| S 26° 16' W | 152 2 | | 125 21 | | 124 26 |
| N 48° 00' W | 156 5 | 239 27 | | | 124 29 |
| N 44° 00' W | 148 7 | 242 24 | | 250 82 | |
| S 52° 31' E | 311 5 | | 231 04 | 303 22 | |
| N 84° 23' E | 47 5 | | | 47 27 | |
| S 16° 58' E | 61 3 | | 32 8 | 61 21 | |
| S 33° 04' E | 67 8 | | 4 18 | 67 31 | |
| N 75° 20' E | 98 | 26 21 | | 94 21 | |
| N 65° 30' E | 107 | 64 23 | | 97 43 | |
| N 87° 14' E | 122 4 | 82 23 | | 142 05 | |
| N 25° 49' E | 142 3 | 125 91 | | 62 80 | |
| S 72° 12' W | 146 2 | | 141 09 | | 35 8 |
| N 20° 14' W | 79 2 | 75 05 | | | 61 32 |
| N 20° 14' W | 79 2 | | 75 05 | | 61 32 |
| N 12° 19' E | 178 | 173 91 | | 37 97 | |
| N 57° 52' E | 312 2 | 235 20 | | 62 28 | |
| S 44° 10' E | 319 6 | | 241 69 | 23 22 7 8 | |
| S 57° 52' W | 139 7 | | 72 06 6 | | 114 60 |
| | 372 3 28 | 375 3 26 | | 414 2 29 | 114 60 |

PLAT OF

U. S. SURVEY No. 711 made under sections 11, 12, 13, 14 and 15 of an Act of Congress, entitled "An Act to repeal timber culture laws and for other purposes," and the Registrations thereunder. known as the Townsite of JUNEAU

situate at the head of navigation, and on the North East shore of Gastineaux Channel in the Sitka Land District, District of Alaska, containing an Area of 118.92 Acres.

Scale of 300 feet to the inch. Variation 30 degrees 0 minutes East.

Deposited for Field work, \$ 450.00 Deposited for Office work, \$ 75.00 Refunded, - - - \$ Surveyed 11 12 13 14 15 16 17 18 19 20 21 April 1892 by Geo. W. Garside, United States Deputy Surveyor.

The Original Field Notes of the Survey of the Claim known as the Townsite of JUNEAU

from which this plat has been made under my direction have been examined and approved, and are on file in this Office; and I hereby certify that they furnish such an accurate description of said Claim as will, if incorporated into a patent, serve fully to indentify the premises, and that such reference is made therein to natural objects or permanent monuments as will perpetuate and fix the locus thereof.

I further certify that the value of the improvements made upon said claim by the occupants of said town-site claimant or their grantors is of the value of 300,000.00 dollars, and that said improvements consist of Business houses Gov. buildings, (now being erected) School house, Catholic Hospital, Office buildings, and private residences that the location of all improvements upon said claim is correctly shown upon this plat.

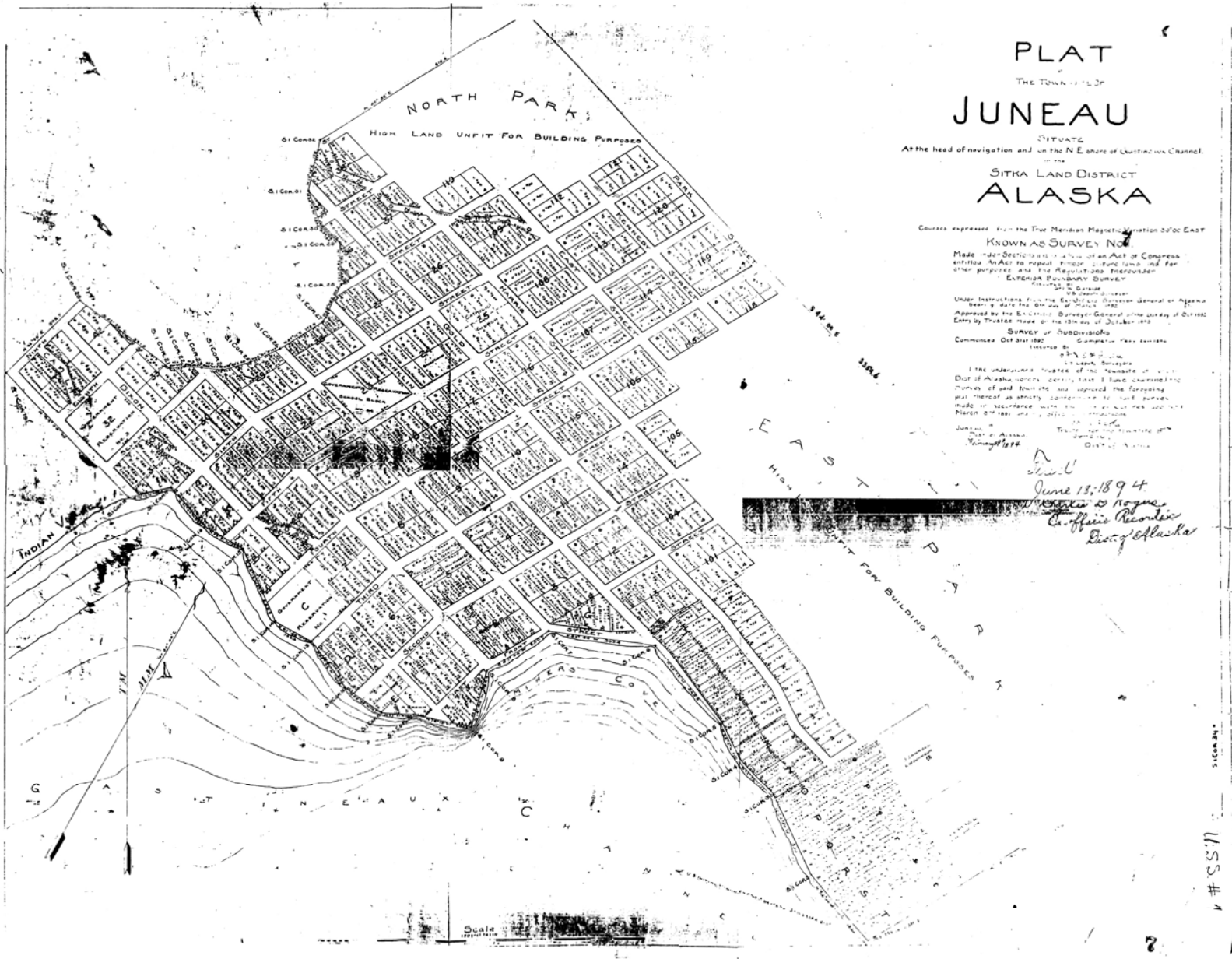
And I further certify that this is a correct plat of said Claim, made in conformity with said original field notes of the survey thereof, and the same is hereby approved.

Ex-Officio U. S. Surveyor General's Office, Sitka, Alaska, Onville P. Porter, Ex-Officio U. S. Surveyor General for the District of Alaska, November 1892

Department of the Interior General Land Office, Washington City, D. C. 189

The above plat of the survey of the has been examined and found correct, and the same is hereby approved. Commissioner General, Land Office.

Juneau Townsite, paper copy of 1894 plat



PLAT
 THE TOWNSITE OF
JUNEAU
 SITKA LAND DISTRICT
ALASKA

At the head of navigation and on the N.E. shore of Lushington Channel

Course expressed from the True Meridian Magnetic Variation 30°00' East
 KNOWN AS SURVEY NO. 1

Made under Section 2303 of an Act of Congress entitled An Act to repeal former survey laws and for other purposes and the Regulations thereunder

EXTENSION BOUNDARY SURVEY
 COMMENCED OCTOBER 1882
 UNDER INSTRUCTIONS FROM THE EXECUTIVE SURVEYOR GENERAL OF ALASKA ISSUED TO DATE THE 31st DAY OF MARCH 1882
 APPROVED BY THE EXECUTIVE SURVEYOR GENERAL 31st DAY OF OCTOBER 1882
 ENTERED IN THE OFFICE OF THE SURVEYOR GENERAL OCTOBER 31st 1882

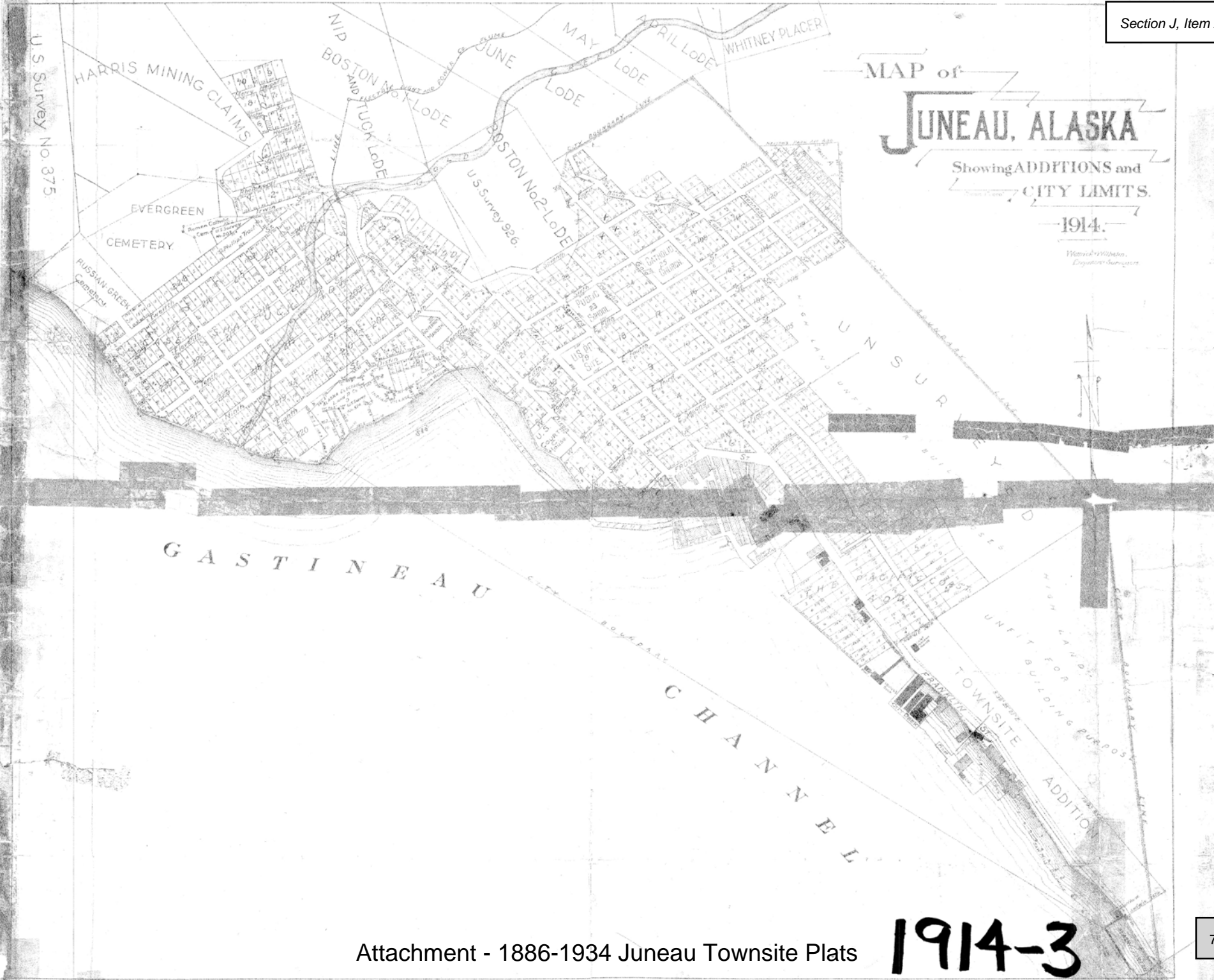
COMPLETION YEAR 1882
 THE UNDERSIGNED SURVEYOR OF THE DISTRICT OF ALASKA HEREBY CERTIFIES THAT I HAVE EXAMINED THE COPIES OF SAID PLAN AND HAVE RECORDED THE SAME IN ACCORDANCE WITH THE ACTS OF CONGRESS AND THE REGULATIONS THEREUNDER AND I HEREBY CERTIFY THAT THE SAID SURVEY WAS MADE IN ACCORDANCE WITH THE ACTS OF CONGRESS AND THE REGULATIONS THEREUNDER AND I HEREBY CERTIFY THAT THE SAID SURVEY WAS MADE IN ACCORDANCE WITH THE ACTS OF CONGRESS AND THE REGULATIONS THEREUNDER AND I HEREBY CERTIFY THAT THE SAID SURVEY WAS MADE IN ACCORDANCE WITH THE ACTS OF CONGRESS AND THE REGULATIONS THEREUNDER

June 18, 1894
Wm. H. Rogers
Chief of Records
Dist. of Alaska

1155 # 1

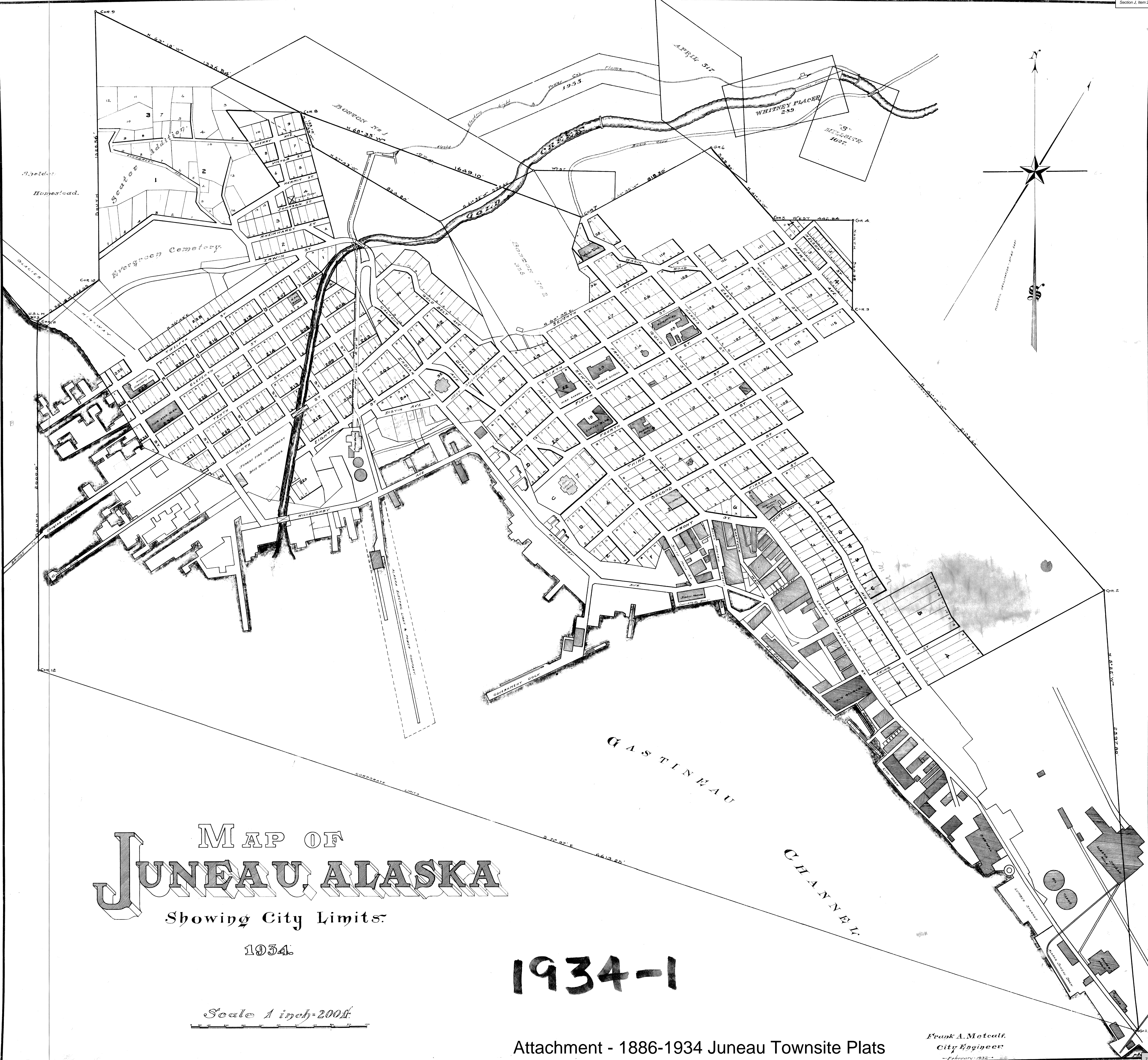
MAP of
JUNEAU, ALASKA
Showing ADDITIONS and
CITY LIMITS.
1914.

Wm. H. Woodman,
Deputy Surveyor



Attachment - 1886-1934 Juneau Townsite Plats

1914-3



MAP OF JUNEAU, ALASKA

Showing City Limits

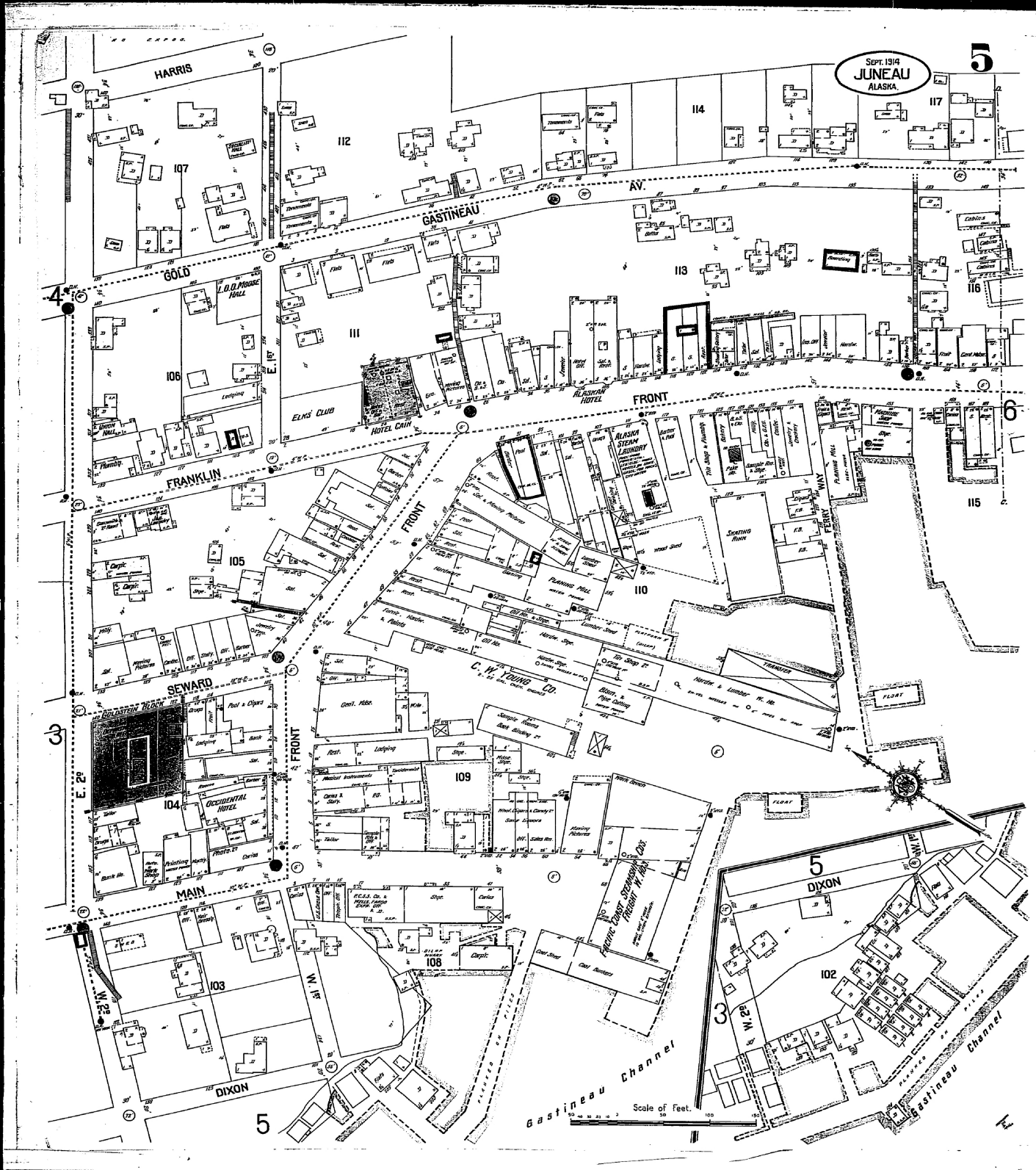
1934


Scale 1 inch = 200 ft.

1934-1

Attachment - 1886-1934 Juneau Townsite Plats

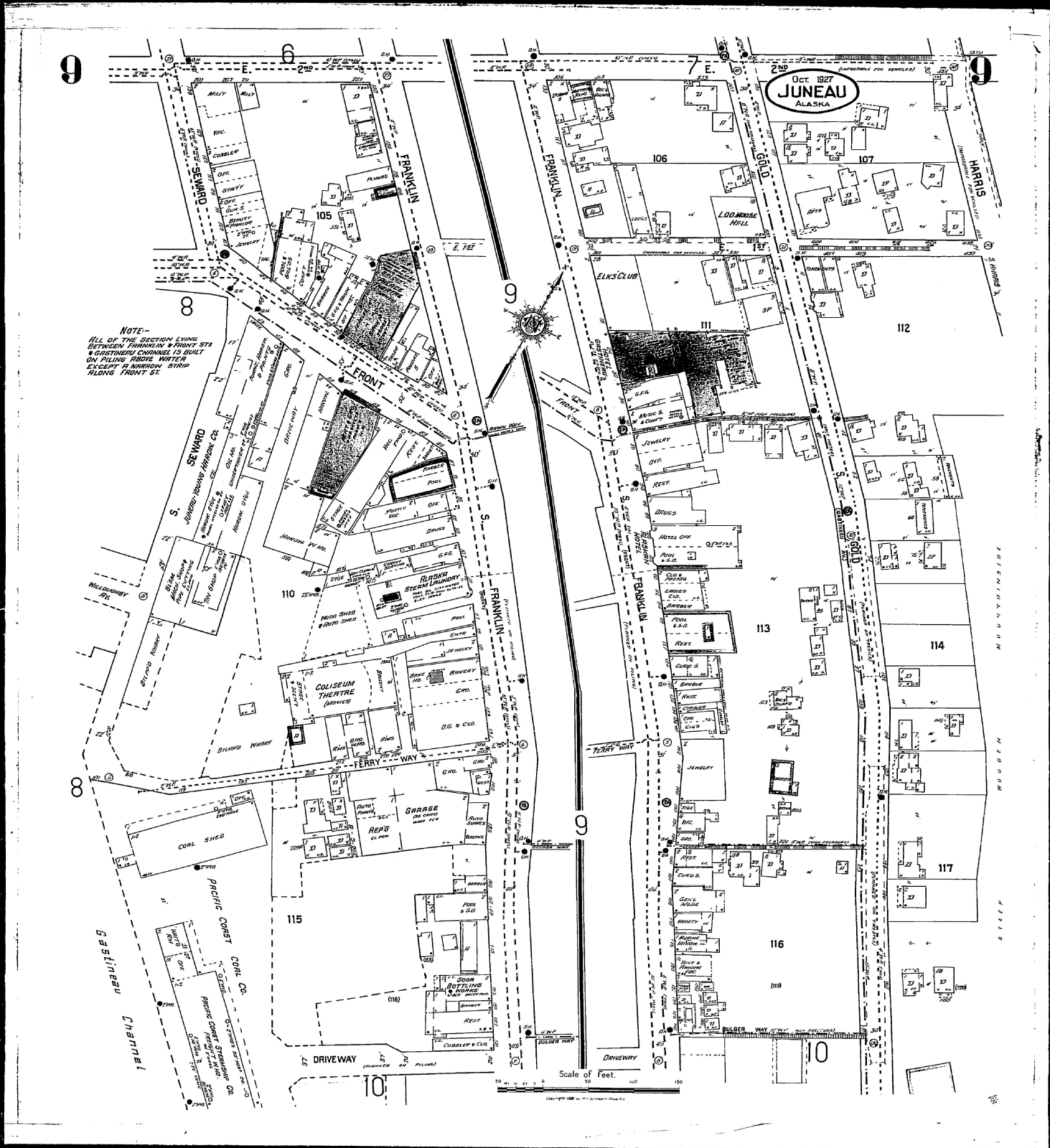
Frank A. Metcalf
City Engineer
February, 1932



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 EDR Research Associate

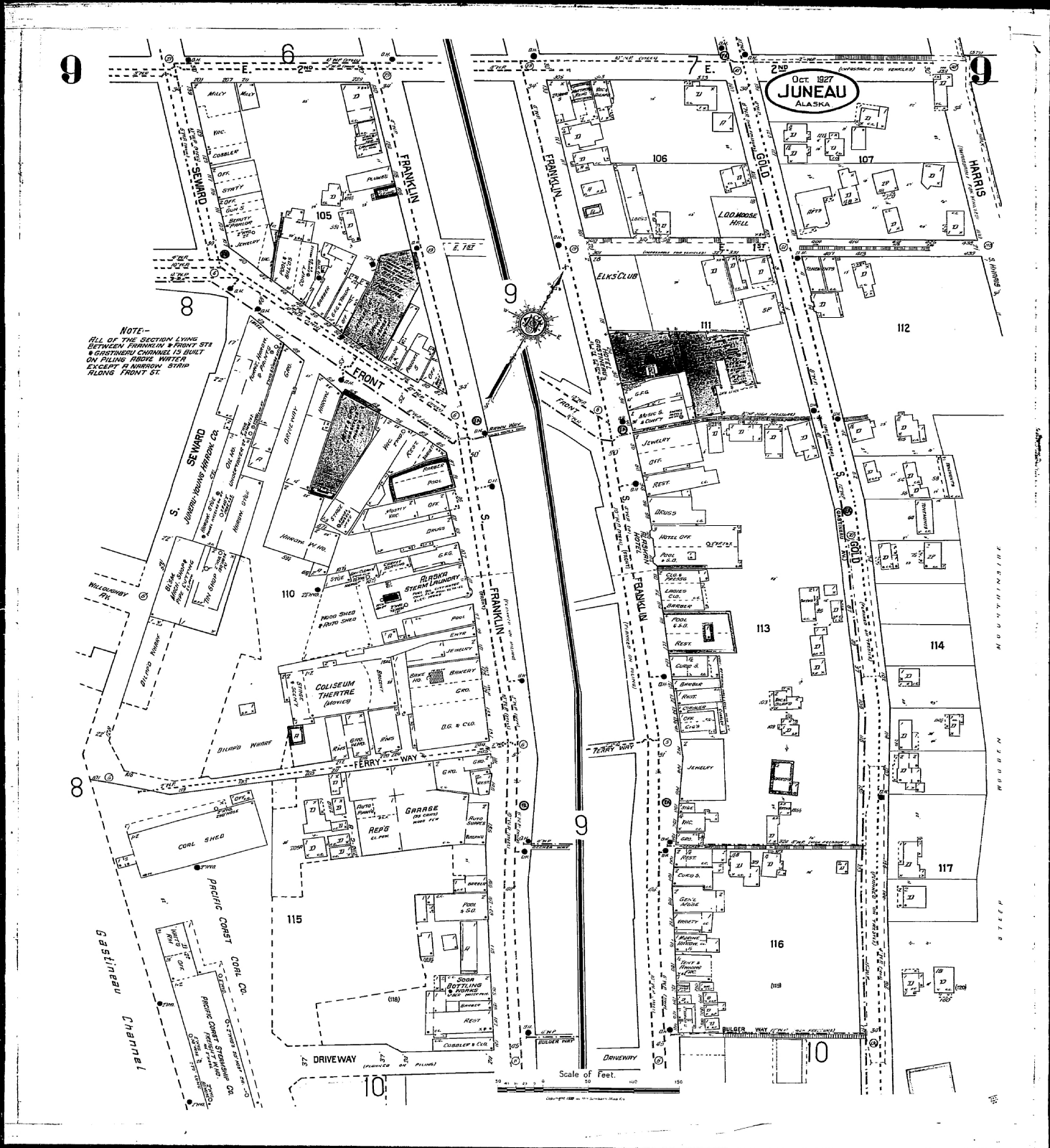
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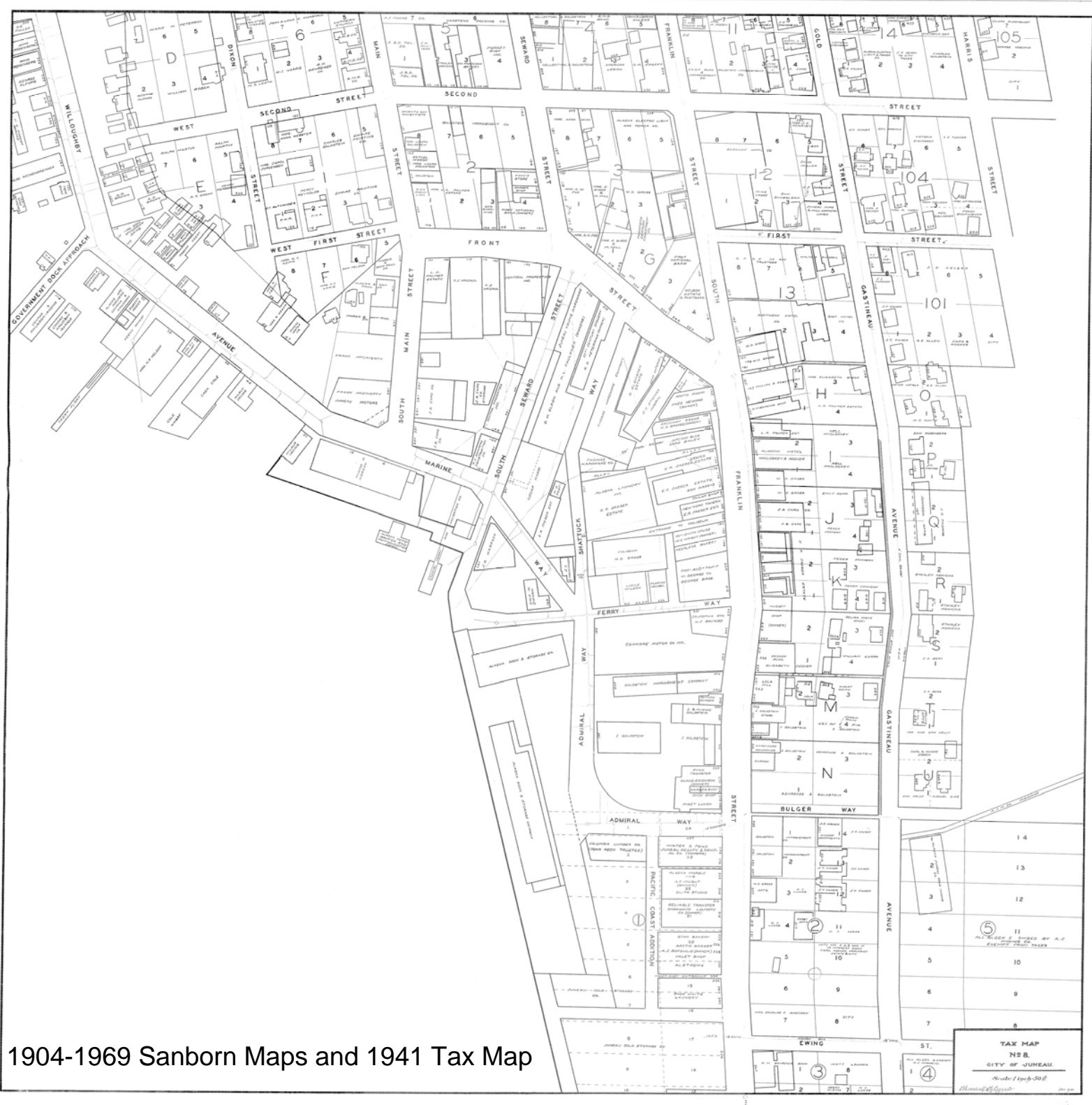
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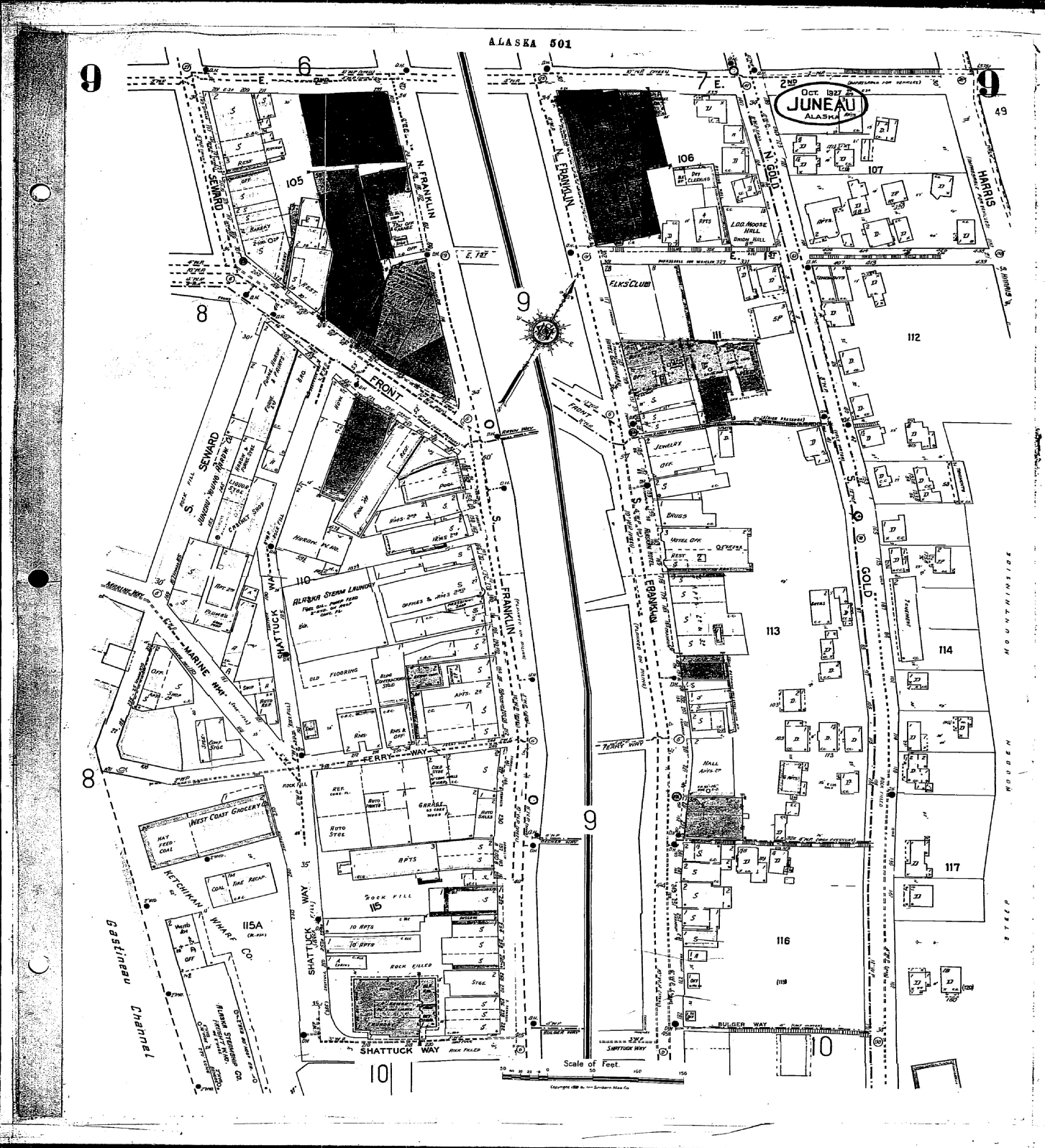
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Attachment C - 1904-1969 Sanborn Maps and 1941 Tax Map



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CITY AND BOROUGH OF JUNEAU, ALASKA

PLATTING RESOLUTION NO. 305

WHEREAS Mr. and Mrs. Ervin Hill
(Applicant(s))

has applied to the City and Borough of Juneau Planning Commission in proper form for a waiver of plat and recording requirements of the subdivision of the following described real property:

Lot 2, Block M, Juneau Townsite

according to the attached plat, sketch or diagram.

WHEREAS, the Commission finds that the proposed conveyance (a) is not being made for the purpose of or in connection with a present or projected subdivision development, (b) is an isolated transaction which does not fall within the general intent of Title 40, Chapter 15, Alaska Statutes, and (c) does not involve or require any dedication of a street, alley, thoroughfare, park or other public area.

BE IT RESOLVED BY THE CITY AND BOROUGH PLANNING COMMISSION AS THE PLATTING AUTHORITY FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA:

That the said application for a statutory waiver of plat and recording requirements to a proposed conveyance of the above described property is hereby granted.

Dated August 14, 1972

CITY & BOROUGH OF JUNEAU, ALASKA
PLANNING COMMISSION

By Thomas E. Blum
Chairman

Attest: Karl J. Miller
Clerk

JUNEAU
Serial No. 72-3069

All that portion of lot numbered two (2) in block lettered M, of the Townsite of the Town of Juneau, as shown by the official plat of said Townsite: Commencing at the northwest corner of lot two (2) in block M, extending thence along Decker Way southeast for a distance of forty-four (44) feet and extending easterly for a distance of thirty-six (36) feet the entire way; being the northwesterly portion of said lot and being forty-four (44) by thirty-six (36) feet in area; being the same property conveyed by Alex Watson to Sophia Korhonen by bill of sale and release of leasehold dated April 4, 1916.

| | |
|---------------------------------|--------------------------|
| RECORDED - FILED ⁵⁰⁰ | |
| <i>Juneau</i> REC. DIST. | |
| DATE | <i>8-15</i> 19 <i>22</i> |
| TIME | <i>2:25</i> P M |
| Requested by | <i>R. J. James</i> |
| Address | <i>BH 1728</i> |
| <i>Juneau Alaska</i> | |

311-25-24172
1922

Attachment D - 1972 Plat Waiver 72-305W

Section J, Item 2.



1-034-00m-002

Section J, Item 2.

PERMIT NO. 11980

CITY AND BOROUGH OF JUNEAU, ALASKA

PERMIT FOR: BUILDING GRADING WATER SEWER OTHER

Owner's Name Gene & Blaine Moon
 Address 243 So Franklin Phone 6-4712
Juneau Alaska Zip Code 99801
 Contractor's Name Hortum's Construction
 Address/License PO Box 3122 Phone 9-2430
Juneau Ak Zip Code 99803

VALUATION 59104
 Building Official
 FEES Assessor
 Structure 36.00
 Plan Check _____
 Sewer _____
 Water _____
 Street _____
 Sidewalk _____
 Other Charges _____
 Total 36.00

LOCATION OF PROJECT 243 So Franklin
 Juneau Douglas Rural LOT _____ BLOCK _____

SUBDIVISION _____
 U. S. SURVEY _____ Tract/Lot _____ Occupancy Group _____
 Fire Zone _____ Construction Type _____ Building Zone _____
 Area or Volume _____ (CUBIC/SQUARE FT.)

RECEIPT NUMBER _____
 DATE PLANS SUBMITTED _____
 DATE RECEIVED _____
 APPROVALS: _____ Date Approved _____
 ZONING ADMINISTRATOR _____
 FIRE MARSHALL _____
 SANITARIAN _____
 PUBLIC WORKS _____
 BUILDING OFFICIAL JR 2 AUG 78

REMARKS: R-roof lot tar 5,680.00

PROTECTIVE INSPECTIONS

Building
 Plumbing
 Heating
 Electrical
 Air Conditioning

PUBLIC WORKS

Street (new)
 Street Cut
 Sidewalk
 Sewer
 Water

CLASS OF WORK: New Addition Repair Alteration
 Residential :
 Mobile Home :
 Commercial : 4 apt - 2 store
 Industrial :

New Resident Address _____

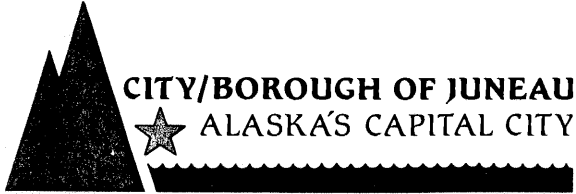
| BUILDING TYPE AND USE | HEAT | PLUMBING | BUILT-IN'S |
|---|--|--|--|
| Single <input type="checkbox"/> Double <input type="checkbox"/> Other # Stories <u>2</u> | Stove _____ Space Heater _____ Floor Furnace _____ Hot Air Forced _____ Radiant _____ Hot Water <input checked="" type="checkbox"/> Zoned # Chimneys <u>1</u> Kind _____ | # Tubs _____ # Toilets _____ # Basins _____ # Kitchen Sinks _____ # Shower Stalls _____ # Exhaust Fans _____ # Laundry Trays _____ Hot Water Tanks _____ # Gallons _____ Type _____ | D. I. Stove & Oven _____ Oven Built-In _____ Range Built-In _____ C. T. Range _____ Hood & Fan _____ Dishwasher _____ Disposal _____ |
| Basement <input type="checkbox"/> Frame <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Block <input type="checkbox"/> Log <input type="checkbox"/> Other <u>apt.</u> | FIREPLACES Basement _____ Type _____ 1st Floor _____ Type _____ | | |
| FRAME Walls _____ X _____ o.c. Floor _____ X _____ o.c. Roof _____ X _____ o.c. | | | |

DEMOLITION INFORMATION: _____ HOUSING DATA: _____
 DATE DEMOLISHED: _____ No. of Living Units _____
 No. of Bedrooms _____ Total Number _____

THIS DEPARTMENT MUST HAVE AT LEAST 48 HOURS NOTICE PRIOR TO ALL INSPECTIONS. HOWEVER, DURING WINTER, PLUMBING TEST INSPECTIONS SHALL BE BY APPOINTMENT ONLY. FOR CITY SEWER AND/OR WATER SERVICE INSPECTIONS CALL OR NOTIFY CITY AND BOROUGH ENGINEERING OFFICE AT 586-3300, EXT. 30 WITH A MINIMUM OF 24 HOURS NOTICE.

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL APPLICABLE STATE LAWS AND CODES AND ORDINANCES OF THE CITY AND BOROUGH OF JUNEAU.

SIGNATURE: E. Moon 8/2/78
 (Owner/Applicant)



PLANNING COMMISSION
NOTICE OF DECISION

Handwritten initials: DJP

January 26, 1990

CU-17-89/VR-15-89/SV-03-89

1-07-0-BOM-68-0

The Glory Hole
John Egan, Director
247 South Franklin Street
Juneau, Alaska 99801

Dear Mr. Egan,

On January 23, 1990, the Planning Commission **approved** your conditional use permit application for the reconstruction of the Glory Hole building on Fraction of Lot 2, Block M, Juneau Townsite. The permit allows the new construction in a landslide hazard area and is subject to the following condition.

1. For the new building the developer shall include R & M Engineering's construction recommendations listed in the project's hazard analysis report.

The Planning Commission also **denied** the following related requests:

1. A request to vacate a portion of the South Franklin Street right-of-way.
2. A request to reduce the minimum number of required off-street parking spaces from one to zero.

Effective Date: February 13, 1990

Expiration Date: May 23, 1991, if a building permit for the approved project has not been obtained.

Project Planner: *David Goade*
David Goade, Planner II

RECEIVED BY CITY CLERK

Patty An Polley
1-29-90

cc: Debra J. Purves

CU-17-89

4. Review of an application for a conditional use permit to allow the reconstruction of The Glory Hole building in a designated landslide hazard area.

Applicant: The Glory Hole

SV-03-89

5. review of a request to vacate a portion of South Franklin Street to allow reconstruction of The Glory Hole building.

Applicant: The Glory Hole

VR-15-89

2. Review of an application for a variance to reduce the required number of parking spaces for The Glory Hole building located on South Franklin Street.

Applicant: The Glory Hole

Staff Report: David Goade reviewed the staff reports included in the packet. Regarding CU-17-89, staff recommends the Commission approve the findings included in the report and approve the conditional use permit subject to the following condition:

- 1. For the new building the applicant shall include the five construction recommendations listed in the enclosed hazard analysis report.

Regarding SV-03-89, staff recommends denial.

Staff further recommends denial of VR-15-89. The required one parking space could be provided by leasing a space in the CBJ parking garage. Because of this the applicant's situation fails to meet all of the variance approval criteria as set out in CBJ 49.20.250. The specific condition not met is:

"That compliance with the existing standards would unreasonably prevent the owner from using the property for a permissible principal use and would be unnecessarily burdensome because it would impose peculiar and practical difficulties to, or exceptional and undue hardship upon the developer of such property."

Responding to Ms. Bottge, staff advised any change in the use of the facility would require reconsideration of parking requirements.

Mr. Goade noted the request for the street vacation is based on a survey which shows the building encroaching in the South Franklin Street right-of-way. Another survey shows that the building is on the property line and not encroaching. Responding to Ms. Anderson, staff advised a new survey could be done to the front of the buildings to determine where the building lines lie in relation to the property lines, but the basis of the survey would have to use the proper monuments. It would take three to four days to determine what is actually correct. Responding to Chairman Bailey, Mr. Brenner advised he reviewed one of the surveys and the survey control monuments and methods that were used to compute the boundaries seemed reasonable. However, the control that was used postdates the construction of the buildings by several decades, and it is difficult to say what survey control has been lost over the years.

Public Participation:

John Egan, director for The Glory Hole, commended staff for their assistance and direction on the project. He indicated they are willing to implement the five conditions listed in the geophysical hazard study.

With respect to the street vacation, Mr. Egan stated he understood the City's reluctance to vacate the property, but the Historic District Advisory Committee and Design Review Board support efforts to preserve the historic district appearances. The street vacation would allow the building to be constructed where the existing structure is, thus continuing the building frontage line. The design encourages entry through a back door which will open onto a deck, reducing the number of people loitering in front of the building. By forcing the building back two feet, it will create a jog, which may encourage more loitering in the front.

Regarding the parking variance, Mr. Egan noted only two people staying at The Glory Hole in the last four years have had vehicles. Providing parking for clients is not a priority. Responding to Ms. Bottge's earlier comment regarding a change in conditional use, Mr. Egan advised one of the requirements for receiving the state grant is that

the building is dedicated to its existing use for twenty years. Ms. Bottge commented the one parking space requirement was for staff, and asked if staff regularly uses a vehicle. Mr. Egan advised at this point he was the only one who regularly uses a vehicle.

Responding to further questioning from Ms. Bottge, Mr. Egan indicated they wish to move ahead with the project as quickly as possible in order to minimize the impact of construction on the street during the tour season. Therefore, he requested that action on the street vacation not be delayed.

Responding to Mr. Eaddy, Mr. Egan advised he had reviewed Mr. Brenner's proposals, but item 2 did not appear to be feasible.

Tom Huntington, architect for the project, noted it is not likely that the subject building and the neighboring Filipino Hall were built outside of their property lines and it is reasonable to assume they were built in the right location. If the street vacation is granted and the survey which does not show an encroachment is subsequently upheld, there will be no wasted time as the vacation would be void. Further, he noted if the City were to ever make use of that two feet in question, it would necessitate removal of the Filipino Community Hall and Decker Building as well.

Regarding the parking requirement, Mr. Huntington noted the zoning allows parking requirements to be reduced by sixty percent which results in a requirement of forty percent of a car. He believed it appropriate to round the forty percent to zero rather than one. The Glory Hole contributes to the community and the parking requirement is an unnecessary burden.

Regarding the geophysical hazard report, Mr. Huntington suggested rather than requiring the five recommendations be included, it might be more appropriate to require the engineer's recommendations in the event the engineer modifies those five at some future time.

Sheila Means, advised she has been involved with The Glory Hole since its inception. Responding to a question from Chairman Bailey regarding the need for parking by volunteers, she advised most of the food is dropped off after business hours. She has never heard of a volunteer getting a parking ticket while dropping off food, nor has

she heard any complaints about obstruction of traffic. The director usually has had a vehicle and there are two Jesuit volunteers who do not have vehicles. Very few other employees have ever had vehicles. She asked that consideration of the conditional use permit be expedited as much as possible as it may become necessary to reduce services to the community.

Juan Munoz advised the Rie Munoz Gallery will be moving to the Decker Building in May and will be The Glory Hole's closest neighbor. He commended Mr. Egan and his efforts to improve the South Franklin area, but expressed concern about construction during the tour season which could be financially devastating to his business. He hoped the project could be expedited so at least the external construction is completed as early as possible. While sidewalk access is mandatory, he hoped the temporary sidewalk would be very sturdy to assist the elderly tourists.

Sally Engstrom asked what the expected completion date for the project would be. Mr. Huntington stated completion would occur just as soon as possible as it would be to everyone's advantage. They hope to finish by July; however, construction circumstances make it difficult to predict what will actually occur.

Commission Action:

MOTION - by Bottge to adopt the findings listed in the staff report on CU-17-89 and to grant the conditional use permit with condition 1 modified as follows:

1. For the new building the applicant shall comply with R & M Engineering recommendations as outlined in the enclosed hazard analysis report.

Ms. Bottge asked unanimous consent. There being no objection, it was so ordered.

MOTION - by Bottge to grant the street vacation if necessary to the front facade line of the existing building.

Ms. Bottge spoke against the motion. She stated if the street ever needed to be widened, the City would have to purchase that land that it had given for free to the applicant.

ROLL CALL:

Ayes: None

Nays: Bolton, Bottge, Eaddy, Halterman, Lawson, Anderson, Bailey

The motion failed, 0-7.

The Commission adjourned and reconvened as a Board of Adjustment.

MOTION - by Bottge to grant the variance as requested by the applicant.

Responding to Mr. Halterman, staff advised parking spaces can be leased for \$35 a month. The manager may be able to reduce or waive fees, but it may require Assembly approval.

Ms. Bottge stated it is appropriate to require a parking space, but the Planning Commission could request the fee be waived in a show of support for The Glory Hole's service to the community.

ROLL CALL:

Ayes: None

Nays: Bolton, Bottge, Eaddy, Halterman, Lawson, Anderson, Bailey

The motion failed, 0-7.

MOTION - by Bottge requesting staff to waive the parking fee. There being no objection, it was so ordered.

VR-18-89

3. Review of an application for a variance to reduce the minimum required side yard building setback from 5 feet to 2 feet on Lot 17, Block J, Tall Timbers Subdivision #5 (8888 Nancy Street) to allow construction of a carport.

Applicant: Dave Boddy

Staff Report: David Goade reviewed the staff report included in the packet. Staff recommends denial of the variance application. The applicant's situation fails to meet all of the variance approval criteria set out in CBJ



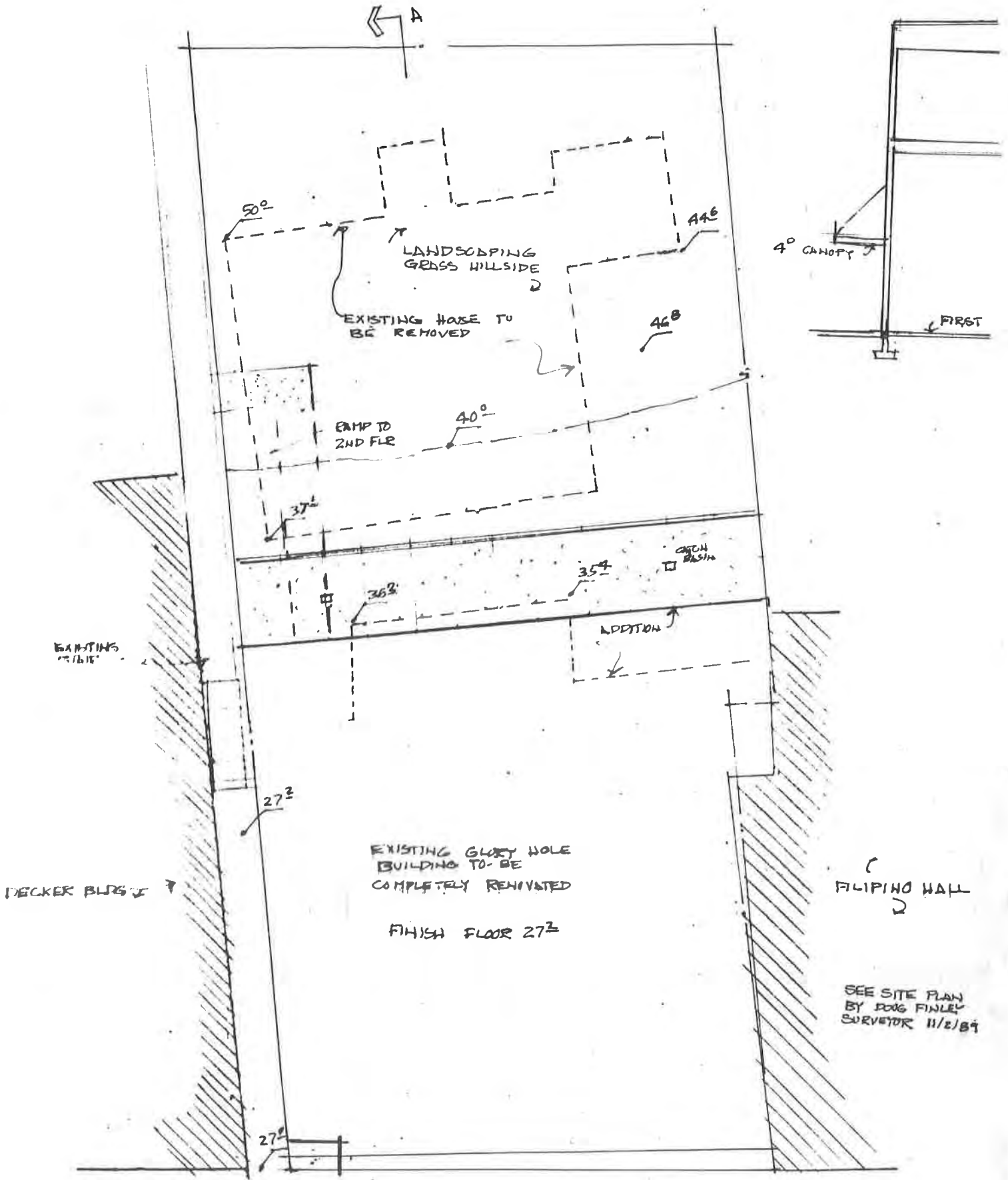
THE GLORY HOLE

247 south franklin street juneau, alaska 99801 907-586-4159

NARRATIVE DESCRIPTION OF PROJECT

The Glory Hole plans to rebuild its current structure on the present site. Use of the new building will essentially remain the same with meals being served twice daily in an approved kitchen and shelter bunk space provided for a possible total of 36 individuals. The Glory Hole is the only source for emergency shelter and meals in the Juneau area. The daily population is approximately 70 including guests at both meals and those using the drop-in center for coffee and donuts. These approximately 70 individuals enter and exit throughout the hours of operation.


The new building project will increase capacity in both the dining room and shelter and facilitate the operation greatly. Current structural limitations and old, worn-out utility equipment inhibit efficient and effective use of the building. Total square footage of the new structure will be 4500 sq. ft. Site plan included with this application.



MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Planning Commission **DATE:** January 18, 1990
FILE: CU-17-89

FROM: David Goade, Planner II 
Community Development

SUBJECT: Construction in geophysical hazard area.

GENERAL INFORMATION

Applicant: The Glory Hole

Property Owner: Juneau Cooperative Christian Ministry

Requested Action: Conditional use permit application.

Purpose: To allow the reconstruction of the Glory Hole building in a landslide hazard area.

Legal Description: Fraction of Lot 2, Block M, Juneau Townsite

Parcel Code Number: 1-C07-0-BOM-001-0

Location: 247 South Franklin Street

Site Size: 4,400 Square Feet

Access: South Franklin Street

Existing Land Use: Sheltered care facility.

Surrounding Land Use: North - Decker Way & Decker Building
South - Filipino Community Hall
East - An abandoned building.
West - South Franklin Street

Zoning Designation: MU, Mixed Use

Utilities: Public

Planning Commission
File No. CU-17-89
Page 2

PROJECT DESCRIPTION

The applicant plans to demolish the existing Glory Hole building and construct a new one. The sheltered care use of the property will continue. The new 4,500 square foot building will enhance the Glory Hole's ability to serve Juneau's homeless population.

BACKGROUND

1. The subject property is:
 - a. In the mixed use zoning district.
 - b. In the design review district.
 - c. In the historic district.
 - d. In the PD-1 parking district.
 - e. In a landslide hazard area.
2. Both the Design Review Board and the Historic District Advisory Committee have reviewed and approved the project.
3. All development in a landslide hazard area greater than a single-family dwelling shall require a conditional use permit.

ANALYSIS

Landslide Hazard:

All development in landslide and avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches. The Planning Commission may require mitigating measures certified as effective by a professional engineer for development in such areas. The measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed residential density.

In order for the commission to require appropriate mitigating measures, a developer shall first submit site-specific geological and engineering data. Qualified engineers shall prepare the information by examining the landslide risk and recommending proper protective measures. The purpose is to minimize the risk of loss of life or property due to landslides or avalanches.

Planning Commission
File No. CU-17-89
Page 3

The enclosed hazard analysis report for the subject property concludes that a significant landslide hazard does not exist. The report, however, specifies five construction recommendations to control site drainage and soils. The construction of the new building should include these recommendations.

FINDINGS

The Director of Community Development shall make findings on a conditional use permit application. The Planning Commission shall review and adopt the findings unless it finds by a preponderance of the evidence that the findings are in error. The director's findings are:

1. Is the requested permit proper according to the Table of Permissible Uses?

Yes. At table section 7.200.

2. Is the application complete?

Yes.

3. Does the proposed development follow the other requirements of CBJ 49.15?

Yes.

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

No. The applicant's hazard analysis report concludes that a significant landslide hazard does not exist for the subject property.

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

No.

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

Yes.

Planning Commission
File No. CU-17-89
Page 4

The Planning Commission may, regardless of the above findings, conditionally approve or deny the permit. The commission's own independent review of information submitted at the public hearing provides the basis for the decision. The decision needs supportive findings based on the following factors.

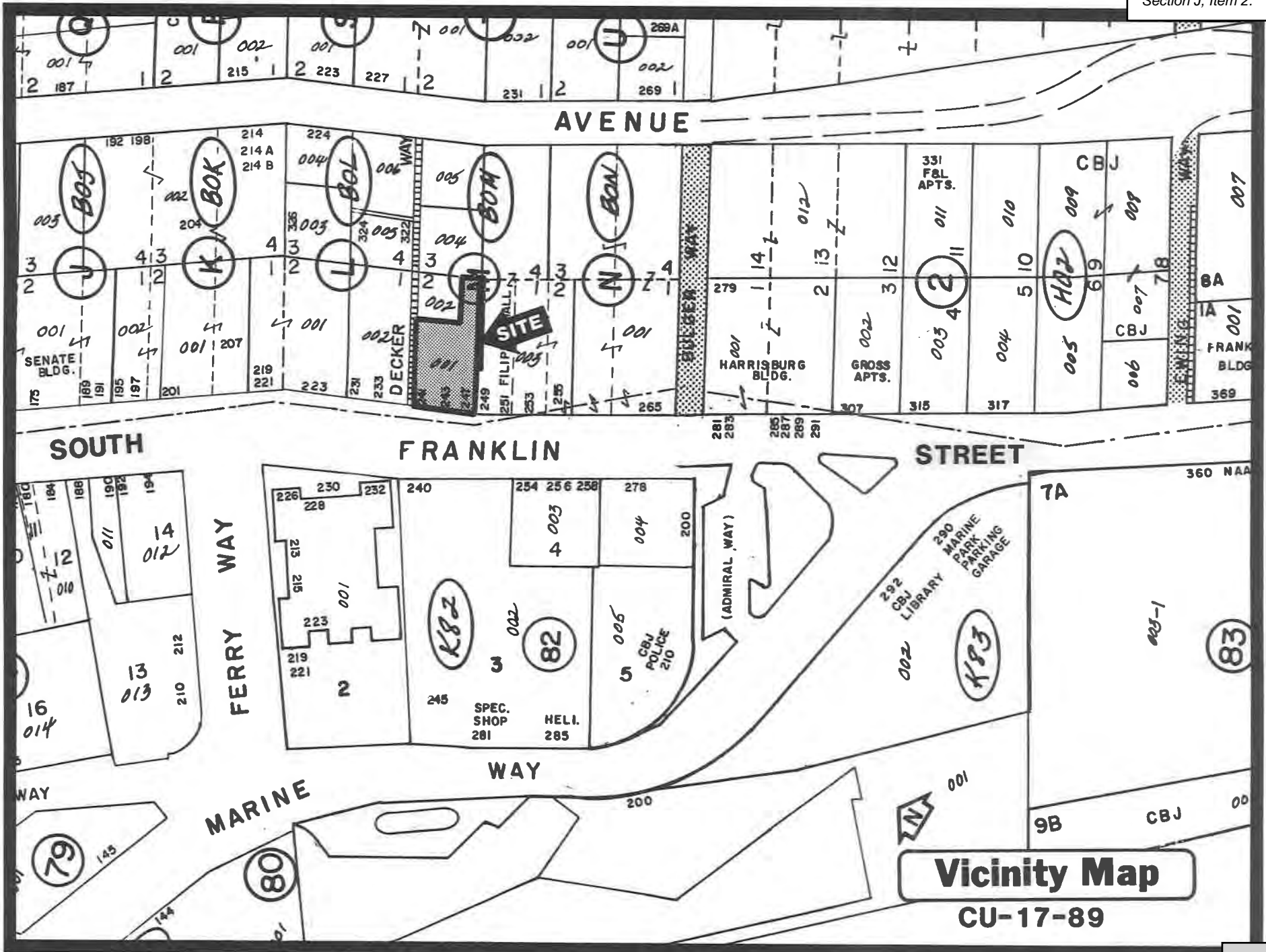
1. Will the proposed project materially endanger the public health or safety?
2. Will the proposed project substantially decrease the value of or be out of harmony with property in the neighboring area?
3. Will the proposed project not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

STAFF RECOMMENDATION - Conditional approval.

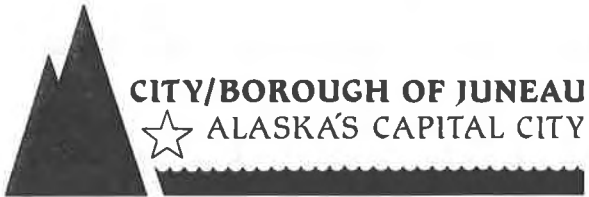
The conditional use permit is primarily for construction in a landslide hazard area. The purpose is to examine site-specific landslide risks and to design a building accordingly. This should reduce the risk of loss of life or property due to a landslide.

Staff recommends that the Planning Commission adopt the findings listed above and grant the conditional use permit subject to the following condition.

1. For the new building the applicant shall include the five construction recommendations listed in the enclosed hazard analysis report.



Vicinity Map
CU-17-89



NOTICE OF PUBLIC HEARING
CITY & BOROUGH OF JUNEAU PLANNING COMMISSION
LUANN BAILEY, CHAIRPERSON
155 South Seward Street
Juneau, Alaska 99801

TO: Adjacent Property Owners

HEARING DATE: January 23, 1990

HEARING TIME: 7:30 p.m.

PLACE: Assembly Chambers, Municipal Building
155 South Seward Street

SUBJECT: Conditional Use Permit/Variance Application & Street
Vacation Request

FILE NO.: CU-17-89/VR-15-89/SV-03-89

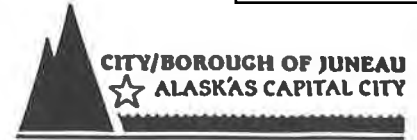
- (a) APPLICANT: The Glory Hole
- (b) PROPOSAL: To allow the reconstruction of the Glory Hole building in a designated landslide hazard area. The proposal also includes a request for a variance to the parking standards and for a street vacation of a small portion of the South Franklin Street right-of-way.
- (c) LOCATION: 247 South Franklin Street
- (d) ZONING: MU, Mixed Use
- (e) SITE SIZE: 4,400 square feet
- (f) DESCRIPTION: Fraction of Lot 2, Block M, Juneau Townsite
- (g) PARCEL NUMBER: 1-C07-0-B0M-001-0
- (h) PROPERTY OWNER: Juneau Cooperative Christian Ministry

PROPERTY OWNERS PLEASE NOTE:

You and other interested persons are invited to attend this Public Hearing. The Planning Commission will also consider all written testimony. If there are any questions, please contact Dave Goade of Community Development at 586-5235.

#5-11

CONDITIONAL USE PERMIT APPLICATION



City and Borough of Juneau
Community Development Dept.
155 South Seward Street
Juneau, Alaska 99801
(907) 586-5235

Date: _____
File #: _____
Filing Fee: _____

1. THIS APPLICATION IS A MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT:

Yes _____ No X

2. APPLICANT INFORMATION:

Name(s) The Glory Hole John Egan - Director
Mailing Address 247 S. Franklin
City, State, Zip Code Juneau AK 99801
Home Telephone _____ Day Telephone 586-4159

Signature(s) John Egan Date 11/21/89

3. LANDOWNER INFORMATION:

COMPLETE this section only if the applicant is NOT the landowner.

I (We), Charles G. Adams the owner(s) of the following described property do hereby acknowledge that the application by John Egan for the development of said property is made with my (our) complete understanding and permission.

Landowner Signature(s) _____ Date 11/21/89

Mailing Address Box 21997 Juneau AK 99802 Telephone 789-7239

4. SUBJECT PROPERTY INFORMATION:

A. Zoning Designation: MU

B. Legal Description:

Lot(s) 2 Subdivision Townsite
Block/Tract M U.S. Survey # 7

C. Site Dimensions:

Width 44' Depth 100' Total Area 4400 sq ft

5. PROJECT INFORMATION:

A. Use of Subject Property:

Existing: Homeless Shelter and soup kitchen
Proposed: SAME - new structure

B. Use of Existing Structures: Existing structure will be removed

C. Use of Proposed Structure: New structure will be used for soup kitchen dining room and shelter for 36 individuals

D. Size of Proposed Structure:

Length 46' Width 44' Height 35' Square Feet 1495

E. Signage:

Existing: Style Painted logo on wood Size 36" X 18" Suspended w/...
 Proposed: Style _____ Size _____

F. Lighting:

Existing: Style None Size _____
 Proposed: Style _____ Size _____

G. Number of Parking Spaces:

Existing: None
 Proposed: 1 space off-site

H. Utilities:

| | | | | | | | |
|-----------|--------|---------|-------|--------|-------------------------------------|----|-------|
| Existing: | Water: | On Site | _____ | Public | <input checked="" type="checkbox"/> | NA | _____ |
| | Sewer: | On Site | _____ | Public | <input checked="" type="checkbox"/> | NA | _____ |
| Proposed: | Water: | On Site | _____ | Public | <input checked="" type="checkbox"/> | NA | _____ |
| | Sewer: | On Site | _____ | Public | <input checked="" type="checkbox"/> | NA | _____ |

ADDITIONAL INFORMATION:

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

The following items are required for an application:

1. PRE-APPLICATION CONFERENCE. Prior to application submission, the applicant shall meet with Community Development Department staff to discuss the proposed development activity and the Conditional Use Permit procedure. Please call for an appointment.
2. A completed application form including payment of fee.
3. A letter describing the project for which you are seeking a permit.
4. Fifteen (15) copies of a site plan drawn to scale on 24" x 36" paper and providing the following information: (Number and size of site plan copies may be changed if approved by department staff.)
 - A. Existing and proposed structures.
 - B. Existing and proposed parking areas, including dimensions of the spaces.
 - C. Proposed traffic circulation within the site including access/egress points and traffic control devices.
 - D. Existing and proposed signage and lighting, including the placement on buildings, dimensions, materials, color, and style.
 - E. Existing and proposed landscaping, including species identification, size, planting locations, and a cross section for installation.
5. The architectural design, including building elevations, of proposed structures shall be shown.
6. A sign for public notice shall be placed on the site describing the development proposal and other pertinent information. The applicant must confer with department staff for details of sign posting.

MEMORANDUM

JUNEAU

RSM

| | | |
|--|--|-----------------------|
| TO Project File | SUBJECT Site Observations The Glory Hole | |
| FROM Joseph L. Connolly <i>JLC</i> R & M Engineering, Inc. | DATE 12/26/89 | PROJECT NO. 891183 |

On December 15, 1989, the writer visited the subject site accompanied by Mr. John Egan.

Mr. Egan stated they intend to construct a three-level wood frame structure largely within the footprint of the existing building. The existing low retaining wall will remain and will be straightened and plumbed up. The derelict two-story mansion upslope on the adjoining lot will be razed and the natural slope will be planted or terraced after minor grading.

Several footings for support of columns carrying the three-story "deck" or open air lounge will have to be designed to bear on soils near the upslope limit of the existing lot.

We need a rough topo survey of the existing ground surface on the two lots to examine regarding safe slope angle. We need several hand auger test borings to 8'± to estimate soil density and type.

Probable recommendations will include;

1. Regrade slope after razing structure. Remove "excess" soils.
2. Design overhang footings for 5' burial.
3. Recommend upslope cutoff trench and drain line.
4. Planting to include indigenous native plants (salmonberry and alder) after hydroseeding.

fej

cc: Mr. John Egan



R&M ENGINEERING, INC. 5205 GLACIER HWY PC BOX 34278 JUNEAU ALASKA 99803 PH 907 79

December 28, 1989

The Glory Hole
247 S. Franklin Street
Juneau, Alaska 99801

Attention Mr. John Egan

Re: Geophysical Hazard Assessment
New Glory Hole Building
R & M Project No. 891183

Ladies and Gentlemen:

This is our letter-report concerning the potential for damage to the planned structure by earthslide or debris avalanche either from outside the property limits or from earthslides which may result from new construction on the property.

This report is written in response to a requirement by the City and Borough of Juneau (CBJ) building officials to address the potential for loss of life or property in those areas which may have "highly unstable" or "potential unstable" slopes. These slopes were identified in a report entitled "Geophysical Hazards Investigation for the City and Borough of Juneau" completed in 1972. The subject project site is located in an area shown on Figure 6 of that report. Within said report, the area is described as "potential hazard" with respect to mass-wasting, i.e., earthslides and debris flows.

The classification category in the report is based on a combination of soil strength data and slope angle. These factors at the site were investigated with the following results.

Slope Angle

The slope of the visible ground surface was measured utilizing hand level and fabric chain methods. The results are indicated on the attachments and indicate that the general surface slope angle is in the 18° to 27° range. This range compares favorably with the slope angle range of 28° to 37° indicated on Page 32 of the 1972 report as defining "potentially unstable" slope. In short, the slope is not, by the 1972 report's definition, "potentially unstable."

The Glory Hole
 December 28, 1989
 Page 2

Soil Strength

The soils existing on the subject slope were observed in nearby exposures (Filipino Community Center and adjacent slope). The observations compare favorably with our knowledge of soils on this hillside obtained in at least three soil investigation projects over the past 18 years. Surficial soils are granular and may be classified as a SAND with some silt and gravel size material, all of colluvial origin. The surficial soil extends to a depth of 10' to 20' where it is underlain by a glacial marine sediment which can be classified as a silty SAND. The surficial soil unit compares favorably with the soil samples described in the 1972 report as having an angle of internal friction of 36° to 37°.

It can be concluded from a review of slope angle and soil type on the slope behind the existing Glory Hole building that the potential for damage from mass wasting is minimal, particularly if the following construction recommendations are followed;

1. Machine grade the entire surface upslope of the existing concrete retaining wall to a relatively uniform slope angle. (Shallow terracing may be more aesthetically pleasing.)
2. Found the deck support footings at least 4' below the slope surface as measured on the slope's low side. Footings may be designed for a soil bearing value of 1,500 PSF.
3. Relocate the fuel oil tank so it does not bear against the upslope side of the retaining wall.
4. Hydroseed the slope soils exposed by grading and hand-plant with salmonberry, alder, or other native, hardy plants.
5. Intercept sheet flow water at the upslope property line by excavating a 2' (minimum) depth ditch sloped to drain without eroding the ditch bottom. The ditch should discharge into a conduit leading to the municipal storm drain system.

In summary, aside from the general soil creep, for the slope behind the Glory Hole, mass wasting is not now, nor has it been a problem in the historic past. Slides have descended the slopes to the north and south of Decker Way, but have not affected the Glory Hole property slope and building to any significant degree.

If the new construction recommendations indicated herein are implemented, we anticipate that mass wasting will not be a significant problem for this structure or its occupants in the foreseeable future.

The Glory Hole
December 28, 1989
Page 3

We appreciate the opportunity to evaluate the potential for future mass-wasting damage to the planned new Glory Hole structure. Should there be questions, or if we may be of further service on this or future projects for the Glory Hole, please do not hesitate to contact us.

Sincerely,

R & M ENGINEERING, INC.



Joseph L. Connolly, P.G., E.G.
Engineering Geologist

fej

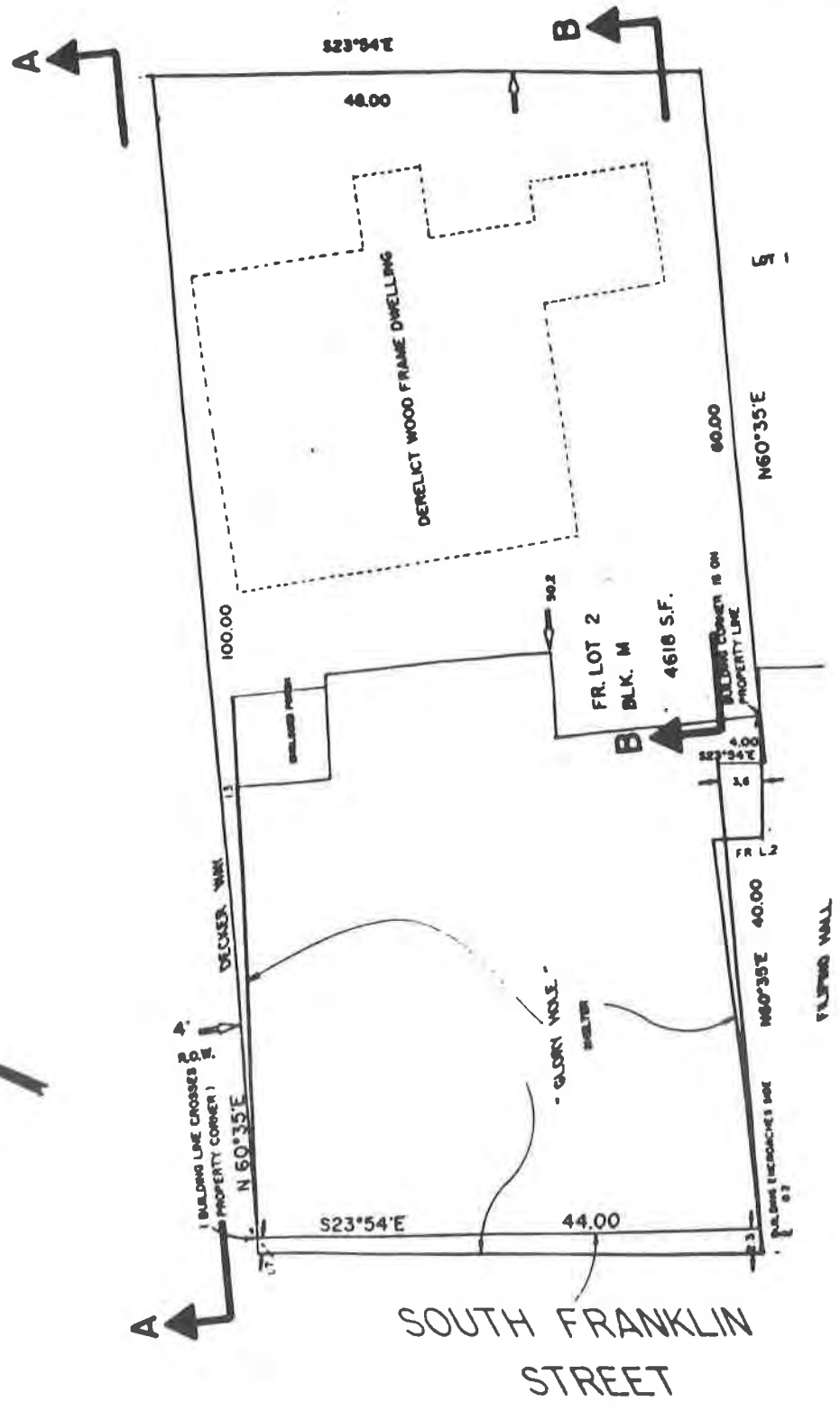
Attachments



Malcolm A. Menzies, P.E.
Civil Engineer



R&M ENGINEERING, INC.

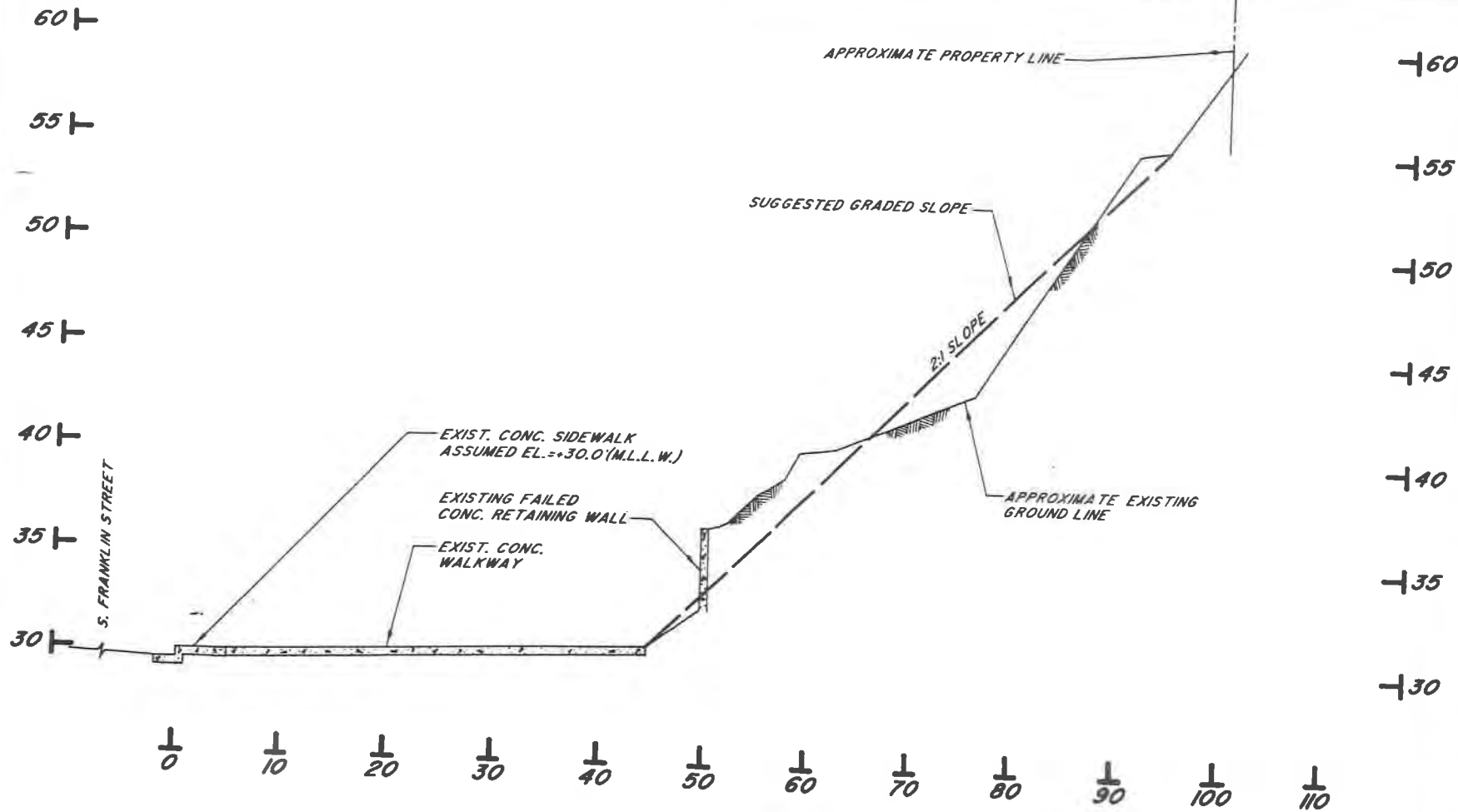


SURFACE PROFILE LOCATION DIAGRAM

GLORY HOLE BUILDING

Attachment F - 1989 USE89-17 Notice of Decision, materials, and R&M Engineering Report

| | | | | | |
|------------------|-----------------|------------------|--------------------|-----------------------|----------------------|
| DATE 12-27-89 | SCALE N.T.S. | DRAWN BY D.S. | CHECKED BY J.C. | PROJECT NO. 891183 | DRAWING NO. NO. 1 |
|------------------|-----------------|------------------|--------------------|-----------------------|----------------------|



SECTION "A-A"
GLORY HOLE BUILDING

SCALE: HORIZ.: 1"=10'
 VERT.: 1"=5'

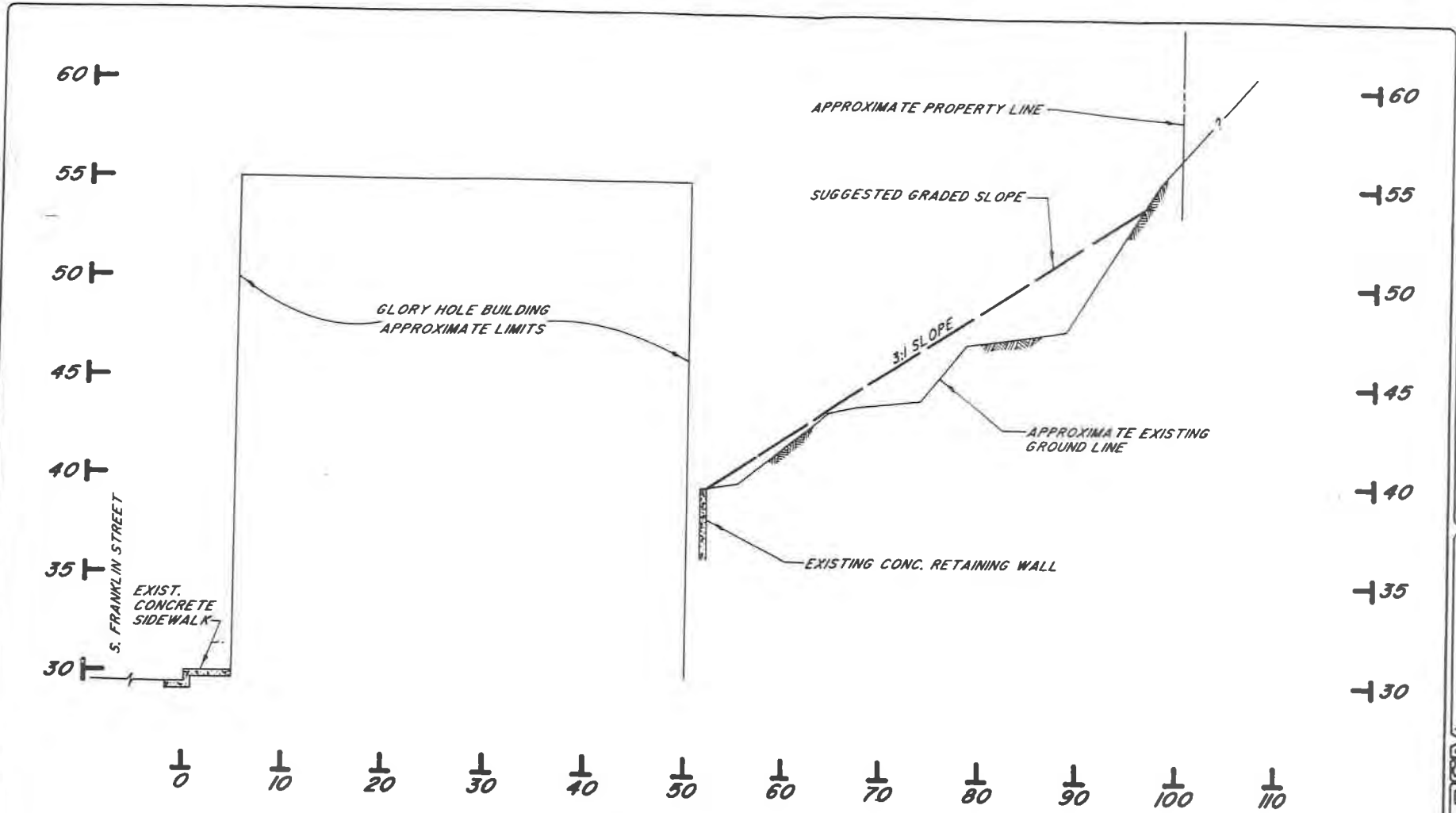
| | |
|---------|----------|
| DWG NO | NO. 2 |
| SCALE | AS SHOWN |
| DATE | 12-27-89 |
| PROJ NO | #29823 |
| GRID | FILE |

SECTION "A-A"
GLORY HOLE BUILDING
 JUNEAU, ALASKA

R&M ENGINEERING, INC.
 PROFESSIONAL ENGINEERS
 JUNEAU, ALASKA

| | |
|-----|------|
| DES | JMP |
| KD | |
| WN | D.S. |
| KD | AK |
| PHU | |

Attachment F - 1989 USE89-17 Notice of Decision, materials, and R&M Engineering Report



SECTION "B-B"
GLORY HOLE BUILDING

SCALE: HORIZ.: 1"=10'
VERT.: 1"=5'

| | |
|---------|----------|
| DWG NO | NO. 3 |
| SCALE | AS SHOWN |
| DATE | 12-27-89 |
| PROJ NO | 09003 |
| GRID | FILE |

SECTION "B-B"
GLORY HOLE BUILDING
JUNEAU, ALASKA

R&M ENGINEERING, INC.
JUNEAU, ALASKA

| | |
|------|--------|
| DES | J.M.P. |
| CKD | |
| DWN | |
| CKD | |
| APPD | |

MEMORANDUM

JUNEAU

R&M

| | | |
|--|--|-----------------------|
| TO Project File | SUBJECT Site Observations The Glory Hole | |
| FROM Joseph L. Connolly <i>JLC</i> R & M Engineering, Inc. | DATE 12/26/89 | PROJECT NO. 891183 |

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2. Design overhang footings for 5' burial.
3. Recommend upslope cutoff trench and drain line.
4. Planting to include indigenous native plants (salmonberry and alder) after hydroseeding.

fej

cc: Mr. John Egan

MEMORANDUM

THE CITY AND BOROUGH

Section J, Item 2.

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

TO: Design Review Board

DATE: December 18, 1989

FILE NO. HDR-09-89

SUBJECT: Design Review Permit

FROM: Tom Korosei
Planner I

At its meeting December 6, the Design Review Board discussed the proposed construction of a new facility for the Glory Hole, which would necessitate the demolition of the existing structure. The Board noted that the existing building has been identified as a "contributing structure" in the city's nomination of the Downtown Historic District to the National Register of Historic Places, and referred the subject application to the Historic District Advisory Committee for comment.

In its discussion, the Board made a number of suggestions to the applicant to better achieve the objectives of Juneau's historic district development guidelines. The staff understands that the applicant will submit information to show continued design work in response to those suggestions.

Depending on comments from the Historic District Advisory Committee which should be known by the time of the Board's meeting, and depending on additional information submitted by the applicant, the Board may be able to act on the permit application.

The staff's recommendations applicable to the previous proposal may not be strictly applicable to a revised design or alternative proposal. Generally, however, the recommendations are intended to encourage closer adherence to the characteristic details included in the Downtown Historic District Guidelines published by the Department of Community Development. These guidelines are largely incorporated into the historic district regulations (4 CBJAC 080) and relate to roof form, storefront appearance, window details, color scheme and finish, finish materials, canopy design, and other architectural features.

The staff's recommendations are not meant to preclude other alternatives which should properly be considered, including rehabilitation of the existing structure for the proposed or a different use.

43/13

MEMORANDUM

THE CITY AND BOROUGH

Section J, Item 2.

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

TO: Design Review Board

DATE: December 4, 1989

FILE NO. HDR-09-89

SUBJECT: Historic District Design
Review Permit

FROM: Tom Korosei, Planner I
Community Development

General Information

Applicant: Alaska Building Consultants for Juneau Cooperative
Christian Ministry

Property Owner: Juneau Cooperative Christian Ministry

Requested Action: Approval of Design Review Permit

Purpose: To allow construction of a new 5000-square-foot
building to replace an existing building.

Legal Description: Fractions of Lot 2, Block M, Juneau Townsite

Parcel No.: 1-C07-0-B0M-001, 002-0

Location: 241-247 South Franklin Street

Site Size: Approximately 5000 square feet

Access: South Franklin Street

Existing Land Use: Facility for sheltered care of indigent persons

Surrounding Land Use: North - Commercial
South - Community center
East - Vacant/residential
West - Commercial

Zoning: Mixed Use (MU)

Findings

This proposal calls for demolition of the existing structure fronting on South Franklin Street, as well as an existing dwelling on the rear portion of the lot, and construction of a new building to continue the current operations.

The existing building is the Korkorkonen Building, one of 46 "contributing buildings" listed in the CBJ's nomination of the Juneau Downtown Historic District for inclusion in the National Register of Historic Places. It is actually composed of two two-story buildings, of wood frame construction, with a wood frame storefront. It has wood siding, double-hung windows, and cornice on both structures. The roof is partially flat and partially gable in style.

113

The Franklin Street facade has had a number of alterations, including removal of a marquee in about 1974 or 1975. The building's present appearance dates from about that time.

It appears that the proposed project will require Planning Commission review for a conditional use permit and possibly for one or more variances. As proposed, no parking would be provided on the site. To do so would likely substantially affect the appearance of the building.

The existing structure apparently encroaches about two feet into the Franklin Street right-of-way, although it aligns with the front of the adjacent buildings.

The new structure would be set back to eliminate the encroachment, but under Historic District standards, would not need to be set back an additional five feet as required under the general zoning standards for this district.

Analysis:

Overall, the proposal appears to be generally harmonious with the character of the surrounding buildings in the historic district. The proposal includes a marquee with support rods as found on the structure previously. The design shows horizontal siding and suggests a storefront appearance at the first story.

The building lacks certain features, such as cornice bracketing and recessed entryway, of the existing building. The proposed building also lacks certain details, such as window proportions and casings, that are more typical of buildings of the turn of the century. The building also incorporates certain details, such as vertical "captain pine" siding, not characteristic of such buildings.

Staff Recommendation:

We recommend this item be continued and referred to the Juneau Historic District Advisory Committee for comment and/or recommendation to the Board.

Depending on the Committee's recommendations, we recommend that the applicant incorporate details into the building's design to complement nearby historic district structures or to more nearly conform to the original appearance of the structure(s) being replaced.

Any significant modifications required by the Planning Commission in conjunction with permits, or necessary to comply with other code requirements, shall be resubmitted to the Board for review.

1521/1

MINUTES

DESIGN REVIEW BOARD
CITY AND BOROUGH OF JUNEAU, ALASKA
Regular Meeting

December 20, 1989

The regular meeting of the Design Review Board, held in the Assembly Chambers of the Municipal Building, was called to order at 5:40 p.m. by Chairman Jay Johnson.

I. ROLL CALL

Board Present: Sharon Gaiptman, Dick Winchell, Jack Wolever, Jay Johnson

A quorum was present.

Staff Present: Tom Korosei, Planner

II. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

III. CONSENT AGENDA

MOTION - by Gaiptman to approve the consent agenda. There being no objection, it was so ordered.

DRD-31-89
Construction of loading dock canopy

Applicant: Juneau Dairies, Inc.

DRD-27-89
Modifications to previously approved plans for alterations to National Bank of Alaska Valley Branch

Applicant: RMC, Inc.

IV. REGULAR AGENDA

HDR-09-89
Construction of approximately 5000-square-foot building for sheltered care of indigent persons, located at 241-247 South Franklin Street (continued from 12/6/89).

Applicant: Juneau Cooperative Christian Ministry (The Glory Hole)

Staff Report: Mr. Korosei advised the Historic District Advisory Board has discussed varying degrees of replication of the existing building, which, because of its condition, necessitates substantial restoration, and the remaining original structure would be of questionable historic value. That board accepted the concept of the revised drawing that had been presented, but specific significant details should be incorporated into the final design. The Historic District Advisory Board also wished to go on record in support of vacation of a two-foot infringement on the right-of-way even though the Planning Commission will not likely support such a vacation.

Tom Huntington, representing the applicant, provided an overview of the planned design.

Board Action:

MOTION - by Wolever to approve the design presented on the lower drawing with the understanding that window forms, treatments for mullions, and the cornice will be replicated faithfully in accordance with the original photographs, and the material will be drop-sided on the front. Once materials are settled upon, colors will be submitted to the Design Review Board. There being no objection, it was so ordered.

DRD-36-89
Installation of freestanding sign at entrance to Harris Harbor

Applicant: University of Alaska

This item was withdrawn from the agenda.

V. STAFF REPORT

None.

VI. QUESTIONS AND COMMENTS

None.

VII. ADJOURNMENT

MOTION - by Gaipman to adjourn. There being no objection,
the meeting adjourned at 6:25 p.m.

MINUTES

DESIGN REVIEW BOARD
CITY AND BOROUGH OF JUNEAU, ALASKA
Regular Meeting

December 6, 1989

The regular meeting of the Design Review Board, held in Room 214 of the Municipal Building, was called to order at 5:30 p.m. by Chairman Jay Johnson.

I. ROLL CALL

Board Present: Sharon Gaipman, Marwood Harris, Jack Wolever, Jay Johnson

A quorum was present.

Staff Present: Tom Korosei, Planner

II. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

III. APPROVAL OF MINUTES

MOTION - by Harris to approve the minutes of November 7, 1989 as written. There being no objection, it was so ordered.

IV. CONSENT AGENDA

DRD-30-89

Site Alterations and signage for a fitness center in an existing building at 10004 Glacier Highway.

Applicant: Sports Unlimited

Mr. Korosei requested that the consent agenda be continued because the applicant had not provided all the necessary information.

V. REGULAR AGENDA

HDR-09-89

Construction of approximately 5000-square-foot building for sheltered care of indigent persons, located at 241-247 South

Franklin Street.

Applicant: Juneau Cooperative Christian Ministry (The Glory Hole)

Staff Report: Mr. Korosei reviewed the report included in the packet. He noted additional review of the project must be given by the Planning Commission, thus the public will have further opportunity to comment.

Staff recommends this item be continued and referred to the Juneau Historic District Advisory Committee for comment and/or recommendation to the Board.

In response to Chairman Johnson, Mr. Korosei advised he would attempt to schedule the Historic District Advisory Committee meeting prior to the January 9 Planning Commission meeting.

John Egan, representing The Glory Hole, provided an overview of the project. He noted the new building will be placed back two feet from the existing footprint because the existing building apparently encroaches into the Franklin Street right-of-way.

Tom Huntington, architect for the project, advised the two buildings on the site at this time will be demolished and the new structure will be placed back two feet, making it difficult to replicate what currently exists. Mr. Huntington urged the Board to determine if the proposed design is acceptable rather than trying to recreate the original one in order to expedite the design process.

Mr. Wolever indicated it was incorrect to assume that the Historic District Advisory Committee would require the applicant to replicate the existing building; however, the detailing on the building and the materials used should be similar to the original. Mr. Egan advised they intend to meet the code and make the building blend in with the adjacent structures.

The Board discussed a two-foot street vacation, noting the issue amounts to prioritizing the historic appearance of the downtown district or public use of property.

Board Action:

MOTION - by Gaiptman to accept staff's recommendation.

There being no objection, it was so ordered.

HDR-10-89

Alterations to C.W. Young Building (Ace Hardware)

Applicant: Thomas Huntington

Staff Report: Staff recommends that renovation of the C.W. Young Building (Ace Hardware) be approved subject to the following conditions:

1. Renovation previously approved shall be completed in conformance with previously approved plans except that the first-story window on the Shattuck Way facade may be repositioned to allow existing access to fire protection device connections, and the canopy should remain with a balustrade design that is complementary to the previously approved plans.
2. The design for new work shall be revised to conform with the historic district design standards including a) replacement of the textured plywood and other vertically oriented siding, with appropriate finish material and detail, such as horizontal tongue-and-groove wood siding and wood window casings, and b) use of canopy support rods as in the original design.
3. All signage shall be submitted for review and approval and unapproved signs shall be removed.

Commission Action:

MOTION - by Wolever to approve staff's recommendation. There being no objection, it was so ordered.

In response to questions by the applicant, Chairman Johnson explained the Board has directed that the vertical siding be removed and replaced with horizontal materials. Mr. Wolever added another sketch should be submitted to the Board if the applicant disagrees with the recommendations. Mr. Huntington indicated vertical treatment underneath the windows would be more successful than going to beveled siding. Chairman Johnson commented it is the portion above the canopy that concerns the Board, not the portion below. Mr. Huntington commented the Board voted to have horizontal siding; whether it is worth the owner's time to return to request vertical is questionable. Chairman Johnson advised he would reconsider his vote in order for the applicant to

address the issue, but a specific plan would be necessary.

Public Participation:

Laurie Ferguson Craig commented she has strong feelings about maintaining the consistency and integrity of design in the downtown area. She noted most people don't look above the marquee, thus what is at eye level is a very important factor in maintaining that consistency.

NOTICE OF RECONSIDERATION - by Chairman Johnson of his vote on this issue.

VI. STAFF REPORT

Mr. Korosei advised a proposed new building in the historic district will be coming before the Design Review Board in the near future. The Board, upon review of preliminary sketches, requested further information and design plans before it is addressed.

Mr. Korosei also mentioned a preliminary waterfront plan will be completed in the very near future.

VII. QUESTIONS AND COMMENTS

Ms. Gaiptman commented it seemed odd that so much energy is being spent on the C.W. Young Building alterations when the building it is anchored to is the biggest eyesore in the downtown area. Chairman Johnson requested information regarding condemnation of buildings within the historic district.

Responding to Ms. Gaiptman's query about the status of the signage ordinance, Mr. Korosei advised the Planning Commission Committee of the Whole is considering revisions and will be bringing it before the Board for review once the revisions are drafted.

VIII. ADJOURNMENT

MOTION - by Gaiptman for adjournment. There being no objection, the meeting adjourned at 7:00 p.m.



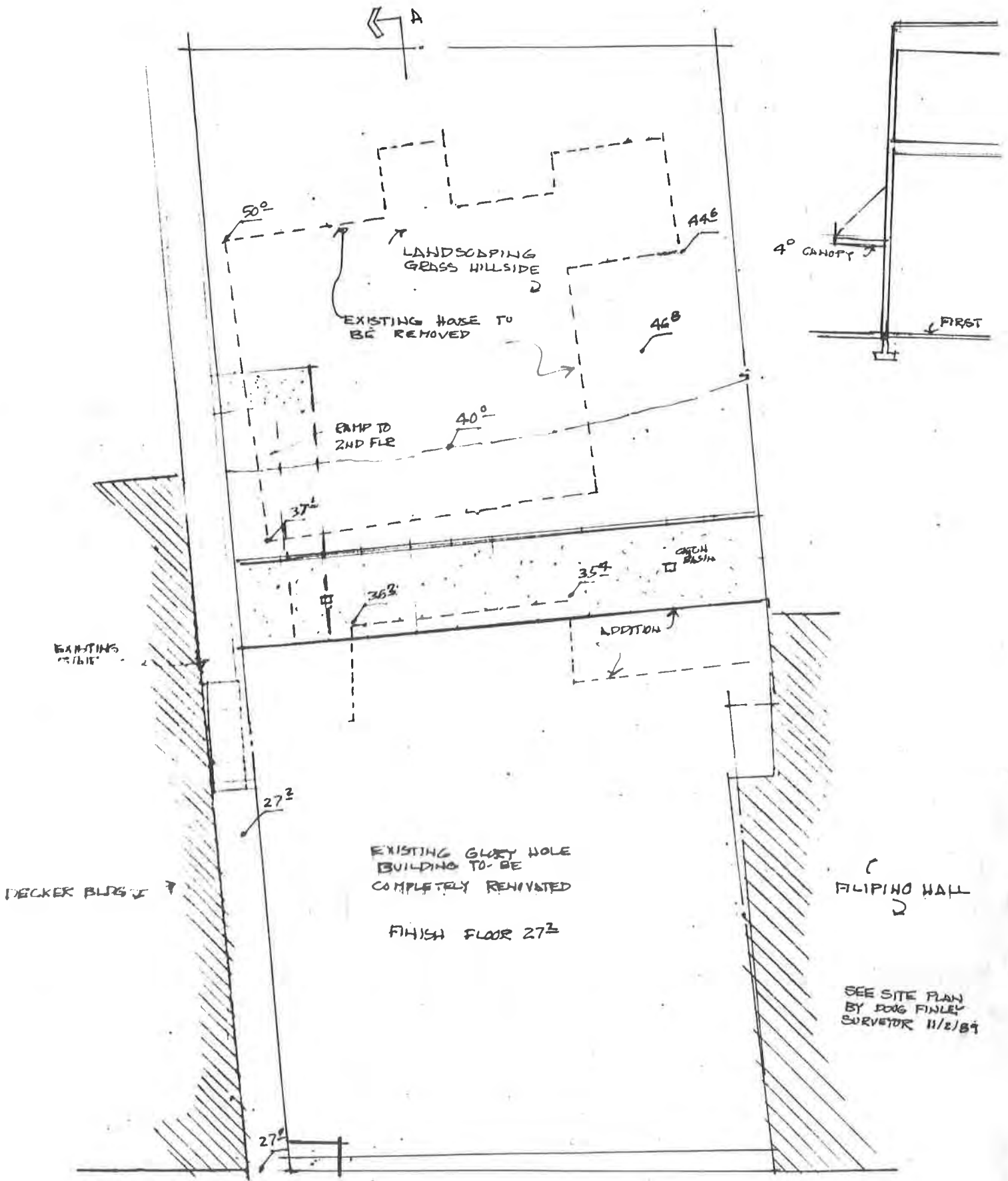
THE GLORY HOLE

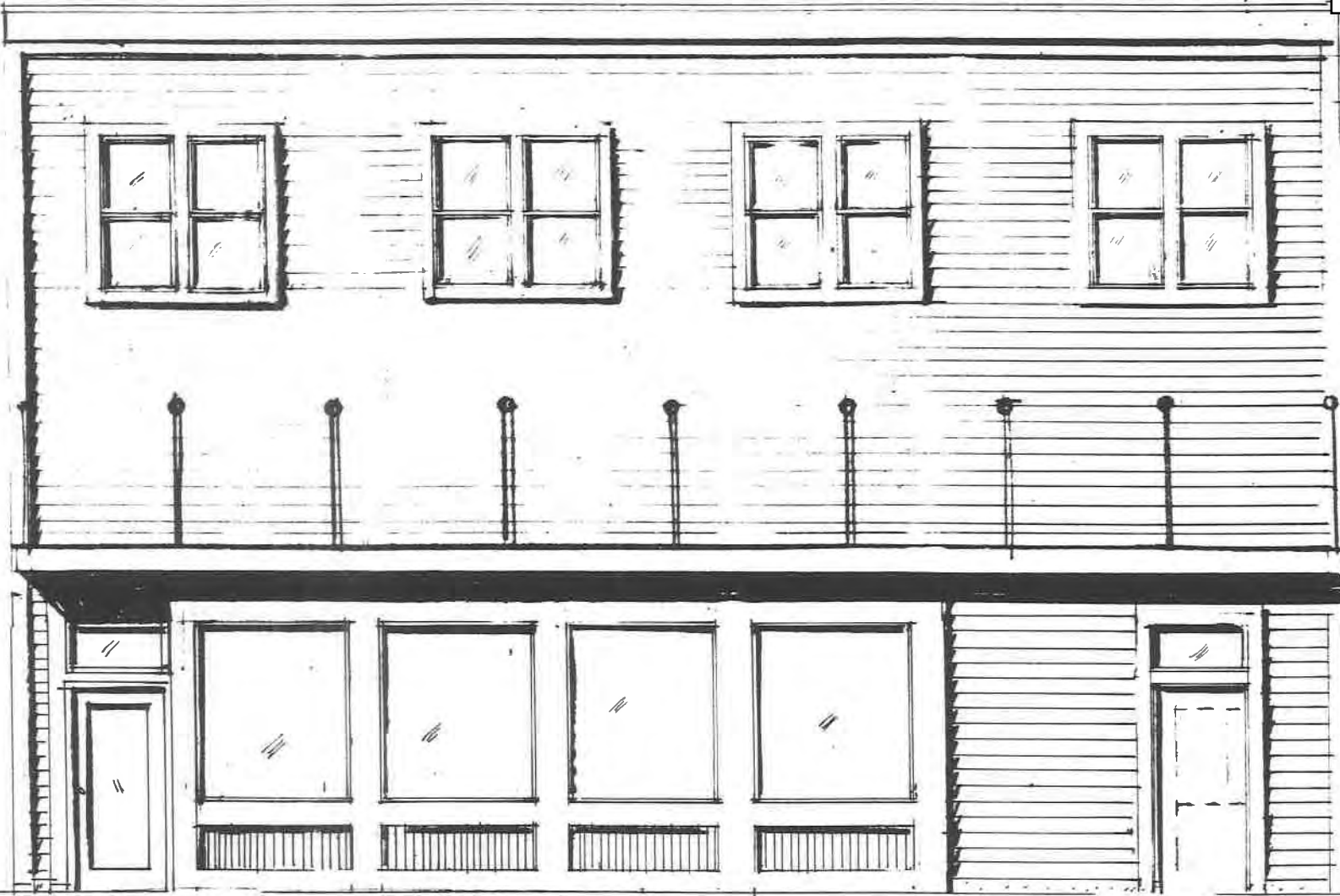
247 south franklin street juneau, alaska 99801 907-586-4159

NARRATIVE DESCRIPTION OF PROJECT

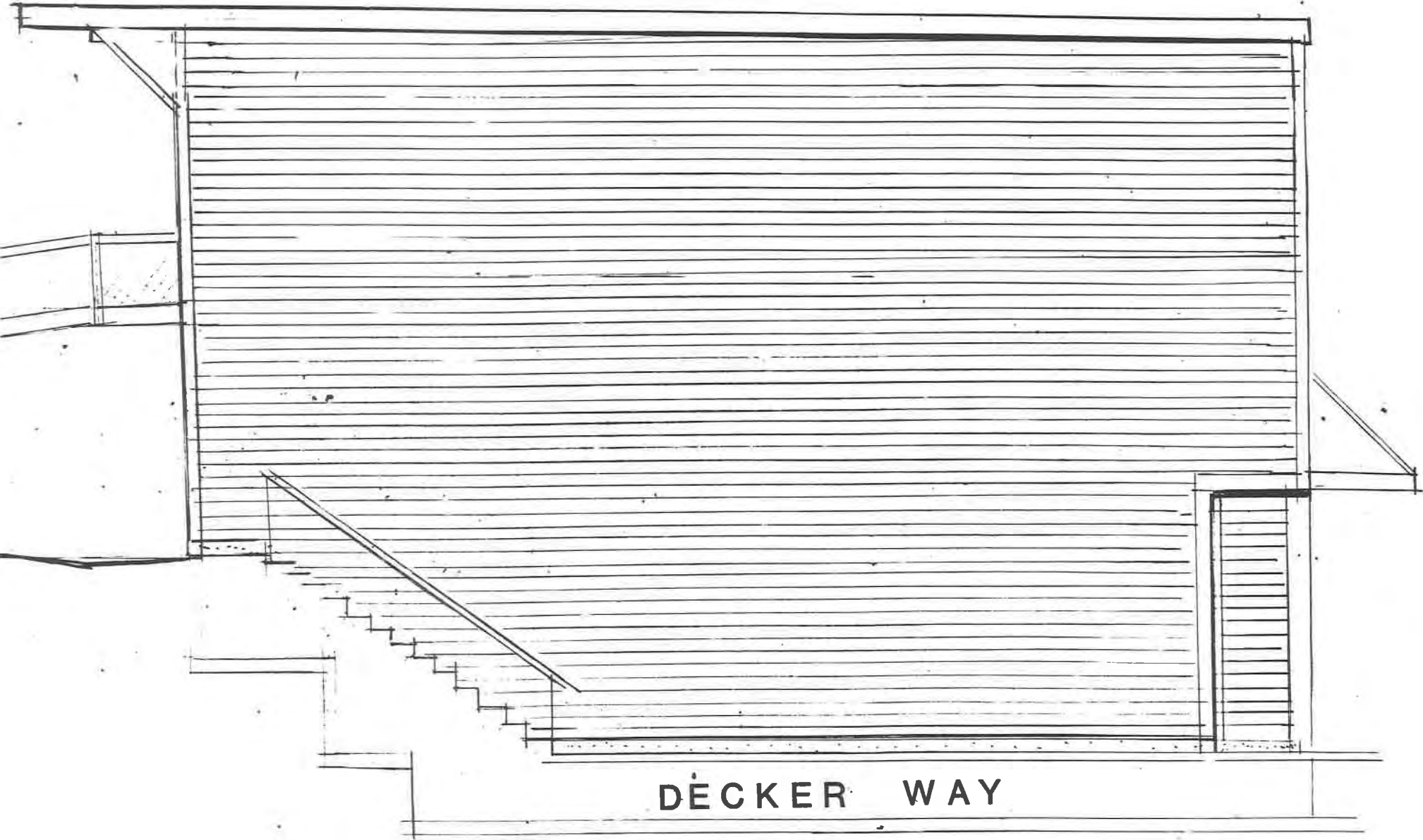
The Glory Hole plans to rebuild its current structure on the present site. Use of the new building will essentially remain the same with meals being served twice daily in an approved kitchen and shelter bunk space provided for a possible total of 36 individuals. The Glory Hole is the only source for emergency shelter and meals in the Juneau area. The daily population is approximately 70 including guests at both meals and those using the drop-in center for coffee and donuts. These approximately 70 individuals enter and exit throughout the hours of operation.

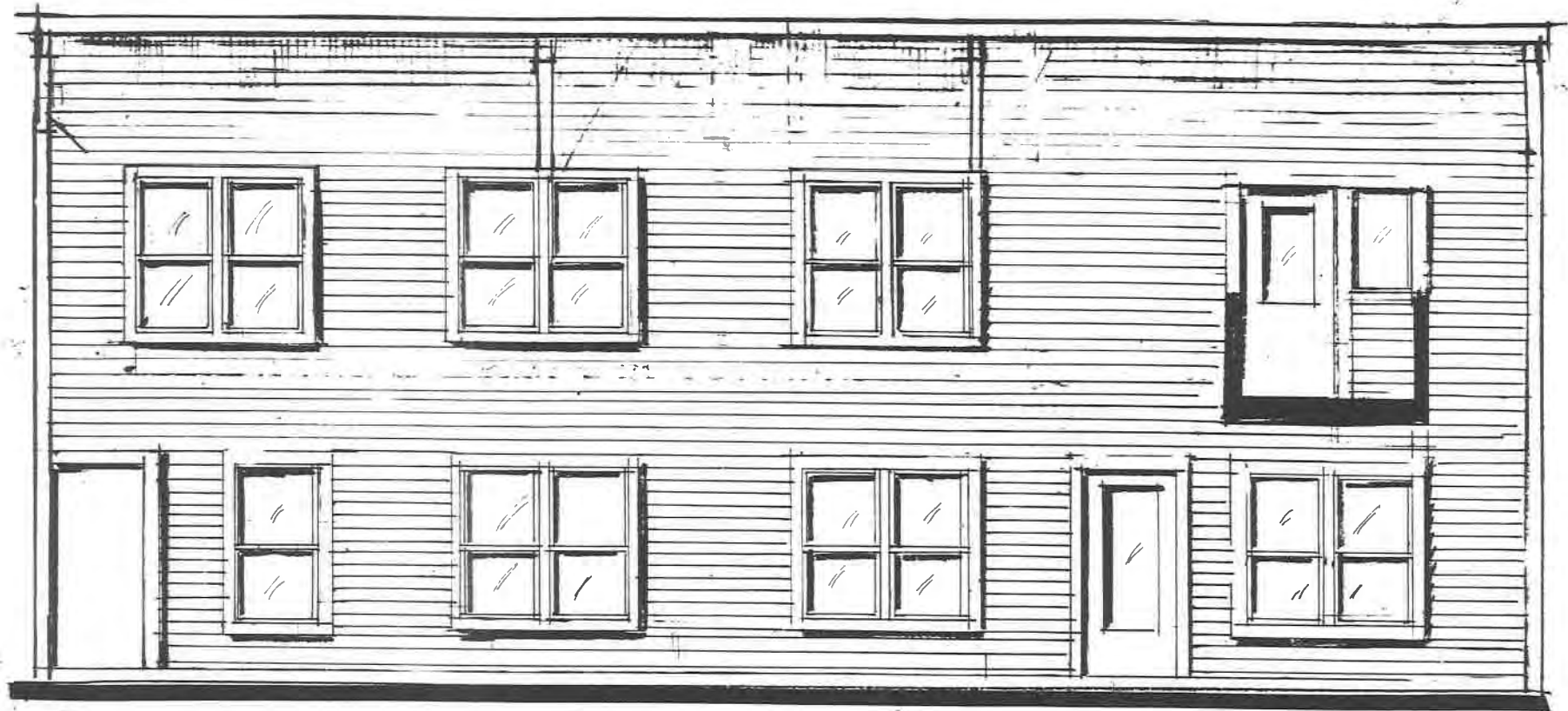
The new building project will increase capacity in both the dining room and shelter and facilitate the operation greatly. Current structural limitations and old, worn-out utility equipment inhibit efficient and effective use of the building. Total square footage of the new structure will be 4500 sq. ft. Site plan included with this application.





South Franklin Street Elevation
THE GLORY HOLE





Rear Elevation

HDR-09-89



The Glory Hotel

MEMORANDUM

THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

ALL STAFF

TO: ~~Planning Commission~~

DATE: July 8, 1988

FILE NO. 8010

SUBJECT: Staff Interpretation of Land Use Code

FROM: *GL*
Gabrielle LaRoche, Planner II
Community Development

A discrepancy exists between 4 CBJAC 080, Historic District Standards, and 49.25.430, Dimensional Standards. Historic District Standards read as follows:

4 CBJAC 080.050(b) Setback Standard. Front and side setbacks for new construction or additions shall maintain the visual continuity of the streetscape.

The background to the height and setbacks section of the Historic District Design Standards states the following:

"The building and setback requirements are designed to retain the sense of enclosure and definition of the street which is characteristic of the Downtown Historic District. This experience of containment is partially a result of the prevailing two-to-four story building heights, the approximately one-to-one relationship of the street width to building height, and the continuous street wall formed by buildings which are contiguous and typically abut the street property line."

The table of dimensional standards in 49.25 lists five feet as the front yard setback in the mixed use district.

Beyond the "rule of thumb" that the more specific takes precedence over the more general, 49.70.530 states that Historic District Standards take precedence over more general design review standards within the Historic District. This seems to imply that more sepcific Historic District standards should take precedence over general zoning dimensional standards.

Staff found that the historic district front yard setback requirement takes precedence over the more general setback requirement of five feet established in the mixed use district regulations. Staff requests concurrence on this interpretation. **THE PC CONCURRED.**

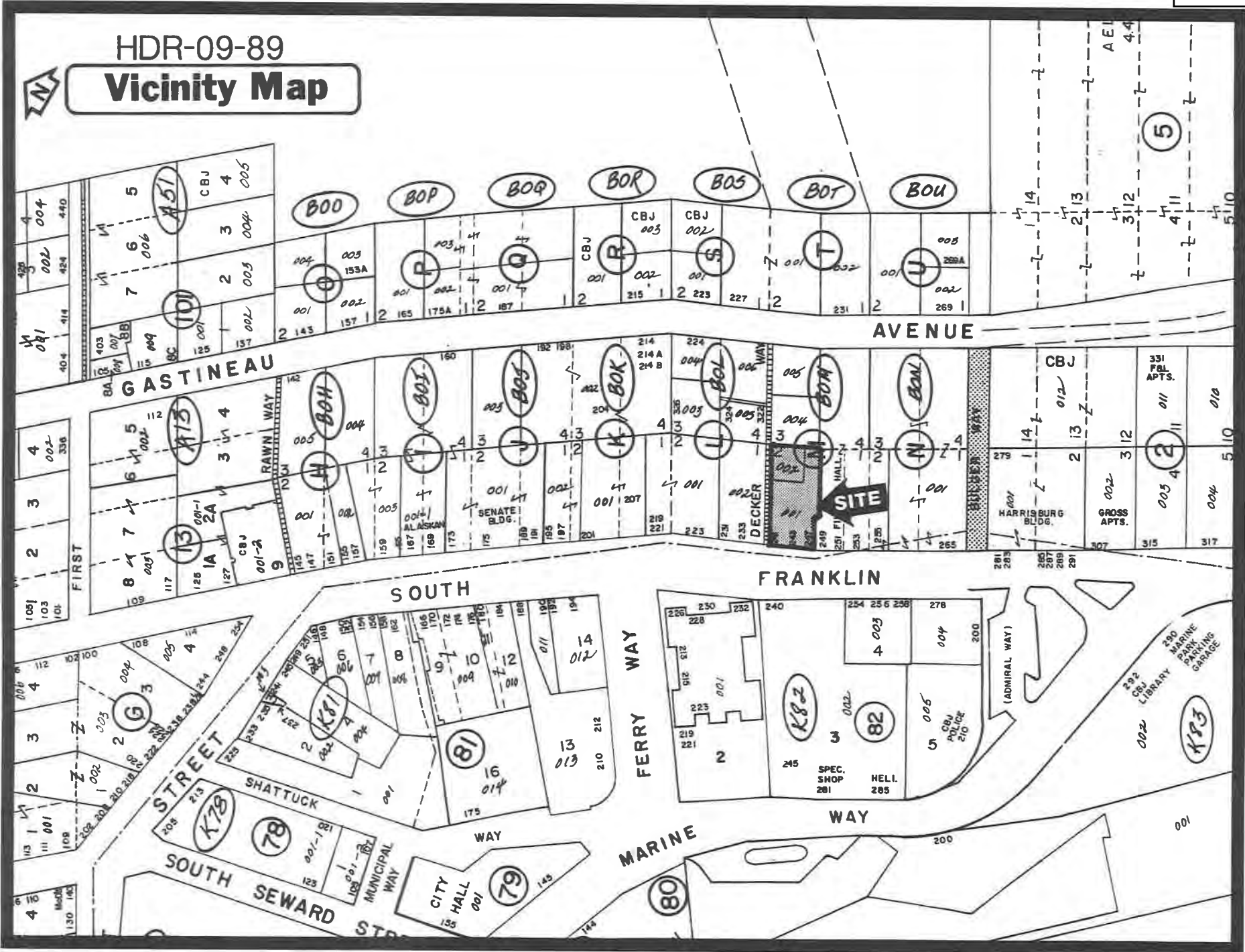
1255/65/GL/dls

**PLEASE
NOTE!!



HDR-09-89

Vicinity Map



Attachment G - 1989 HDR89-09 Notice of Decision

SOURCE: National Register of Historic Places ;
Nomination Form (City and Borough of Juneau)

- 40. Korkkornen Building/Glory Hole, 241, 243, 247 South Franklin Street, Lot 2, Block M, Juneau Townsite, ca. 1900, contributing building.

Other: wood frame storefront, two-story, composed of two buildings; flat roof and gable roof; wood frame construction, wood siding, double-hung windows and cornice on both structures; concrete block foundation. First floor extensively altered.

Owner: Juneau Cooperative Christian Ministry
c/o Box 186
Juneau, AK 99802

- 41. Goldstein Store/Filipino Community Hall, 251 South Franklin Street, Lot 4, Block M fr. Lot 1 & 2, Block M, Lot 2, Block N, Lot 1, Block N-1, Juneau Townsite, 1914, noncontributing building.

Other: wood frame storefront, two-story, 78'X46', flat roof, wood frame structure, front parapet, second-story double-hung windows; concrete foundation. Reconstructed in 1983 with concrete and stucco facade. Exterior extensively altered.

Owner: Filipino Community, Inc.
251 South Franklin Street
Juneau, AK 99801

- 42. Marine View Apts., 230 South Franklin Street, Lots 1 & 2, Block 82, Tidelands Addition, 1973, noncontributing building.

Nine-story, flat roof, reinforced concrete frame and exterior; mixture of retail, offices and apartments, concrete foundation. Remodeled 1987.

Owner: Robbins-Hattrup Partnership
2410 Boyer Avenue East Box 100080
Seattle, WA 98112

- 43. Goldstein Building/Orpheum, 245 Marine Way, Lot 3, Block 82, Tidelands Addition, 1912, contributing building.

Other: wood frame storefront, two-story, composed of three structures; flat roof, wood frame construction, old metal siding and partial wood siding; sidewalk canopy on South Franklin Street; concrete block foundation. Extensively altered.

Owner: Buckley/Cashen
dba B & C Building
245 Marine Way #1
Juneau, AK 99801 *del. not clean letter*

KORHONEN'S ROOMING HOUSE

Henry Korhonen, born January 17, 1836, was a Russian born in Finland. In 1861 he stowed away on a ship bound for an unknown destination, which turned out to be Sitka, Alaska. After Alaska was sold to the United States, Korhonen decided to remain in Sitka where he had been employed as a carpenter by the Russian-American Company.

In 1874 he went to the Cassiar, where he met Richard Harris and Joseph Juneau for the first time. He was not successful at the Cassiar strike and returned to Sitka in 1879 where he worked as a carpenter for George Pilz at Silver Bay.

Following the discovery of gold by Harris and Juneau on Gastineau Channel, most of the men of Sitka made a rush for the new strike. Korhonen arrived in the new town in January 1881. He staked the present lot, which was on the waterfront, pitched a temporary tent, and built the rooming house which was completed in 1883. The original part of the building dating back to that year is now occupied by Juneau Electronics, and the addition housing Totem Bay Sports was added on in 1898.

Korhonen did little mining, even though he bought a half interest in a placer claim on Gold Creek on February 16, 1881. His main occupation was as a carpenter for John Treadwell, and he put up the first mill building at the Treadwell Mine.

Korhonen's first wife, a Sitka Tlingit, died, and on July 24, 1895, he married Anna Sofia Juntunen of Juneau in St. Nicholas Russian Orthodox Church, which he had helped build in 1893.

Korhonen made the rush to Nome in 1899, but returned to Juneau the following year where he lived until his death on October 12, 1912, leaving his wife and four children. Henry and Anna Korhonen are buried side by side in Juneau's Evergreen Cemetery.

The present owners of the building, Gene and Eunice Miron have brought the structure up to code, including fire walls, and have kept the exterior in a Gold Rush style.

Page 14, CBJ #: A-10 - Korhonen Boarding House

I very much doubt the date 1883; there probably was not a Korhonen Rooming House until after 1895, and perhaps not until after 1912. Henry Korhonen was born in Finland and came to Sitka during Russian days. He married at Sitka, but his wife died. He did some mining at Juneau, but mostly worked as a carpenter and at Treadwell. He married Miss Anna Sofia Juntunen at Juneau in 1895, and it is possible that she started the boarding house soon after that. Or she may not have started until Korhonen died in 1912, leaving her with four young children.

More research is needed on this; the building may have been put up at the same time as the Goldstein Store (see A-18)

Page 16, CBJ #: A-11 - Fashion Building/Lucky Lady Saloon.

"Fashion Building" seems a poor designation for this building as The Fashion, a women's apparel shop, was there only briefly in 1914 (after Butler Mauro moved out) and 1915. It then moved to Seward Street, between 2nd and 3rd.

The Butler Mauro Drug Co. moved down from Nome in 1914 and was in this building only briefly while the Guffy Building was being constructed. In October, 1926, the building was occupied by the Wright Jewelry Shop and was known as the Wright Building for William C. Wright. On October 26 the building was slightly damaged and the merchandise heavily damaged by a dynamite blast next door under the Peerless Bakery. A succession of jewelers occupied the building until March 24, 1934, when Guy Smith, Drugs, moved there from Douglas. This later became Warfield Drugs, then Professional Pharmacy until the latter moved to the Foodland complex.

CBJ #: A-12 - IBEW Building.

If the original names are to be used, this should be the Kubach Building, or the Studebaker Building. Louis Kubach had the Yukon Billiard Hall on the site at least as early as 1889, but in another building. The building was for sale or lease in 1890, but Kubach was still there with a general merchandise business in 1894. In 1896 he retired from that business, selling his merchandise stock to Koehler & James. In June, 1897, he opened the Old Stand saloon in a new building which I believe is the one standing there today.

In 1904 Kubach sold the saloon and the building to Gustave Studebaker and William Bosch (see D-3, page 94). A feature of the saloon was a collection of some 3,000 Alaska mineral specimens. This was donated to the Territorial Museum after the saloon closed. On March 30, 1925, the building was purchased by George Simpkins whose bindery and stationery store had been on Ferry Way for 13 years. After Simpkins retired, the building was occupied by the Miner Publishing Co., now in the Cheney Building.

The statement under "Significance" that "this was once the last building on Front Street before the water's edge" seems meaningless. The whole of Front Street was the water's edge. If by this is meant that there were no buildings between it and Main Street, that is false. Next door was the Occidental Hotel (the site of Juneau's first hotel, the Franklin), and next to the Occidental and on the corner of Front and Main was the Delaney Building, erected in 1897 or 1898.

Attachment G - 1989 HDR89-09 Notice of Decision

SOURCE: Alaska Heritage Resource Survey Sites in the Juneau Area
(April 1980)

Section J, Item 2.

JUN 124

ALASKA HERITAGE RESOURCES SURVEY
SITE CARD

10-521
REV. 1972, 1976

SPACE BELOW FOR ADP USE ONLY

1. NAME OF SITE **2. PERTINENT DATES**
Totem Bay and Juneau Electronics, Originally 1883

3. LOCATION **Korkkornen Rooming House**
241-247 S. Franklin Street, Lot 2 of Block M, Juneau Tns.

4. DESCRIPTION (DIMENSIONS, PRESENT CONDITION, TOPOGRAPHICAL & OTHER ENVIRONMENTAL FEATURES, ETC.)
41' x 45' approximately, wood frame two story structure built on piles two businesses on bottom floor, Apts. on top floor, building in fair condition. One of the oldest surviving Bldg. in Juneau.

5. SIGNIFICANCE
Was home for many miners who had either just arrived or had either no money or desire to build his own house.

6. DANGER OF DESTRUCTION
None

7. RELEVANT PRINTED, MANUSCRIPT, PHOTOGRAPHIC REFERENCES
Touring Juneau, Toni Croft & Phyllice Bradner City-Borough Hist. survey.

8. OWNER OF PROPERTY/ADDRESS
Gene Miron, Box 415, Juneau, AK

CODED BY **MK**

QUAD ID **JUN** ID# **124**

SITE NAME **Korkkornen Rm. Hs.**

LAT. (DEG) (MIN) (SEC)
58 18 15N

LONG. (DEG) (MIN) (SEC)
134 24 30W

THEME **5-B** RESOURCE NATURE **H-3**

OWNERSHIP **PVT** SIZE **-0**

PRESERVATION STATUS

CULTURAL AFFILIATION

BIBLIOGRAPHIC REFERENCE

DATES **1883**

RELIABILITY **2** AHS DATE **7/20/77**

NR/NRE DATE

SITE CONDITION **B 1**

SITE ENVIRONMENT **09**

SITE REPOSITORY

ALASKA ARCHAEOLOGICAL/HISTORICAL SURVEY SECOND CARD

JUN 141

1. NAME OF SITE **2. PERTINENT DATES**
STROLLERS WEEKLY CA 1890

3. LOCATION
LOT 2, BLOCK 4, SECOND STREET

4. DESCRIPTION (DIMENSIONS, PRESENT CONDITION, SIGNIFICANT FEATURES, ETC.)
FRAM BUILDING COVERED WITH CORRUGATED SHEETING

5. SIGNIFICANCE

6. DANGER OF DESTRUCTION **IMMINENT**

7. RELEVANT PRINTED, MANUSCRIPT, PHOTOGRAPHIC REFERENCES
BOROUGH & CITY OF JUNEAU, HISTORIC SITE SURVEY, 1979

8. OWNER OF PROPERTY/ADDRESS
NORMAN BANFIELD

9. DATE OF THIS REPORT
10-521
Rev. Dec 1972 1/11/79

DR

Space Below for ADP Use Only

QUAD ID **JUN** ID# **141**

RESOURCE NATURE **H3**

DISTRICT _____ SITE _____

STRUCTURE _____ BUILDING _____

OBJECT _____

PLANNING REGION _____ THEME _____

OWNERSHIP **PVT** SIZE **<1**

LAT. **N 58° 18' 07"**
(DEG) (MIN) (SEC)

W. 134° 24' 25"
(DEG) (MIN) (SEC)

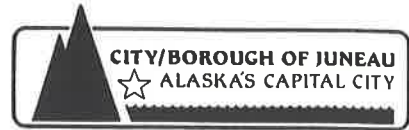
PRESERVATION STATUS

NAME **STROLLER WEEKLY**

DATES _____ RELIABILITY **1**

Coded By: **DR** Date: **1/11/79**

General Application Form for Development Proposal



City and Borough of Juneau COMMUNITY DEVELOPMENT DEPARTMENT

Date: 11/20/89
File Number: HDR-09-89
Hearing Date:
Filing Fee: ~~_____~~ \$100.

I. APPLICATION TYPE

- | | |
|--|---|
| <input type="checkbox"/> Zero Lot Line Subdivision | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Short Plat Subdivision | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Informal Review | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Informal Review |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Preliminary Review |
| | <input type="checkbox"/> Final Plat |
| | <input checked="" type="checkbox"/> Site Plan (Design Review) |

II. APPLICANT INFORMATION

Name AK BUILDING CONSULTANTS
Address 234 DOUGLASS HIGHWAY
Mailing Address _____
Home Telephone _____ Work Telephone 364 3636

[Signature]
Signature _____ Date Nov 20, 1989

III. PROPERTY INFORMATION

243 FRANKLIN THE SCOTCH HOLE
Lot(s) 2 Block/Tract 41
Subdivision JUNEAU TOWN SITE U.S. Survey _____

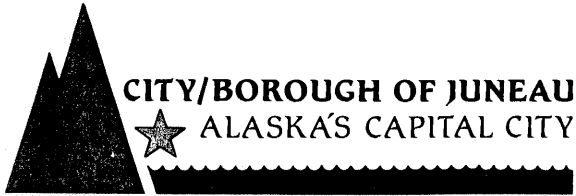
IV. LANDOWNER INFORMATION

Where the applicant is NOT the landowner, the following Statement of Landowner must be completed:

I, _____, the owner of Lot(s) _____, Block(s) _____, U.S. Survey(s) _____, in the City and Borough of Juneau, Alaska, hereby acknowledge that the application by _____ for development of said property, is made with my complete understanding and permission in accordance with an agreement of purchase or option entered into between me and the applicant herein stated.

Landowner's Signature _____ Date _____

Address _____ Telephone _____



PLANNING COMMISSION
NOTICE OF DECISION

Handwritten initials: DJP

January 26, 1990

CU-17-89/VR-15-89/SV-03-89

Handwritten note: 1-107-0-BOM-681-0

The Glory Hole
John Egan, Director
247 South Franklin Street
Juneau, Alaska 99801

Dear Mr. Egan,

On January 23, 1990, the Planning Commission **approved** your conditional use permit application for the reconstruction of the Glory Hole building on Fraction of Lot 2, Block M, Juneau Townsite. The permit allows the new construction in a landslide hazard area and is subject to the following condition.

1. For the new building the developer shall include R & M Engineering's construction recommendations listed in the project's hazard analysis report.

The Planning Commission also **denied** the following related requests:

1. A request to vacate a portion of the South Franklin Street right-of-way.
2. A request to reduce the minimum number of required off-street parking spaces from one to zero.

Effective Date: February 13, 1990

Expiration Date: May 23, 1991, if a building permit for the approved project has not been obtained.

Project Planner: *David Goade*
David Goade, Planner II

RECEIVED BY CITY CLERK

Patty An Polley
1-29-90

cc: Debra J. Purves



THE GLORY HOLE

247 south franklin street juneau, alaska 99801 907-586-4159

NARRATIVE DESCRIPTION FOR VACATION OF SOUTH FRANKLIN RIGHT-OF-WAY (at 247 S. Franklin)

The current structure of The Glory Hole encroaches two feet onto the right-of-way of South Franklin Street in downtown Juneau (Frs. Lot 2, Block M, Juneau Townsite). The building, however, is even with the store fronts of the surrounding buildings thereby creating a continuous appearance.

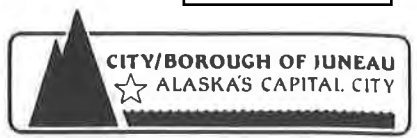
As a contributing property to the nomination of the Downtown Historic District, The Glory Hole is sensitive to the needs and regulations of that status. Our design has been approved by the Historic District Advisory Committee and the Design Review Board.

The question of the encroachment though is crucial because of the limited available space on the lot for construction. Due to the immediate hillside at the rear of the current building, moving the entire new building back two feet is impossible. Therefore, in order to comply with the proper survey, the new structure would lose two feet of its depth. This translates into a loss of 88 square feet of usable inside floorspace. The ground floor will only have approximately 1900 square feet of usable floorspace. Thus, this is a loss of almost 5% of interior space.

The other point is that if the new building complies with the proper survey, the continuous appearance will be broken as the store front of the new Glory Hole is set back two feet off the sidewalk, thereby creating a jog in the canopies, rooflines, and front facades.

Due to aged surveys and inaccuracies in plotting property lines, most of the buildings in the area encroach on the South Franklin right-of-way. The point of contention then, is whether the right-of-way should be preserved and yield the historic appearance or whether the historic appearance should be preserved and yield the two feet encroachment in vacation. The Glory Hole then, applies for a vacation of the right-of-way in order to preserve the historic appearance and maximize the use of our available space.

General Application Form for Development Proposal



City and Borough of Juneau
COMMUNITY DEVELOPMENT DEPARTMENT

Date: _____
File Number: _____
Hearing Date: _____
Filing Fee: _____

I. APPLICATION TYPE

- | | |
|---|--|
| <input type="checkbox"/> Zero Lot Line Subdivision | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Short Plat Subdivision | <input type="checkbox"/> Conditional Use Permit |
| <input checked="" type="checkbox"/> Street Vacation | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Informal Review | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Informal Review |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Preliminary Review |
| | <input type="checkbox"/> Final Plat |
| | <input type="checkbox"/> Site Plan (Design Review) |

II. APPLICANT INFORMATION

Name The Glory Hole John Egan - Director
 Address 247 S. Franklin Juneau AK 99801
 Mailing Address SAME
 Home Telephone _____ Work Telephone 586-4159

Signature John Egan Date 11/21/89

III. PROPERTY INFORMATION

Lot(s) 2 Block/Tract M Townsite
 Subdivision TOWNSITE U.S. Survey #7

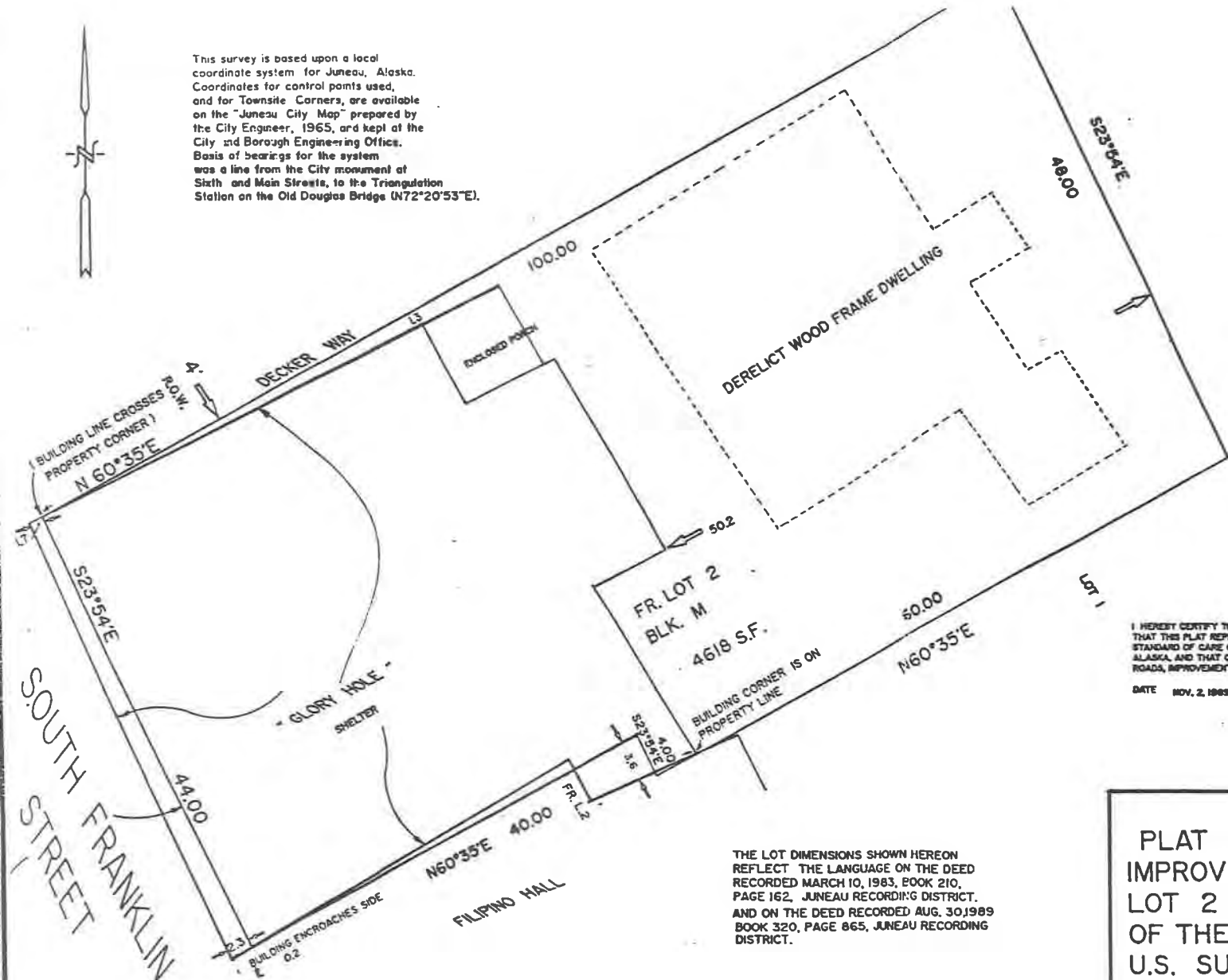
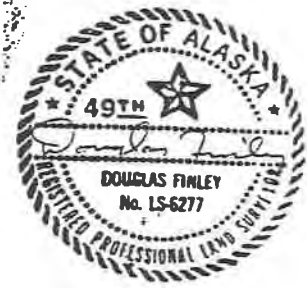
IV. LANDOWNER INFORMATION

Where the applicant is NOT the landowner, the following Statement of Landowner must be completed:

I, Charles G. Adams, the owner of Lot(s) 2,
 Block(s) M, U.S. Survey(s) 77, in the City and
 Borough of Juneau, Alaska, hereby acknowledge that the application
 by John Egan for development of
 said property, is made with my complete understanding and permission in
 accordance with an agreement of purchase or option entered into between
 me and the applicant herein stated.

Landowner's Signature [Signature] Date 11/21/89
 Address Box 21997 Juneau AK 99802 Telephone 789-7239

This survey is based upon a local coordinate system for Juneau, Alaska. Coordinates for control points used, and for Townsite Corners, are available on the "Juneau City Map" prepared by the City Engineer, 1965, and kept at the City and Borough Engineering Office. Basis of bearings for the system was a line from the City monument at Sixth and Main Streets, to the Triangulation Station on the Old Douglas Bridge (N72°20'53"E).



I HEREBY CERTIFY TO THE JUNEAU COOPERATIVE CHRISTIAN MINISTRY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME, ON THE GROUND, TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN ALASKA, AND THAT ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF, ALL ROADS, IMPROVEMENTS, EASEMENTS, AND ENCROACHMENTS ARE AS SHOWN HEREOF.
DATE NOV. 2, 1989

THE LOT DIMENSIONS SHOWN HEREON REFLECT THE LANGUAGE ON THE DEED RECORDED MARCH 10, 1983, BOOK 210, PAGE 162, JUNEAU RECORDING DISTRICT, AND ON THE DEED RECORDED AUG. 30, 1989 BOOK 320, PAGE 865, JUNEAU RECORDING DISTRICT.

PLAT SHOWING LOCATIONS OF IMPROVEMENTS ON FRACTIONAL LOT 2, BLOCK "M", TOWNSITE OF THE CITY OF JUNEAU, ALASKA, U.S. SURVEY NO. 7.

OWNERS
JUNEAU COOPERATIVE CHRISTIAN MINISTRY, A NON-PROFIT CORPORATION
247 SOUTH FRANKLIN STREET
JUNEAU, ALASKA
99801

SCALE : 1" = 10' DATE: OCTOBER 24, 1988
REVISED NOVEMBER 2, 1989

DOUGLAS FINLEY, REGISTERED LAND SURVEYOR
JUNEAU, ALASKA

THIS SURVEY WAS PROVIDED TO THE JUNEAU COOPERATIVE CHRISTIAN MINISTRY BY THE DOUGLAS FINLEY LAND SURVEYING CO. AS A PUBLIC SERVICE

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

TO: Dave Goade
Planner

DATE: January 19, 1990

FROM: Terry Brenner
Land Surveyor



FILE: 1-C07-0-BOM-001
Glory Hole Building

SUBJECT: Street Vacation Request

I have received a copy of the as-built survey of the Glory Hole Building site which shows the existing building encroaching approximately 2 feet into the Franklin Street Right-of-Way. Upon reviewing the survey procedure and methods with the surveyor (Mr. Doug Finley, L.S.), I find no reason to dispute the surveyed location of the property line and building encroachment. It should be mentioned, however, that all the survey control monuments used for this survey (and most surveys done within the City) was established after the Glory Hole building and most other buildings in the downtown area were constructed. This is pointed out to indicate that the earlier surveys which were done to locate the original buildings may not have been in error, but relied on survey control monuments which no longer exist and may not be recoverable.

The fact is, that survey control presently exist which is commonly used and is relied on to locate boundary lines. My personal experience with this control is that is generally fits existing "lines of occupation" very well. This is not to say, however, that all buildings and other structures fit perfectly with this control (i.e., Glory Hole building and certain buildings on Gastineau Avenue).

I recommend we accept the boundary as surveyed from the existing control and deal with encroachments, setbacks, etc. by other means.

The existing ordinance allows for encroachment permits for buildings presently occupying right-of-way which could be used in certain cases. Because the Glory Hole building is being razed and reconstructed, it would appear reasonable to require the new structure to meet the surveyed property line. The advantage of this would be to eventually provide all the width allotted to the public right-of-way. The recent reconstruction of Franklin Street was accommodated within the space between exiting building lines without regard to actual right-of-way lines. This meets the present needs for utilities and transportation purposes, but may not be sufficient for future needs, perhaps in 25 to 50 years. Based solely on this long range potential need, the Engineering Department is recommending against vacating the requested portion of Franklin Street.



Dave Goade
January 19, 1990
Page 2

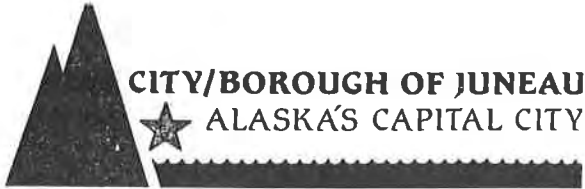
During deliberations of this issue, other considerations will be taken into account such as additional cost to the property owner to excavate into the hillside to acquire the same building floor area, and the disruption of the uniform building line which now exist along the street. However valid these items are, they need to be weighed against the long range need of public right-of-way. A decision to reduce the width of the street will be irrevocable, while a developer or architect could accommodate a building on a site by any number of innovative means.

There does appear to be several courses of action on this issue which may be used as a basis for deliberation or for arriving at some other equatable solution:

1. Deny the vacation and accept the disruption of the front building line.
2. Deny the vacation and issue a permit to allow the building to encroach. Perhaps requiring the front portion of the building constructed in a manner to allow its removal without razing the entire building.
3. Approve the vacation and deal with future requests at a future time. This appears to have a danger in setting a precedence which could be used areawide.
4. Determine the extent of the adjacent areas on Franklin St. which has this encroachment, to decide if a determined length of right-of-way strip can be vacated which would preserve the building line and the uniformity of the right-of-way line. This will reduce the width but may not have a severe impact if the length is not excessive. This could be handled in a similar manner as Gastineau Ave. (i.e.; pre-approve a determined area of right-of-way which could be vacated when and if a property owner needs to reconstruct and is willing to fund the survey and plat for his particular property).

Dave, I'm sorry for the length of this memo, I didn't make an effort to be concise and I may have been redundant. However, I would like to point out that there needs to be a concentrated effort in preserving the survey control we now have. This will avoid having a similar situation many years from now if our present survey control is lost and re-established in a slightly different location.

ATB/bh
[franklin.atb]



PLANNING COMMISSION
NOTICE OF DECISION

January 26, 1990

CU-17-89/VR-15-89/SV-03-89

The Glory Hole
John Egan, Director
247 South Franklin Street
Juneau, Alaska 99801

Dear Mr. Egan,

On January 23, 1990, the Planning Commission **approved** your conditional use permit application for the reconstruction of the Glory Hole building on Fraction of Lot 2, Block M, Juneau Townsite. The permit allows the new construction in a landslide hazard area and is subject to the following condition.

1. For the new building the developer shall include R & M Engineering's construction recommendations listed in the project's hazard analysis report.

The Planning Commission also **denied** the following related requests:

1. A request to vacate a portion of the South Franklin Street right-of-way.
2. A request to reduce the minimum number of required off-street parking spaces from one to zero.

Effective Date: February 13, 1990

Expiration Date: May 23, 1991, if a building permit for the approved project has not been obtained.

Project Planner: David Goade
David Goade, Planner II

RECEIVED BY CITY CLERK

Patty A. Polley
1-29-90

cc: Debra J. Purves

MEMORANDUM

THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA
155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

TO: Kevin Ritchie
City Manager

DATE: January 26, 1990

FILE NO. VR-17-89

SUBJECT: Glory Hole Parking



FROM: Murray R. Walsh, Director
Community Development

The Planning Commission acted at its regular meeting on January 23, 1990, to require the Glory Hole to provide a minimum of one parking place as part of the reconstruction of that building. It was noted that parking could not be provided on site. However, the CBJ parking garage is within 500 feet of the Glory Hole and could thus be used to provide the required parking space. In taking its action, the Commission asked that you explore the possibility of providing the required parking space free of charge. They reasoned that the Glory Hole provides a valued public scenario and that CBJ support is appropriate. Please let me know if I can assist in this matter.

cc: Planning Commission
Glory Hole
Dave Goade ✓

1385/39/MW/slh

Planning Commission
File No. VR-15-89
Page 2

PROJECT DESCRIPTION

The applicant plans to demolish the existing Glory Hole building and construct a new one in its place. The sheltered care use of the property will continue. The new 4,500 square foot building will enhance the Glory Hole's ability to serve Juneau's homeless population.

BACKGROUND

1. The subject property is:
 - a. In the mixed use zoning district.
 - b. In the design review district.
 - c. In the historic district.
 - d. In the PD-1 parking district.
 - e. In a landslide hazard area.
2. Both the Design Review Board and the Historic District Advisory Committee have reviewed and approved the project.

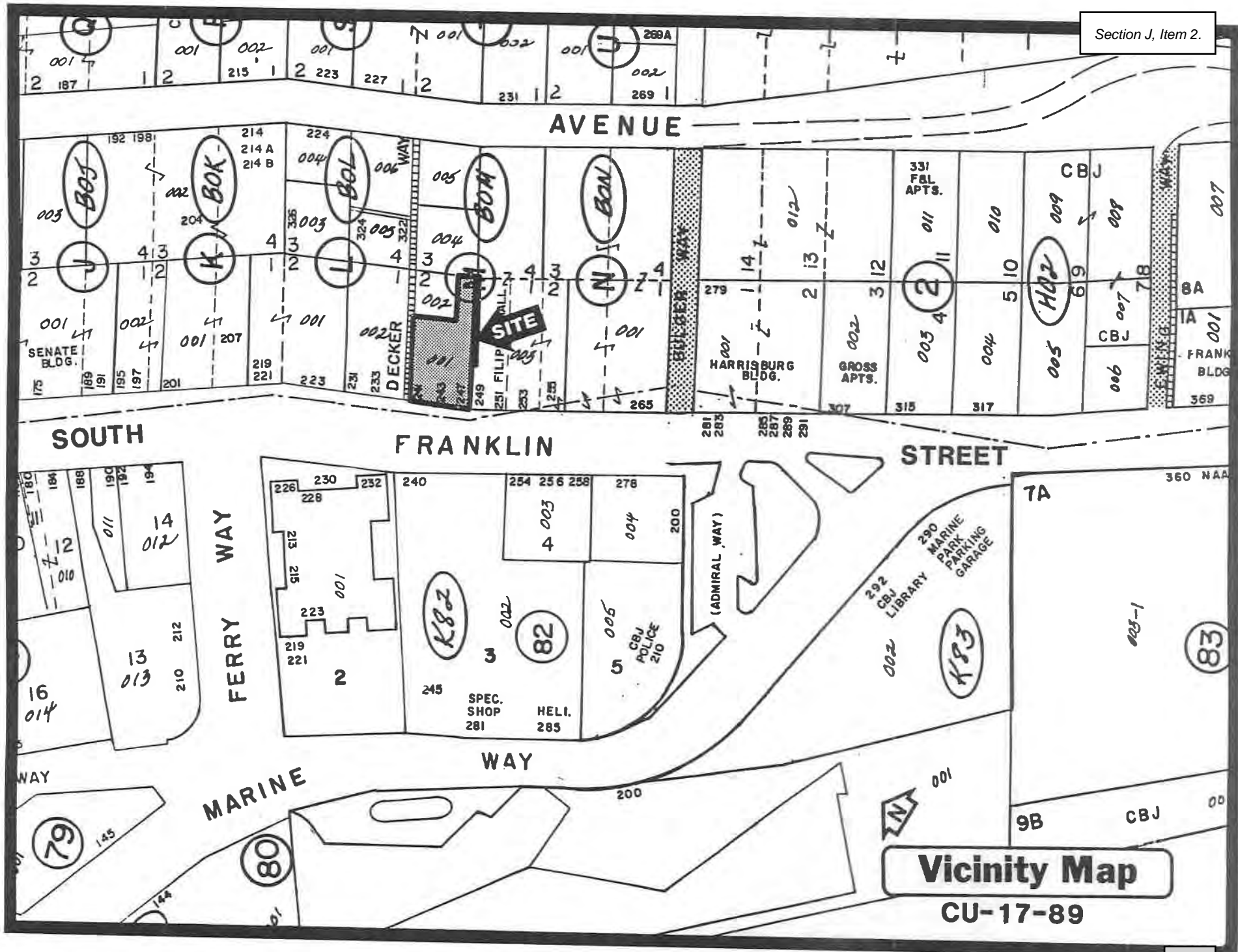
ANALYSIS

The sheltered care use of the new Glory Hole building does not fit well into the parking space standards. That is because there are no categories that can describe the Glory Hole's unique service to the homeless population. In the absence of such a standard, staff requires that one parking space be provided for the Glory Hole's director.

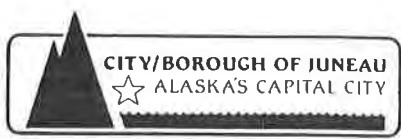
STAFF RECOMMENDATION - Denial.

Staff recommends denial of the variance application. The required one parking space could be provided by leasing a space in the CBJ parking garage. Because of this the applicant's situation fails to meet all of the variance approval criteria as set out in CBJ 49.20.250. The specific condition not met is:

"That compliance with the existing standards would unreasonably prevent the owner from using the property for a permissible principal use and would be unnecessarily burdensome because it would impose peculiar and practical difficulties to, or exceptional and undue hardship upon the developer of such property."



General Application Form for Development Proposal



City and Borough of Juneau
COMMUNITY DEVELOPMENT DEPARTMENT

Date: 11-22-89
File Number: CU-17-89
Hearing Date: 12/12/89
Filing Fee: 250.00

I. APPLICATION TYPE

- | | |
|---|--|
| <input type="checkbox"/> Zero Lot Line Subdivision | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Short Plat Subdivision | <input type="checkbox"/> Conditional Use Permit |
| <input checked="" type="checkbox"/> Street Vacation | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Informal Review | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Informal Review |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Preliminary Review |
| | <input type="checkbox"/> Final Plat |
| | <input type="checkbox"/> Site Plan (Design Review) |

II. APPLICANT INFORMATION

Name The Glory Hole John Egan - Director
 Address 247 S. Franklin Juneau AK 99801
 Mailing Address SAME
 Home Telephone _____ Work Telephone 586-4159

Signature John Egan Date 11/21/89

III. PROPERTY INFORMATION

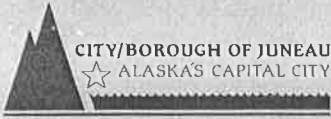
Lot(s) 2 Block/Tract M Townsite
 Subdivision Townsite U.S. Survey #7

IV. LANDOWNER INFORMATION

Where the applicant is NOT the landowner, the following Statement of Landowner must be completed:

I, Charles G. Adams, the owner of Lot(s) 2,
 Block(s) M, U.S. Survey(s) #7, in the City and
 Borough of Juneau, Alaska, hereby acknowledge that the application
 by John Egan for development of
 said property, is made with my complete understanding and permission in
 accordance with an agreement of purchase or option entered into between
 me and the applicant herein stated.

Landowner's Signature [Signature] Date 11/21/89
 Address Box 21997 Juneau AK 99802 Telephone 789-7239



BUILDING PERMIT

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any provisions of said ordinances.

The granting of this permit does not authorize the violation of any federal, state, or local law regulating construction nor the violation of the terms of any deed or covenant or any zoning or other regulations.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within 180 days or if work or construction is suspended or abandoned for a period of 180 days at any time after work is commenced.

Inspection can be arranged by telephoning 586-1703 or by written notification. Work shall not proceed until the inspector has approved the various stages of construction.

| | | | |
|-------------------------------------|-------------------|------------------|----------------------|
| JOB ADDRESS 217 N FRANKLIN ST | RECEIPT # 5455 | DATE 04/30/90 | PROJECT # 4929.01 |
| USE OF PERMIT DEMOLITION/REMOVAL | | | |

| | | |
|--|----------------------|-------------------|
| OWNER CHRISTIAN MINISTRIES JUNEAU COOPERATIVE | | |
| ADDRESS 1 0 BOX 186 | | |
| CITY JUNEAU | ST AK | ZIP 99801 0000 |
| APPLICANT CHRISTIAN MINISTRIES JUNEAU COOP | | |
| CONTRACTOR COGAN CONSTRUCTION | | |
| ADDRESS 8 0 BOX 31490 | | |
| CITY JUNEAU | ST AK | ZIP 99803 0000 |
| PH 907-780-5000 | STATE LIC. AA1675 | |
| ARCH/ENGINEER | | |
| ADDRESS | | |
| CITY | ST | ZIP |

| | | |
|----------------------------------|----------------|---------------------------|
| TRACT # 1 | LOT # 2 | APN 1-C07-0-B0K-001-0 |
| TRACT NAME TOWNSITE OF JUNEAU | | CENSUS TRACT |
| ZONE | SETBACKS FRONT | LEFT RIGHT REAR |
| Description | | 0000000525 12.30 |
| COUNTER APPROVAL | | PAYMENT FORM |
| | | TOTAL FEE \$2000000.00 |

PROJECT PERMIT

Estimated Construction Valuations

| Permit Type | Rate | Sq Feet | Valuation |
|-------------|------|---------|-----------|
| Demolition | | | 1.00 |

PROJECT CONDITIONS/HOLDS

- Conditional CD-17-89
- SDP
- Conditional VE-15-89
- SDP
- Conditional SV-03-89
- SDP

Attachment J - 1990 BLD-4929.01 Demolition Permit

BUILDING PERMIT APPLICATION

(FILL IN GRAYED AREAS AS A MINIMUM)

Date Received: 4-26-90

Date Issued: _____

Section J, Item 2.

| | | | | |
|--|--|---|---------------------------------------|-----------------------------------|
| Process No: _____ | | CITY and BOROUGH of JUNEAU, ALASKA | | Permit No. <u>49290</u> |
| Project Address / Building Name <u>GLORY HOLE</u> <u>247 S. Franklin</u> | | | City / Zip <u>Juneau 99801</u> | |
| Subdivision / USS (If known) <u>1-007-0-BOM-001/002</u> | | Block / Tract (If known) <u>M</u> | Lot (If known) <u>2</u> | |
| Assessor's Process Number (If known) <u>1-007-0-BOM-001/002</u> | | Dwelling Units Number of Buildings | | |
| Applicant's Name <u>Juneau Coop. Christian Ministry</u> | | | Contact Person <u>John EGAN</u> | |
| Mailing Address <u>Box 21997 Juneau AK 99802</u> | | | Home Phone No. | Work Phone No. <u>586-4159</u> |
| Property Owner <u>same</u> | | | Contact Person <u>John EGAN</u> | |
| Mailing Address | | | Home Phone No. | Work Phone No. <u>586-4159</u> |
| Contractor (If known) <u>COOBON CONST. CO.</u> | | | Contact Person <u>LLOYD COOBON</u> | |
| Mailing Address <u>P.O. BOX 34499 JUNEAU AK 99803</u> | | | Phone No. <u>750-6000</u> | License No. <u>AA-1475</u> |
| Architect (If known) <u>TOM H. HUNTINGTON</u> | | | Contact Person | |
| Mailing Address | | | Phone No. | License No. |
| Engineer (If known) <u>WILSON</u> | | | Contact Person | |
| Mailing Address | | | Phone No. | License No. |

CLASS OF WORK New Addition Remodel / Repair Demolition Woodstove Water Grading Other _____

BUILDING TYPE Residential Commercial Other _____

REPAIR AND REHABILITATION PROJECT: Is there a separate Property Tax Exemption Application? Yes No

FLOOD PLAIN: Is the land classified as a flood plain area? Yes No

LANDFILL: Has the land been previously filled? Yes No Do Not Know

DESCRIPTION OF WORK: (If Remodeling / Repair, include contractual cost of materials and labor, even if you plan to do the work yourself.)
DEMOLITION / REMOVAL

NOTE: If the work is on a landfill, in water, wetlands or an intertidal area, a Corps of Engineers or other permits may be required.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state, federal or local law regulating construction or the performance of construction.

Signature of Owner, Contractor or Authorized Agent: [Signature] Date: 04-26-90

BUILDINGS (OFFICE USE ONLY BELOW THIS LINE)

Occupancy Class (B-2, R-3, etc) Type of Construction (V-1 MR, etc)

FCC Code (101, 434, etc) Permit Classification (SF, BU, etc)

| Occupancy / Type | Square Feet | @ Rate | = Valuation |
|------------------|-------------|--------|-------------|
| | | | |
| | | | |
| | | | |

Number of Stories: _____ Number of Bedrooms: _____

BUILDING PERMIT FEES

Est. Plan Review \$ _____

Check No. _____ Receipt No. _____

Building Permit Fee \$ _____

Actual Plan Review \$ _____

Fast Track Fee \$ _____

Early Start Fee \$ _____

Double Fee \$ _____

Total Building Permit Fee \$ _____

LAND USE

ZONE _____

PARKING _____

FLOOD PLAN: Elevation _____

SETBACKS: Front _____ Rear _____
Left _____ Right _____

LAND USE PERMITS:

| | |
|--------|------|
| Number | Date |
| | |
| Number | Date |
| | |

COMMENTS: _____

ENGINEERING / PUBLIC WORKS

CITY WATER: Service - Size _____
Fire Line - Size _____
Metered Yes No
Yoke Rec'd Yes No

CITY SEWER: _____ Units

DRIVEWAY BOND: _____ Units

ADEC APPROVALS:

On-site Water _____
On-site Sewer _____

PLAN REVIEW APPROVALS

Initials Date

Architectural _____

Structural _____

Electrical _____

Mech / Plumb _____

Fire _____

Zoning _____

Engineering _____

Disabled Access _____

Other _____

APPROVED FOR ISSUANCE

Signature
[Signature]
Date
4-26-90

ENGINEERING FEES

Water Assessment \$ _____

Water Inspection Fee \$ _____

Sewer Assessment \$ _____

Sewer Inspection Fee \$ _____

Grading/Drainage Permit Fee \$ _____

Driveway Permit Fee \$ _____

Bond \$ _____

Total Engineering Fees \$ _____

Permit Issuance Fees Received \$ _____

Check No. _____ Receipt No. _____

CONDITIONS AND HOLDS ON PERMIT: _____

(PERMAPPS) (ADDITIONAL CONDITIONS AND HOLDS ON BACK)

Attachment J - 1990 BLD-4929.01 Demolition Permit

INSPECTION REPORT

CITY AND BOROUGH OF JUNEAU BUILDING DEPARTMENT
4TH FLOOR MARINE VIEW CENTER
JUNEAU, ALASKA 99801
586-5231

DATE 5-1-90
TIME am

TYPE OF INSPECTION

- FOOTING
- TEMPORARY POWER
- FIREPLACE (MASONRY REINFORCE)
- STEM WALLS
- FRAME
- PERMANENT POWER
- SLAB
- ELECTRICAL
- FINAL
- UNDERSLAB
- PLUMBING
- Demo
- (PLUMBING/ELECTRICAL)

OWNER Olav Hole

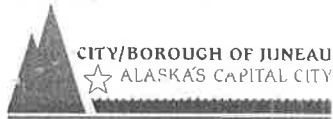
ADDRESS 313-315 Decker Way

LEGAL DESC. 1-C07-0-B0M-002-0

Building was demolished 4-28-90[±] -
site is cleared of debris.
Dangerous Bldg file is closed

- CALL FOR REINSPECTION BEFORE CONCEALMENT
 - CORRECTIONS OR ITEMS NOTED ABOVE WILL BE REINSPECTED AT TIME OF NEXT CONSECUTIVE INSPECTION.
- INSPECTOR SB





BUILDING PERMIT

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any provisions of said ordinances.

The granting of this permit does not authorize the violation of any federal, state, or local law regulating construction nor the violation of the terms of any deed or covenant or any zoning or other regulations.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within 180 days or if work or construction is suspended or abandoned for a period of 180 days at any time after work is commenced.

Inspection can be arranged by telephoning 586-1703 or by written notification. Work shall not proceed until the inspector has approved the various stages of construction.

| | | | |
|----------------------------------|-------------------|------------------|----------------------|
| JOB ADDRESS 247 S FRANKLIN ST | RECEIPT # 5488 | DATE 05/03/90 | PROJECT # 4775.01 |
| USE OF PERMIT NEW SHELTER | | | |

| | | |
|--|------------|-------------------|
| OWNER CHRISTIAN MINISTRIES JUNEAU COOPERATIVE | | |
| ADDRESS P O BOX 186 | | |
| CITY JUNEAU | ST AK | ZIP 99801 0000 |
| APPLICANT TON HUNTINGTON | | |
| CONTRACTOR Owner-Builder | | |
| ADDRESS | | |
| CITY | ST | ZIP |
| PH. | STATE LIC. | |
| ARCH/ENGINEER TON HUNTINGTON | | |
| ADDRESS | | |
| CITY JUNEAU | ST AK | ZIP 99801 0000 |

| | | | | |
|----------------------------------|----------------|--------------------------|---------------------------|------|
| TRACT # 4 | LOT # 2 | APN 1-C07-0-B0M-001-0 | | |
| TRACT NAME TOWNSITE OF JUNEAU | | MODULE # | CENSUS TRACT | |
| ZONE | SETBACKS FRONT | LEFT | RIGHT | REAR |
| Plan Review | | 110300203 | 841.91 | |
| Building | | 0000000500 | 1295.25 | |
| COUNTER APPROVAL | | PAYMENT FORM | TOTAL FEE \$143,237.16 | |

PROJECT PERMIT

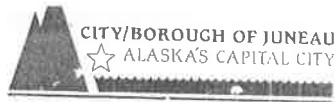
Estimated Construction Valuations

| Permit Type | Rate | Sq Feet | Valuation |
|-------------|------|---------|-----------|
| Building | 0.00 | 0 | 352600.00 |
| MISC | | 0 | 352600.00 |

PROJECT CONDITIONS/HOLDS

- conditional CU-17-89 SUP
- conditional VR-15-89 SUP
- conditional SV-03-89 SUP
- conditional Zone: MU, Setbacks: Front 6, Rear 0, Left 0, Right 0 SUP
- conditional HDR-09-89 12/21/89, CU-17-89, VR-15-89 SUP
- conditional Charge to Acct Code 110-24-6-03-08-390 SUP
- conditional Have plans received 4-26-90 at site for all inspections SUP
- conditional Access for disabled: entrance, bathroom, bedroom SUP
- conditional No occupancy without elevator or lift per Ed Field SUP
- conditional Use preferred finishes & windows on elevations SUP

BEFORE ISSUE PERMIT:
 They have to submit written proposal for special inspection of:
 earthwork & retaining wall
~~structural steel~~
~~welding~~



BUILDING PERMIT

Section J, Item 2.

four special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any provisions of said ordinances.

The granting of this permit does not authorize the violation of any federal, state, or local law regulating construction nor the violation of the terms of any deed or covenant or any zoning or other regulations.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within 180 days or if work or construction is suspended or abandoned for a period of 180 days at any time after work is commenced.

Inspection can be arranged by telephoning 586-1703 or by written notification. Work shall not proceed until the inspector has approved the various stages of construction.

| | | | |
|----------------------------------|-------------------|------------------|----------------------|
| JOB ADDRESS 247 S FRANKLIN ST | RECEIPT # 5488 | DATE 05/03/90 | PROJECT # 4775.01 |
| USE OF PERMIT NEW SHELTER | | | |

| | | |
|--------------------|-----------|-----|
| OWNER | | |
| ADDRESS | | |
| CITY | ST | ZIP |
| APPLICANT | | |
| CONTRACTOR | | |
| ADDRESS | | |
| CITY | ST | ZIP |
| PH | STATE LIC | |
| ARCHITECT/ENGINEER | | |
| ADDRESS | | |
| CITY | ST | ZIP |

| | | | | |
|------------------|----------------|--------------|--------------|------|
| TRACT # | LOT # | APN | | |
| TRACT NAME | | MODULE # | CENSUS TRACT | |
| ZONE | SETBACKS FRONT | LEFT | RIGHT | REAR |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| COUNTER APPROVAL | | PAYMENT FORM | TOTAL FEE | |

PROJECT PERMIT

PROJECT CONDITIONS/HOLDS

- Additional SUP for ANSI require handrails both sides.
- Additional SUP Hold-downs at floor levels (P.A-7)
- Additional SUP Provide soils & compaction reports - Provide truss details
- Additional SUP Submit AK-engineer stamped truss details.
- Additional SUP State DOT requires ANSI beyond city's minimums.
- Additional SUP *Special inspection required for retain wall & earthwork
- Additional SUP Metallic conduit required in multipurpose area & loft above.
- Additional SUP Drain Pipes to be combined prior to connecting to the CBJ ...
- Additional SUP ... catch basin if required.
- Additional SUP Ditch upper side of property in accordance with R&M's ...
- Additional SUP ... recommendation no. 5.
- Additional SUP Protect slope from erosion during construction of retaining wall.
- Additional SUP Submit layout of 2 1st floor access bathrooms for review.

BUILDING PERMIT APPLICATION

Section J, Item 2.

Date Received: 3/5/90

(FILL IN GRAYED AREAS AS A MINIMUM)

Process No. 4775.01

CITY and BOROUGH of JUNEAU, ALASKA

Project Address / Building Name: THE GORY HOLE

City / Zip: JUNEAU, AK

Subdivision / USS (If known): JUNEAU TRWASTE

Block / Tract (If known): U

Lot (If known): 2

Assessor's Process Number (If known): 1-CO7-0-BOM-001-0

Dwelling Units: 1

Number of Buildings: 1

Applicant's Name: THE GORY HOLE

Contact Person: JAMES BROWN

Mailing Address: 207 S. FRANKLIN ST.

Home Phone No.: 586-4157

Work Phone No.:

Property Owner: " "

Contact Person:

Mailing Address: " "

Home Phone No.:

Work Phone No.:

Contractor (If known):

Contact Person:

Mailing Address:

Phone No.:

License No.:

Architect (If known): THOMAS HUNTINGTON

Contact Person: TOM HUNTINGTON

Mailing Address: 234 DWIGLAS HIGHWAY DUKASIAK

Phone No.: 364-3636

License No.:

Engineer (If known):

Contact Person:

Mailing Address:

Phone No.:

License No.:

CLASS OF WORK: New Addition Remodel / Repair Demolition Woodstove Water Grading Other

BUILDING TYPE: Residential Commercial Other

REPAIR AND REHABILITATION PROJECT: Is there a separate Property Tax Exemption Application? Yes No

FLOOD PLAIN: Is the land classified as a flood plain area? Yes No

LANDFILL: Has the land been previously filled? Yes No Do Not Know

DESCRIPTION OF WORK: (If Remodeling / Repair, include contractual cost of materials and labor, even if you plan to do the work yourself.)

NEW SHELF

NOTE: If the work is on a landfill, in water, wetlands or an intertidal area, a Corps of Engineers or other permits may be required.

New Sq. Ft. and / or Remod. \$: 5422

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state, federal or local law regulating construction or the performance of construction.

Signature of Owner, Contractor or Authorized Agent: [Signature]

Date: 3/1/90

BUILDINGS (OFFICE USE ONLY BELOW THIS LINE)

Occupancy Class: R-1 (B2, R-3, etc.) Type of Construction: V (1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 1k, 1l, 1m, 1n, 1o, 1p, 1q, 1r, 1s, 1t, 1u, 1v, 1w, 1x, 1y, 1z)

FCC Code: (101, 434, etc.) Permit Classification: (SF, BU, etc.)

| Occupancy / Type | Square Feet | @ Rate | = Valuation |
|--------------------|-------------|---------------------|-------------|
| R-1 R-3 B2 | 5422 | Per 1000 | 352,600 |
| Number of Stories: | | Number of Bedrooms: | |

BUILDING PERMIT FEES

Est. Plan Review: \$713.50

Check No. _____ Receipt No. _____

Building Permit Fee: \$68.75

Actual Plan Review: \$

Fast Track Fee: \$

Early Start Fee: \$

Double Fee: \$

Total Building Permit Fee: \$

LAND USE

ZONE: MU

PARKING: _____

FLOOD PLAN: Elevation: N/A

SETBACKS: Front: 0, Rear: 0, Left: 0, Right: 0

ENGINEERING / PUBLIC WORKS

CITY WATER: Service - Size: 2 1/2", Fire Line - Size: 6", Metered: Yes No, Yoke Rec'd: Yes No

CITY SEWER: _____ Units: _____

DRIVEWAY BOND: N/A

ADEC APPROVALS: On-site Water: N/A, On-site Sewer: N/A

PLAN REVIEW APPROVALS

Initials, Date

Architectural: [Signature] 3/1/90

Structural: [Signature] 3/1/90

Electrical: [Signature] 3/1/90

Mech / Plumb: [Signature] 3/1/90

Fire: [Signature] 3/1/90

Zoning: [Signature] 3/1/90

Engineering: [Signature] 3/1/90

Disabled Access: [Signature] 3/1/90

Other: _____

ENGINEERING FEES

Water Assessment: 2 1/2" = 3750.00

Water Inspection Fee: \$750.00

Sewer Assessment: \$

Sewer Inspection Fee: \$15.00

Grading/Drainage Permit Fee: \$

Driveway Permit Fee: \$

Bond: \$

Total Engineering Fees: \$9515.00

Permit Issuance Fees Received: \$

Check No. _____ Receipt No. _____

LAND USE PERMITS:

HDR-09-89 12/21/89

EL-17-89

COMMENTS:

VR-15-89

APPROVED FOR ISSUANCE

Signature: [Signature]

Date: 5-2-90

CONDITIONS AND HOLDS ON PERMIT: Acct Code 110 24 5 03 08 390 713.5

HAVE PLANS RECD 4-26-90 at site for all inspections. Access for disabled entrance, interior, exterior, lift.

WILSON ENGINEERING

Consulting & Project Engineers

May 2, 1990

Lloyd Coogan
Coogan Construction
P.O. Box 34499
Juneau, Alaska 99803

Dear Lloyd:

Re: Glory Hole Demolition and Slope Failure

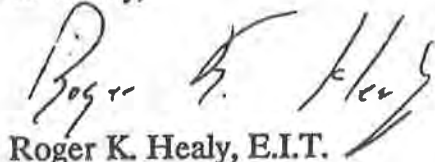
As you are aware, there has been a slope failure at the Glory Hole on May 1, 1990. There is the potential for a greater and more devastating slope failure in the immediate future causing property damage and possible human injury.

The demolition permit issued on your behalf covered only the demolition of the Glory Hole and the house immediately uphill from the Glory Hole. It was your decision to excavate the toe of the slope and remove the existing retaining wall. These duties were done at your direction. Thus, the maintenance of that slope is your responsibility, as are any costs related to the slope's failure. Due to the unstable nature of the remaining slope, I would recommend immediate remedial action.

The duties of Wilson Engineering were to watch the actual demolition process and assure that there were no damage to the adjacent structures and utilities. Fortunately, no damage to these structures and utilities were noted. I express a sincere wish that any efforts made by you to stabilize this slope will not result in any property or personal injury.

If we can be of any assistance in this matter, please feel free to contact me.

Sincerely,


Roger K. Healy, E.I.T.
Wilson Engineering

cc Tom Huntington, Architect
John Egan, Glory Hole Manager
Chris Roust, CBJ Building Official

RECEIVED
ON

MAY - 2 1990

ENGINEERING/BUILDING
CITY AND BOROUGH OF JUNEAU



WILSON ENGINEERING

Consulting & Project Engineers

May 3, 1990

Steve Shows
CBJ Engineering
155 S. Seward St.
Juneau, Alaska 99801

OK
5.3.90

Dear Steve:

Re: Glory Hole Building Permit

Wilson Engineering has been hired to do special inspections on the building of the Glory Hole. Specifically, our proposal for special inspections covers: demolition of the Glory Hole and the vacant house in back of the Glory Hole to ensure that no damage is done to surrounding buildings or utilities during demolition; soil densities under the retaining wall and other structural footings and slab on grade; resteel for footings, retaining walls, and slab on grade; concrete for slump, air-entrainment, and test cylinders; reports and meetings.

If we can be of any assistance in this matter, please do not hesitate to contact us.

Sincerely,

Roger K. Healy
Roger K. Healy, E.I.T.
Wilson Engineering

cc John Egan
Tom Huntington, Architect

RECEIVED
ON

MAY - 3 1990

ENGINEERING/BUILDING
CITY AND BOROUGH OF JUNEAU

Attachment K - 1990 BLD-4775.01 New Building Permit



R&M ENGINEERING, INC.

6005 GLACIER HWY.

PO BOX 34974

JUNEAU, ALASKA 99803

PH. 907-760-6000

ENGINEERS
GEOLOGISTS
SURVEYORS

May 14, 1990

City and Borough of Juneau
155 S. Seward Street
Juneau, Alaska 99801

Attn: Mr. A. Terry Brenner, P.E., L.S.
Land Surveyor

Re: Temporary Sheet Pile Retaining Wall
Glory Hole Slope
R & M Project No. 891183

Ladies and Gentlemen:

This is to record a conversation between the writer and Mr. Jack Coogan of Coogan Construction on May 11, 1990.

Mr. Coogan inquired regarding the probability of vibration from sheet pile installation causing the house located upslope to move downslope. Mr. Coogan indicated the driver would be a drop hammer "clothes-pin" type driver owned by H. Hildre.

I indicated there should be no problem, but to be cautious, he should monitor the house for movement. He stated he would do that.

In subsequent conversations on May 14, 1990, you indicated Coogan had set up a level to monitor the house and that approximately 50% of the sheet piles had been driven without movement by 11:30 AM on May 14, 1990.

Should there be questions, or if we may be of further assistance, please do not hesitate to contact us at your convenience.

Sincerely,

R & M ENGINEERING, INC.

Joseph L. Connelly, P.G., E.G.
Engineering Geologist

fej

cc: The Glory Hole
Coogan Construction

RECEIVED
ENGINEERING DEPT.

MAY 17 1990

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM



WILSON ENGINEERING

175 SOUTH FRANKLIN STREET, SUITE 300
JUNEAU, ALASKA 99801
907-586-2100

TO *Coogan Construction*
Attn: Lloyd Coogan

SUBJECT: *Glory Hole Retaining Wall*

DATE *May 24, 1990*

FOLD 

Please be advised that the sheet piling is not to be removed from behind the retaining wall until all structural bracing and sheeking for the first story is in place and the sub floor for the second story has been completed.

c.c. chuck seslar

Rec'd: Lloyd Coogan

SIGNED *Frank Morris*

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ON

JUN 05 1990

ENGINEERING/BUILDING
CITY AND BOROUGH OF JUNEAU

WE WILSON ENGINEERING
 P.O. BOX 2741 - JUNEAU, ALASKA 99803
 PHONE: 586-2100

RECEIVED
ON

JUN 05 1990

ENGINEERING/BUILDING
CITY AND BOROUGH OF JUNEAU

DATE
PROJECT
JOB NO.
TECH.
WEATHER

5-30-90
 Glory Hole Ret. Wall footing
 Frank Morris
 Sunny + 65°F

COMPACTION REPORT

| TEST NO.* | TYPE OF MATERIAL | LOCATION OF TEST | M % | DRY DENS. | CORR. LAB DENS. | % COMP. |
|-----------|------------------|---|------|-----------|-----------------|---------|
| 1 | City Pit Run | Center 1/3 Footing Retaining Wall | 10.5 | 126.3 | 132.5 | 95.5 |
| 2 | " | NW 1/3 " " (Failure) | 9.4 | 115.4 | " | 87.1 |
| 3 | " | NW end " " " | 9.2 | 115.6 | " | 87.3 |
| 4 | " | NE " " " | 11.8 | 129.2 | " | 97.5 |
| 5 R. | " | Retest #2 " " | 5.8 | 131 | " | 99.2 |
| 6 R. | " | Retest #3 " (Failure) | 7.8 | 115.2 | " | 86.9 |
| 7 | | | | | | |
| | | 15-31-90 | | | | |
| | | NW end excavated back filled & re compacted | | | | |
| 7 R. | " | Retest #6 | 5.6 | 126.6 | " | 95.6% |

* - "R" SUFFIX DENOTES A RETEST AT A PARTICULAR LOCATION.

WILSON ENGINEERING

Structural Design, Project Management, Special Inspection, Underwater Inspection

June 4, 1990

C:\PROJECTS/GHOLE/GH-TER#1.DOC

Mr. Terry Brenner
 CBJ Engineering
 155 South Seward St.
 Juneau, AK. 99801

Re: Glory Hole Retaining Wall Foundation Stabilization

Dear Terry:

It became necessary to modify the captioned foundation to obtain stability and to raise the level of safety.

The foundation consisted of wet silt "blue clay" upon which the contractor had placed CBJ pit run gravel and was unable to reach a reasonable level of stability. To correct this situation the whole mass was excavated 3 1/2 to 4 feet below grade and backfilled with shot rock. The shot rock was capped with four to twelve inches of CBJ pit run gravel and the surface compacted to 95% plus (copy of test results attached).

Above the work area is a potential slide area with water seeping through the muck. A temporary sheet pile retaining wall had been driven with a 10-15 foot penetration to contain the slide. It was considered too risky to remove the unstable foundation material from in front of the sheet piles as they had no tie-backs and could rotate in the wet silt. To mitigate this situation heavy shot rock was placed in the excavation as the work advanced across the sheet pile face. It is considered that this provides more weight in front of the sheet piles than previously existed and raises the level of safety for the crew working in front of the temporary retaining wall. It is concluded that this modification will provide greater support for the toe of the retaining wall footing than that provided for by the design.

Coogan Construction was advised that removal of the sheet piles prior to placement of the structural bracing and sheeting of the first floor and the sub-floor of the second story is at their own risk (copy of field memo attached). It is concluded that the retaining wall (standing alone) may not have sufficient weight to resist movement in the case of a slide after the sheet piles have been removed.

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ON

JUN 05 1990

ENGINEERING/BUILDING
CITY AND BOROUGH OF JUNEAU

Page2
Mr. Brenner
June 4, 1990

We trust that these modifications meet with your approval. If you have any questions concerning this project, feel free to contact us.

Sincerely,



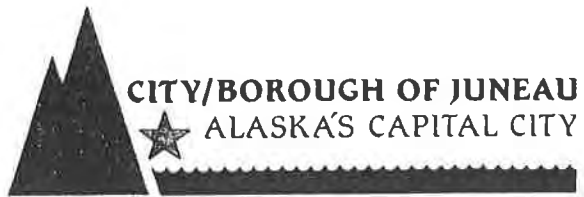
Frank Morris, P.E.
Wilson Engineering

cc: Chuck Seslar
Tom Huntington, Architect
Lloyd Coogan, Contractor

RECEIVED
ON

JUN 05 1990

ENGINEERING/BUILDING
CITY AND BOROUGH OF JUNEAU



June 5, 1990

1-C07-0-BOM-001-0

RETAINING WALL, GLORY HOLE SITE

Christian Ministries Juneau Cooperative
ATTN: Tom Huntington
P.O. Box 186
Juneau, AK 99081

Dear Mr. Huntington:

We have been informed by Wilson Engineering that the retaining wall presently being constructed may not have sufficient weight to resist movement in the event of a slide after the steel sheet piles have been removed. To minimize a potential hazard to the uphill property, we must require that the sheet piles remain in place at least until the first floor of the building is in place.

If you do not agree with this assessment, please have your engineer re-evaluate the overturning and sliding computations for the wall.

Sincerely,

Terry Brenner
Land Surveyor

ATB\ik
[gloryb.atb]

cc: Chris Roust, CBJ Building Official
Wilson Engineering
Coogan Construction Company

WILSON ENGINEERING

Structural Design, Project Management, Special Inspection, Underwater Inspection

December 12, 1990

Mr. John Egan
Glory Hole Director
P.O. Box 21997
Juneau, AK 99802

**Re: Special Inspections Final Report
for The Glory Hole Building**

Mr. Egan:

This report serves as our final report on special inspections performed on site at the Glory Hole building project. Our special inspections included: construction of the rear retaining wall, inspection of reinforcing steel for all structural concrete (retaining wall, spread footings, strip footings and stem walls), compaction on backfill underneath floor slabs and footings and testing of concrete for all structural elements.

All concrete poured on this job was to have a design strength of 3000 psi. All but one set of cylinders failed to meet this strength requirement. This set of cylinders, cast of May 31st, 1990, as part of the retaining wall footing, broke at 2685 psi (89.5% of design strength). Spare cylinders broken at 37 days revealed that the strength had reached 3030 psi. The UBC allows a low break if it is not more than 500 psi below the design strength and the average of 3 consecutive strength sets is above the design strength. Our statistics show that the average strength of the 28-day test cylinders was 3822 psi, based on eight total samples.

To the best of my ability and knowledge, all work which we inspected conformed to the approved plans and specifications for this job.

We have been asked to verify construction on some of the under-slab work which is now concealed. Specifically, we have been asked to recall what some details of the sewer line construction. Although he was not specifically required to observe this work, Frank Morris recalls that all below grade sewer pipe was cast iron or better and used "Caulder" couplings. He also recalls that all pipe slopes at a minimum of 2% towards the mainline connection.

It has been our pleasure to help provide our services on this project. If you ever have any questions, please feel free to call us.

With Regards,



Lars R. Gregovich, P.E.
Wilson Engineering



R&M ENGINEERING, INC.

6205 GLACIER HWY

PO BOX 34278

JUNEAU ALASKA 99803

PHONE 907 780-6060

FAX 907 780 461

ENGINEERS
GEOLOGISTS
SURVEYORS

May 31, 1991

Attachment K - 1990 BLD-4775.01 New Building Permit

Juneau Coop Christian Ministry
DBA The Glory Hole
247 S. Franklin Street
Juneau, Alaska 99801

Attention Mr. Chuck Sesler

Re: Soil on Slope
R & M Project No. 911114

Ladies and Gentlemen:

This is to report the findings of a surficial soils investigation (visual) performed on April 25, 1991, in accordance with your verbal request.

not received

The attached photograph shows mass of "soil" resting on the graded slope to the east of the subject structure. Part of this mass lies on the Filipino Community Center's property. Your question and the subject of this letter report is; Is the soil mass stable at present? and, if it is stable, what are the long term prospects for continuing stability?

Our finding is that the soil mass is an apparent stable mixture of woody debris and soils pushed or otherwise transported to the present location. The reason the soil mass remains stable at such a high angle of repose is that a fresh 18" to 20" diameter alder stump is providing support for the soil mass which is also held together by woody debris.

The soil mass will remain stable until the stump loses its structural "buttressing" ability when it decays in approximately five to ten years. In the meantime, the woody debris holding this mass together will deteriorate and gradually release soil particles downslope to a lower angle of repose. Excess material can be hand carried away or spread by hand over the broader slope before it contacts the buildings.

Should there be questions, or if we may be of further assistance, please do not hesitate to contact us at your convenience.

Sincerely,

R & M ENGINEERING, INC.

Joseph L. Connolly, P.G., E.G.
Engineering Geologist

*cc delivered to
City July 26, 1991
CWS*

I HEREBY CERTIFY TO THE JUNEAU COOPERATIVE CHRISTIAN MINISTRY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME, ON THE GROUND, TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN JUNEAU, ALASKA, AND THAT, ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ALL ROADS, IMPROVEMENTS, EASEMENTS, AND ENCROACHMENTS ARE AS SHOWN HEREON

DATE NOVEMBER 21, 1990

1-607-0-B0M-001-0

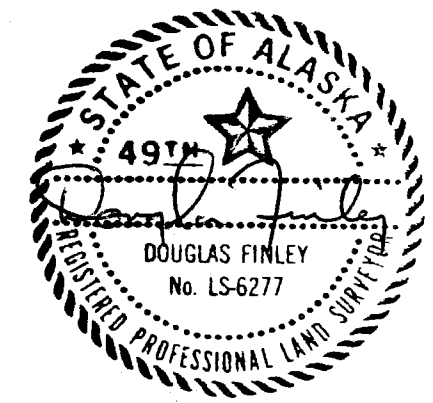
4775 Section J, Item 2.

LEGAL DESCRIPTION - THIS LOT COMPILED FROM DEEDS RECORDED IN THE JUNEAU REC. DIST.: BOOK 210, PAGE 162, BOOK 320, PAGE 865, & BOOK 331, PAGE 703. FURTHER DESCRIBED AS FOLLOWS: FRACTIONS OF LOTS 1 & 2, BLK. M, U.S. SURVEY NO. 7, JUNEAU, ALASKA TOWNSITE, BEGINNING AT THE NORTHERLY COR. OF LOT 2, BLK. M, ON THE R.O.W. OF DECKER WAY, THENCE S60°35'W ALONG THE BOUNDARY OF LOT 2 100.00 FEET TO THE SOUTH FRANKLIN ST. R.O.W., THENCE E 23°54'E ALONG THE R.O.W. 44.36 FEET, THENCE N60°15'14"E 33.10 FEET, THENCE S31°08'20"E, 4.08 FEET, THENCE N60°37'45"E 18.00 FEET, THENCE N29°25'00"W, 0.28 FEET, TO A POINT ON THE LINE BETWEEN LOT 1 & LOT 2, BLOCK M, THENCE N60°35'E 48.43 FEET TO THE COMMON CORNER OF LOTS 1, 2, 3 & 4, BLK. M, THENCE N23°54'W ALONG THE LOT LINE BETWEEN LOTS 2 & 3, BLOCK M, 48.00 FEET TO THE POINT OF BEGINNING.

RECEIVED ON

DEC 03 1990

ENGINEER BUILDING CITY AND BOROUGHS OF JUNEAU



Note: Where longstanding lines of occupation differ from deed lines, ownership is affected in certain cases. Owners are advised to seek legal counsel, if they are concerned.

This survey is based upon a local coordinate system for Juneau, Alaska. Coordinates for control points used, and for Townsite Corners, are available on the "Juneau City Map" prepared by the City Engineer, 1965, and kept at the City and Borough Engineering Office. Basis of Bearings, this survey, was a line from the City Monument at Sixth and Main Streets, to R.M.B. A.T.S. 3, on Admiral Way. (S44°57'33"E Rec. Dist. 2, 091.86; Fd. Dist. 2, 091.95)

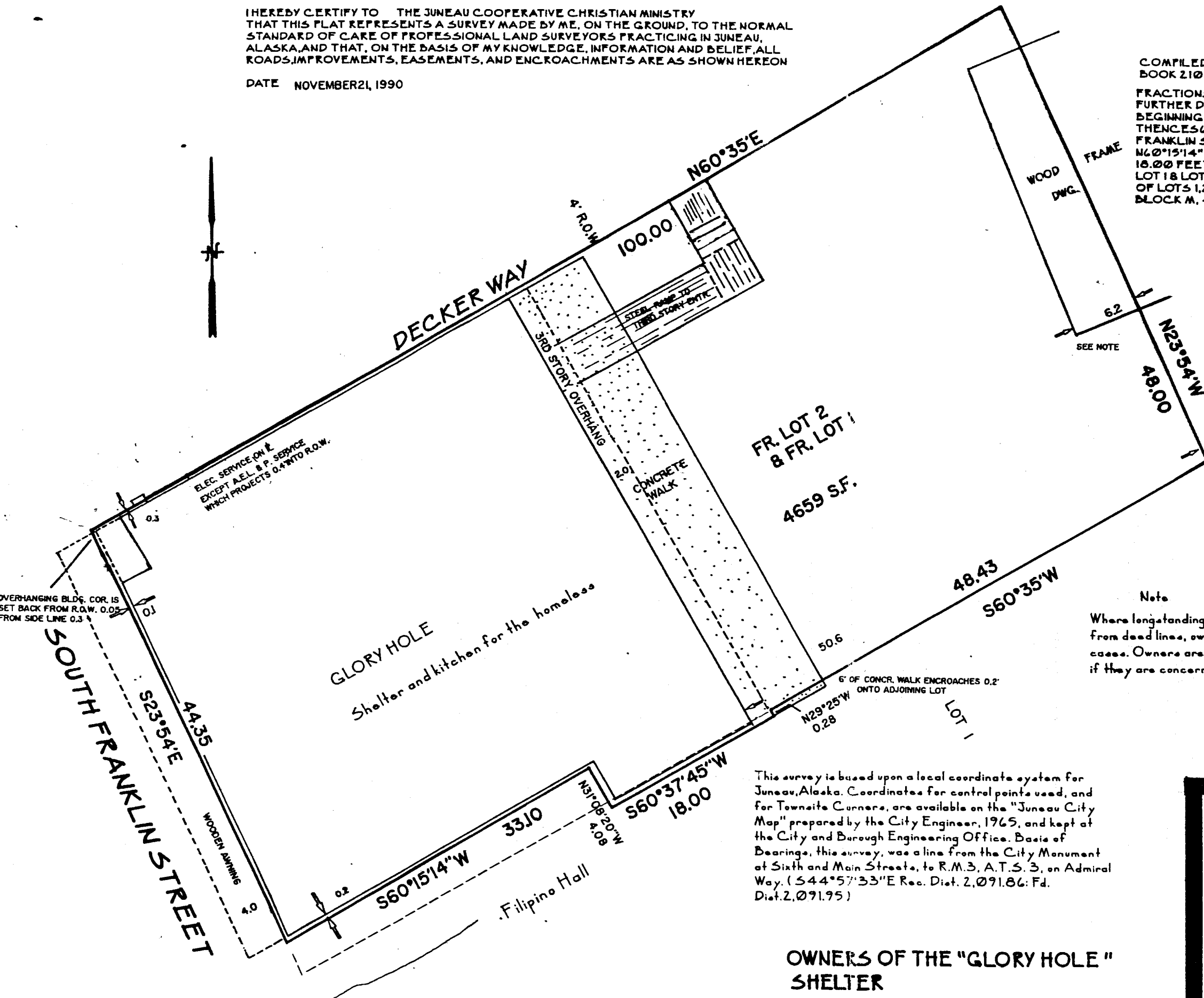
OWNERS OF THE "GLORY HOLE" SHELTER

JUNEAU COOPERATIVE CHRISTIAN MINISTRY
247 SOUTH FRANKLIN ST., JUNEAU, AK.

"AS-BUILT" SURVEY OF FRACTIONS OF LOTS 1 AND 2, BLOCK M, U.S. SURVEY No. 7, JUNEAU, ALASKA TOWNSITE

SCALE: 1" = 10' DATE: 11-19-90

DOUGLAS FINLEY LAND SURVEYING
JUNEAU, ALASKA



OVERHANGING BLDG. COR. IS SET BACK FROM R.O.W. 0.05' FROM SIDE LINE 0.3'

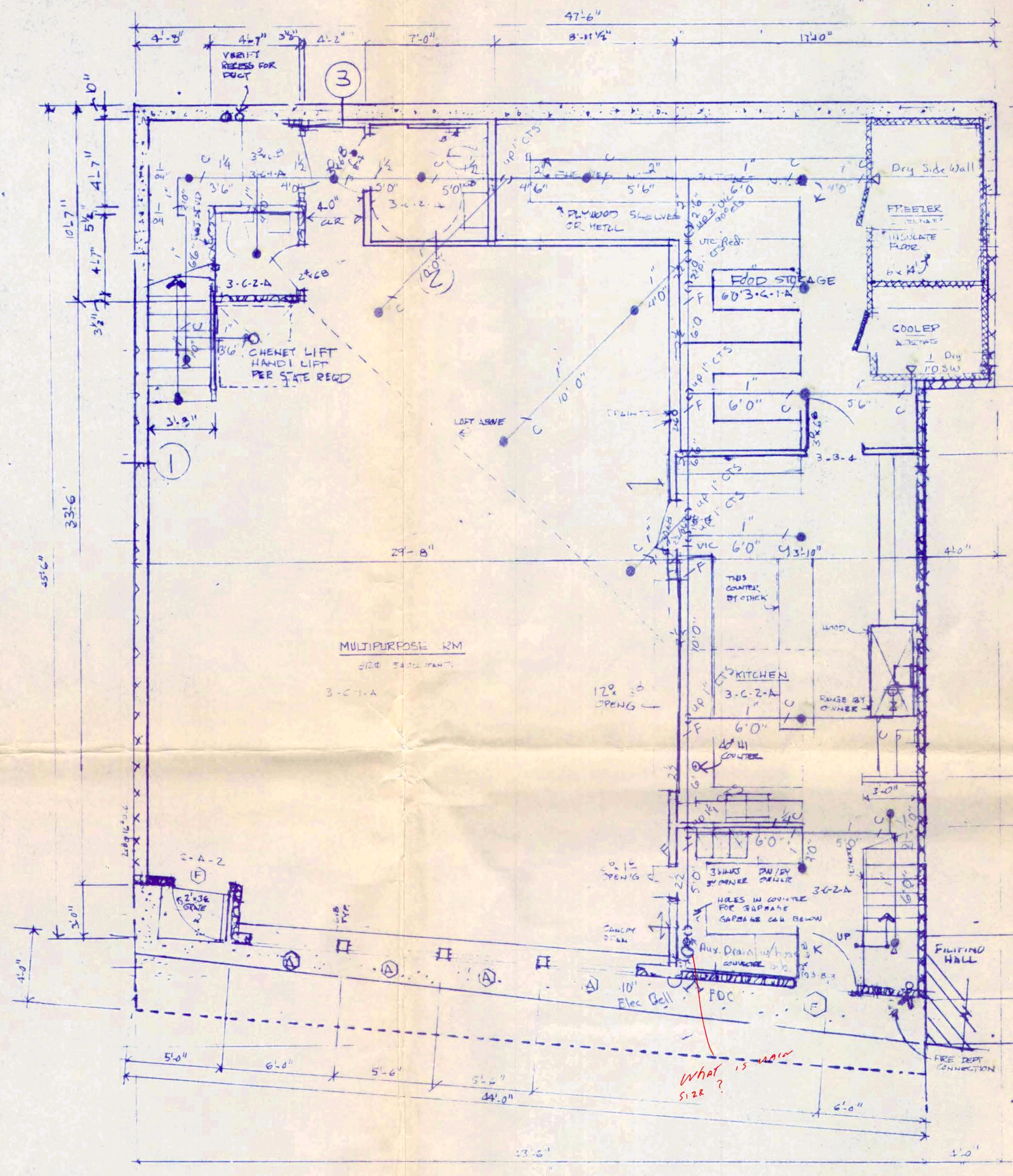
ELEC. SERVICE (ON E. EXCEPT A.E.L. & P. SERVICE WHICH PROJECTS 0.4' INTO R.O.W.)

GLORY HOLE Shelter and kitchen for the homeless

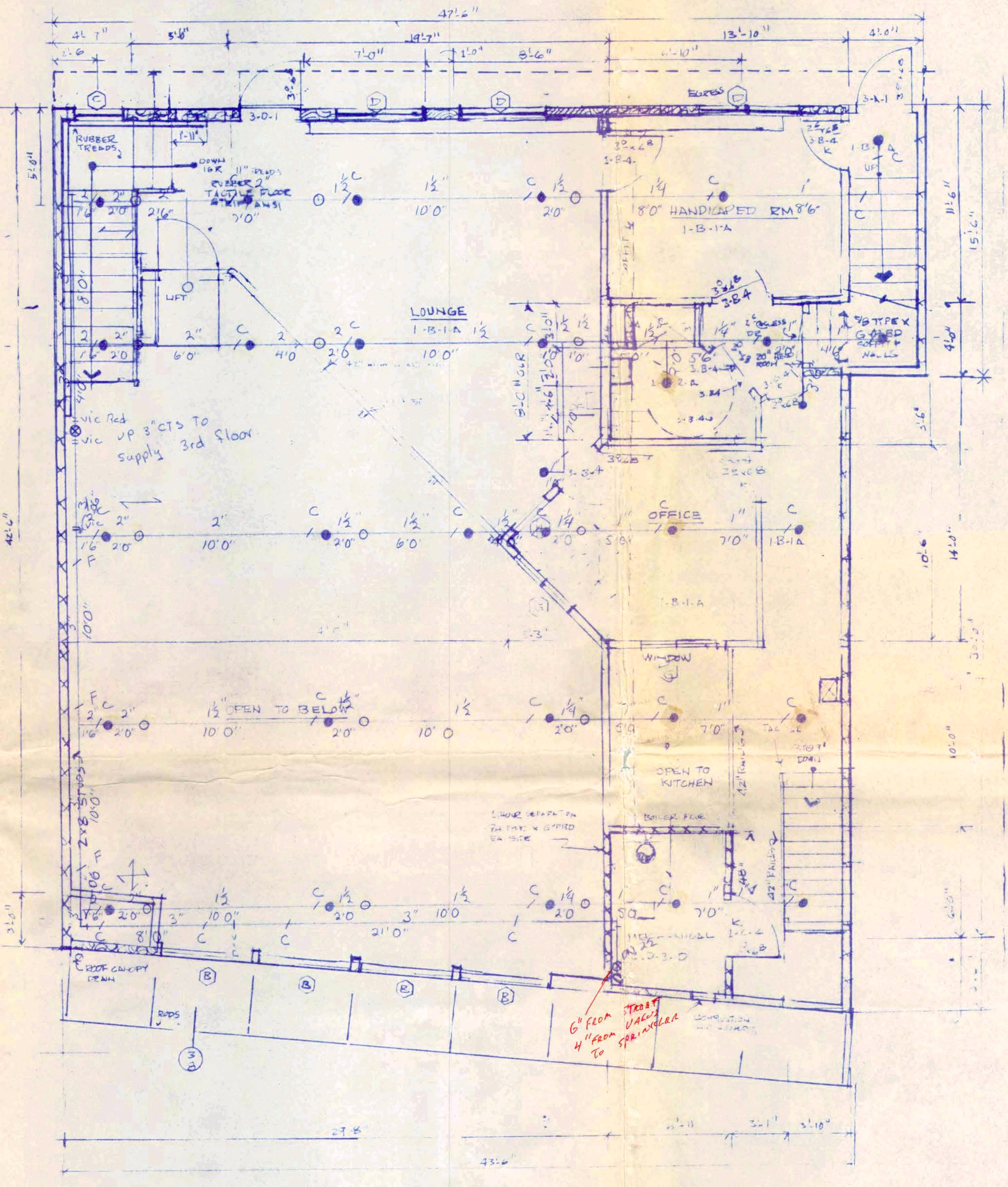
Filipino Hall

6' OF CONCR. WALK ENCROACHES 0.2' ONTO ADJOINING LOT

1-C07-0-BOM-001-0



FIRST FLOOR PLAN 14510" 1ST FLOOR LOFT UPPER 2093 1188 7222D



MEZZANINE FLOOR PLAN 14510"

Attachment M - 1990 Floor Plans

| HANGER | LEGEND | SPRINKLER HEAD SYMBOLS | TEMP. NO. | STANDARD SYMBOLS | STANDARD SYMBOLS | GENERAL NOTES | APPROVALS REQUIRED FOR SPRINKLER PLAN |
|--------|--------------------------------|------------------------|--------------|------------------|--------------------|---------------|---------------------------------------|
| A | Coch Screw Rod & Ring | N | Short Clip | ○ | SSU On 1/2" Outlet | ⚠ | Alarm Check Valve |
| B | C-Clamp Rod & Ring | P | Wedge Anchor | ⊙ | SSP On 1/2" Outlet | ⚠ | Riser w/ Alarm Valve |
| C | Ceiling Flange | Q | | ⊙ | SSU On 1" Outlet | ⚠ | Riser w/ Deluge Valve |
| D | U Hook | R | | ● | SSP On 1" Outlet | ⚠ | Electric Flow Switch |
| E | Flush Shell (Phillips Shell) | S | | △ | SSSW Upright | ⚠ | Water Motor Bell |
| F | Eye Rod & Ring | T | | △ | SSSW Pendant | ⚠ | Electric Bell |
| G | Side Beam Bracket | U | | ▲ | Plug | | |
| H | L-Rod & Ring w/ 3/8 Nut/Washer | V | | | TEMP RATING | | |
| J | Angle Clip | | | ○ | 165° Bronze | | |
| K | Top Beam Clamp | | | ○ | 212° White | | |
| L | Toggle Nut | | | ○ | 286° Blue | | |
| M | Machine Thread Rod | | | ○ | 360° Orange | | |

Harri PLUMBING-HEATING INC. SPRINKLER DIVISION (907)586-3990 TELEX 46-301 809 W. 27th ST JUNEAU, ALASKA 99801

JUNEAU FIRE PREVENTION

SPRINKLER PLAN DISTRIBUTION

JUNEAU FIRE DEPT

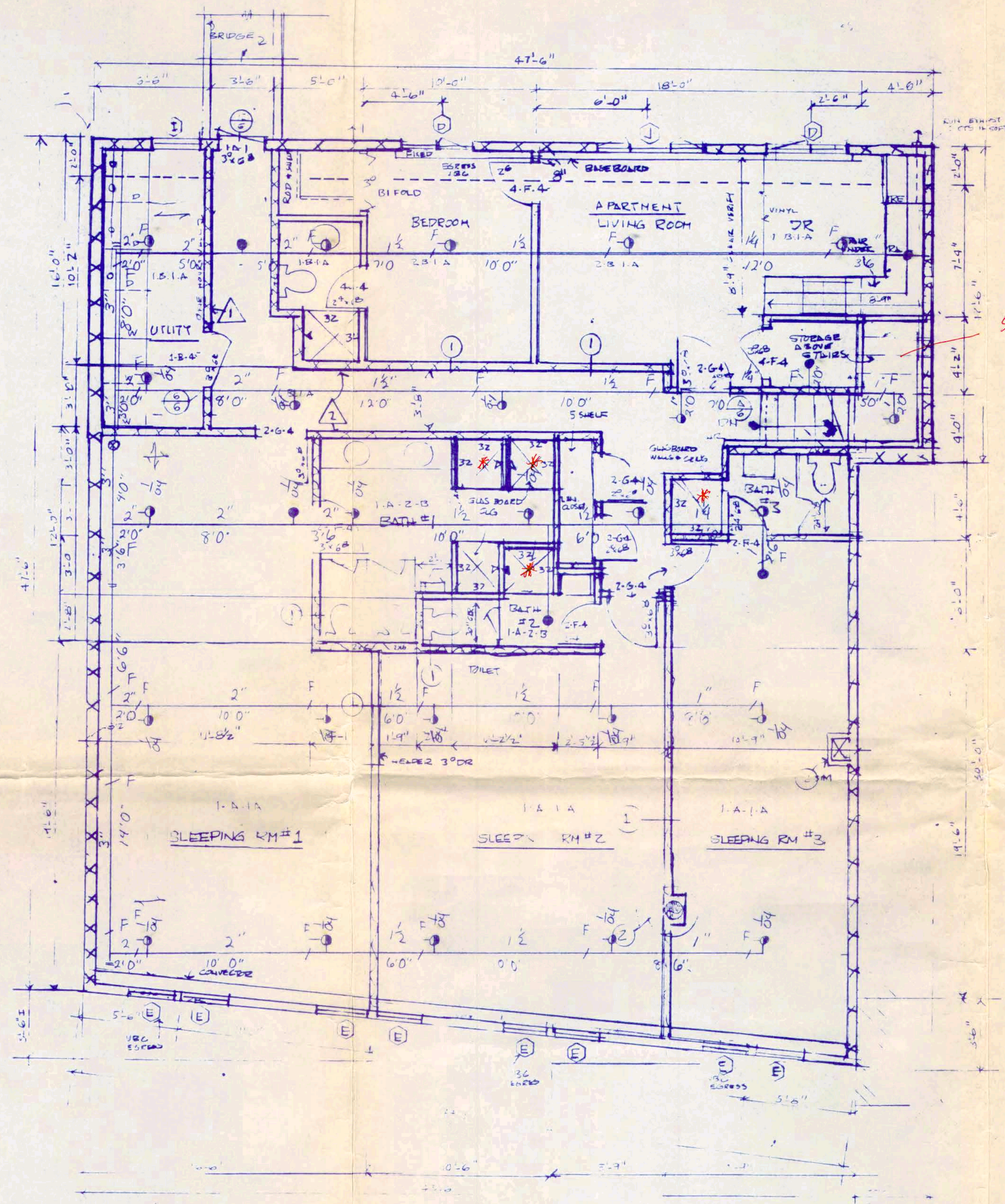
OWNER

CONTRACT WITH:

GLORY HOLE JUNEAU ALASKA

1-C07-0-BOM-001-0

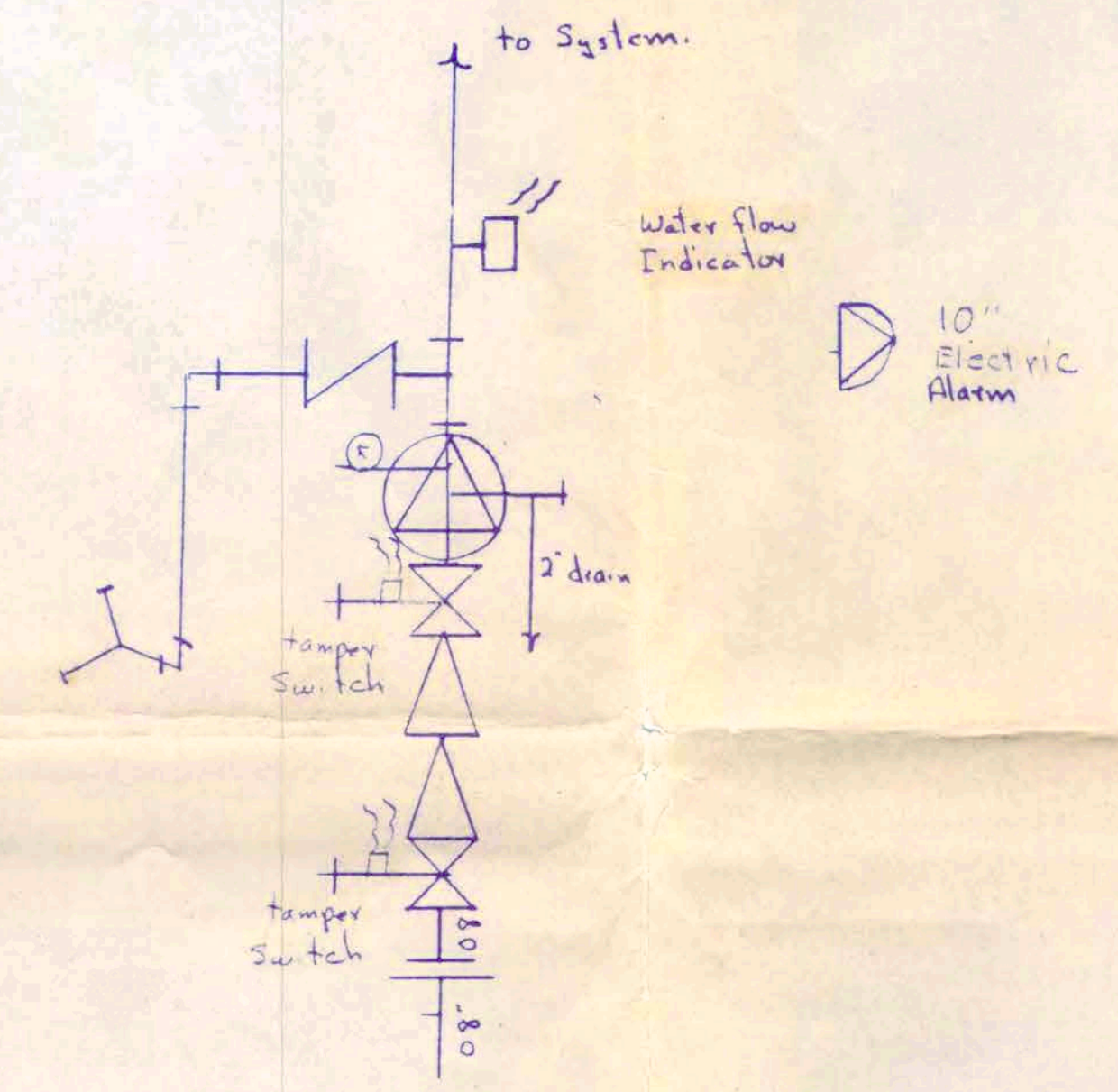
DATE: 3-14-90 SCALE: 1/4" = 1' DWN BY: CHKD BY: JOB NO: 45 DWG. NO:



SECOND FLOOR PLAN 12x12"
NO HANDICAPPED ACCESS

SPRINKLER COVERAGE FOR THIS STORAGE AREA

** DO SHOWERS ALLOW CLEARANCE FOR SPRINKLER COVERAGE*



| HANGER LEGEND | | SPRINKLER HEAD SYMBOLS | | STANDARD SYMBOLS | | STANDARD SYMBOLS | | GENERAL NOTES | | APPROVALS REQUIRED FOR SPRINKLER PLAN | |
|---------------|--------------------------------|------------------------|--------------|------------------|--------------------|------------------|----------------------------------|---------------|-----------------------|---------------------------------------|-----------|
| A | Coch Screw Rod & Ring | N | Short Clip | ○ | SSU On 1/2" Outlet | --- | Existing Underground | ⚠ | Alarm Check Valve | JUNEAU FIRE DEPARTMENT | |
| B | C-Clamp Rod & Ring | P | Wedge Anchor | ○ | SSP On 1/2" Outlet | --- | New Underground Public Supply | ⚠ | Riser w/ Alarm Valve | SPRINKLER PLAN DISTRIBUTION | |
| C | Ceiling Flange | Q | | ○ | SSU On 1" Outlet | --- | Underground Using Private Supply | ⚠ | Riser w/ Deluge Valve | JUNEAU FIRE DEPARTMENT | |
| D | U Hook | R | | ○ | SSP On 1" Outlet | --- | Swing Check Valve | ⚠ | Electric Flow Switch | OWNER | |
| E | Flush Shell (Phillips Shell) | S | | △ | SSSW Upright | --- | O.S. & Y. Gate Valve | ⚠ | Water Motor Bell | CONTRACT WITH: | |
| F | Eye Rod & Ring | T | | △ | SSSW Pendant | --- | Key Operated Valve | ⚠ | Electric Bell | L. CANNON & SONS | |
| G | Side Beam Bracket | U | | ▲ | Plug | --- | Fire Department Conn. | | | DATE | SCALE |
| H | L-Rod & Ring w/ 3/8 Nut/Washer | V | | | TEMP RATING | | Flush Fire Department Conn. | | | OWN. BY | CHKD BY |
| J | Angle Clip | | | ○ | 165° Bronze | | | | | JOB NO. | DWG. NO. |
| K | Top Beam Clamp | | | ○ | 212° White | | | | | 3 | 1/4" = 1' |
| L | Toggle Nut | | | ○ | 286° Blue | | | | | 45 | |
| M | Machine Thread Rod | | | ○ | 360° Orange | | | | | | |

Certificate of Occupancy

City & Borough of Juneau, Alaska

This Certificate issued pursuant to the requirements of Section 306 of the Uniform Building Code, as amended, certifying that at the time of issuance this structure was in compliance with the various ordinances of the City & Borough of Juneau regulating building construction or use for the following:

Use Classification GROUP SHELTER Bldg. Permit No. 4775.01

Occupancy Group R-1 -A-3 Construction Type V-1hr.

Owner of Building Christian Juneau Cooperative Owner Address P.O. Box 186 Juneau, AK 99801

Building Address 247 S. Franklin St.

Legal Description of Building Lot Tract M, Lot # 2

Townsite of Juneau 
Christian T. Roust
Building Official

File No. 1-C07-0-BQM-001-0 Date August 14, 1991

Post this Certificate and all identified attachments in a conspicuous place.



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

247 S Franklin conversion to apartments

Case Number: PAC20210072
 Applicant: Mariya Lovischuk
 Property Owner: Juneau Coop Christian Ministry
 Property Address: 241, 243, 247 S Franklin St
 Parcel Code Number: 1C070BOM0010
 Site Size: 3,196 Square Feet
 Zoning: MU (Mixed Use)
 Existing Land Use: Shelter

Conference Date: 11/9/2021
 Report Issued: 11/17/2021
DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.

List of Attendees

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

| Name | Title | Email address |
|------------------|-------------------|--|
| Mariya Lovischuk | Applicant | |
| Allison Eddins | Planning | Allison.eddins@juneau.org |
| Dan Jager | Fire Marshal | Dan.jager@juneau.org |
| Edward Quinto | Permit Specialist | Edward.quinto@juneau.org |
| Sydney Hawkins | Permit Tech | Sydney.hawkins@juneau.org |

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Project Overview

The applicant, TGH, would like to redevelop the old Glory Hall shelter into a seven unit apartment building. The proposed floor plans show one (1) one bedroom unit and six (6) studio units. The Assembly has expressed an interest in increasing the number of dwelling units downtown.

The structure is in a mapped severe avalanche area according to the adopted Landslide/Avalanche Maps adopted in 1987. CBJ 49.70.300 (b) (1) does not allow development larger than one dwelling unit per lot in the severe avalanche area. Converting the shelter that slept up to 50 people into seven separate dwelling units is not allowed under the current code restrictions.

CBJ 49.70.300 – Landslide and avalanche areas.

b) Severe avalanche areas.

(1) Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.

New hazard maps were developed (AME2021-0008). The new maps indicate that the lot is outside of the severe avalanche area but still within the severe landslide area. Current interpretation of CBJ 49.70.300 (b) (1) is that this development restriction also applies to severe landslide areas.

The Assembly has yet to adopt the new hazard maps. More public outreach is needed. If/when the new hazard maps are adopted they will likely be accompanied with new regulations. At this point, it is unknown what the new regulations will be.

The option to redefine the term "dwelling unit" was discussed at the pre-application meeting. After the meeting, the CBJ Fire Marshal contacted the planner and explained that the definition of dwelling unit in the Building Code and Fire Code comes from state statute and cannot be changed without a new state statute.

The applicant can hire an engineer to conduct a site specific survey to determine if the lot is outside of a severe hazard zone. The engineer can use the CBJ draft hazard maps for reference but a further analysis of this particular lot must be conducted in order to request the lot be removed.

Planning Division

1. **Zoning** – The lot is in the Mixed Use (MU) zoning district, the Downtown Historic District and the Alternative Development Overlay District (ADOD).

The ADOD would allow future additions to take advantage of reduced setbacks and lot coverage. However, the MU zoning district already has 0' setbacks along all property lines and no maximum lot coverage.

Any development project that will alter the exterior of the structure will need review by the Historic Resources Advisory Committee (HRAC) before building permit approval.

2. **Subdivision** – No subdivision is being proposed.
3. **Setbacks and Height** – No maximum building height; no setbacks.
4. **Access** – Pedestrian access from South Franklin and Decker Way; no vehicular access is available.
5. **Parking & Circulation**– The lot is within the PD-1 Downtown Parking District. Parking will not be required unless there is an addition/expansion of the existing building. On-site parking would be required for the addition/expansion only and that requirement would be reduced by 60 percent.
6. **Lot Coverage** – No maximum lot coverage.
7. **Vegetative Coverage** – No minimum vegetative coverage.
8. **Lighting** – Any exterior lighting added must be of full cut-off design. A site plan showing locations of exterior lights and light fixture specs must be submitted with the building permit application.
9. **Noise** – Not applicable at this time.
10. **Flood** – Property is not in a Special Flood Hazard Area.

Hazard/Mass Wasting/Avalanche/Hillside Endorsement – Under current code and maps, the lot falls within the Severe Landslide and Avalanche Area, represented by the heavy line. The maps that are currently adopted do not differentiate landslide and avalanche hazards. No lot in a severe avalanche area can increase density on that lot.

<https://juneau.org/community-development/special-projects/landslide-avalanche-assessment>

The draft maps separate landslide and avalanche. The draft maps show the lot outside of the severe avalanche area. Current code does not explicitly restrict development in a severe landslide zone. However, code was drafted after combined maps were adopted. The current policy is the intent was to restrict density increase in either severe hazard area.

11. **Plat or Covenant Restrictions** – The original 1934 plat does not include any plat notes.
12. **Traffic** – A seven unit apartment building is expected to generate 46.5 average daily trips. A Traffic Impact Analysis is not required.
13. **Nonconforming situations** – None known.

Building Division

14. **Outstanding Permits** –
 - a. **BLD20120124** – Major renovation and façade improvements Modified 11/9/2012 to include electrical work
 - b. **BLD20180084** – Create opening in wall to connect mens dorms
 - c. **BLD-17431** – Remove a bathtub and replace it with a shower stall
 - d. **BLD-0978701** – Add new floor area to existing 2nd floor
 - e. **BLD-0097301** – Remodel bathroom at glory hall
 - f. **BLD-0492901** – Demolition / removal
 - g. **BLD2006-00407** – Construct 36' x 48" deck addition to existing landing to house a trash receptacle

Fire Marshal

15. **Fire Items/Access** – No additional comments.

Other Applicable Agency Review

16. Not applicable.

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. Building Permit Application

Additional Submittal Requirements

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

1. A copy of this pre-application conference report.
2. A site specific study prepared by a licensed civil engineer experienced in avalanche and landslide analysis demonstrating the need for a hazard boundary relocation.

Exceptions to Submittal Requirements

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

1. Not applicable.

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. Building Permit fees are based on the cost of the project.

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

Submit your Completed Application

You must submit your application(s) 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/cdd

**BUILDING PERMIT APPLICATION**NOTE: THIS IS NOT A BUILDING PERMIT

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspections, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Case No: **BLD20210765**

Case Description: Convert emergency shelter and soup kitchen into 7 apartments

Site Address: **241 S FRANKLIN ST**Check No. of Existing Dwelling Units:

Parcel No: 1C070B0M0010

No. of New Dwelling Units:

Legal Description: JUNEAU TOWNSITE BL M LT 2 FR

No. of Removed Dwelling Units:

Applicant : JUNEAU COOPERATIVE CHRISTIAN MINISTRY
DBA THE GLORY HALL
247 S FRANKLIN ST
JUNEAU AK 99801

e-mail: brucedenton@gmail.com
e-mail: lovishchuk.mariya@gmail.com

CEL 907-723-2259
PRI 907-957-2885

Owner: JUNEAU COOP CHRISTIAN MINISTRY
PO BOX 021997
JUNEAU AK 99802-1997

Contractor: CARVER CONSTRUCTION LLC
PO BOX 240475
DOUGLAS AK 99824

PH: _____ FAX _____

Valuation for Permit Fee Calculations:

| S.F. | Type | Rate | Amount |
|------------------|------|------|----------------|
| | | | 1,100,000.00 |
| Total Valuation: | | | \$1,100,000.00 |

Associated Cases:

None.

Parcel Tags:

This parcel is located within the Downtown Historic District.

This parcel is located in the moderate avalanche area and severe landslide area. 9/28/2009 JLW

Glory Hole Remodel 1990

Notes and Conditions:

Waiting for payment

Applicant's Signature
(Owner, Contractor or Authorized Agent)

Date

Staff Acceptance

I hereby certify that I have read and examined this application and know the same to be true and correct. I further certify that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

Edward Quinto

From: Mariya Lovishchuk <lovishchuk.mariya@gmail.com>
Sent: Thursday, October 28, 2021 10:19 AM
To: Edward Quinto
Cc: Robin Gilcrist
Subject: 247 S. Franklin Street Project
Attachments: Addendum 2014270100_Mech_Product Cutsheets.pdf; Addendum 2014270100_pricing_set_35_half.pdf; Existing Plans 247 S. Franklin Street.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Eddy,

Thank you for speaking to me this morning.

The Glory Hall is aiming to develop 7 apartments on the 2nd and 3rd floors of the 247 S. Franklin Street Building. The apartments will be strictly workforce housing, not for folks who cannot live independently and require on site support. The first floor will remain mostly as is and will be rented out for commercial purposes.

Existing floor plans and proposed floor plans are attached.

The 35% drawings for the project are also attached.

This project will create 7 apartments: 6 efficiencies and 1 one bedroom apartments. No exterior renovations, other than getting rid of the roof access, and some additional windows (to match historical existing windows) are planned.

We spoke to Beth McKibben and confirmed that no conditional use permit or parking waiver will be needed. Our plan is to apply for a building permit.

Please let me know if you have any questions and if I can provide any additional information

Thank you

Mariya

--
Mariya Lovishchuk
Executive Director, TGH
Project Coordinator, JHFC
"Serving Those Most in Need"
247 S. Franklin Street
Juneau, AK 99801
Phone (907) 957-2885

GLORY HALL RENOVATION

35% PRICING SUBMITTAL

| SHEET INDEX | |
|-------------|---|
| SHEET NO. | SHEET NAME |
| G-001 | TITLE SHEET & PROJECT INDEX |
| G-101 | CODE PLANS & DESIGN ANALYSIS |
| A-101 | FIRST & SECOND FLOOR DEMOLITION PLANS |
| A-102 | THIRD FLOOR & ROOF DEMOLITION PLANS |
| A-111 | FIRST & SECOND FLOOR NEW WORK PLANS |
| A-112 | THIRD FLOOR & ROOF NEW WORK PLANS |
| A-601 | DOOR & WINDOW TYPES, DOOR SCHEDULE AND MATERIAL FINISH SCHEDULE |
| M-001 | MECHANICAL LEGEND AND SCHEDULES |
| M-101 | DEMOLITION PLANS |
| M-102 | DEMOLITION PLANS |
| M-201 | NEW WORK PLANS - PLUMBING |
| M-202 | NEW WORK PLANS - PLUMBING |
| M-301 | NEW WORK PLANS - HEATING AND VENTILATING |
| M-302 | NEW WORK PLANS - HEATING AND VENTILATING |
| M-401 | DETAILS |
| E-001 | LEGEND AND SCHEDULES |
| E-101 | FIRST & SECOND DEMOLITION FLOOR PLANS |
| E-102 | THIRD FLOOR & ROOF DEMOLITION PLANS |
| E-111 | FIRST & SECOND NEW WORK PLANS |
| E-112 | THIRD FLOOR & ROOF NEW WORK PLANS |
| E-300 | ELECTRICAL POWER RISER DIAGRAM |
| E-400 | ELECTRICAL SPECIFICATIONS |

PROJECT DESCRIPTION: REMODEL OF THE EXISTING GLORY HALL STRUCTURE LOCATED AT 247 S. FRANKLIN STREET. RENOVATIONS INCLUDE:

- DEMOLITION OF EXISTING STAIRWELLS
- RENOVATION OF 2ND & 3RD FLOORS INTO DWELLING UNITS (7 TOTAL)
- RELOCATION OF THE EXISTING MECHANICAL ROOM
- RELOCATION OF THE EXISTING ELECTRICAL ROOM
- CONSTRUCTION OF NEW EGRESS STAIRWAY
- NEW PLUMBING FIXTURES, AND FINISHES IN RENOVATED DWELLING UNITS

THIS DESIGN PACKAGE IS PREPARED FOR PRICING PURPOSES ONLY

| | | | | | | | | | | | | | | | | | | | |
|---|-------------|----------|----|--|--|--|--|--|---|--|--------------|-------------|-------|-----|---------|-------|------|------------|--|
| <p>Date Stamped:</p> <table border="1" style="width: 100%; height: 40px;"> <tr> <td style="width: 25%;">Date</td> <td style="width: 25%;">Revision</td> <td style="width: 25%;">By</td> <td style="width: 25%;"></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> | Date | Revision | By | | | | | | <p>Stantec</p> <p style="font-size: small;">Stantec Architecture Inc. 725 E. Fireweed Lane, Suite 200 Anchorage, AK 99503 Tel: (907) 276-4245 www.stantec.com Authorization to Practice # AECC1207</p> | <p>Project: GLORY HALL RENOVATION</p> <p>AK Mental Health Trust Authority 247 S. Franklin St Juneau, AK 99801</p> <p>35% DESIGN DOCUMENTS</p> <table border="1" style="width: 100%; font-size: x-small;"> <tr> <td>Project Mgr:</td> <td>GAMBARDELLA</td> </tr> <tr> <td>Drawn</td> <td>EJD</td> </tr> <tr> <td>Checked</td> <td>CN GG</td> </tr> <tr> <td>Date</td> <td>10/07/2021</td> </tr> </table> | Project Mgr: | GAMBARDELLA | Drawn | EJD | Checked | CN GG | Date | 10/07/2021 | <p>Sheet Contents: TITLE SHEET & PROJECT INDEX</p> <p>Sheet No.: G-001</p> <p style="font-size: x-small;">Santec W.O. 2014270100</p> |
| Date | Revision | By | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| Project Mgr: | GAMBARDELLA | | | | | | | | | | | | | | | | | | |
| Drawn | EJD | | | | | | | | | | | | | | | | | | |
| Checked | CN GG | | | | | | | | | | | | | | | | | | |
| Date | 10/07/2021 | | | | | | | | | | | | | | | | | | |



LIFE SAFETY & CODE ANALYSIS

Attachment P - 2021 BLD21-765 Application Materials

APPLICABLE CODES AND STANDARDS

- 2012 INTERNATIONAL EXISTING BUILDING CODE W/ CITY OF JUNEAU AMENDMENTS
- 2012 UNIFORM PLUMBING CODE W/ CITY OF JUNEAU AMENDMENTS
- 2012 INTERNATIONAL MECHANICAL CODE W/ CITY OF JUNEAU AMENDMENTS

CHAPTER 3 - OCCUPANCY TYPE (SEPARATED)

BUSINESS
RESIDENTIAL (R-2)

CHAPTER 4 - SPECIAL REQUIREMENTS

420.2 - SEPARATION WALLS - WALLS SEPARATING DWELLING UNITS FROM OTHER OCCUPANCIES CONTIGUOUS TO THEM IN THE SAME BUILDING SHALL BE CONSTRUCTED AS FIRE PARTITIONS IN ACCORDANCE WITH SECTION 708.

420.3 - HORIZONTAL SEPARATION - FLOOR ASSEMBLIES SEPARATING DWELLING UNITS IN THE SAME BUILDING AND FLOOR ASSEMBLIES SEPARATING DWELLING UNITS FROM OTHER OCCUPANCIES CONTIGUOUS TO THEM IN THE SAME BUILDING SHALL BE CONSTRUCTED AS HORIZONTAL ASSEMBLIES IN ACCORDANCE WITH SECTION 711.

CHAPTER 5 - BUILDING HEIGHTS & AREAS

TABLE 503 - BUILDING HEIGHT - 55' - BUILDING IN COMPLIANCE

TABLE 503 - NUMBER OF STORES - 4 - BUILDING IN COMPLIANCE

TABLE 503 - BUILDING AREA (R-2) TYPE VB - A1 = 7,000 sf

506.1 - BUILDING AREA MODIFICATION || Aa = (A1 + [A1 x H] + [A1 x IS])

Af = 0 (No Forthage Increase)

Is = 7,000 x 200% = 14,000 sf

Aa = 7,000 sf + [7,000 sf x 0] + [14,000 sf] = 21,000 sf

EXISTING BUILDING AREA = 6,639 sf

TABLE 508.4.4 - SEPARATED OCCUPANCIES

SEPARATION BETWEEN R-2 AND B OCCUPANCIES - 1 HR.

CHAPTER 6 - TYPES OF CONSTRUCTION

BUILDING TYPE - VB

TABLE 602 - FIRE RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS

SEE SECTION 7061.1 FOR PARTY WALLS

CHAPTER 7 - FIRE AND SMOKE PROTECTION

706 - FIRE WALLS - EXISTING PARTY WALLS ARE REQUIRED TO BE 2 HOUR RATED CONSTRUCTION

CHAPTER 8 - INTERIOR FINISHES

STAIRWAYS AND EXIT PASSAGEWAYS - CLASS C FINISH
CORRIDOR AND EXIT ACCESS RAMPS - CLASS C FINISH
ROOMS AND ENCLOSED SPACES - CLASS C FINISH

CHAPTER 9 - FIRE PROTECTION SYSTEMS

NFPA SPRINKLER SYSTEM - AN AUTOMATIC SPRINKLER SYSTEM SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH SECTION 903.3.1.1.

CHAPTER 10 - MEANS OF EGRESS

TABLE 1004.1.2 - OCCUPANT LOAD - SEE FLOOR PLANS
1005.3.2 - EGRESS SIZING (EXCLUDING STAIRS) = 0.2 x NO. OF OCCUPANTS

1007.1 EX. 1 ACCESSIBLE MEANS OF EGRESS - ACCESSIBLE MEANS OF EGRESS ARE NOT REQUIRED IN ALTERATIONS TO EXISTING BUILDINGS.

1009.4 - STAIRWAY WIDTH - NOT LESS THAN 36" SERVING AN OCCUPANT LOAD OF LESS THAN 50.

TABLE 1015.1 SPACES WITH ONE EXIT
B OCCUPANCIES - MAX OCCUPANT LOAD = 49

1015.1 EX. 1 - ONE MEANS OF EGRESS IS PERMITTED WITHIN AND FROM INDIVIDUAL DWELLING UNITS WITH A MAXIMUM OCCUPANT LOAD OF 20 WHERE THE DWELLING UNIT IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN R-2 OCCUPANCIES.

1016.2 EXIT ACCESS TRAVEL DISTANCE
SPRINKLERED (R-2) = 250 FT - BUILDING IN COMPLIANCE

TABLE 1018.1 - CORRIDOR FIRE-RESISTANCE RATING (SPRINKLERED)

B OCCUPANCY - 0

R OCCUPANCY - 0.5 (OCCUPANT LOAD GREATER THAN 10)

TABLE 1018.2 - MINIMUM CORRIDOR WIDTH - 36" WHEN SERVING OCCUPANT LOAD OF LESS THAN 50

TABLE 1021.2(1) STORIES WITH ONE EXIT FOR R-2 OCCUPANCIES MAXIMUM 4 DWELLING UNITS WITH EGRESS DISTANCE < 125 FT. VARIANCE REQUIRED.

CHAPTER 11 - ACCESSIBILITY

R-2 OCCUPANCY DOES NOT COMPLY - VARIANCE REQUIRED

CHAPTER 12 - INTERIOR ENVIRONMENT

1207.3 - AIRBORNE SOUND - WALLS, PARTITIONS AND FLOOR/CEILING ASSEMBLIES SEPARATING DWELLING UNITS REQUIRE MINIMUM STC RATING OF 50.

1208.3 - ROOM AREA - EVERY DWELLING UNIT SHALL HAVE NO FEWER THAN ONE ROOM WITH A MINIMUM NET FLOOR AREA OF 120 SF.

CHAPTER 29 - PLUMBING SYSTEMS

B OCCUPANCY

WATER CLOSET - 1 PER 25 OCCUPANTS FOR FIRST 50 OCCUPANTS MEETS REQUIREMENTS

LAVATORY - PER 40 OCCUPANTS FOR FIRST 80 OCCUPANTS - MEETS REQUIREMENTS

SERVICE SINK - 1 EXISTING - MEETS REQUIREMENTS

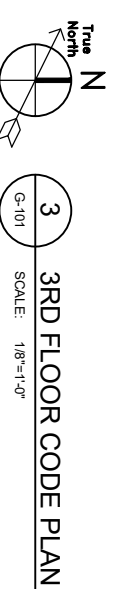
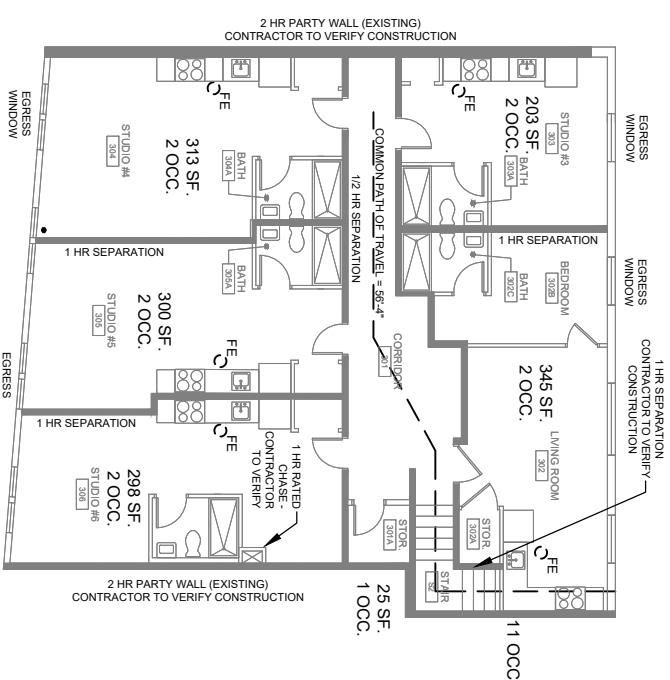
R-2 OCCUPANCY

WATER CLOSET - 1 PER DWELLING

LAVATORY - 1 PER DWELLING

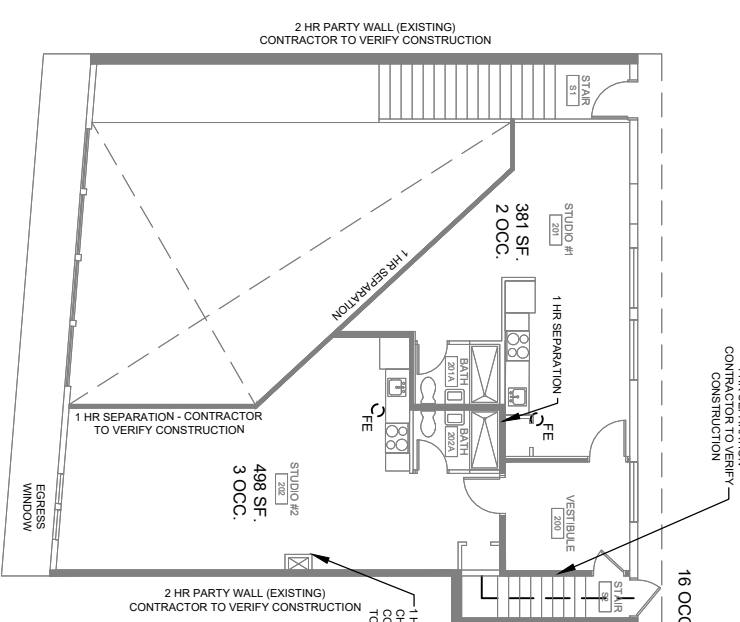
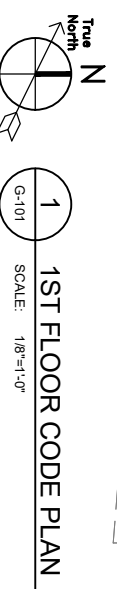
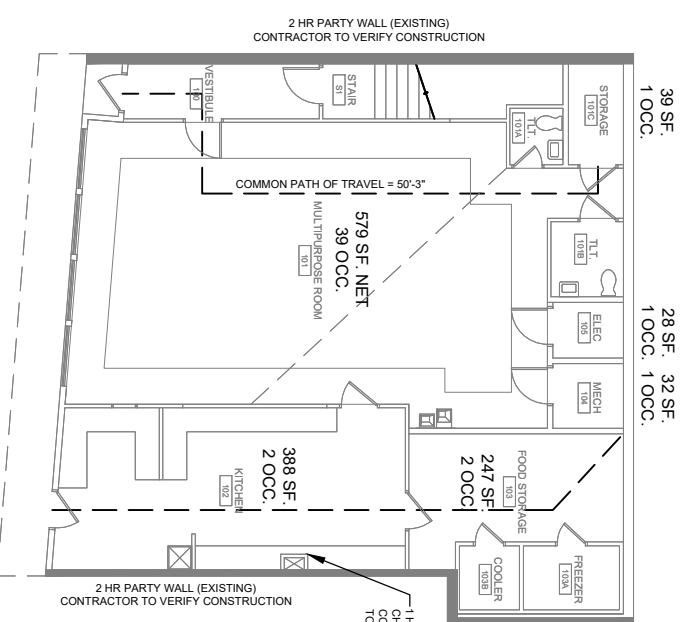
BATH/TUB/SHOWER - 1 PER DWELLING

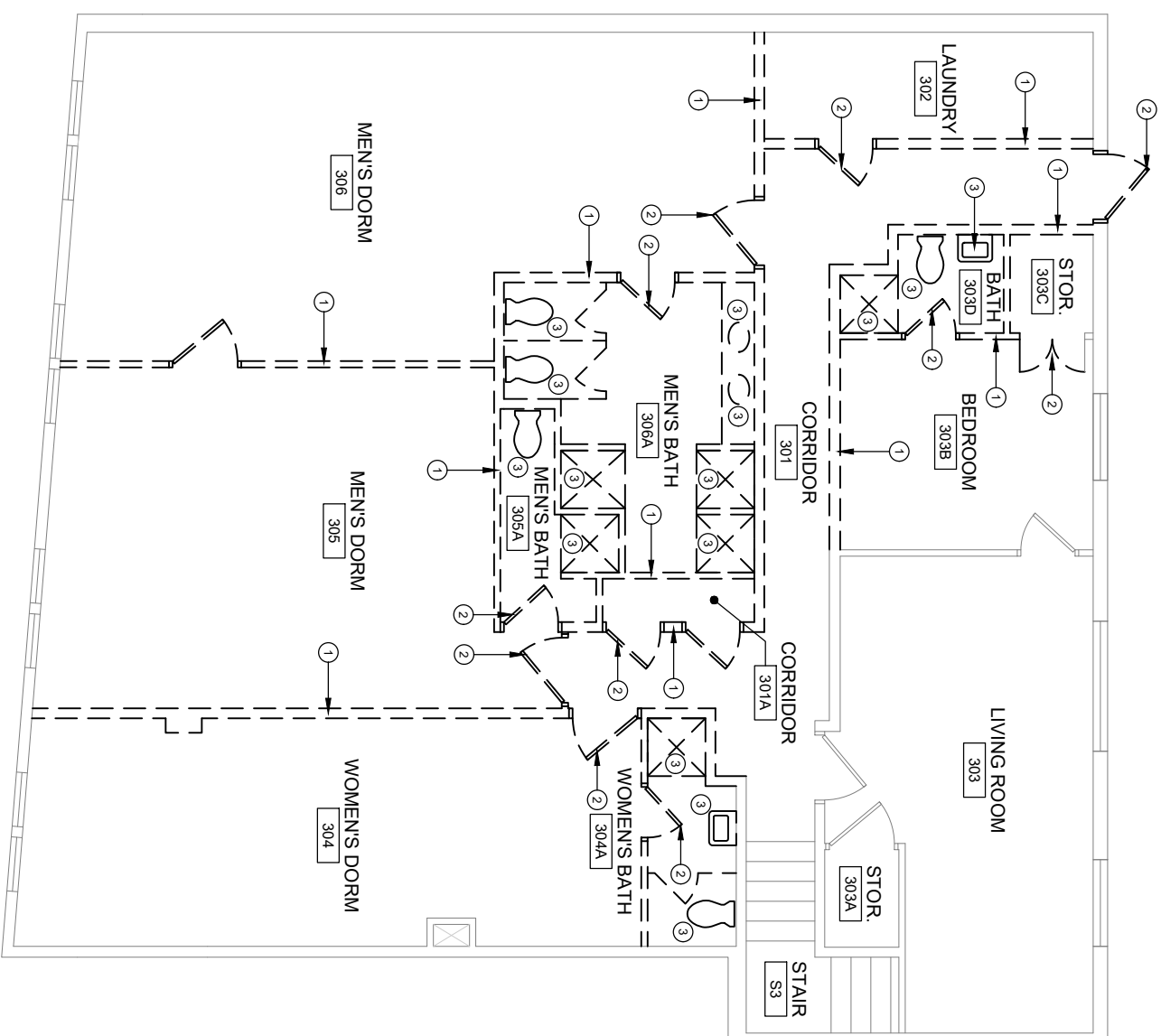
KITCHEN SINK - 1 PER DWELLING



OCCUPANT LOAD

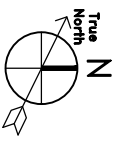
RESIDENTIAL ASSEMBLY (UNCONCENTRATED) 200 GROSS
KITCHEN (COMMERCIAL) 15 NET
ACCESSORY (STORAGE, MECH) 200 GROSS
300 GROSS



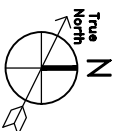


KEY NOTES

1. DEMOLISH EXISTING WALL IN PREPARATION FOR NEW WORK. PREPARE FLOOR AND CEILING FOR NEW WORK AND FINISHES.
2. DEMOLISH EXISTING DOORS.
3. DEMOLISH EXISTING PLUMBING FIXTURE.



2 ROOF PLAN - DEMOLITION
A-102 SCALE: 1/4"=1'-0"



1 3RD FLOOR PLAN - DEMOLITION
A-102 SCALE: 1/4"=1'-0"

| Date | Revision | By | Date Stamped: |
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Stantec Architecture Inc.
725 E. Fireweed Lane, Suite 200
Anchorage, AK 99503
Tel: (907) 276-4245 www.stantec.com
Authorization to Practice # AECC1207

Project:
**GLORY HALL
RENOVATION**

AK Mental Health Trust Authority
247 S. Franklin St
Juneau, AK 99901

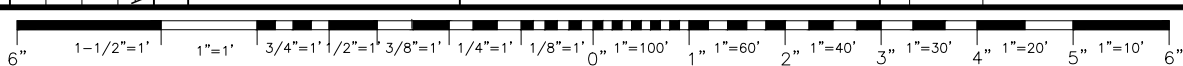
35% DESIGN DOCUMENTS

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| Project Mgr: | GAMBARDELLA |
| Drawn: | EJD |
| Checked: | CN GG |
| Date: | 10/07/2021 |

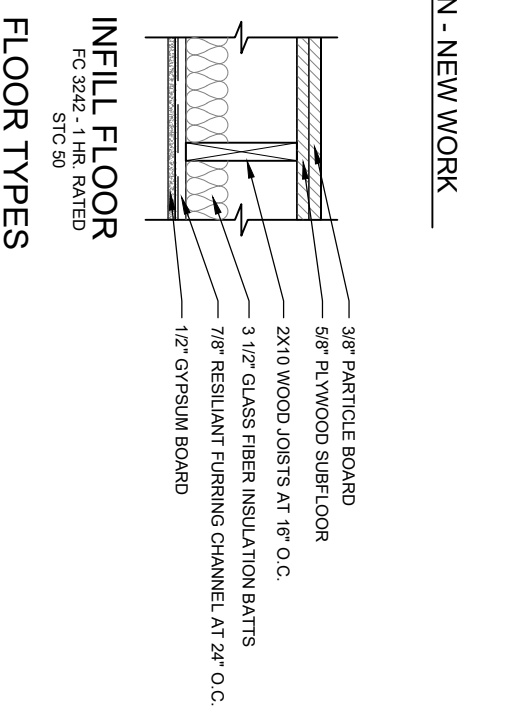
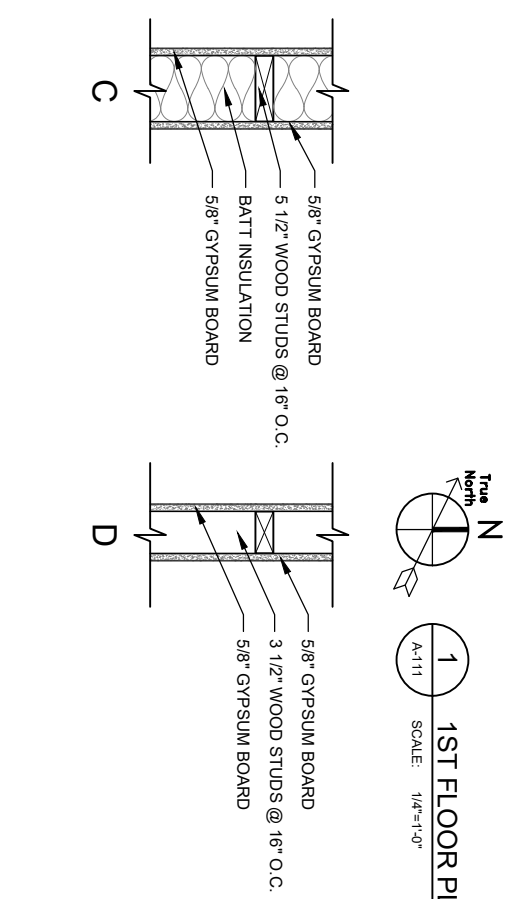
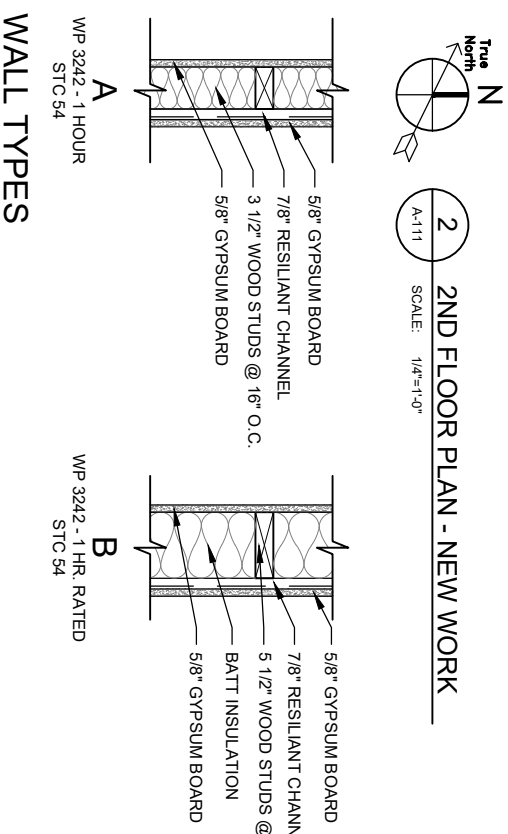
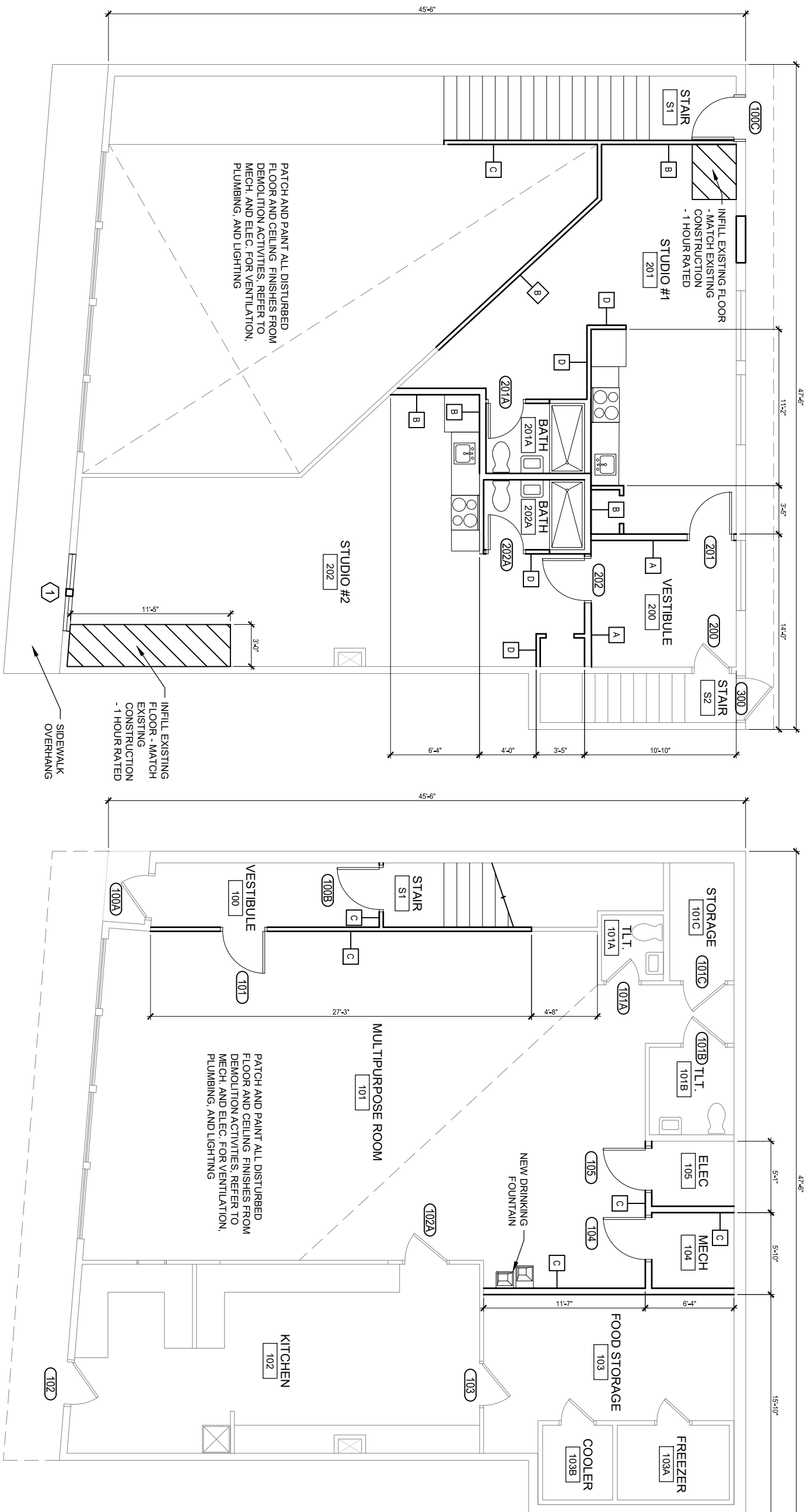
Sheet Contents:
**THIRD FLOOR &
ROOF
DEMOLITION
PLANS**

Sheet No.:
A-102

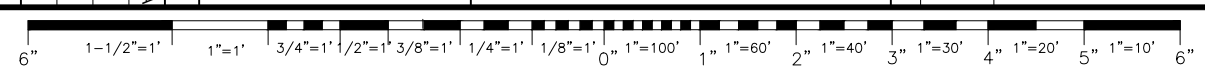
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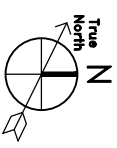
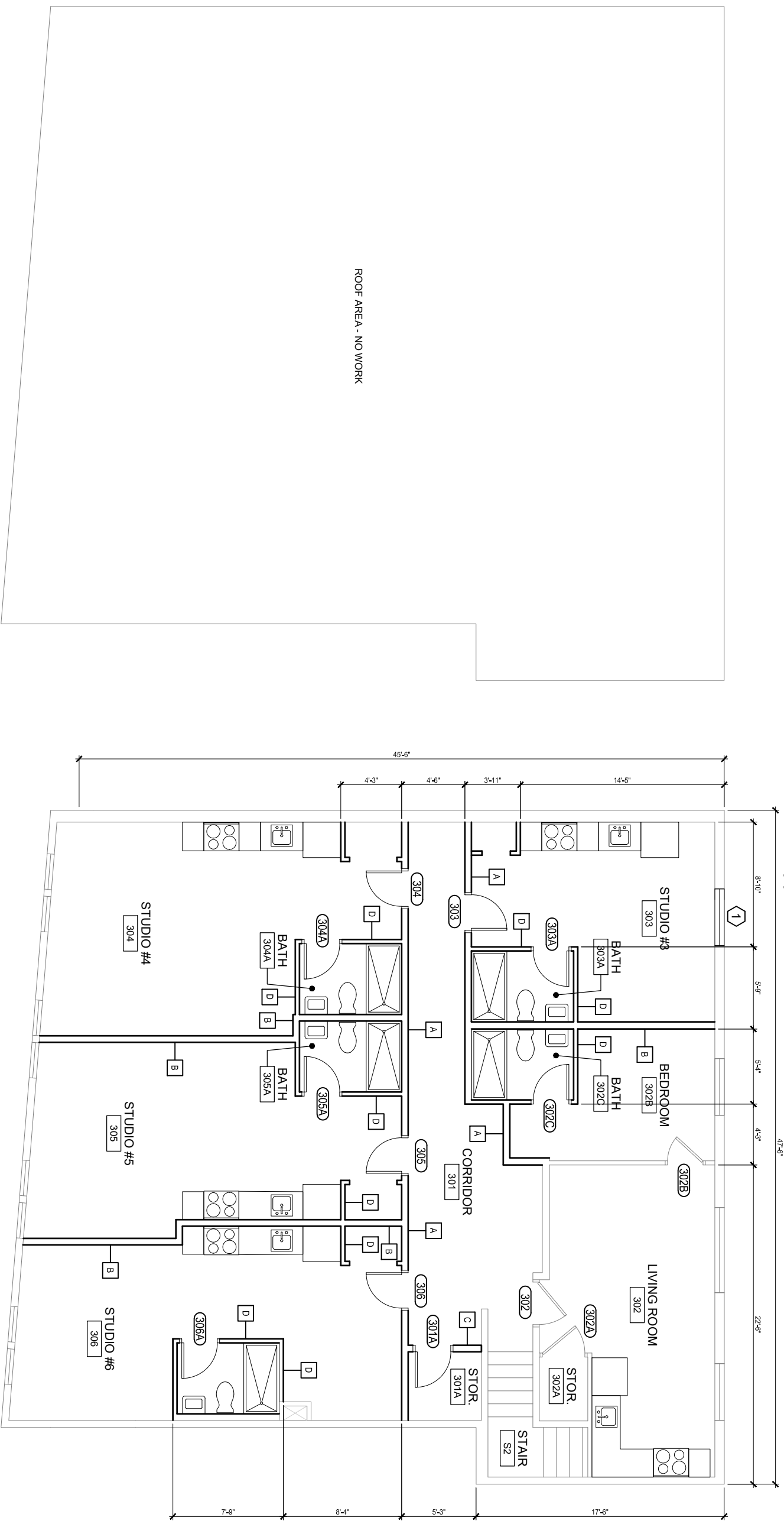


Attachment P - 2021 BLD21-765 Application Materials

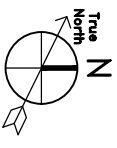


| <p>Stantec Architecture Inc. 725 E. Fireweed Lane, Suite 200 Anchorage, AK 99503 Tel: (907) 276-4245 www.stantec.com Authorization to Practice # AECC1207</p> | | <p>Project: GLORY HALL RENOVATION</p> <p>AK Memorial Health Trust Authority 247 S. Franklin St Juneau, AK 99801</p> <p>35% DESIGN DOCUMENTS</p> <p>Project Mgr: GAMBARDIELLA Drawn: EJD Checked: CN GG Date: 10/07/2021</p> | | <p>Date Stamped:</p> <table border="1"> <thead> <tr> <th>Date</th> <th>Revision</th> <th>By</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> | | Date | Revision | By | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>Sheet Contents: FIRST & SECOND NEW WORK FLOOR PLANS</p> <p>Sheet No.: A-111</p> | | <p>Sanitac W.O. 2014270100</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

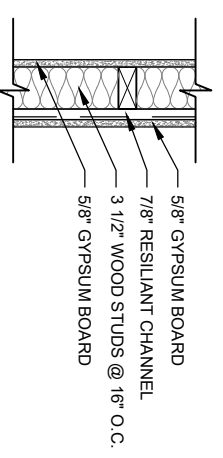




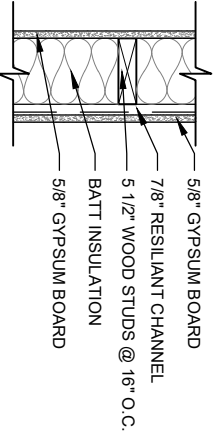
2 ROOF PLAN - NEW WORK
A-112 SCALE: 1/4"=1'-0"



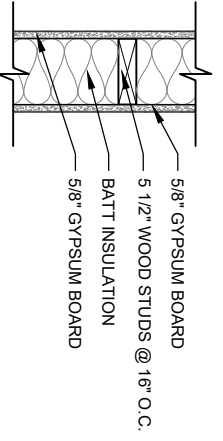
1 3RD FLOOR PLAN - NEW WORK
A-112 SCALE: 1/4"=1'-0"



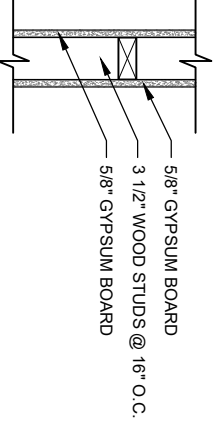
A
WP 3242 - 1 HOUR
STC 54



B
WP 3242 - 1 HR. RATED
STC 54



C

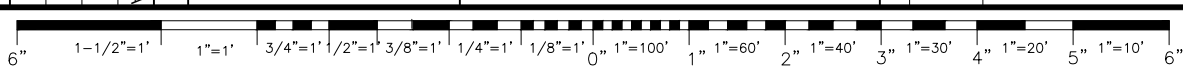


D

WALL TYPES

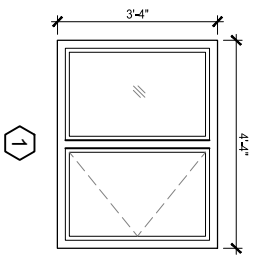
PATCH AND PAINT ALL DISTURBED FLOOR AND CEILING FINISHES FROM DEMOLITION ACTIVITIES. REFER TO MECH. AND ELEC. FOR VENTILATION, PLUMBING, AND LIGHTING

| <p>Project: GLORY HALL RENOVATION</p> <p>Project Mgr.: GAMBARDIELLA</p> <p>Drawn: EJD</p> <p>Checked: CN GG</p> <p>Date: 10/07/2021</p> <p>Sheet No.: A-112</p> <p>Sheet Contents: THIRD FLOOR & ROOF NEW WORK PLANS</p> | <p>AK Mental Health Trust Authority 247 S. Franklin St Juneau, AK 99901</p> <p>35% DESIGN DOCUMENTS</p> | <p>Stantec</p> <p>Stantec Architecture Inc. 725 E. Fireweed Lane, Suite 200 Anchorage, AK 99503 Tel: (907) 276-4245 www.stantec.com Authorization to Practice # AECC1207</p> | <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Date</th> <th>Revision</th> <th>By</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> <p>Date Stamped: _____</p> | Date | Revision | By | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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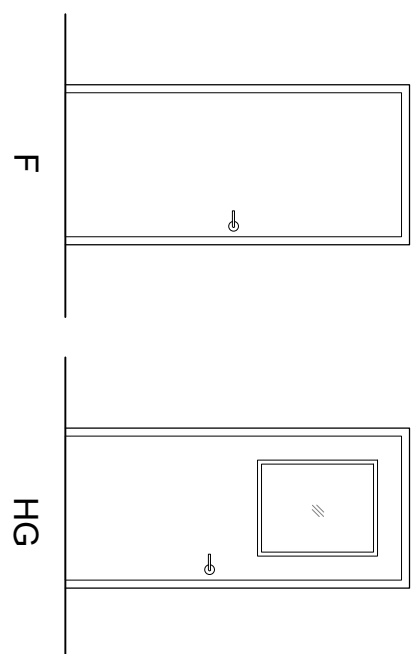


DOOR SCHEDULE

| Opening Number | Width | Height | Door | | | Frame | | | Details | | | Assembly | | Opening Number | |
|----------------|-------|--------|----------|------|--------|---------|----------|------|---------|------|------|----------|--------|----------------|--------------|
| | | | Material | Type | Finish | Glazing | Material | Type | Finish | Head | Jamb | Sill | Rating | | Hardware Set |
| 100A | 3'-0" | 7'-0" | EX | EX | EX | EX | EX | - | - | - | - | - | - | - | 100A |
| 100B | 3'-0" | 7'-0" | HM | HG | PT | 1/4" | HM | PT | - | - | - | - | - | - | 100B |
| 100C | 3'-0" | 7'-0" | HM | HG | PT | 1/4" | HM | PT | - | - | - | - | - | - | 100C |
| 101 | 3'-0" | 7'-0" | HM | HG | PT | 1/4" | HM | PT | - | - | - | - | - | - | 101 |
| 101A | 2'-4" | 6'-8" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 101A |
| 101B | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 101B |
| 101C | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 101C |
| 102 | 3'-0" | 7'-0" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 102 |
| 103 | 3'-0" | 7'-0" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 103 |
| 104 | 3'-0" | 7'-0" | HM | HM | PT | | HM | PT | - | - | - | - | - | - | 104 |
| 105 | 3'-0" | 7'-0" | HM | HM | PT | | HM | PT | - | - | - | - | - | - | 105 |
| 200 | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 200 |
| 201 | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 201 |
| 201A | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 201A |
| 202 | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 202 |
| 202A | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 202A |
| 300 | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 300 |
| 300A | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 300A |
| 301 | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 301 |
| 301A | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 301A |
| 302 | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 302 |
| 302A | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 302A |
| 302B | 3'-0" | 6'-8" | EX | EX | EX | EX | EX | EX | - | - | - | - | - | - | 302B |
| 302C | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 302C |
| 303 | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 303 |
| 303A | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 303A |
| 304 | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 304 |
| 304A | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 304A |
| 305 | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 305 |
| 305A | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 305A |
| 306 | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 306 |
| 306A | 3'-0" | 6'-8" | WD | F | PT | | WD | PT | - | - | - | - | - | - | 306A |



WINDOW TYPE



DOOR TYPES

ROOM FINISH SCHEDULE

| Room | Room Name | Floor | Base | Wall | | | | Ceiling | | CLG. Height | Remarks | Room |
|------|-------------------|--------|------|------------|------------|------------|------------|-----------|--------|-------------|--|------|
| | | | | N Wall | E Wall | S Wall | W Wall | Materials | Finish | | | |
| 100 | CORRIDOR | CP12 | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 100 |
| 101 | MULTIPURPOSE ROOM | EX | EX | EX | EX | EX | GWB/PT | EX | EX | 17'-0" | | 101 |
| 101A | TOILET | EX | EX | EX | EX | EX | EX | EX | EX | 7'-0" | | 101A |
| 101B | TOILET | EX | EX | EX | EX | EX | EX | EX | EX | 7'-0" | | 101B |
| 101C | STORAGE | EX | EX | EX | EX | EX | EX | EX | EX | 7'-0" | | 101C |
| 102 | KITCHEN | TL-1 | TL-1 | EX | PT1 | PT1 | EX | GWB | PT | 8'-0" | PATCH AND REPAIR SW CORNER FROM DEMOLITION OF STAIRS | 102 |
| 103 | FOOD STORAGE | EX | EX | EX | EX | EX | EX | EX | EX | EX | | 103 |
| 103A | FREEZER | EX | EX | EX | EX | EX | EX | EX | EX | EX | | 103A |
| 103B | COOLER | EX | EX | EX | EX | EX | EX | EX | EX | EX | | 103B |
| 104 | MECHANICAL | SC | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB/PT | PT | 8'-0" | | 104 |
| 105 | ELECTRICAL | SC | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB/PT | PT | 8'-0" | | 105 |
| S1 | STAIR | LVT/RF | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB/PT | PT | 8'-0" | | S1 |
| S2 | STAIR | LVT/RF | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB/PT | PT | 8'-0" | | S2 |
| 200 | VESTIBULE | CP12 | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 200 |
| 201 | STUDIO #1 | LVT | RB | GWB/PT | GWB/PT | GWB/PT, CT | GWB/PT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 201 |
| 201A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 201A |
| 202 | STUDIO #2 | LVT | RB | GWB/PT, CT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 202 |
| 202A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 202A |
| 301 | CORRIDOR | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 301 |
| 301A | STORAGE | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 301A |
| 302 | LIVING ROOM | LVT | RB | GWB/PT | GWB/PT, CT | GWB/PT, CT | GWB/PT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 302 |
| 302A | STORAGE | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 302A |
| 302B | BEDROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | | 302B |
| 302C | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 302C |
| 303 | STUDIO #3 | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT, CT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 303 |
| 303A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 303A |
| 304 | STUDIO #4 | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT, CT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 304 |
| 304A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 304A |
| 305 | STUDIO #5 | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT, CT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 305 |
| 305A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 305A |
| 306 | STUDIO #6 | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT, CT | GWB | PT | 8'-0" | CERAMIC TILE AT KITCHEN BACKSPLASH | 306 |
| 306A | BATHROOM | LVT | RB | GWB/PT | GWB/PT | GWB/PT | GWB/PT | GWB | PT | 8'-0" | CEMENTITIOUS BACKER BOARD AT ALL WET WALL LOCATIONS | 306A |

Stantec

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Authorization to Practice # AEC1207

Project: **GLORY HALL RENOVATION**

AK Mental Health Trust Authority
247 S. Franklin St
Juneau, AK 99901

35% DESIGN DOCUMENTS

Project Mgr: **GAMBARDELLA**

Drawn: **EJD**

Checked: **CN** **GG**

Date: **10/07/2021**

Sheet No.: **A-601**

Sheet Contents: **DOOR & WINDOW TYPES, DOOR SCHEDULE AND MATERIAL FINISH SCHEDULE**

Stantec W.O. 2014270100

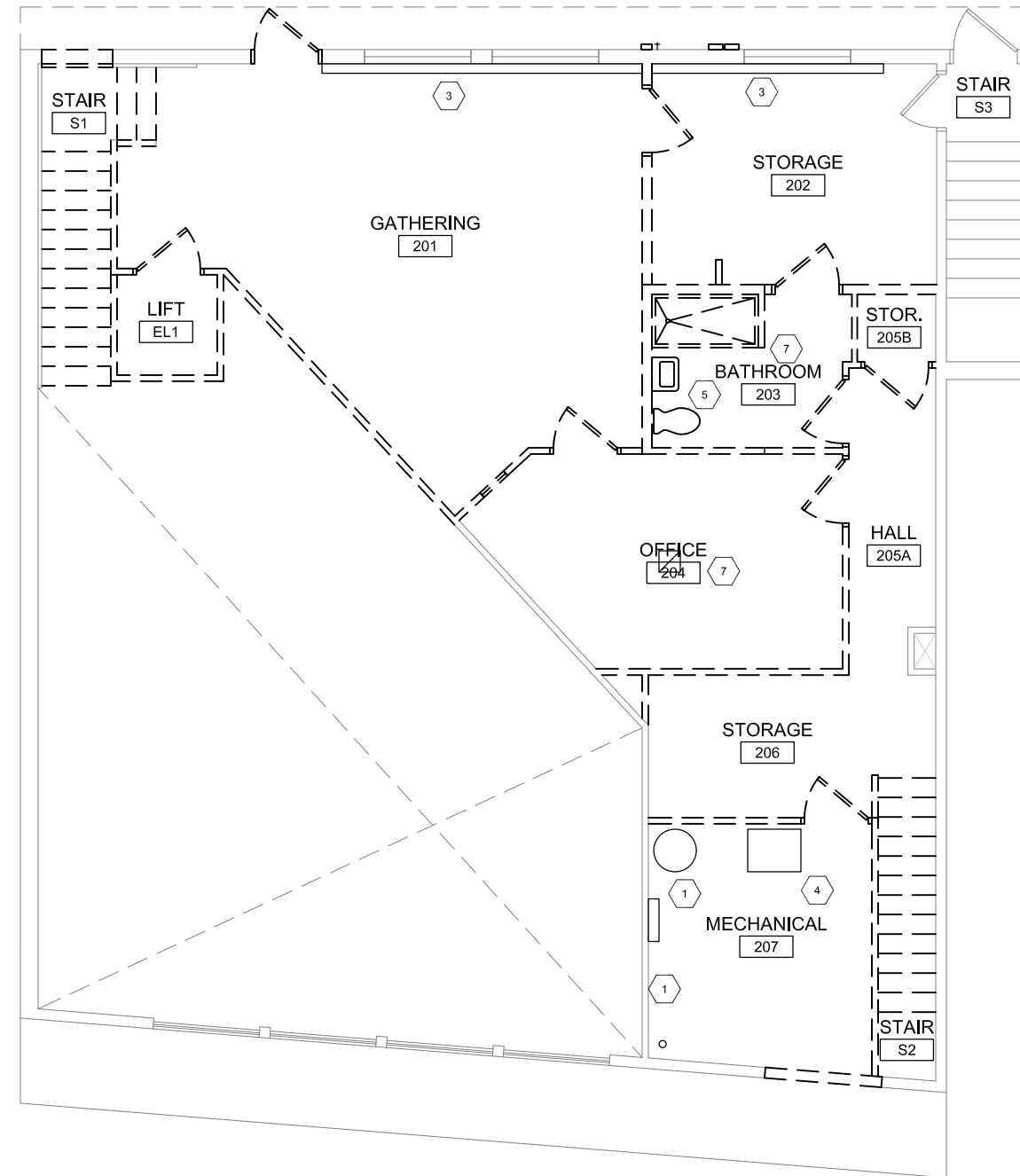
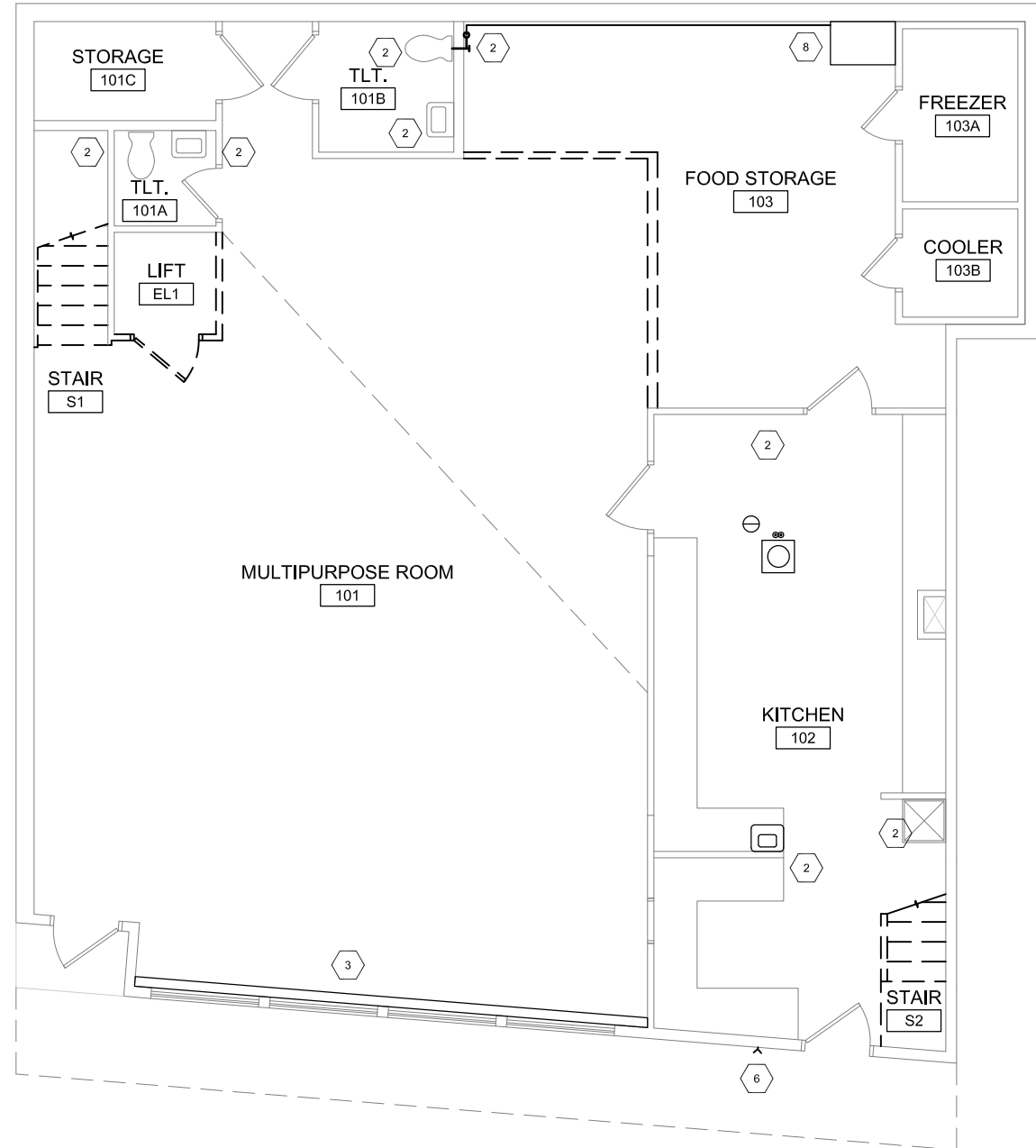
Attachment P - 2021 BLD21-765 Application Materials

SHEET NOTES:

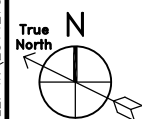
1. LOCATION OF EXISTING WATER SERVICE AND SPRINKLER RISER, DEMOLISH AND PREPARE FOR RELOCATION OF BOTH.
2. ALL DOMESTIC WATER, WASTE AND VENT SHALL BE DEMOLISHED IN THE FIRST FLOOR CEILING, FIRST FLOOR FIXTURE BRANCH LINES MAY REMAIN IN PLACE PREPARED FOR CONNECTION TO NEW WATER DISTRIBUTION PIPING.
3. ALL HYDRONIC HEATING TERMINAL UNITS AND PIPING SHALL BE DEMOLISHED.
4. DEMOLISH EXISTING ELECTRIC/HYDRONIC BOILER AND ASSOCIATED PUMPS, PIPING, AND CONTROLS.
5. ALL PLUMBING FIXTURES, DOMESTIC WATER, WASTE AND VENT PIPING ON SECOND FLOOR SHALL BE REMOVED, INCLUDING THAT PIPING LOCATED IN THE SECOND FLOOR CEILING.
6. EXISTING FIRE DEPARTMENT CONNECTION AND SPRINKLER MAIN DRAIN SHALL REMAIN FOR RECONNECTION TO RELOCATED SPRINKLER RISER.
7. EXISTING EXHAUST FANS, ASSOCIATED DUCTWORK, AND EXTERIOR WALL PENETRATIONS SHALL BE DEMOLISHED.
8. EXISTING FREEZER/COOLER COMPRESSOR SYSTEM AND DRAIN SHALL REMAIN.

GENERAL NOTES:

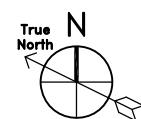
1. CONTRACTOR SHALL VERIFY AND RECORD EXISTING WASTE AND VENT PIPING SIZE AND LOCATION FROM FIRST FLOOR FIXTURES.



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1 1ST FLOOR PLAN - DEMOLITION
M-101 SCALE: 1/4"=1'-0"



2 2ND FLOOR PLAN - DEMOLITION
M-101 SCALE: 1/4"=1'-0"

Section J, Item 2.

Date Stamped:

By

Revision

Date

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1"=600'



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Project:
GLORY HALL RENOVATION

AK Mental Health Trust Authority
247 S. Franklin St
Juneau, AK 99801

35% DESIGN DOCUMENTS

Project Mgr. GAMBARDELLA

Drawn JET

Checked MAP GG

Date 10/07/2021

Sheet Contents:

DEMOLITION PLANS

Sheet No.:

M-101

Stantec W.O. 20142701

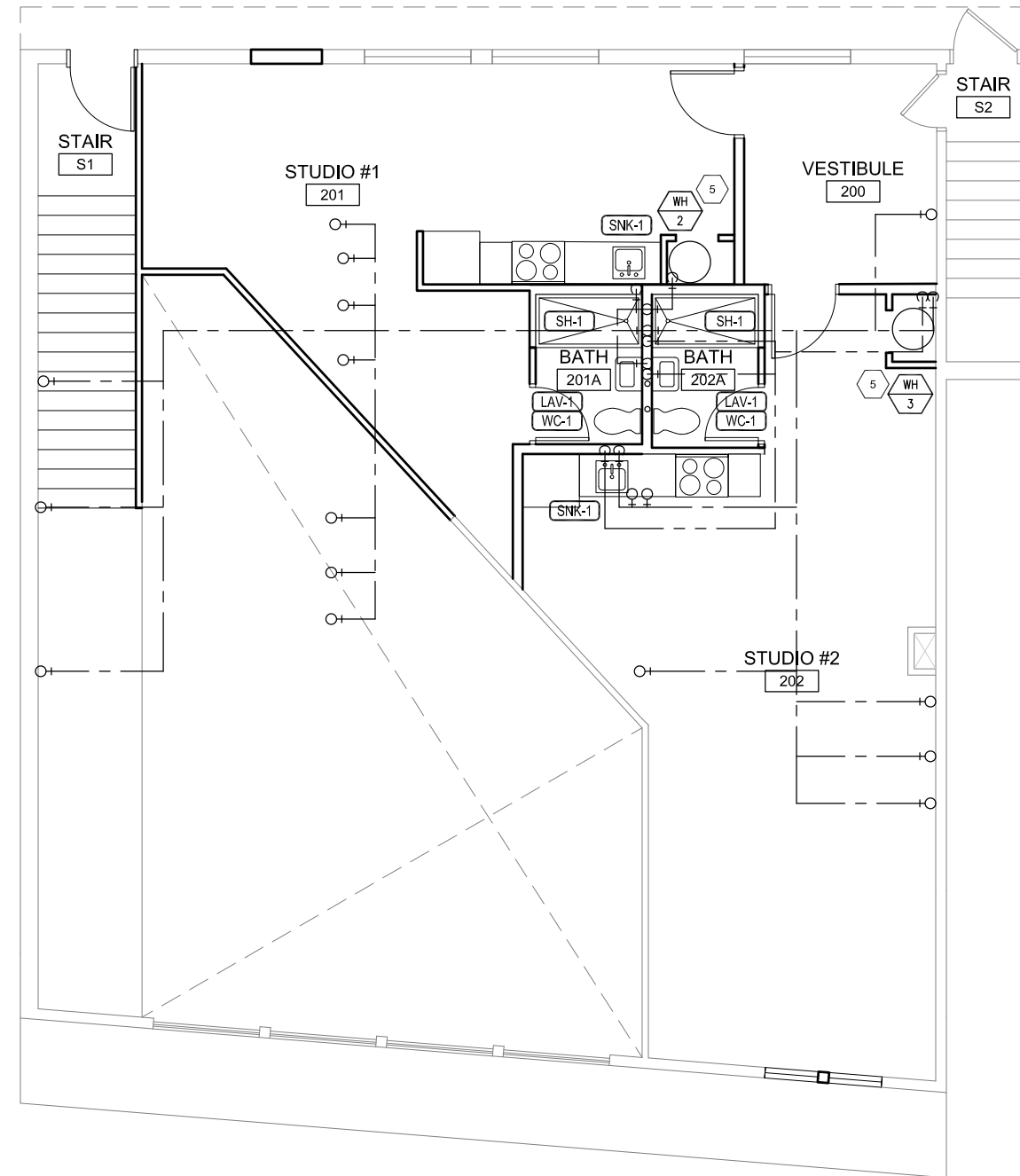
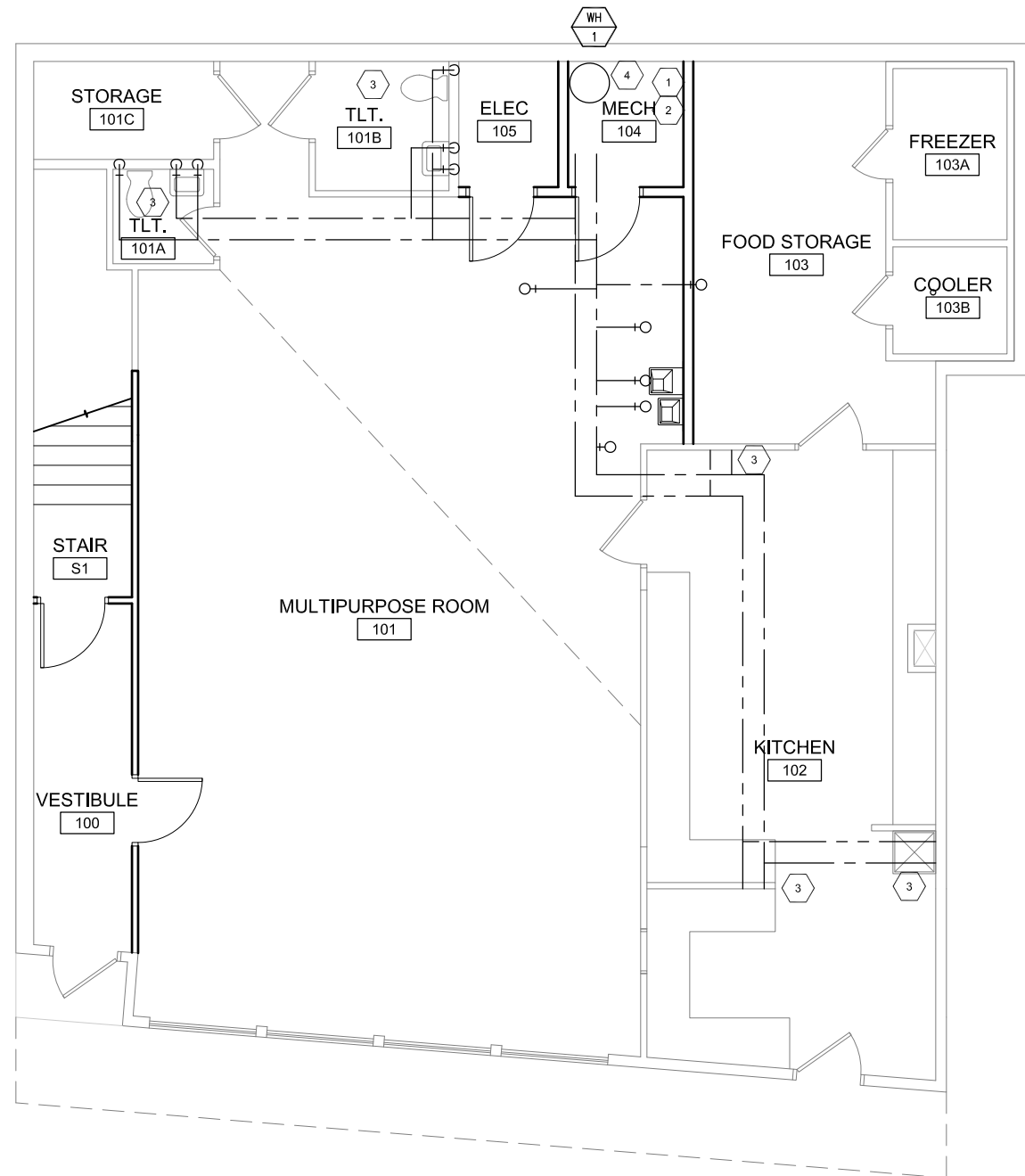
184

17 SHEETS ARE HALF SIZE

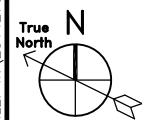
Attachment P - 2021 BLD21-765 Application Materials

SHEET NOTES:

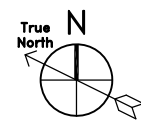
1. NEW WATER SERVICE AND SPRINKLER RISER LOCATION. COORDINATE WITH LOCAL WATER UTILITY FOR WATER METER RELOCATION AS NEEDED.
2. SPRINKLER PIPING SHALL BE REROUTED TO NEW SPRINKLER RISER.
3. ALL EXISTING PLUMBING FIXTURES ON THE FIRST FLOOR SHALL BE CONNECTED TO NEW DOMESTIC HOT AND COLD WATER PIPING ROUTED IN THE CEILING OF THE FIRST FLOOR.
4. LOCATE NEW ELECTRIC WATER HEATER FOR FIRST FLOOR PLUMBING FIXTURES IN MECH ROOM 104.
5. NEW WATER HEATER FOR STUDIOS, LOCATE ON THE FLOOR INSIDE CLOSETS.
- 6.



FILE: W:\2014270100\02_WORKING_FILES\09_MECHANICAL\02_CAD\03_SHEETS\M-201.DWG PLOTTED: Oct 7, 2021 - 5:25:46 PM (Thoma, Jason)



1 1ST FLOOR PLAN - NEW WORK
M-201 SCALE: 1/4"=1'-0"



2 2ND FLOOR PLAN - NEW WORK
M-201 SCALE: 1/4"=1'-0"

Section J, Item 2.

Date Stamped:

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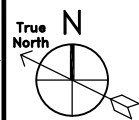
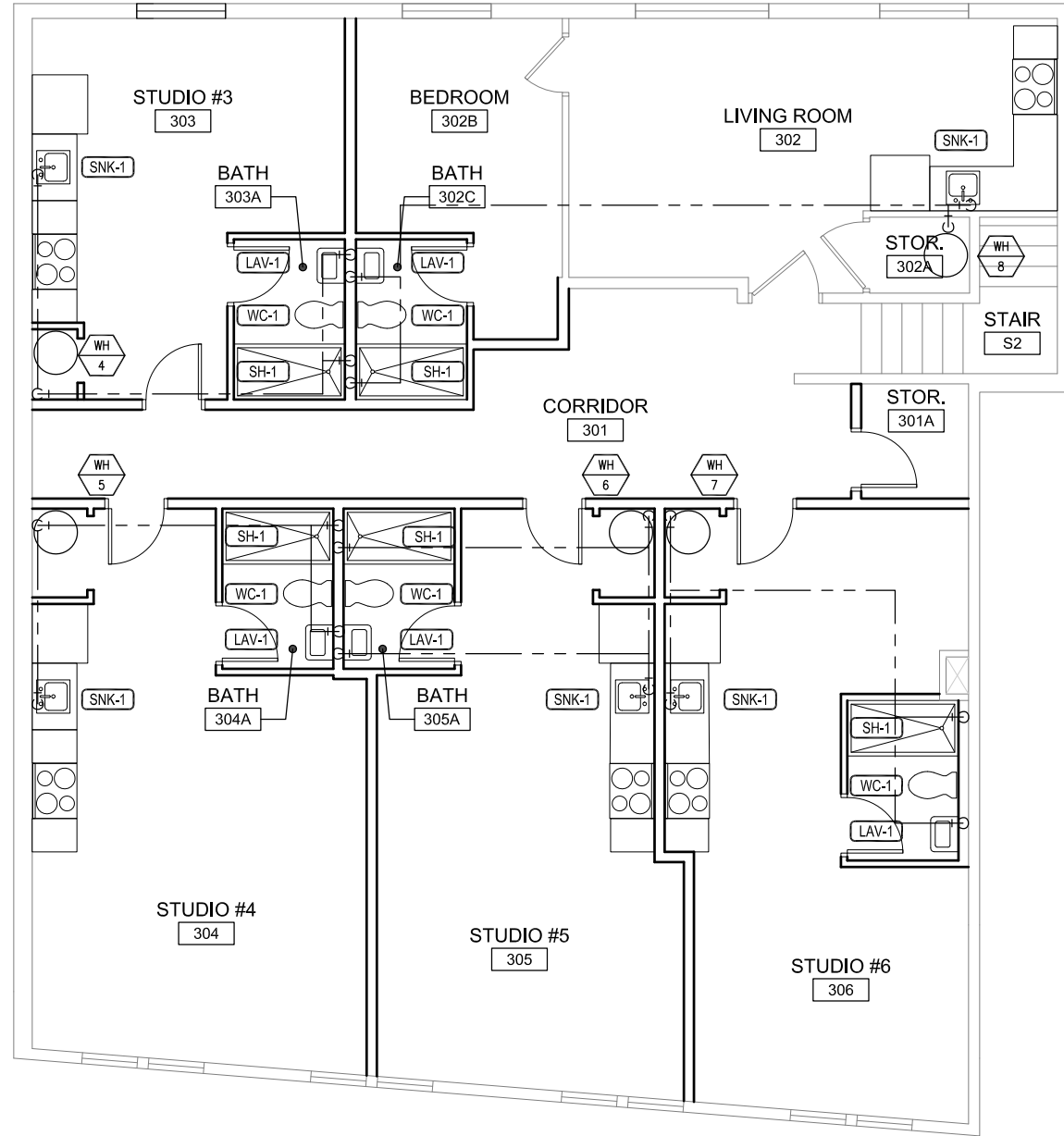
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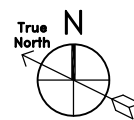
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M-202 SCALE: 1/4"=1'-0"



2 ROOF PLAN - NEW WORK
M-202 SCALE: 1/4"=1'-0"

Section J, Item 2.

Date Stamped:

By

Revision

Date

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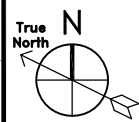
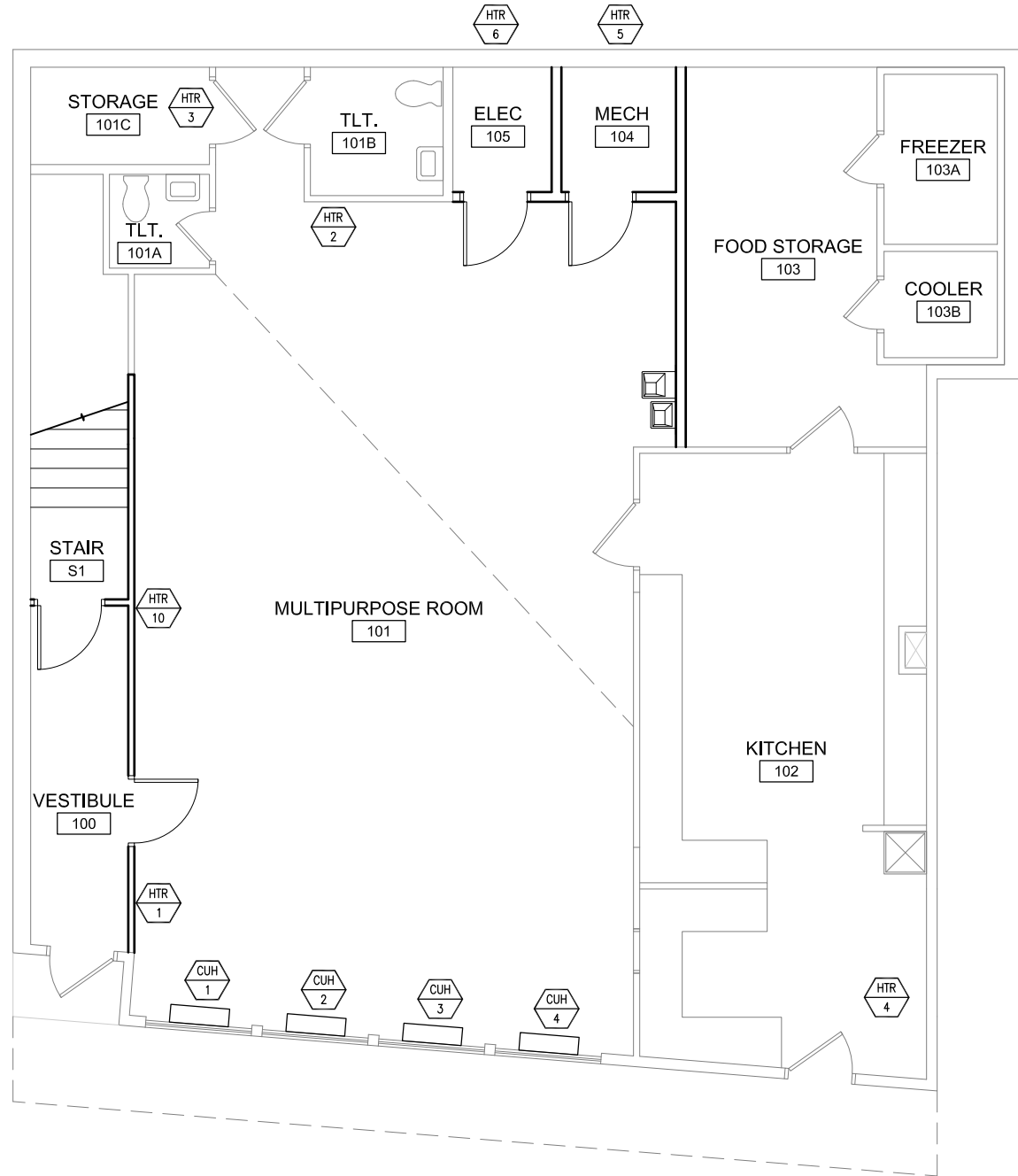
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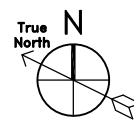
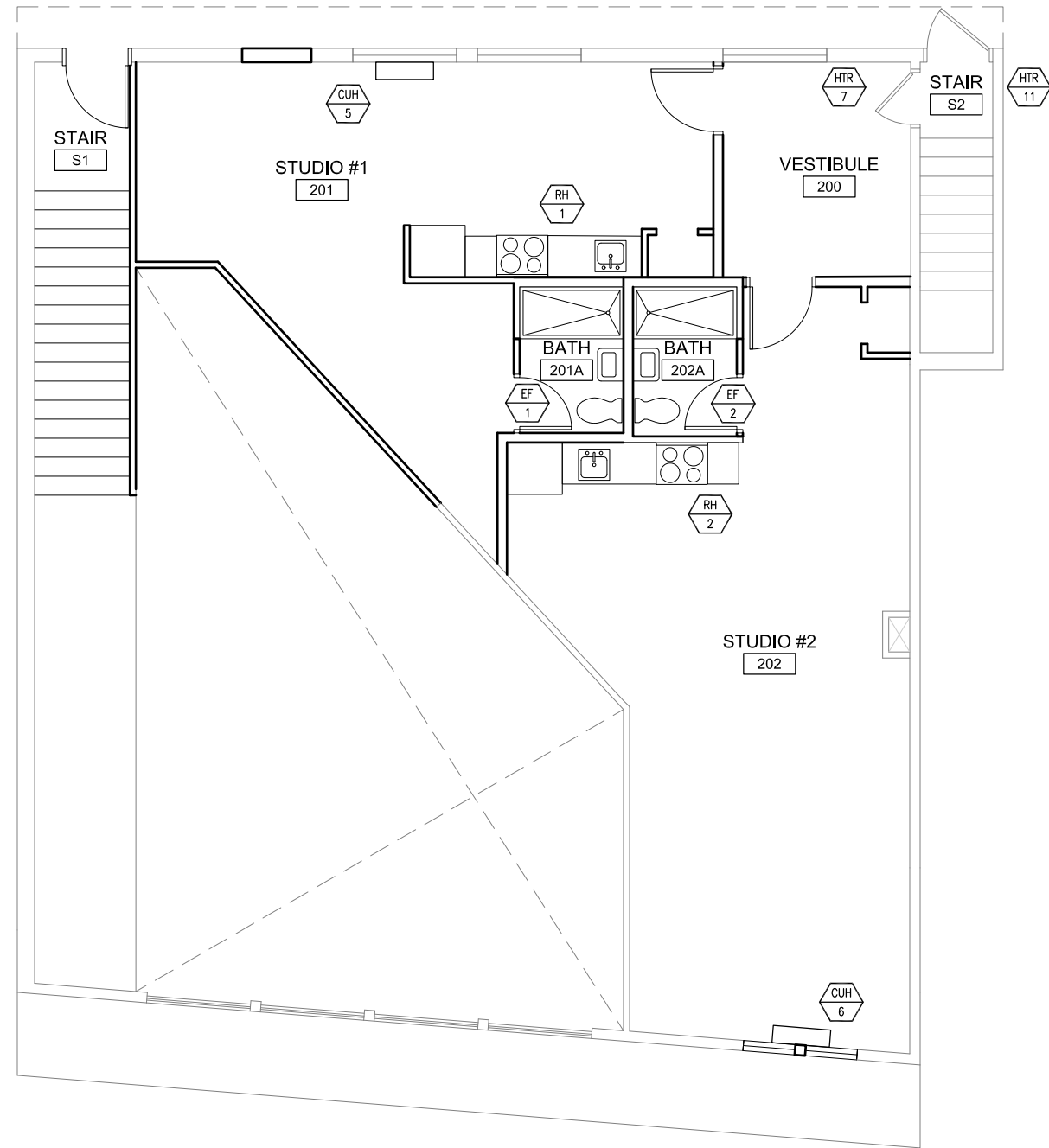
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1 1ST FLOOR PLAN - NEW WORK
M-301 SCALE: 1/4"=1'-0"



2 2ND FLOOR PLAN - NEW WORK
M-301 SCALE: 1/4"=1'-0"

Section J, Item 2.

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By

Revision

Date

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1/2"

3/4"

1"

1 1/2"

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Authorization to Practice # AECCT207

Project:
GLORY HALL RENOVATION

AK Mental Health Trust Authority
247 S. Franklin St
Juneau, AK 99801

35% DESIGN DOCUMENTS

Project Mgr. GAMBARDELLA

Drawn JET

Checked MAP GG

Date 10/07/2021

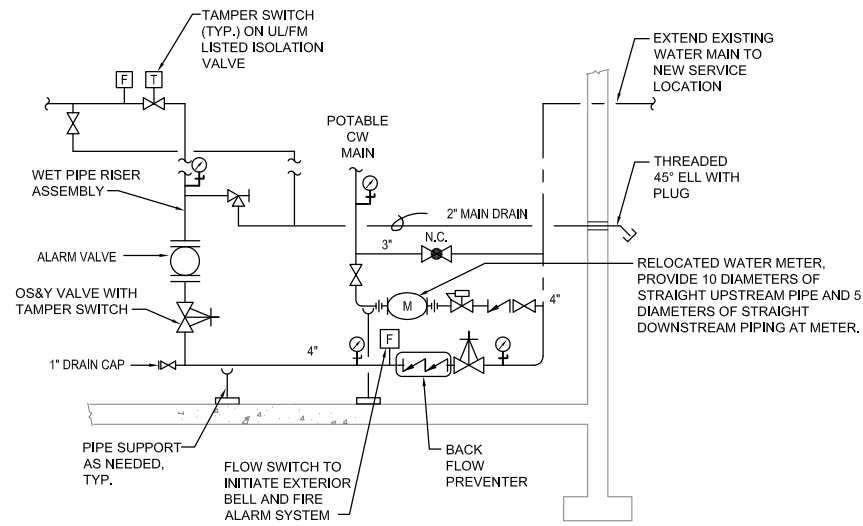
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NEW WORK PLANS - HEATING AND VENTILATING

Sheet No.:
M-301

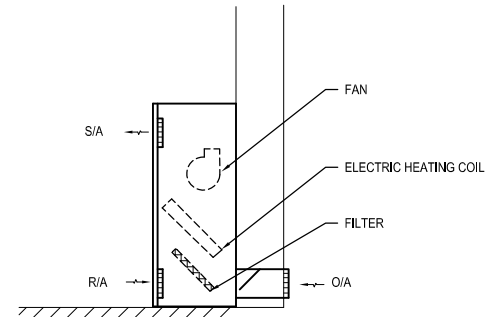
Stantec W.O. 20142701 188

17 SHEETS ARE HALF SIZE

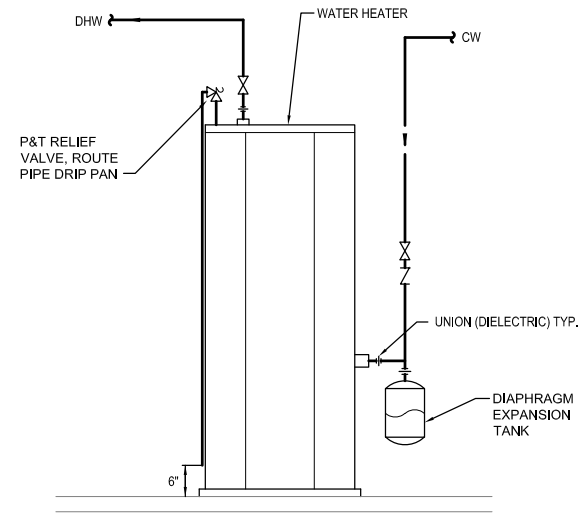
Attachment P - 2021 BLD21-765 Application Materials



1 WATER SERVICE DETAIL
M-401 SCALE: NONE



2 CABINET UNIT HEATER DETAIL
M-401 SCALE: NONE



3 DOMESTIC WATER HEATER DETAIL
M-401 SCALE: NONE

NOTE: SEE ELECTRICAL FOR POWER REQUIREMENTS

FILE: W:\2014270100\02_WORKING_FILES\09_MECHANICAL\02_CAD\03_SHEETS\M-401.DWG PLOTTED: Oct 7, 2021 - 5:46:27 PM (Thoma, Jason)

Section J, Item 2.

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| Revision | |
| Date | |

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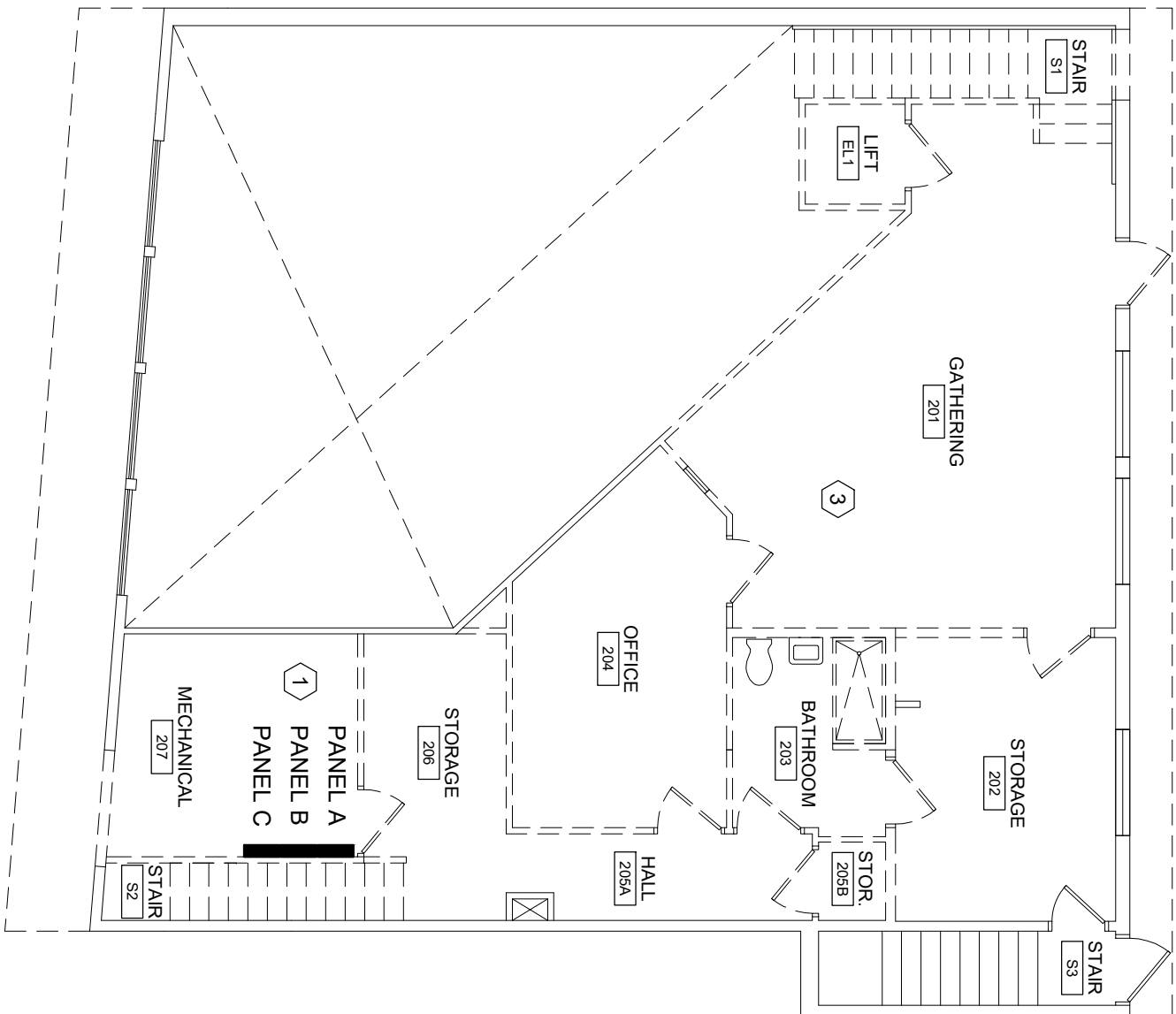
35% DESIGN DOCUMENTS

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| Project Mgr. | GAMBARDELLA |
| Drawn | JET |
| Checked | MAP GG |
| Date | 10/07/2021 |

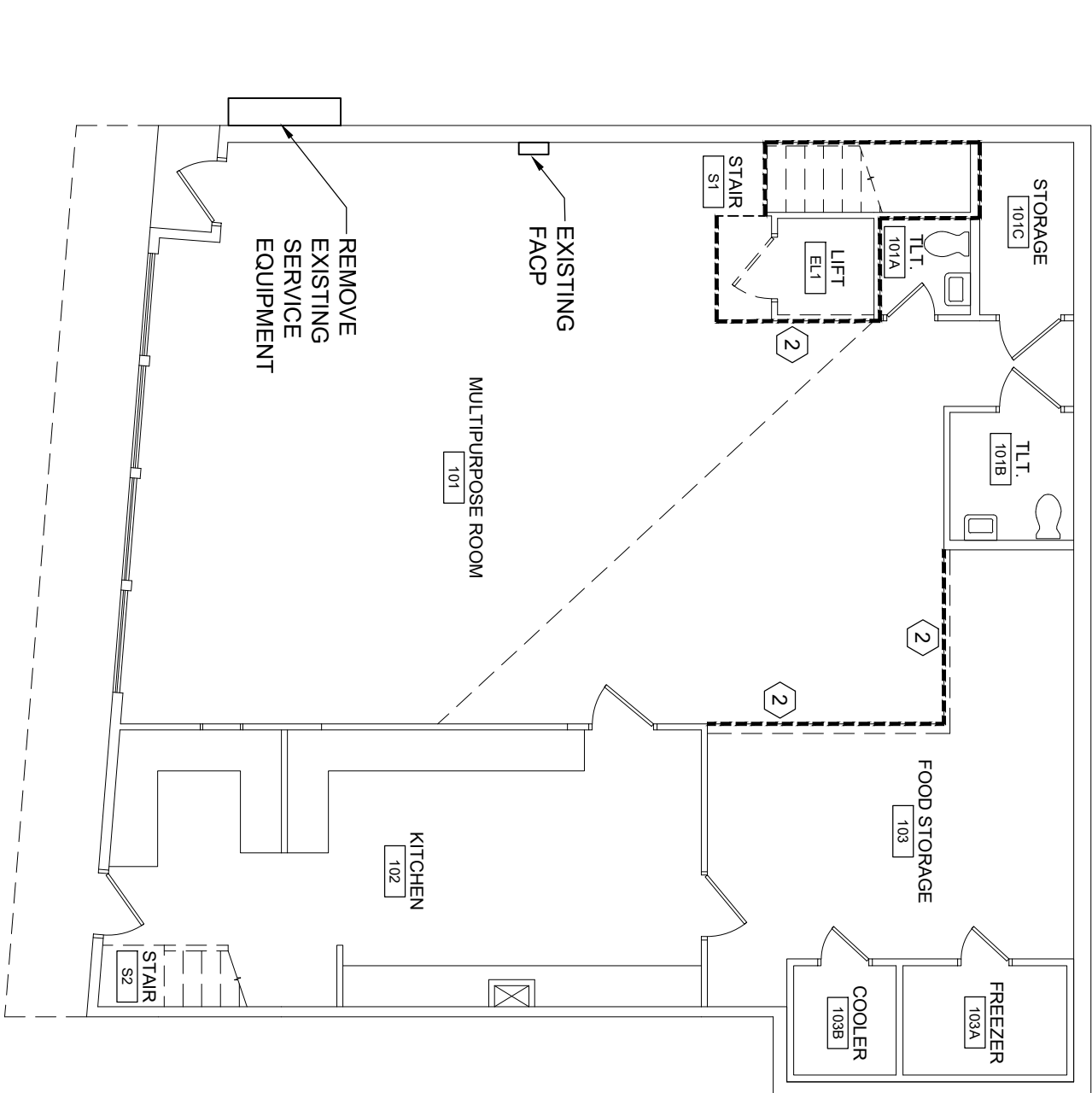
Sheet Contents:
MECHANICAL DETAILS

Sheet No.:
M-401

17 SHEETS ARE HALF SIZE



True North
N
2ND FLOOR PLAN - DEMOLITION
E-101 SCALE: 1/4"=1'-0"



True North
N
1ST FLOOR PLAN - DEMOLITION
E-101 SCALE: 1/4"=1'-0"

SHEET NOTES:

- 1 DEMOLISH PANEL A, B AND C. RECONNECT LEVEL 1 EXISTING LOADS TO NEW PANEL H LOCATED IN ELEC ROOM 105 (SEE SHEET E-111).
- 2 DEMOLISH ELECTRICAL EQUIPMENT AND DEVICES.
- 3 DEMOLISH ELECTRICAL EQUIPMENT AND DEVICES ON LEVEL 2 U.O.N.

| Date | Revision | By | Date Stamped: |
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Project:
**GLORY HALL
 RENOVATION**

AK Mental Health Trust Authority
 247 S. Franklin St
 Juneau, AK 99801

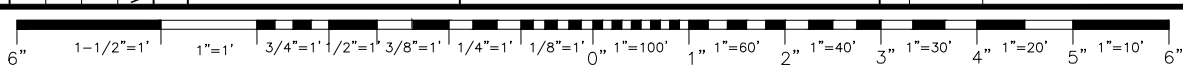
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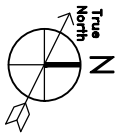
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| Project Mgr: | GAMBARDELLA |
| Drawn: | CLR |
| Checked: | LPS |
| Date: | 10/07/2021 |

Sheet Contents:
**FIRST & SECOND
 DEMOLITION
 FLOOR PLANS**

Sheet No.:
E-101

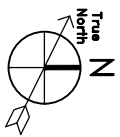
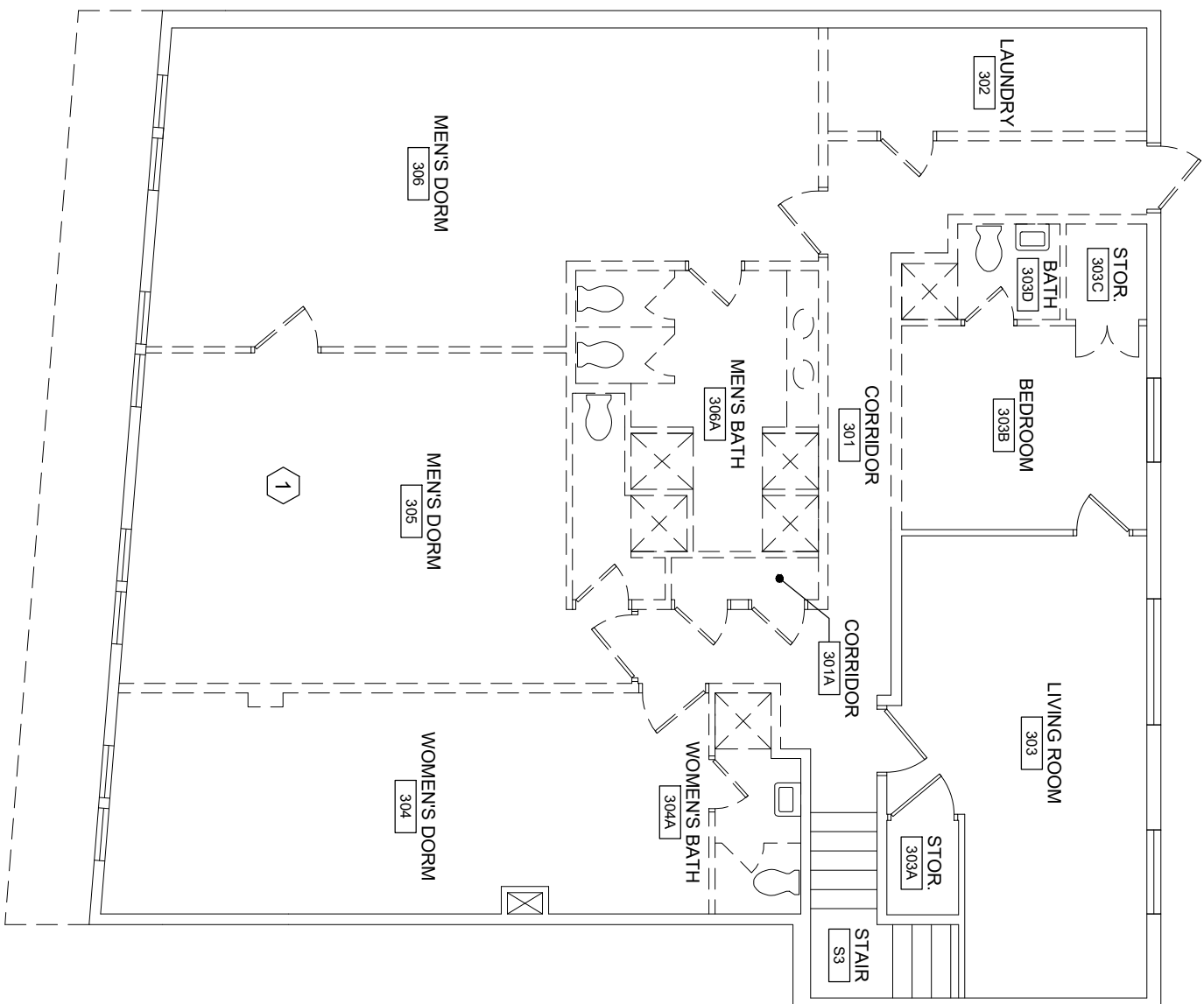
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2

ROOF PLAN - DEMOLITION
SCALE: 1/4"=1'-0"



1

3RD FLOOR PLAN - DEMOLITION
SCALE: 1/4"=1'-0"

1 DEMOLISH ELECTRICAL EQUIPMENT AND DEVICES ON LEVEL 3 U.O.N.

SHEET NOTES:

| Date | Revision | By | Date Stamped: |
|------|----------|----|---------------|
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AK Mental Health Trust Authority
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Juneau, AK 99801

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Project Mgr: GAMBARDIELLA

Drawn: CLR

Checked: LPS

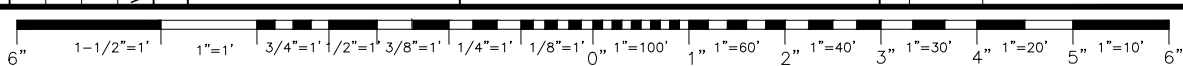
Date: 10/07/2021

Sheet Contents:
**THIRD FLOOR &
ROOF
DEMOLITION
PLANS**

Sheet No.:

E-102

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Attachment P - 2021 BLD21-765 Application Materials

EXTERIOR INTERIOR

NEMA Type 3R Rain Tight
Modular Metering Enclosure

Compartment Must Be Able
To Be Sealed By AEL&P

Main Breaker
Rated For Fault Current
Available From AEL&P

SERVICE
DISCONNECT

6'7" Max.

24" Min.

Ground Wire

SERVICE GROUNDING
TO REMAIN, RECONNECT
TO NEW SERVICE
DISCONNECT

30"

24" Radius 90°
Galvanized Sweep

Conduit Supports With Space Block

Insulated Grounding Bushing With Jumper
Wire If Concentric Knockouts Remain

Meter Furnished And
Installed By AEL&P

Meter Socket - 4, 5 Or 7 Jaw

METER PAK

6'6" Max.

Typical Service Breaker
Rated For Fault Currents
Available From AEL&P
A = 100A/2 CIRCUIT BREAKER
B = 200A/2 CIRCUIT BREAKER
All Meter Bases Must
Be Identified With
Permanent Labeling

SERVICE CABLE AND CONDUIT INSTALLED
BY AEL&P AND CONNECTED TO MAIN
BREAKER. REMOVE EXISTING AEL&P
SERVICE, CT CABINET, METER, AND
EXTERIOR DISTRIBUTION PANEL.

ONE 100A
AND ONE
200A FEEDER
IN CONDUIT

TWO
INDIVIDUAL
100A
FEEDERS IN
CONDUIT

FIVE
INDIVIDUAL
100A
FEEDERS
IN CONDUIT

LEVEL 3

LEVEL 2

LEVEL 1

PANEL D
100A MCB
120/240V
16 SPACES

PANEL E
100A MCB
120/240V
16 SPACES

PANEL F
100A MCB
120/240V
16 SPACES

PANEL G
100A MCB
120/240V
16 SPACES

PANEL I
100A MCB
120/240V
16 SPACES

PANEL B
100A MCB
120/240V
16 SPACES

PANEL C
100A MCB
120/240V
16 SPACES

PANEL A
100A MCB
120/240V
16 SPACES

PANEL H
200A MCB
120/240V
42 SPACES



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Project:
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RENOVATION

AK Mental Health Trust Authority
247 S. Franklin St
Juneau, AK 99801

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Project Mgr: GAMBARDIELLA

Drawn: CLR

Checked: LPS

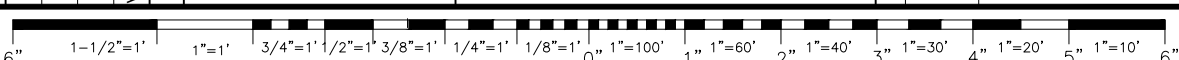
Date: 10/07/2021

Sheet Contents:
ELECTRICAL
POWER
RISER
DIAGRAM

Sheet No.:

E-300

Stantec W.O. 2014270100




Attachment P - 2021 BLD21-765 Application Materials

SPECIFICATIONS

1. GENERAL
 - 1.1. ALL WORK SHALL CONFORM TO THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE (NEC) AND ALL STATE AND LOCAL CODES AND CODE AMENDMENTS.
 - 1.2. OBTAIN ALL PERMITS AND PAY ALL FEES REQUIRED BY THIS WORK.
 - 1.3. MAINTAIN RESPONSIBILITY FOR THE CONDITION OF ALL MATERIALS USED. IF LOST, STOLEN, OR DAMAGED, MATERIALS SHALL BE REPLACED AT NO EXTRA COST TO THE OWNER.
 - 1.4. ALL WORK SHALL BE PERFORMED BY WORKMEN SKILLED IN AND REGULARLY EMPLOYED IN THE TRADE. INSTALL ALL PRODUCTS IN A NEAT AND WORKMANLIKE MANNER, PER MANUFACTURER'S INSTRUCTIONS AND IN COMPLIANCE WITH MECA STANDARD PRACTICES AND ALL APPLICABLE ELECTRICAL AND MECHANICAL CONTRACTING AS A MINIMUM. COMPLY WITH NFPA 70E SAFETY RULES AS A MINIMUM.
 - 1.5. PERFORM ALL CUTTING, DRILLING AND PATCHING OF WALLS AND FLOORS NECESSARY FOR A COMPLETE INSTALLATION IN COORDINATION WITH OTHER TRADES.
 - 1.6. COORDINATION WITH OTHER TRADES AND ARRANGEMENT OF COMPONENTS AND EQUIPMENT WITH OTHER TRADES AND INSTALL TO FACILITATE ACCESS FOR FUTURE MAINTENANCE, REPAIR, AND REPLACEMENT WITHOUT INTERFERENCE TO ADJACENT WORK.
 - 1.7. REMOVE ALL DEBRIS AND SURPLUS MATERIAL FOR THE PREMISES AS PROGRESS OF THE WORK DICTATES.
 - 1.8. ALL ELECTRICAL EQUIPMENT SHALL BE LISTED BY A NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL).
2. PRODUCTS AND SUBMITTALS
 - 2.1. SUBMIT PRODUCT DATA, CERTIFICATES, AND SHOP DRAWINGS TO THE ENGINEER. PROVIDE SUBMITTALS FOR PANELBOARDS, WIRING DEVICES, LIGHT FIXTURES, CONDUCTORS, EQUIPMENT, MOTOR STARTERS, ALARM PANELS AND DEVICES.
 - 2.2. ALL CONDUIT SHALL BE TYPED AND LABELED OR MARKED BY A METHOD OTHER THAN TYPING OR LABELING. THE METHOD FOR THE INTENDED USE, UNLESS OTHERWISE INDICATED, MATCH EXISTING WHERE A UNIFORM INSTALLATION EXISTS UNLESS OTHERWISE INDICATED OR APPROVED.
 - 2.3. UNLESS OTHERWISE INDICATED OR APPROVED, PROVIDE SIMILAR ITEMS FROM THE SAME MANUFACTURER THROUGHOUT THE PROJECT.
3. DEMOLITION
 - 3.1. REMOVE ALL EXPOSED ELECTRICAL WORK IN DEMOLITION AREAS. ACCESSIBLE CIRCUITS AND RACEWAYS SHALL BE REMOVED BACK TO THE SOURCE OR TERMINAL EQUIPMENT UNLESS OTHERWISE INDICATED OR WHERE CIRCUITS SERVE AREAS TO REMAIN.
 - 3.2. REMOVE CONDUCTORS FROM INACCESSIBLE CONDUITS. INACCESSIBLE CONDUITS MAY BE ABANDONED IN PLACE. TERMINATE CONDUITS 2 INCHES BELOW GRADE OR SURFACE OF ADJACENT CONSTRUCTION.
 - 3.3. REMOVE, STORE, CLEAN, REINSTALL, RECONNECT, AND MAKE OPERATIONAL COMPONENTS INDICATED FOR RELOCATION.
4. ELECTRICAL DISTRIBUTION
 - 4.1. ENCLOSURE FOR ELECTIVE DEVICES SHALL BE CIRCUIT BREAKER TYPE. CIRCUIT BREAKERS SHALL BE MOULDED CASE THERMAL-MAGNETIC DESIGN (MCCB) INSTALLED GROUND-FAULT CIRCUIT INTERRUPTER (GFCI) CIRCUIT BREAKERS WHERE INDICATED ON THE DRAWINGS AND REQUIRED BY CODE.
 - 4.2. DISCONNECT SWITCHES SHALL BE HEAVY-DUTY TYPE, FUSED OR NON-FUSED AS INDICATED ON THE DRAWINGS.
 - 4.3. MAGNETIC-TYPE MOTOR STARTERS SHALL BE COMBINATION UNITS INCORPORATING A NON-FUSED DISCONNECT.
 - 4.4. PROVIDE MOTOR STARTERS WITH THERMAL OR ELECTRONIC OVERLOAD ELEMENTS SIZED BASED ON THE FULL LOAD CURRENT OF THE INSTALLED EQUIPMENT.
5. RACEWAYS AND BOXES
 - 5.1. CONDUIT TYPES SHALL BE:
 - 5.1.1. INTERIOR EXPOSED BELOW 4' AFF: RMC OR IMC.
 - 5.1.2. INTERIOR EXPOSED ABOVE 4' AFF: RMC, IMC, OR EMT.
 - 5.1.3. INTERIOR CONCEALED: RMC, IMC, OR EMT.
 - 5.2. CONNECTIONS TO EQUIPMENT REQUIRING FLEXIBILITY OR SUBJECT TO VIBRATION SHALL BE:
 - 5.2.1. INTERIOR DRY LOCATIONS: FMC OR LFC.
 - 5.2.2. INTERIOR DAMP OR WET LOCATIONS: LFC.
 - 5.2.3. MINIMUM CONDUIT SIZE SHALL BE 1/2".
 - 5.4. CONDUIT FITTINGS SHALL BE GALVANIZED STEEL AND HAVE NYLON INSULATED THROATS.
 - 5.5. CONDUIT FITTINGS FOR RMC AND IMC SHALL BE THREADED TYPE.
 - 5.6. CONDUIT FITTINGS FOR EMT SHALL BE STEEL COMPRESSION TYPE.
 - 5.7. PENETRATIONS THROUGH FIRE-RATED ASSEMBLIES SHALL BE SEALED TO MAINTAIN THE FIRE RATING.
 - 5.8. CONDUITS PASSING FROM HEATED TO COLD SPACES SHALL BE THERMALLY SEALED TO PREVENT AIR AND MOISTURE TRANSFER. CONDUIT SHALL BE SEALED WITH REMOVABLE DUCT SEALANT AT AN ACCESSIBLE LOCATION.
 - 5.9. CONDUITS SHALL BE CUT SQUARE AND ENDS REMOVED TO REMOVE BURRS.
 - 5.10. MAXIMUM CONDUIT BEND SHALL BE 90 DEGREES, WITH NOT MORE THAN THREE 90 DEGREE BENDS OR EQUIVALENT BETWEEN PULL POINTS.
 - 5.11. JUNCTION AND DEVICE BOXES SHALL BE SUITABLE FOR USE AT THE INSTALLED LOCATION AND ARRANGED TO ACCEPT THE INTENDED DEVICE OR EQUIPMENT. JUNCTION AND DEVICE BOXES SHALL BE:
 - 5.11.1. INTERIOR CONCEALED: GALVANIZED CAST IRON OR CAST ALUMINUM WITH HEADED CONDUIT HUBS.
 - 5.11.2. INTERIOR EXPOSED ABOVE 5' AFF: GALVANIZED SHEET STEEL.
 - 5.11.3. INTERIOR CONCEALED: GALVANIZED SHEET STEEL.
 - 5.12. THE ENTIRE CONDUIT SYSTEM SHALL BE MECHANICALLY AND ELECTRICALLY CONTINUOUS FROM THE SOURCE TO ALL DEVICES AND GROUND IN ACCORDANCE WITH THE NEC. INSTALL CONDUIT AND DEVICES CONCEALED AND FLUSH IN FINISHED AREAS. CONDUIT AND DEVICES MAY BE INSTALLED EXPOSED IN UNFINISHED AREAS AND MECHANICAL ROOMS, AND AS INDICATED ON THE DRAWINGS.
6. CONDUCTORS AND CABLES
 - 6.1. CONDUCTORS SHALL BE COPPER, SOLID FOR 12AWG AND SMALLER, STRANDED FOR 10AWG AND LARGER. INSULATION SHALL BE:
 - 6.1.1. INTERIOR, HEATED: THHN, THWN OR XHHW.
 - 6.1.2. INTERIOR, UNHEATED: XHHW.
 - 6.2. MINIMUM CONDUCTOR SIZES SHALL BE 12AWG FOR POWER AND 18AWG FOR LOW-VOLTAGE AND CONTROL. CIRCUIT CONDUCTORS SHALL BE INCREASED IN SIZE FOR VOLTAGE DROP BASED ON THE CIRCUIT LENGTH. 12AWG UP TO 100', 10AWG UP TO 200', 8AWG OVER 200'. INCREASE SIZE OF CONDUIT AS REQUIRED FOR LARGER CONDUCTOR SIZES.
 - 6.3. TYPE MC CABLES MAY BE USED FOR BRANCH CIRCUIT WIRING BETWEEN DEVICES. NONMETALS SHALL BE INDIVIDUAL GROUNDING CONDUCTORS. ALL WIRING SHALL BE IN CONDUIT. GALVANIZED STEEL SHEATH AND INCLUDE AN EQUIPMENT GROUNDING CONDUCTOR.
 - 6.4. CONNECTORS AND SPLICES SHALL BE FACTORY-FABRICATED TWIST-ON, COMPRESSION, OR BOLTED, WITH THE APPACITY, RATING, TYPE, AND MATERIAL APPROPRIATE FOR THE APPLICATION. PUSH-IN SPRING-TYPE CONNECTORS ARE NOT ACCEPTABLE.
 - 6.5. PROVIDE A SEPARATE GREEN INSULATED EQUIPMENT GROUNDING CONDUCTOR IN ALL POWER AND CONTROL CIRCUITS. INCREASE SIZE OF GROUNDING CONDUCTOR PROPORTIONALLY AS REQUIRED WHERE POWER CONDUCTORS ARE OVSIZED FOR VOLTAGE DROP.
7. WIRING DEVICES
 - 7.1. RECEPTACLES SHALL BE HEAVY-DUTY GRADE, 20AMP, DUPLEX GROUNDING TYPE RECEPTACLES. RECEPTACLES SHALL BE TAMPER RESISTANT WHERE REQUIRED BY CODE OR SPECIFIED ON THE DRAWINGS.
 - 7.2. SWITCHES SHALL BE HEAVY-DUTY GRADE, 20AMP, SINGLE POLE, THREE-WAY, FOUR-WAY, KEY-OPERATED, AND PILOT-LIGHT AS REQUIRED ON THE DRAWINGS.
 - 7.3. RECEPTACLES SHALL BE HEAVY-DUTY GRADE 20AMP. NON-FEED-THROUGH DUPLEX RECEPTACLES WITH CLASS A TRIP TEST AND RESET BUTTONS, AND A PROTECTION INDICATOR LIGHT.
 - 7.4. WIRING DEVICES SHALL MATCH EXISTING.
 - 7.5. WALL PLATES SHALL BE:
 - 7.5.1. FINISHED AREAS: SATIN-FINISH STAINLESS STEEL.
 - 7.5.2. UNFINISHED AREAS: GALVANIZED STEEL.
 - 7.6. LIGHTING CONTROLS SHALL HAVE ELECTRICALLY-FIELD COILS, INDICATOR LIGHTS, CONTROL SWITCHES AND PILOT RELAYS AS REQUIRED, AND ENCLOSURES RATED FOR THE INSTALLED ENVIRONMENT.
8. LIGHTING
 - 8.1. LIGHT FIXTURES SHALL BE AS SHOWN AND SCHEDULED ON THE DRAWINGS OR AN APPROVED EQUAL.
 - 8.2. LIGHT FIXTURES SHALL BE PROVIDED AND INSTALLED COMPLETE WITH LAMPS OR LEDS, BALLASTS OR DRIVERS, AND MOUNTING HARDWARE.
 - 8.3. EXIT SIGNS SHALL BE LED TYPE, WITH INTEGRAL NICKEL-CADMIUM BATTERIES, CHARGING AND TRANSFER ELECTRONICS, TEST PUSHBUTTON, AND CHARGE INDICATOR LED DRIVERS SHALL BE ELECTRONIC, RATED FOR THE LEDS INSTALLED IN THE FIXTURE. HAVE A MINIMUM POWER FACTOR OF 0.9 AND A MAXIMUM TOTAL HARMONIC DISTORTION (THD) OR 20%. DRIVERS SHALL CARRY 4.5 YEAR WARRANTY.
 - 8.5. LEDS SHALL HAVE A MINIMUM RATED LIFE TO L70 OR 50,000 HOURS.
 - 8.5.1. INTERIOR: 3000K OR 3500K AS SCHEDULED, 80 CRI MINIMUM.
9. FIRE ALARM
 - 9.1. NEW DEVICES INSTALLED SHALL BE COMPATIBLE WITH AND LISTED FOR USE WITH THE EXISTING FIRE ALARM SYSTEM.
 - 9.2. NEW INITIATION DEVICES SHALL INCLUDE PHOTOELECTRIC SMOKE DETECTORS.
 - 9.3. NEW SIGNALING DEVICES SHALL INCLUDE HORNSTROBES AND STROBES.
 - 9.4. SIGNALING LINE AND NOTIFICATION CIRCUITS SHALL MATCH THE CLASS AND STYLE OF THE EXISTING SYSTEM.
 - 9.5. FIRE ALARM WIRING SHALL BE ROUTED IN CONDUIT, OR FIRE ALARM CABLE.
 - 9.6. AFTER INSTALLATION OF NEW DEVICES, TEST FIRE ALARM SYSTEM IN ACCORDANCE WITH NFPA 72 AND NEC ARTICLE 780. NOTIFY ALL RELEVANT JURISDICTIONS TO THE AUTHORITY HAVING JURISDICTION (AHJ) AND OWNER.
10. IDENTIFICATION
 - 10.1. COLOR CODE SECONDARY PHASE CONDUCTORS FOR FEEDERS AND BRANCH CIRCUITS. COLORING SHALL BE FACTORY APPLIED FOR SMALL CONDUCTORS. PHASE CONDUCTORS 8AWG AND LARGER AND NEUTRAL AND GROUND CONDUCTORS 4AWG AND LARGER MAY BE FIELD APPLIED USING COLORED PRESSURE-SENSITIVE PLASTIC TAPE. CONDUCTORS SHALL BE COLORED:
 - 120/240-VOLT SINGLE PHASE
 - PHASE A: BLACK
 - PHASE B: RED
 - NEUTRAL: WHITE
 - 14.1. POWER CIRCUITS SHALL BE IDENTIFIED IN JUNCTION AND DEVICE BOXES, MANHOLES, AND PANELBOARDS WITH THE PANEL AND CIRCUIT NUMBER, ALARM CIRCUITS SHALL BE IDENTIFIED IN JUNCTION AND DEVICE BOXES, MANHOLES, EQUIPMENT RACKS, AND PANELS WITH THE CIRCUIT IDENTIFICATION NUMBER AND LABELS WITH THE CIRCUIT IDENTIFICATION NUMBER.
 - 14.1.1. IDENTIFICATION SHALL BE PERFORMED IN THE FIELD, DESPITE INTERIOR. PRE-PRINTED WIRINGROUND ADHESIVE LABELS, EQUIPMENT LABELS SHALL BE ENGRAVED PLASTIC LAMINATE WHITE LETTERING ON A BLACK FIELD. TEXT SHALL BE 1/2" HIGH ON A 1-1/2" HIGH LABEL. LABELS WITH TWO LINES OF TEXT SHALL USE A 2" HIGH LABEL. EQUIPMENT LABELS SHALL BE PLACED ON SWITCHBOARDS, PANELBOARDS, MOTOR STARTERS, DISCONNECTS, CONTACTORS, AND SYSTEM PANELS AND CABINETS.
 - 14.3. DEVICE COVERS SHALL BE LABELED WITH THE PANEL AND CIRCUIT NUMBER. LABELS SHALL BE MACHINE-PRINTED, PRESSURE-SENSITIVE ADHESIVE LABELS, BLACK LETTERING ON A CLEAR BACKGROUND.
 - 14.4. IN UNFINISHED AND CONCEALED AREAS, PAINT COVERS OF

- 14.4.1. FIRE ALARM: RED.
 - 14.4.2. LOW-VOLTAGE CONTROL S: GREEN.
 - 14.5. PROVIDE TYPEWRITTEN CIRCUIT DIRECTORIES UNDER PLASTIC IN FRAMES FOR EACH NEW AND MODIFIED PANELBOARD. HANDWRITTEN DIRECTORIES OR CHANGES TO EXISTING DIRECTORIES ARE NOT ACCEPTABLE.
15. PROJECT COMPLETION/ TESTING AND ACCEPTANCE
 - 15.1. UPON PROJECT COMPLETION, CLEAN ALL ELECTRICAL EQUIPMENT AND FIXTURES AND REPLACE OR REPAIR ANY ITEMS SCRATCHED, BENT, OR OTHERWISE DISFIGURED.
 - 15.2. TEST ALL SYSTEMS TO ASSURE PROPER OPERATION. TEST TEST RESULTS OF EXISTING SYSTEMS UNLESS OTHERWISE DIRECTED.
 - 15.3. NOTIFY OWNER OF TEST SCHEDULE AND PROVIDE WRITTEN TEST REPORTS, INCLUDE DEFICIENCIES IDENTIFIED AND ACTIONS TAKEN TO OBTAIN ACCEPTABLE RESULTS.
 - 15.4. COMMISSION ELECTRICAL SYSTEMS IN ACCORDANCE WITH NECA 90 GUIDELINES. DURING FINAL INSPECTION, DEMONSTRATE SATISFACTORY OPERATION OF ENTIRE INSTALLATION. REPAIR OR REPLACE FAILED ITEMS AND REPAIR ALL CONSTRUCTION DAMAGE.
 - 15.5. MAINTAIN RED-LINED AS-BUILT RECORD DRAWINGS AS PROJECT PROGRESSES AND DELIVER TO OWNER AFTER FINAL INSPECTION AND ACCEPTANCE.

| Date Stamped: | By | Revision | Date |
|---------------|----|----------|------|
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Stantec

Stantec Architecture Inc.
725 E. Fireweed Lane, Suite 200
Anchorage, AK 99503
Tel: (907) 276-4245 www.stantec.com
Authorization to Practice # AECC1207

Project:
**GLORY HALL
RENOVATION**

AK Merit Health Trust Authority
247 S. Franklin St
Juneau, AK 99801

| 35% DESIGN DOCUMENTS |
|---------------------------------|
| Project Mgr: GAMBARDELLA |
| Drawn: CLR |
| Checked: LPS |
| Date: 10/07/2021 |

Sheet Comments:
**ELECTRICAL
SPECIFICATIONS**


Sheet No.:
E-400

Stantec W. O. 2014270100



DEVELOPMENT PERMIT APPLICATION

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

| | | |
|--|---|------------------------------|
| To be completed by Applicant | PROPERTY LOCATION | |
| | Physical Address 247 S. Franklin St. | |
| | Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Juneau Townsite Block M Lot 2 FR | |
| | Parcel Number(s) 1C070B0M0010 | |
| | <input checked="" type="checkbox"/> This property located in the downtown historic district | |
| | <input checked="" type="checkbox"/> This property located in a mapped hazard area, if so, which 49.70- Severe Avalanche | |
| | LANDOWNER/ LESSEE | |
| | Property Owner Juneau Coop | Contact Person Mariya |
| | Mailing Address 8715 Teal street | Phone Number(s) 957-2885 |
| | E-mail Address lovishchuk.mariya@gmail.com | |
| LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits | | |
| I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: | | |
| A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. | | |
| B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. | | |
| X |  Landowner/Lessee Signature | 12/9/21 Date |
| X | _____ Landowner/Lessee Signature | _____ Date |
| NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date. | | |
| APPLICANT If the same as OWNER, write "SAME" | | |
| Applicant Same | Contact Person | |
| Mailing Address | Phone Number(s) | |
| E-mail Address | | |
| X | _____ Applicant's Signature | _____ Date of Application |

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

Attachment Q - Appeal APL21-06 Application

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number
APL21-06

| |
|--------------------------|
| Intake Initials ANE |
| Date Received 12/9/21 |



Mariya Lovishchuk <lovishchuk.mariya@gmail.com>

BLD2021-0765

Allison Eddins <Allison.Eddins@juneau.org>

Wed, Dec 1, 2021 at 8:23 AM

To: Bruce Denton BCD Construction <brucecdenton@gmail.com>, Mariya Lovishchuk <lovishchuk.mariya@gmail.com>

Hello Bruce and Mariya,

Please accept this email as an official denial of your request to convert the old Glory Hall shelter into 7 apartments. According to the CBJ adopted hazard maps the Glory Hall is located in a sever avalanche zone. Increasing the number of dwelling units is prohibited by code in this hazard zone. The code language is below for your reference. Please feel free to contact me via email if you have any questions about the code, this denial or your options moving forward.

49.70.300 - Landslide and avalanche areas.

(a) Generally.

(1) Development in all landslide and avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches.

(2) Boundaries of potential and severe avalanche areas will be as shown on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance.

(3) Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling within landslide or avalanche areas shall require a conditional use permit.

(4) If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, the department shall proceed accordingly.

(5) The commission may require mitigating measures certified as effective by a professional engineer for development in landslide and avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density.

(b) Severe avalanche areas.

(1) Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.

(2) No subdivision shall be approved which creates a lot lacking sufficient building space outside a severe avalanche area.

(c) Warning and disclaimer of liability. Avalanches and landslides may occur outside hazard areas in excess of engineering expectations. The location and severity of the event may be increased by manmade or natural causes. This article does not imply that land outside of designated hazard areas, or uses permitted within such areas, will be free from danger or damage. This article shall not create liability on the part of the City and Borough of Juneau or any officer or employee thereof for any damages that result from reliance of this article or any administrative decision lawfully made under this article.

Allison Eddins | Planner II

Community Development Department | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4131

Our telephone system is changing. Beginning May 3, 2021, I may be reached at 907-586-0753 ext. 4131.

THE GLORY HALL 247 S. FRANKLIN STREET APARTMENT CONVERSION BUILDING PERMIT DENIAL APPEAL TO PLANNING COMMISSION NARRATIVE

BACKGROUND

The Glory Hall is pursuing Converting two upper floors of the building to affordable downtown housing and renting out the 1st floor for commercial purposes. The former emergency shelter, which had 43 beds and other sleeping spaces, for over 53 people, will be converted to 7 apartments: 6 efficiencies, and one 1 bedroom. The maximum amount of people sleeping in the apartments will be 14, as no more than 2 people at time will be permitted in each unit.

Over 35% engineering and architectural plans for apartment conversion are complete. Contractor has been selected. We have also reached out to funders and created an operating proforma. The Glory Hall applied for a building permit and the building permit was denied.

We request that the Planning Commission instructs the Community Development Department to issue the Building Permit to our project.

FINDINGS

Per the email from Community Development Department Planner, Allison Eddins, Glory Hall’s building permit was denied stating that the building is in the severe avalanche zone and the project is increasing density by converting the building from sleeping 43-53 people at night and providing day dwelling to over 100 people at a time to converting to 7 apartments for 7- 14 people. (The apartments are for singles/couples only)

CONCERNS and ISSUES

- Healthy communities have affordable housing in their Downtown Core. Juneau keeps on losing affordable housing in the Downtown core. Affordable housing downtown is a Juneau priority, as reflected in the Comprehensive Plan, Economic Development Plan, Blueprint Downtown, Juneau Affordable Housing Trust Fund emphasis/extra points given to project Downtown. Not granting a building permit to this project is in direct conflict with the goal of creating affordable housing downtown.
- Grant funding is being jeopardized by Glory Hall’s inability to proceed with the project, putting in the question the ultimate success of the project. Already, Glory Hall’s Affordable Housing Trust Fund application for \$350,000 has been put on hold because there is no clarity. The Glory Hall is forced to hold off on completing other funding applications until the building permit issue is resolved.
- The longer the conversion process takes, the less chance of success. The Glory Hall is a small nonprofit and the building, currently used for emergency shelter overflow is a liability. The Glory Hall with its limited resources is forced to pay for utilities and maintenance. This is not sustainable in the long or even medium term.
- Obtaining a parcel specific study rather than using the existing, already paid for study that shows that the project is not in the severe avalanche zone, is costly and unnecessary burden
- The Glory Hall attempted to engage with TetraTech for a site-specific study for the Glory Hall to provide to the Community Development Department, per 49.70.300 (4) Section of the Code. TetraTech was selected because they are already familiar with the area and have the expertise the Community Development Department requires. TetraTech was willing to engage with the Glory Hall under one condition. They required that The Glory Hall communicates with the Community Development Department and provides TetraTech with the quick email note, to assure TetraTech th

their working with the Glory Hall is OK with the City and Borough of Juneau because City and Borough of Juneau was TetraTech's client first and working with the Glory Hall without explicit approval to do so from the City and Borough of Juneau is perceived to be a conflict. The Glory Hall left three voice messages for the CBJ Planner, the main contact for the TetraTech maps, none of the voicemails were returned. The Glory Hall sent four emails to the Planning Department, Head of the Community Development Department, and the Manager's Office. The Glory Hall did not receive any response to the emails, for close to a week, at the time of this appeal submission.

GROUNDS FOR APPEAL

Community Development Department Decision to deny the permit is incorrect for two reasons:

- **The Glory Hall should be able to use the completed TetraTech maps to demonstrate that the project is not in the severe avalanche zone regardless of whether the maps have been adopted by the Assembly. TetraTech study clearly demonstrates that the project is in moderate avalanche zone and therefore permissible, appropriate, and should be issued a building permit. TetraTech study is exhaustive and specific.**
- **Community Development Department's Definition of Density is wrong. Reasonable definition of density should be applied. Clearly the proposed project decreases not increases density. Providing dwelling accommodations for 43-53 people and over 100 people using the building for day time lodgings is a lot more than providing lodging/dwelling for 7-14 people.**

The Glory Hall should be allowed to use the maps completed for the Community Development Department to demonstrate to the Community Development Department Engineer that the project is in a moderate NOT severe avalanche area. TetraTech, reputable avalanche experts, have conducted a detailed study of Juneau's avalanche hazards and have concluded that Franklin Street is not in a severe avalanche zone. The maps, which were paid for with public dollars, clearly show the parcel owned by the Glory Hall, to not be in the severe avalanche zone. (See Attachment 1, TetraTech maps). The maps together with the 147 page study completed by TetraTech (See Attachment 2, TetraTech Assessment) clearly demonstrate the project is in the moderate avalanche zone. As clear from the TetraTech Assessment, necessary methodology, including LIDAR assessment, topography, modeling, terrain, and vegetation analyses were used to reach the conclusion that South Franklin Street, including the proposed project location are in a moderate avalanche zone. For description of methodology please see pages 3, 19-43, 60, and 102 of the TetraTech Assessment, included as Attachment 2. The maps are very specific, identifying 52 unique avalanche paths and potential impact on specific areas. (See Attachment 2, TetraTech Assessment, pp 19-43)

There is no good reason why The Glory Hall cannot present the TetraTech maps to CDD and have the City engineer state that the project can proceed and should be issued a building permit, as it is in the moderate, not severe avalanche zone.

"49.700.300 a(4)

If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance, and mass. If, in the opinion of the city engineer, the

studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, the department shall proceed accordingly."

Asking the Glory Hall to obtain another study is a wasteful use of public funding. The Glory Hall is a small nonprofit agency with very limited operating revenue. Every dollar spent is a dollar that could be spent on providing food and shelter to people without food and shelter. Additionally, because the Glory Hall is only able to operate because of donations and grants, asking the Glory Hall to obtain a duplicative study is not a prudent or an appropriate way to spend public funds. If the TetraTech maps are good enough for the Community Development Department to be presented to the Assembly, they should be good enough to issue the Glory Hall a building permit.

The fact that the Assembly has not adopted the new TetraTech maps in no way undermines the experience of the TetraTech engineers who completed the study. The fact that the Assembly has not adopted the new maps in no way changes TetraTech's completed analyses of topography, vegetation, potential snow accumulation, debris flow direction time and mass.

Community Development Departments Interpretation of Density is wrong. Title 49 states that:

Notwithstanding any other provision, no development or any part of development, which is within a severe avalanche area shall, by the addition of bedrooms, conversion of buildings, or otherwise increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot. (49.70.300.b.1)

No part of this development is increasing density. The Glory Hall is clearly decreasing density by limiting the number of people who sleep in the building from 43-53 to 14. Additionally, the conversion is not adding any more spaces which are defined as dwelling units. The existing layout has more than seven specific spaces, with at least seven existing spaces currently qualifying as dwelling units, with their own entrances, bathrooms, ventilation, egress, etc. The current 3rd floor contains 4 dwelling units, 3 dorms and 1 one-bedroom apartment. 2nd floor contains 2 spaces, the mezzanine area and the space formerly known as our medical apartment, which provided a sleeping space for people with mobility issues. First floor provided overflow sleeping space and contains two separate entrances and a bathroom.

SPECIFIC QUESTIONS FOR THE PLANNING COMMISSION

What is the most effective strategy for the Glory Hall to proceed with our project of converting our building, formerly lodging 43-53 people, affordably, to lodging 7-14 people affordably.

Attachment 1: TetraTech Map Project specific



LEGEND

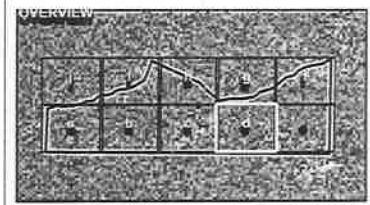
- Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

Base Data

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Land Parcel

AVALANCHE HAZARD DESIGNATION

- Low**
Return period greater than 300 years
OR
Impact pressures less than 20 lbs/ft² (1 kPa) with a return period greater than 30 years.
- Moderate**
Return period between 30 and 300 years;
AND
Impact pressure less than 600 lbs/ft² (30 kPa).
- Severe**
Return period less than 30 years;
AND/OR
Impact pressure greater than or equal to 600 lbs/ft² (30 kPa).



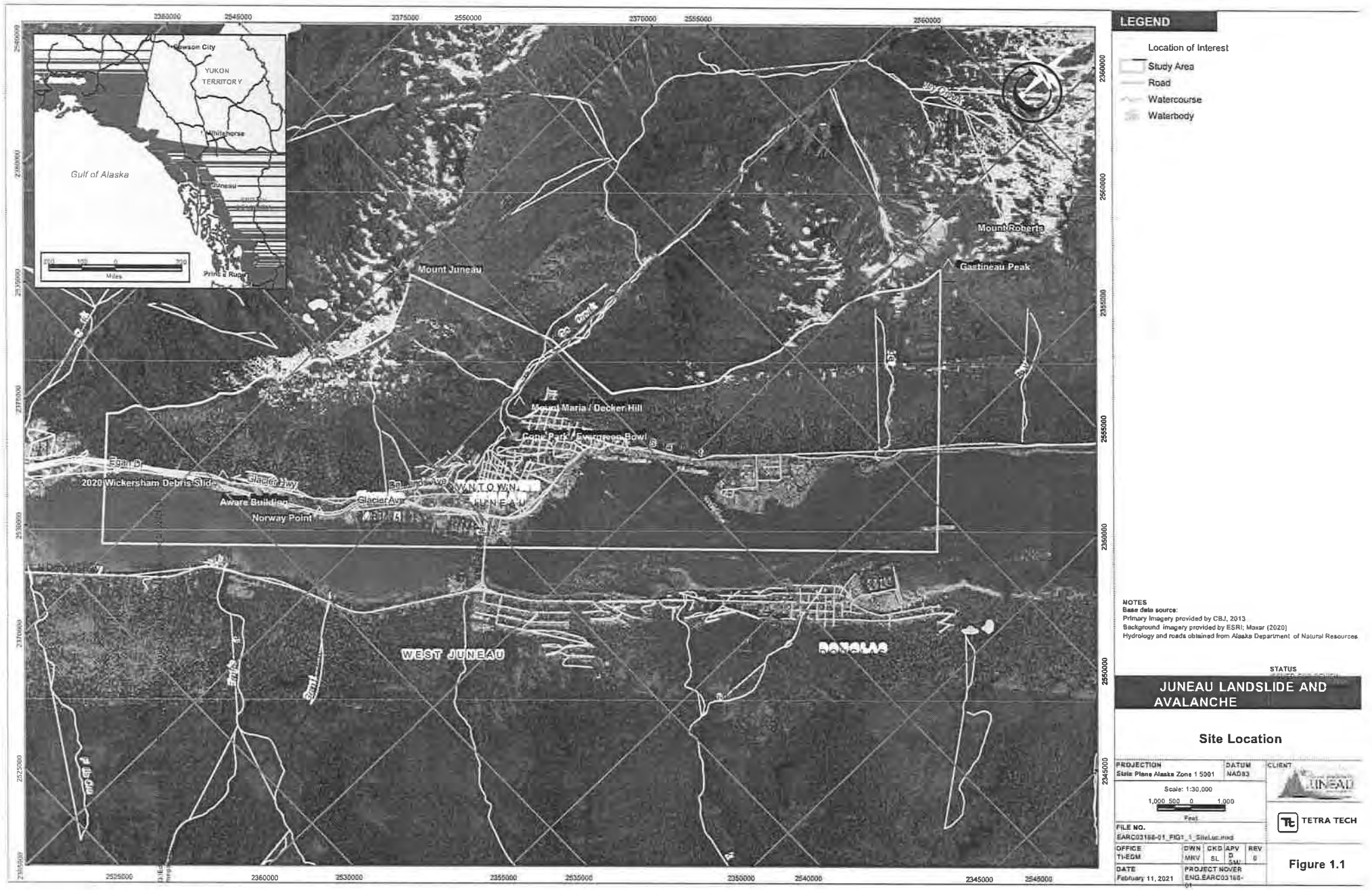
NOTES
 Low hazard designation not shown. Low hazard designation includes all areas not designated as "Moderate" or "Severe".
 Base data source:
 Land parcels provided by CBJ.
 Contours generated from 2013 LiDAR provided by CBJ.
 Background contours generated from 2012 LiDAR provided by CBJ. Primary imagery provided by CBJ, 2413.
 Background imagery provided by ESRI; Maxar (2020).

JUNEAU LANDSLIDE AND AVALANCHE

Avalanche Hazard Designation Mapping Detail

| | |
|---|------------------------------------|
| PROJECTION State Plane Alaska Zone 1 5001 | CLIENT NAD83 |
| Scale: 1:5,000 | |
| | |
| FILE NO. 19-0017-JUN-002 | OFFICE DAC-Rev |
| DATE May 24, 2021 | PROJECT NO. 19-0017-1411 |

Figure 2.4d



LEGEND

Location of Interest

- Study Area
- Road
- Watercourse
- Waterbody

NOTES
 Data data source:
 Primary Imagery provided by CBJ, 2013
 Background Imagery provided by ESRI; Maxar (2020)
 Hydrology and roads obtained from Alaska Department of Natural Resources

STATUS

JUNEAU LANDSLIDE AND AVALANCHE

Site Location

| | | |
|--|---|-------------------------------------|
| PROJECTION Siberia Plane Alaska Zone 1 5001 | DATUM NAD83 | CLIENT |
| Scale: 1:30,000 | | |
| <div style="display: flex; justify-content: space-between; width: 100%;"> 1,000 500 0 1,000 </div> <p style="text-align: center; font-size: small;">Feet</p> | | |
| FILE NO. EARC03166-01.FIG1 - Site Loc.mxd | | |
| OFFICE TIEGM | DWN CHK APV REV MRV SL D 0 | PROJECT NUMBER ENGL EARC03166-01 |
| DATE February 11, 2021 | Figure 1.1 | |

Attachment 2: Full TetraTech Assessment
(Sent as Separate email due to document size)

Link:

https://juneau.org/wp-content/uploads/2021/07/Downtown_Juneau_Landslide_and_Avalanche_Assessment_IFR_Report_Third%20Draft_Reduced.pdf

**BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU**

JUNEAU COOPERATIVE CHRISTIAN
MINISTRY, dba THE GLORY HALL,

Appellant,

vs.

CBJ COMMUNITY DEVELOPMENT,

Appellee.

APL2021-06
Appeal of:
BLD2021-0765
CDD Director’s Decision dated
December 1, 2021

PROPOSED DECISION ON APPEAL

Appellants Juneau Cooperative Christian Ministry, d.b.a. The Glory Hall (“TGH”), appealed the CDD Director’s (“Director”) decision to deny their request for a building permit to convert TGH building at 2437 South Franklin Street from an “emergency shelter” into commercial use and residential rental units.

The Planning Commission (“Commission”) accepted the appeal and voted to review the appeal on the record as provided under CBJ 49.20.110.

The record was prepared by CDD based upon the materials considered by the Director as required under CBJ 49.20.110(b). The record was supplemented with additional materials as requested by TGH, a hearing was held before the Commission on May 24, 2022, and both parties argued in support of their position.¹

Following arguments, the Commission deliberated in executive session as provided under CBJ 01.50.140(b)(3). After deliberations concluded, the Commission came out of executive decision and voted to remand the building permit to CDD for further consideration consistent with this opinion.

1. Burden of Proof and Standard of Review

This is an on the record appeal of the Director’s decision. Pursuant to CBJ 49.20.110(b), the burden of proof is on the party challenging the decision. For an on the record appeal, no

¹ Commissioners Arndt, Voelckers, Pedersen, Alper, Hickok, and Winchell participated. MaryAlice McKeen presented argument on behalf of the appellants TGH and CBJ Attorney Adam Gottschalk presented argument on behalf of CDD.

evidence outside the record shall be admitted and the decision of the Director shall be upheld if there is substantial evidence in support thereof and no policy error or abuse of discretion is found therein. Under CBJ 01.50.010, “substantial evidence” means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Per CBJ 01.50.070(a)(1), this means “substantial evidence in light of the whole record, as supplemented at the hearing.” The Alaska Supreme Court has held that an abuse of discretion occurs only if the decision is “arbitrary, capricious, manifestly unreasonable, or the result of an improper motive.”² A decision will be upheld unless, after reviewing the whole record, the Commission is left with a definite and firm conviction that the Director erred in her decision.³

2. Relevant Facts

Extensive information regarding the building permit was presented by the parties at the hearing. Accordingly, the recitation of facts here is brief. On October 28, 2021, TGH’s executive director reached out to CDD expressing TGH’s intent to develop seven apartments on the second and third floors of TGH’s building in downtown Juneau. On November 9, 2021, a pre-application conference was held to provide a preliminary review of TGH’s proposed plans. On November 17, 2021, CDD issued a report regarding what was discussed at the pre-application conference. One of the key issues discussed was increasing density in a severe avalanche area. *R at 34*. CDD’s report indicated that TGH needed to obtain a site-specific study prepared by a licensed civil engineer experienced in avalanche and landslide analysis that would demonstrate the need for a hazard boundary relocation. *R at 36*. On November 23, 2021, TGH submitted a building permit showing the addition of seven dwelling units to the 247 South Franklin Street building. *R at 37*. TGH also submitted documents from its 1989 conditional use permit, as well as a geophysical hazard assessment from R&M Engineering dated December 28, 1989. *R at 116-142*. CDD denied TGH’s building permit on December 1, 2021 with the explanation that “increasing the number of dwelling units is prohibited by code in the hazard zone.” *R at 106*.

3. Legal Analysis

As provided above, TGH requested a building permit to convert its emergency shelter property into commercial use space and apartments, which is under the authority of the CDD

² Markham v. Kodiak Island Borough Board of Equalization, 441 P.3d 943, 949 (Alaska 2019).

³ Gold Country Estates Preservation Group, Inc. v. Fairbanks North Star Borough, 270 P.3d 787, 793 (Alaska 2012).

Director. Under CBJ 49.20.110 the decision of the Director may be appealed to the Planning Commission. The Commission reviews the appeal under the standards set forth in CBJ 49.20.110(b). Under these standards, the Commission does not independently review the building permit request and make a determination based on its own analysis. Rather, the Commission reviews the decision of the Director based on the evidence in the record and is required to uphold the decision “if there is substantial evidence in support thereof and no policy error or abuse of discretion therein.”

Several sections of CBJ 49.70.300 apply to this decision. CBJ 49.70.300(a) states:

- (1) Development in all landslide and avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches.
- (2) Boundaries of potential and severe avalanche areas will be as shown on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance.
- (3) Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling within landslide or avalanche areas shall require a conditional use permit.
- (4) If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, the department shall proceed accordingly.
- (5) The commission may require mitigating measures certified as effective by a professional engineer for development in landslide and avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density.

Further, CBJ 49.70.300(b)(1) states: Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.

After review of evidence in the record and taking into account arguments made in this appeal, the Planning Commission remands APL2021-0006 to CDD for a decision within 30 days, with the following findings:

1. CDD acted in error by not incorporating previous engineering work in their analysis under CBJ 49.70.300(a)(5). CBJ Engineering accepted the site specific 1989 R&M Geophysical Hazard Assessment. The assessment established that the Glory Hall property was not in a severe hazard zone. The assessment amends the 1987 CBJ hazard maps for this property.
2. The Planning Commission has determined the intent of CBJ 49.70.300 is to provide for the safety of occupants within a structure, regardless of use. As density is not specifically defined in Title 49, according to CBJ 49.20.300, the Planning Commission hereby provides the following interpretation: For the purposes of CBJ 49.70.300(b)(1), the phrase “shall not increase density” shall be interpreted to mean, “shall not increase the total quantity of people in a structure.”

DATED this _____ day of May, 2022.

PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

By: _____
Presiding Officer
Commissioner Travis Arndt

BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

JUNEAU COOPERATIVE CHRISTIAN
MINISTRY d/b/a THE GLORY HALL,

Appellant,

v.

CBJ COMMUNITY DEVELOPMENT,

Appellee.

APL2021-0006
Appeal of:
BLD2021-0765
CDD Director’s Decision dated
December 1, 2021

CDD’S OBJECTIONS TO THE PROPOSED DECISION

Appellee CBJ Community Development Department’s primary objection to the Planning Commission’s June 1, 2022 Proposed Decision on Appeal regards the Commission’s second finding, that “density” as used in CBJ 49.70.300(b)(1) means “the total quantity of people in a structure.”¹ Read in conjunction with the first finding—that CDD erred by not incorporating a 1989 assessment into its analysis—the Commission’s intent is fairly clear: Further support the 1989 assessment’s sufficiency by minimizing the severe avalanche area issue. However, as explained below, removing the second finding regarding density would not undermine the Commission’s intent, but including this finding in a forthcoming final decision *would* undermine the intent of CBJ 49.70.300(b)(1).

I. CDD Seeks Clarity Regarding the Commission’s Finding the Agency Should Incorporate the 1989 Assessment Into Its Analysis.

It is not entirely clear from the Proposed Decision what the Commission’s first finding is or seeks. This finding indicates CDD erred by not incorporating the 1989

¹ Proposed Decision, 4.

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1 assessment *and* that the 1989 assessment amends the adopted hazard maps as to TGH’s
2 property.² However, CDD has already incorporated the 1989 assessment into its decision
3 and, if the Commission considers the 1989 assessment sufficient to establish TGH’s
4 property is not in a severe hazard zone, what is the Commission seeking through a
5 remand?

6 As acknowledged in the Proposed Decision, CDD’s decision “shall be upheld if
7 there is substantial evidence in support thereof and no policy error or abuse of discretion
8 therein.”³ Per CBJ 01.50.010, “[s]ubstantial evidence means such relevant evidence as a
9 reasonable mind might accept as adequate to support a conclusion.” And, as provided at
10 CBJ 01.50.070(a)(1), the breadth is “substantial evidence in light of the whole record, as
11 supplemented at the hearing....”

12 CDD has already expressed its position regarding the 1989 assessment.
13 Responding to questions from the Commission, CDD stated the 1989 assessment does
14 not address avalanche risks and there has been subsequent upslope development since the
15 1989 assessment was created.⁴ Self-evidently, the 1989 assessment does not disclose
16 whether its recommended mitigation measures were taken.⁵ Still, CDD represented the
17
18

19 ² Proposed Decision, 4 (stating in its entirety, “CDD acted in error by not incorporating
20 previous engineering work in their analysis under CBJ 49.70.300(a)(5). CBJ Engineering
21 accepted the site specific 1989 R&M Geophysical Hazard Assessment. The assessment
22 established that the Glory Hall property was not in a severe hazard zone. The assessment
23 amends the 1987 CBJ hazard maps for this property.”).

³ Proposed Decision, 2-3 (referencing and quoting CBJ 49.20.110(b)).

⁴ May 24, 2022 Planning Commission Hearing, statements by counsel for CDD in response to questioning by Commissioner Voelckers.

⁵ R. 121 (recommended mitigation measures in 1989 assessment); R. 129 (1990 CDD recommendation the Commission grant a conditional use permit subject to the mitigation measures).

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1 1989 assessment’s data could be used by an engineer toward an update.⁶ Rendering it less
2 clear what the Commission seeks from a remand are the Commission’s statements that
3 the 1989 assessment “established that the Glory Hall property was not in a severe hazard
4 zone.”⁷ If the 1989 assessment established TGH’s property is not in a severe hazard zone,
5 what further analysis is the Commission seeking?

6 If the Commission considers the 1989 assessment—despite being silent on
7 avalanches, recent developments, and whether mitigating measures were taken,⁸ and
8 despite being unable to secure a modern endorsement⁹ and being contradicted by the
9 2020/2021 Tetra Tech Hazard Study that shows the property is within a severe landslide
10 hazard area¹⁰—sufficient to establish that TGH’s property is not in a severe hazard zone,
11 the Commission could find CDD’s decision was not supported by substantial evidence
12 and reverse. Reversing would obviate remanding and re-airing of the same above-stated
13 concerns CDD has regarding the 1989 assessment. As the Commission is aware, CDD is
14 bound by the terms of Title 49; there is little leeway in CBJ 49.70.300 for the agency to
15 weigh additional factors such as prior use or the need for affordable housing. Reversal on
16 this issue would also eliminate the need to create an anomalous definition for density.
17

18 **II. CDD Objects to the Commission’s Finding Density Should Be Defined As**
19 **Occupancy for CBJ 49.70.300(b)(1) Purposes.**

20
21 _____
22 ⁶ May 24, 2022 Planning Commission Hearing, statements by counsel for CDD
23 ⁷ Proposed Decision, 4.
⁸ To date, CDD does not know if the mitigation measures recommended were taken.
⁹ During the hearing, TGH represented it had been unable to obtain a site-specific report
that would establish the site’s safety despite reaching out to 11 engineers.
¹⁰ While the 2020/2021 Tetra Tech Hazard Study should be considered outside the record,
it has been raised repeatedly through this appeal. *See, e.g.* TGH Br., 2, 7, 22.

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1 If the Commission reverses based on a finding the 1989 assessment clearly
2 establishes TGH’s property is not within a severe hazard zone, then the second finding—
3 “density” as used in CBJ 49.70.300(b)(1) means “total quantity of people in a structure”—
4 would be unnecessary to its final decision and this finding should be removed.

5 First, making this density an “occupancy in density’s clothing” would be
6 unnecessary to the decision. If TGH’s property is not within a severe hazard zone, then
7 whether or not TGH’s sought development increases density is irrelevant. So whether
8 density means dwelling units, persons, property, or some vague combination of factors,
9 if the 1989 assessment is sufficient, none of these are at risk.

10 Beyond being unnecessary, the Proposed Decision’s density definition would
11 make this density exceptional to Title 49, which consistently uses density to mean
12 “dwelling units in an area.”¹¹ The Proposed Decision’s stated definition would also be
13 exceptional because buildings’ occupancies are almost exclusively concerns of Title 19,
14 not Title 49. Exceptional interpretations run counter to CBJ 01.15.020, the rule of
15 construction that instructs words “not specifically defined shall be construed according to
16 the context and customary usage of the language.” This discord would be especially acute
17
18

19 _____
20 ¹¹ “Density” appears 44 times in Title 49. In virtually every instance it represents the
21 number of dwelling units in an area. *E.g.* CBJ 49.25.500-20 (regarding zoning and
22 showing density as dwelling units per acre); CBJ 49.65.740 (regarding zoning and
23 referring to density in accordance with CBJ 49.25); CBJ 49.60.140 (“The allowable
density of dwelling units per acre...”); CBJ 49.15.760 (regarding zoning and showing
density as dwelling units per lot area). While appearing significantly in CBJ 49.25, which
regards zoning, the term also appears several times in CBJ 49.80.120—the definitions
section. For example, “density bonus” is defined as “an increase in allowable density
above that otherwise allowed in the zoning district in which the planned unit development
is located.”

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in CBJ 49.70.300 where “density” is used twice; it is also used in CBJ 49.70.300(a)(5). Should CBJ 49.70.300(a)(5) be read as “proposed [occupancy]” even though it lists mitigating measures “certified as effective by a professional engineer”? This would make little sense as an engineer is not necessary to certify that having fewer people would mitigate risk. Or should CBJ 49.70.300(a)(5)’s density be consistent with the rest of Title 49 but inconsistent with the very next subsection, CBJ 49.70.300(b)(1)?

As a practical matter, if the Commission renders CBJ 49.70.300(b)(1)’s density to mean occupancy, the Commission will open the door to substantial development within severe landslide and avalanche areas—many of the buildings in severe hazard areas have significant occupancies. By defining density as occupancy solely in the section of Title 49 intended to minimize development in severe avalanche areas, the Commission would open the door to development where Title 49 seeks to limit development. Because occupancy will virtually always be greater than dwelling units, the Commission’s density definition would undermine CBJ 49.70.300(b)(1).

A familiar legal maxim that applies to this case is “bad facts make bad law.”¹² In this case, TGH’s conversion will lead to fewer people living in a designated severe hazard area *even though* this same conversion will increase dwelling units. Thus, in this case, the Proposed Decision’s definition for CBJ 49.70.300(b)(1)’s density supports TGH’s conversion *and* the intent of CBJ 49.70.300(b)(1), which is to minimize risk to people and property. Further, as the Proposed Decision indicates, the 1989 assessment

¹² This includes unusual or exceptional facts.

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sufficiently assured the Commission that this project will not place people and property at risk.¹³

However, it is the exceptional case in which increasing dwelling units will lead to fewer people living in a building—and this project’s exceptional character is furthered by its laudable purposes (e.g. increase affordable housing, provide income to a well-liked non-profit) and the existence of an earlier site-specific study and subsequent (but unadopted) hazard maps. By defining CBJ 49.70.300(b)(1)’s density as occupancy, the Commission is transferring the exceptional character of a single project to a Code provision affecting many potential projects. By rendering CBJ 49.70.300(b)(1)’s density exceptional, the Commission will essentially nullify CBJ 49.70.300(b)(1) and open the door to significant development in severe hazard areas—in virtually all other cases, dwelling units and inhabitants can increase even if overall occupancy decreases.

As mentioned above, defining density for CBJ 49.70.300(b)(1) purposes does not advance the Commission’s intent as it is represented in the Proposed Decision. Critically, the definition proposed undermines CBJ 49.70.300(b)(1) in virtually every other conceivable case. Even TGH stated dwelling units were a relevant factor in density.¹⁴ Because the Commission’s finding—that for CBJ 49.70.300(b)(1) purposes density means occupancy—is unnecessary to the Proposed Decision’s intent and this definition

¹³ Proposed Decision, 4 (“The assessment established that the Glory Hall property was not in a severe hazard zone.”).

¹⁴ May 24, 2022 Planning Commission Hearing, statements by counsel for TGH (at minute 23:55 on the audio recording).

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1 undermines CBJ 49.70.300(b)(1), CDD objects to its inclusion in a forthcoming final
2 decision.

3 **III. Conclusion**

4 For the above-provided reasons, CDD seeks clarity on the Commission’s first
5 finding, which seeks incorporation of the 1989 assessment, and CDD objects to the
6 Commission’s second finding, which seeks to create a one-off definition for “density”
7 that will undermine CBJ 49.70.300(b)(1). Finally, as an alternative to remanding, the
8 Commission may consider this project for a conditional use permit pursuant to CBJ
9 49.15.330 and CBJ 49.70.300(a)(3). While this process would not exempt TGH’s project
10 from CBJ 49.70.300 and CDD review, it would afford the Commission greater flexibility
11 to make an individual determination appropriate for TGH’s use and property.¹⁵

12 DATED this 8th day of June, 2022.

13 CBJ CDD

14 By: 
15 Adam R. Gottschalk
16 Assistant Municipal Attorney
17 Alaska Bar No. 2008079

18 **CERTIFICATE OF SERVICE**

19 I certify that on 8th of June, 2022, a true and
20 correct copy of the foregoing document was
21 served on:

22 ATTN: Mary Alice McKeen
23 212 West 9th Street

¹⁵ See CBJ 49.15.330(a) (stating in relevant part, “The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites.”).

1 Juneau, AK 99801
2 via email to: ottokeen@gmail.com

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4 Assistant Municipal Attorney

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**BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU**

JUNEAU COOPERATIVE CHRISTIAN
MINISTRY, dba THE GLORY HALL,

Appellant,

vs.

CBJ COMMUNITY DEVELOPMENT,

Appellee.

APL2021-06

Appeal of:

BLD2021-0765

CDD Director’s Decision dated

December 1, 2021

FINAL DECISION ON APPEAL

Appellants Juneau Cooperative Christian Ministry, d.b.a. The Glory Hall (“TGH”), appealed the CDD Director’s (“Director”) decision to deny their request for a building permit to convert TGH building at 2437 South Franklin Street from an “emergency shelter” into commercial use and residential rental units.

The Planning Commission (“Commission”) accepted the appeal and voted to review the appeal on the record as provided under CBJ 49.20.110.

The record was prepared by CDD based upon the materials considered by the Director as required under CBJ 49.20.110(b). The record was supplemented with additional materials as requested by TGH, a hearing was held before the Commission on May 24, 2022, and both parties argued in support of their position.¹

Following arguments on May 24, 2022, the Commission deliberated in executive session as provided under CBJ 01.50.140(b)(3). After deliberations concluded, the Commission came out of executive decision and voted to remand the building permit to CDD for further consideration. The Commission circulated a Proposed Decision the parties on June 1, 2022. CDD filed a timely objection per CBJ 01.50.140 (b).

¹ Commissioners Arndt, Voelckers, Pedersen, Alper, Hickok, and Winchell participated in the original hearing and executive session. MaryAlice McKeen presented argument on behalf of the appellants TGH and CBJ Attorney Adam Gottschalk presented argument on behalf of CDD. Commissioner Alper was not present at the June 28, 2022 regular meeting and did not participate in the June 28, 2022 executive session.

At its June 28, 2022 meeting, the Commission considered the objections raised by CDD to the proposed decision on appeal and all other relevant information and voted to amend its decision. This is the Commission’s final decision on this appeal.

1. Burden of Proof and Standard of Review

This is an on the record appeal of the Director’s decision. Pursuant to CBJ 49.20.110(b), the burden of proof is on the party challenging the decision. For an on the record appeal, no evidence outside the record shall be admitted and the decision of the Director shall be upheld if there is substantial evidence in support thereof and no policy error or abuse of discretion is found therein. Under CBJ 01.50.010, “substantial evidence” means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Per CBJ 01.50.070(a)(1), this means “substantial evidence in light of the whole record, as supplemented at the hearing.” The Alaska Supreme Court has held that an abuse of discretion occurs only if the decision is “arbitrary, capricious, manifestly unreasonable, or the result of an improper motive.”² A decision will be upheld unless, after reviewing the whole record, the Commission is left with a definite and firm conviction that the Director erred in her decision.³

2. Relevant Facts

Extensive information regarding the building permit was presented by the parties at the hearing. Accordingly, the recitation of facts here is brief. On October 28, 2021, TGH’s executive director reached out to CDD expressing TGH’s intent to develop seven apartments on the second and third floors of TGH’s building in downtown Juneau and indicated that it was told by a senior planner that it did not need a conditional use permit. *R. at 4*. On November 9, 2021, a pre-application conference was held to provide a preliminary review of TGH’s proposed plans. On November 17, 2021, CDD issued a report regarding what was discussed at the pre-application conference. On November 23, 2021, TGH submitted a building permit showing the addition of seven dwelling units to the 247 South Franklin Street building. *R at 37. R at 116-142*. CDD denied TGH’s building permit on December 1, 2021 with the explanation that “increasing the number of dwelling units is prohibited by code in the hazard zone.” *R at 106*.

3. Legal Analysis

² Markham v. Kodiak Island Borough Board of Equalization, 441 P.3d 943, 949 (Alaska 2019).

³ Gold Country Estates Preservation Group, Inc. v. Fairbanks North Star Borough, 270 P.3d 787, 793 (Alaska 2012).

As provided above, TGH requested a building permit to convert its emergency shelter property into commercial use space and apartments, which is under the authority of the CDD Director. Under CBJ 49.20.110 the decision of the Director may be appealed to the Planning Commission. The Commission reviews the appeal under the standards set forth in CBJ 49.20.110(b). Under these standards, the Commission does not independently review the building permit request and make a determination based on its own analysis. Rather, the Commission reviews the decision of the Director based on the evidence in the record and is required to uphold the decision “if there is substantial evidence in support thereof and no policy error or abuse of discretion therein.”

Several sections of CBJ 49.70.300 apply to this decision. CBJ 49.70.300(a) states:

- (1) Development in all landslide and avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches.
- (2) Boundaries of potential and severe avalanche areas will be as shown on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance.
- (3) Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling within landslide or avalanche areas shall require a conditional use permit.
- (4) If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, the department shall proceed accordingly.
- (5) The commission may require mitigating measures certified as effective by a professional engineer for development in landslide and avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density.

Further, CBJ 49.70.300(b)(1) states: Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the

addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.

More importantly, per CBJC 49.70.300 (a)(3), ...”all development greater than a single-family dwelling within landslide or avalanche areas shall require a conditional use permit.”

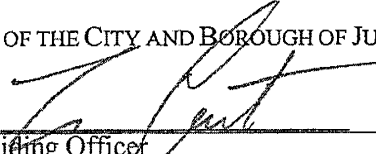
Based on the documents in the record and the information presented at the appeal hearing, it does not appear CDD considered requiring a conditional use permit as required for this project per the CBJ code.

4. Conclusion

The Planning Commission finds that the Director erred in her interpretation of 49.70.300(a)(3) and remands APL2021-0006 to CDD to work with TGH to initiate the conditional use permit process.

DATED this 29 day of June, 2022.

PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

By: 

Presiding Officer
Commissioner Travis Arndt

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BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

| | | |
|-------------------------------|---|-------------------------------|
| JUNEAU COOPERATIVE CHRISTIAN |) | |
| MINISTRY, dba THE GLORY HALL, |) | |
| |) | |
| Appellant, |) | |
| |) | |
| vs. |) | APL2021-06 |
| |) | Appeal of: |
| CBJ COMMUNITY DEVELOPMENT, |) | BLD2021-0765 |
| |) | CDD Director’s Decision dated |
| Appellee. |) | December 1, 2021 |
| |) | |

TGH’s Comments on Final Decision

Introduction and Summary 1

Relevant Procedural History 2

1. CDD conceded that TGH’s project does not increase density..... 5

2. The process was seriously flawed in that TGH did not receive an opportunity to respond to CDD’s objections and should be corrected in future appeals. 6

3. The Final Decision may have significant consequences for development in any part of Downtown Juneau that is in a mapped hazard area. 9

Conclusion 11

Introduction and Summary

The Glory Hall (TGH) submits these comments in response to the Planning Commission’s Final Decision in this appeal, distributed July 21, 2022.¹ At the outset, it is important to state what TGH is *not* doing. TGH is not objecting to the requirement in

¹ The Final Decision is dated June 29, 2022, the day after the Planning Commission’s meeting, but the Final Decision was distributed on July 21, 2022. Five working days after July 21, 2022, is July 28, 2022.

the Final Decision that TGH obtain a conditional use permit. In fact, on July 5, 2022, four working days after the Planning Commission meeting on June 28, 2022, when the Commission orally announced its amended decision, TGH submitted an application for a conditional use permit. TGH received a response from CDD on its CUP application on July 22, 2022, when CDD asked for more information. TGH promptly provided it and was informed by CDD on July 27, 2022, that its application was complete.

TGH submits these comments within the deadline for comments on a proposed decision in CBJ 01.50.140(b)(4). Before issuing the Final Decision, the Planning Commission did not give TGH the opportunity to respond to CDD's arguments, did not issue a second proposed decision, and did not give TGH the opportunity to object to the amended decision as a proposed decision. In light of these facts, the Planning Commission should allow TGH to comment on the amended decision as long as TGH submits timely comments within the five-day window in CBJ 01.50.140(b)(4).

Although TGH is willing to apply for a conditional use permit, as required by the Final Decision, TGH wishes to make three points about the Decision: CDD concedes the project does not increase density; the process leading to the Final Decision was unfair in that TGH did not have the opportunity to respond to CDD's objections; and the Decision may have significant consequences, possibly unintended, for other development in mapped hazard areas, namely it appears to prevent any development in mapped hazard areas, except a single family home, without a conditional use permit.

Relevant Procedural History

The Planning Commission distributed a Proposed Decision in this appeal on June 1, 2022. CDD submitted timely objections on June 8, 2022. TGH had no objections to the proposed decision and therefore submitted none. The Planning Commission met on

June 28, 2022 and voted to issue an amended decision. The Planning Commission issued a new decision, a “Final Decision,” dated June 29, 2022, and distributed July 21, 2022. The Planning Commission did this without giving TGH an opportunity to respond to CDD’s objections and without issuing a new proposed decision.

TGH’s only objective is, and always has been, to proceed as expeditiously as possible with this project. TGH began the process by Ms. Lovishchuk contacting a Senior CDD Planner to determine if a conditional use permit was needed or if only a building permit was needed. Ms. Lovishchuk was told a CUP was not needed. Ms. Lovishchuk emailed Edward Quinto with CDD on October 28, 2021. Ms. Lovishchuk identified the planner she had spoken with and stated that the planner had said a CUP was not needed. [R. 4] The record is not clear as to the exact date of TGH’s application, but CDD denied the application for a building permit for this project on December 1, 2021 [R. 106 – 107].

CDD denied the application because on the unreasonable and arbitrary conclusion that the proposed conversion of a homeless shelter housing 43 – 53 persons a night to seven small apartments housing 7 – 14 persons would increase the density of the parcel and therefore was not allowed under CBJ 49.70.300(b)(1). CDD’s conclusion centered around the definition of “dwelling units” in Title 49. A dwelling unit is defined in CBJ 49.80.120 as “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.” CDD’s position was that TGH could not convert the homeless shelter to seven “dwelling units,” where the residents would have “independent and complete cooking, living, sleeping and toilet facilities,” because the prior residents of the homeless shelter had no “dwelling units,” that is, they did not have their own “cooking, living, sleeping and toilet

facilities.” The only way TGH was able to prevent CDD from frustrating what is supposed to be a City-wide response to the desperate need for affordable rental housing in Juneau was that the TGH Board maintained its commitment to serve persons in need of housing, TGH staff worked hard to provide information to support the appeal, and TGH found an attorney willing to prosecute the appeal pro bono.²

After oral argument on the appeal on May 24, 2022, held before many interested members of the public (in person and virtual), the Planning Commission issued a proposed decision on June 1, 2022, in TGH’s favor and at page 4 made two findings:

1. CDD acted in error by not incorporating previous engineering work in their analysis under CBJ 49.70.300(a)(5). CBJ Engineering accepted the site specific 1989 R&M Geophysical Hazard Assessment. The assessment established that the Glory Hall was not in a severe hazard zone. The assessment amends the 1987 CBJ hazard maps for this property.
2. The Planning Commission has determined the intent of CBJ 49.70.300 is to provide for the safety of occupants within a structure, regardless of use. As density is not specifically defined in Title 49, according to CBJ 49.20.300, the Planning Commission hereby provides the following interpretation: For the purposes of CBJ 49.70.300(b)(1), the phrase “shall not increase density” shall be interpreted to mean, “shall not increase the total quantity of people in a structure.”

The R&M Engineering Report was the basis for the issuance of the conditional use permit that has allowed TGH to operate a shelter on that site for over 30 years.

On June 8, 2022, CDD filed objections to the findings. But in the last two sentences of CDD’s Objections, CDD brought up something it had never mentioned in the entire appeal process, namely that the Planning Commission might want to require

² On the housing crisis, see, for example, the recent article on the front page of the Juneau Empire, dated July 8, 2022, “Housing issues dominate city committee agenda,” where the Assembly is concerned about the failure of the tax abatement ordinance to result in more housing in Downtown Juneau. This project is one way where the City could have had seven units of permanent affordable housing in Downtown Juneau by July 1, 2022, if renovation had been allowed to start in late November 2021.

TGH to obtain a conditional use permit.³ Thus, on June 28, 2022, eight months to the day after TGH began the application process for a building permit on October 28, 2021, the Planning Commission told TGH to start all over and obtain a conditional use permit.⁴ TGH started that process as soon as possible. TGH is cautiously optimistic that the process will proceed expeditiously and will result in seven new units of permanent affordable rental housing in Downtown Juneau. TGH does, however, comment on three points concerning the Final Decision.

1. CDD conceded that TGH's project does not increase density.

In CDD's Objections to the Proposed Decision, it is important to note that CDD conceded that TGH's project does not increase the density of this parcel,

Thus, in this case, TGH's conversion will lead to fewer people living in a designated severe hazard area *even though* this same conversion will increase dwelling units. Thus, in this case, the Proposed Decision's definition for CBJ 49.70.300(b)(1)'s density supports TGH's conversion *and* the intent of CBJ 49.70.300(b)(1), which is to minimize risk to people and property.⁵

With that, CDD conceded what it had strenuously argued against since December 1, 2021, namely the project does not increase density. More importantly, CDD conceded that the Planning Commission's definition of "density" in the Proposed Decision "supports TGH's conversion *and* the intent of CBJ 49.70.300(b)(1)." CDD agrees the proposed definition of "density" works for this project.

CDD made other arguments against the Planning Commission's findings. TGH does not think it is necessary or helpful to respond to CDD's other arguments now

³ CDD's Objections to the Proposed Decision at page 7.

⁴ After an applicant receives a conditional use permit, the applicant still must receive a building permit although presumably if the applicant meets the conditions, the issuance of a building permit is pro forma.

⁵ CDD's Objections to the Proposed Decision at page 5 (italics in original)

because TGH is willing to apply for a conditional use permit and because TGH will respond to what CDD says concerning the CUP application.

2. The process was seriously flawed in that TGH did not receive an opportunity to respond to CDD's objections and should be corrected in future appeals.

CDD filed objections to the Planning Commission's Proposed Decision on June 8, 2022, under CBJ 01.50.140(a)(4): "The parties may file written objections to the proposed decision with the municipal clerk within five days after service of the proposed decision." CBJ 01.50.140(a)(4) does not allow for the other side to respond.

At the Planning Commission meeting on June 28, 2022, the appeal was on the agenda under "Unfinished Business," noting the issue was "[c]ontinued from the May 24, 2022, Planning Commission meeting." Before the participating Planning Commission members went into executive session to deliberate, the Planning Commission Chair, who was not participating in the appeal, did not allow TGH's counsel to ask Commissioner Arndt if TGH could respond orally to CDD's objections or if TGH could respond in writing. The Planning Commissioners went into executive session and voted to amend its proposed decision. The Commission issued a Final Decision. The Final Decision states at the top of page 2 that "the Commission considered the objections raised by CDD to the proposed decision on appeal and all other relevant information." What the Commission did not consider, and could not consider, was TGH's responses to CDD's objections. The Commission could not consider TGH's responses because TGH was not given an opportunity to respond.

TGH waives its rights, if any, to appeal the Commission's failure to provide TGH with any opportunity to respond to CDD's objections before the Commission changed its proposed decision. But TGH wishes to state its belief that this part of the appeal process

was unfair. It was unfair to TGH because the Planning Commission accepted CDD's arguments without giving TGH an opportunity to respond to them. Until this point, TGH had gone toe-to-toe with CDD on its legal arguments and had shown many of its arguments were fatally flawed including CDD's central argument that the proposed project increased density and therefore could not go forward at all. TGH put hours of research and effort into responding to CDD's successive positions with solid arguments. TGH would have done the same with CDD's objections if it had been given the opportunity. That would have been fair to TGH and would have given the Planning Commission information that could have enabled it to make a better decision.

It arguably denies due process that the CBJ appeal ordinance does not give an appellant a right to comment on objections to a proposed decision by the appeal agency before the appeal agency changes a proposed decision.⁶ It is certainly bad policy. It is especially questionable in light of CBJ 01.50.140(c), which specifies a quite different procedure for appeals heard by a hearing officer. In that ordinance, the hearing officer prepares a proposed decision and serves copies on the city clerk who, in turn, serves them on the parties. And, as here, the parties have five days to object.

But, unlike here, if one party objects, the other side has the right to respond to objections. CBJ 01.50.140(c)(1) provides in relevant part:

Within three days of the service on a party of objections, a party may file a written statement in support of the proposed decision. The hearing officer shall reconsider the proposed decision in light of timely filed objections and statements of support and shall promptly prepare any amendments to be made to the proposed decision or shall issue a statement that the objections to and the

⁶ The classic statement about due process is *Mullane v. Central Hanover Bank*, "Many controversies have raged about the cryptic and abstract words of the Due Process Clause but there can be no doubt that at a minimum they require deprivation of life, liberty, or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case." 339 U.S. 306, 313 (1950).

statements in support of the proposed decision have been considered and that no change in the proposed decision should be made. The hearing officer shall set forth the reason for any amendment or for the rejection if timely filed objections.

This ordinance gives one side a short, specified time to respond to the other side's objections.

TGH sees no valid reason why one side gets to respond to arguments to change a proposed decision of a hearing officer but does not get to respond to arguments to change a decision of the appeal agency. Even if this disparate treatment would survive an equal protection challenge, as a matter of policy, why would the City want to treat these two applicants so very differently?

A different approach is taken by the Alaska Rules of Civil Procedure. There a court does not issue a proposed decision but issues a decision. A party has ten days to file a motion for reconsideration, which is limited to something the court has overlooked, misapplied or failed to consider.⁷ After thirty days, if the court has done nothing, the motion is considered denied.⁸ If the court wishes to reconsider its decision in light of the party's arguments, the court gives the other side the opportunity to respond to the other side's arguments.⁹

There are different ways to go about it but what is common is that if a decision-maker is going to change a proposed decision or reconsider a decision it has made, the decision-maker gives the affected party the opportunity to comment before the decision-maker changes the decision.

⁷ Alaska Rules of Civil Procedure 77(k)(1)(i) – (iii). A party can also seek reconsideration on the grounds that the law applied in the ruling has been changed by court decision or statute. Civil Rule 77(k)(1)(iv).

⁸ Civil Rule 77(k)(4).

⁹ Civil Rule 77(k)(3) provides: "No response shall be made to a motion for reconsideration unless requested by the court, but a motion for reconsideration will ordinarily not be granted in the absence of such a request."

TGH asks the Planning Commission to act to correct this problem in two ways. First, the Planning Commission can ask the City to correct this problem across-the-board through a change in the appeal ordinance (CBJ 01.50.140). Second, until that is done, in each appeal decided by the Planning Commission, if one side objects to a proposed decision, the Planning Commission would give the other side an opportunity to respond to the objections before the Planning Commission changes a proposed decision. It can be a relatively short period. That would treat *both* appellants fairly and would give the Planning Commission the benefit of arguments that could help it make a more informed decision.

3. The Final Decision may have significant consequences for development in any part of Downtown Juneau that is in a mapped hazard area.¹⁰

The Final Decision states that TGH’s proposed project may proceed only with a conditional use permit because CBJ 49.70.300(a)(3) states: “Notwithstanding any other provision, all subdivision other than a boundary line relocation and *all development greater than a single-family dwelling within landslide or avalanche area shall require a conditional use permit.*” (italics added)

A word about the Table of Permissible Uses or TPU is in order here. The TPU Uses lists the uses that a property owner may make of a property; the TPU specifies the approval procedure for each use in each zoning district; and the approval procedure differs whether the development is a “major development” or a “minor development.”¹¹

¹⁰ CBJ 49.70.300(a)(3) says in relevant part “all development greater than a single-family-dwelling within landslide or avalanche areas shall require a conditional use permit.” The maps currently used by the City do not differentiate between landslide or avalanche areas. For purposes of CBJ. 49.70.300(a)(3), that does not matter because that ordinance applies to development in either a landslide or avalanche areas.

¹¹ The TPU is at CBJ 49.25.300. The rules for determining the uses are laid out in CBJ 49.25.300(a) – (c). Following that is the Table itself. The definition of minor development is at CBJ 49.25.300(c)(3). Major development means anything that is not a minor development. CBJ 49.25.300(c)(3)(D).

Under the current TPU, the approval procedure is either Category 1 or Category 3.¹² The approval for a “minor development” is Category 1, which means the property owner or developer must get a building permit issued by CDD. The approval category for a “major development” is Category 3, which means the property owner or developer must get a CUP issued by the Planning Commission and, after that, a building permit from CDD.

Under Category 1, the CDD Director may impose conditions on a building permit that are necessary to ensure compliance with Title 49, the Land Use Code.¹³ But generally speaking it is accurate to think of Category 1 as uses that a property owner can make of its property. A property owner needs a building permit, but the property owner’s neighbors do not receive notice of a minor development, there is no public hearing prior to the issuance of a building permit, and typically the special conditions that are imposed on a building permit are minimal to non-existent.

In Category 3, the procedure required for a “major development,” the use “may or may not be allowed at a particular location, depending on a determination of its compatibility with surround or proposed land uses. The planning commission may attach any condition to ensure the compatibility of the proposed use.”¹⁴ CDD gives notice to the public as required by CBJ 49.15.230 and the Commission holds a public hearing on the CUP application. Members of the public may testify in favor or against the issuance of the CUP. The CUP process typically takes substantially longer than the building permit process. And the conditions attached to issuance of a *conditional* use permit under CBJ

¹² Under the current TPU at CBJ 49.25.300, there is no use which is in Category 2. Category 2 is an “allowable use permit,” which is still on the books as a category, CBJ 49.15.320, but there are no uses in the current TPU which are in Category 2.

¹³ CBJ 49.15.310(d)(2).

¹⁴ CBJ 49.25.300(b)(3).

49.15.330(g) need not be, but can be, wide ranging and extensive.

Putting aside the interpretation of CBJ 49.70.300(a)(3) in the Final Decision for a moment, this project is a “minor development” because the parcel is in the Mixed Use District and it is a residential development containing 12 or fewer dwelling units.¹⁵ Under the TPU, TGH’s project is in Category 1 and would be able to proceed with only a building permit. But the Final Decision states that it does not matter that the project is a minor development. The project requires a conditional use permit anyway. The Final Decision appears to eliminate Category 1 for “all development greater than a single-family dwelling”¹⁶ in any parcel that is in a mapped hazard area. TGH does not know how many projects apart from single-family dwellings are currently approved as “minor development” in mapped hazard areas. But it appears that all those projects will now require the owner or developer to first get a conditional use permit from the Planning Commission. This may be a significant, unintended, consequence of the Decision.

Conclusion

TGH makes these comments on the Final Decision but is not asking the Planning Commission to take any action that would delay the processing of the conditional use permit. TGH’s interest is, and always has been, simply adding seven units of permanent affordable rental housing to the housing stock of downtown Juneau as quickly as possible. Every unit matters.

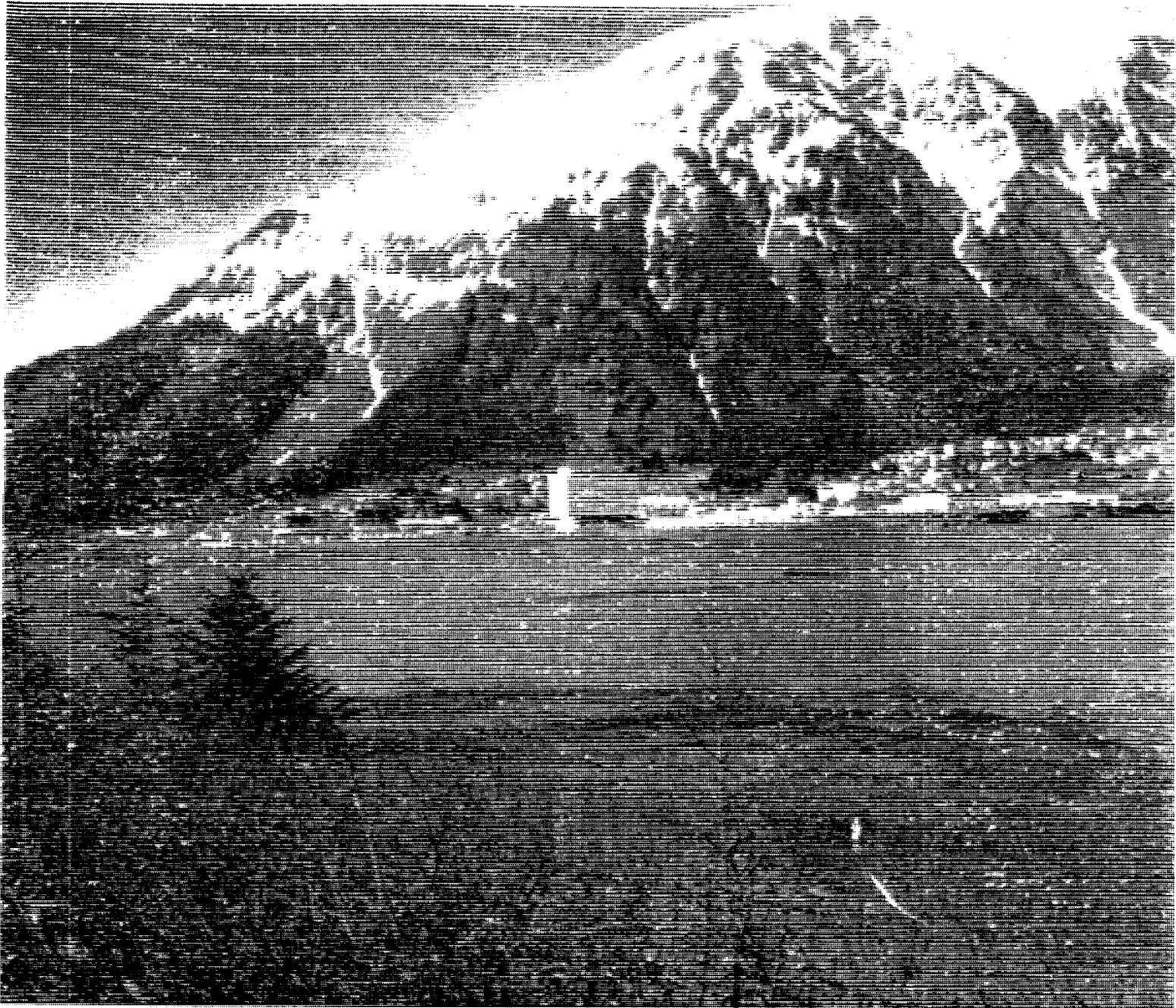
Dated: July 28, 2022

Mary Alice McKeen
Mary Alice McKeen
Attorney for The Juneau Cooperative
Christian Ministry dba The Glory Hall

¹⁵ CBJ 49.25.300(c)(3)(D). This is one type of minor development in the Commercial and Mixed Use Districts. CBJ 49.25.300(c)(3)(A) to (E) lists development that is a minor development by zoning district.
¹⁶ CBJ 49.70.300(a)(3).

I certify that on July 28, 2022, I served this document and on the following persons: Adam.Gottschalk@juneau.org;
Sherri.Layne@juneau.org; Breckan.Hendricks@juneau.org; Chelsea.Wallace@juneau.org.

Mary Alice McKeen
Mary Alice McKeen



**GEOPHYSICAL HAZARDS INVESTIGATION FOR THE
CITY AND BOROUGH OF JUNEAU, ALASKA**

A Summary Report

1972

GEOPHYSICAL HAZARDS
INVESTIGATION
for the
City and Borough of Juneau

SUMMARY REPORT

October 1972



Daniel, Mann, Johnson, & Mendenhall
816 Pittock Block
Portland, Oregon 97205

In addition to the basic mechanical properties of the soils, the detailed investigation included three additional criteria:

- a) History of mass wasting occurrences
- b) Presence of gullies or V-notch channels
 - having substantial accumulations of debris
 - relatively free from debris
- c) Probable extent of area affected by landslide.¹

Areas classified as high hazard demonstrate a history of landslides, and have channels or gullies containing substantial amounts of accumulated debris. This accumulation of debris, while temporarily stabilized, will eventually come down into the area below. No prediction can be made of when a slide will occur.

Areas classified as potential hazard also exhibit a history of landslides, but the channels or gullies present are relatively free from debris.

3. Significant Findings of Mass Wasting Hazard Investigation

The following findings constitute the most significant classification of hazard areas. Refer to Figs. 6 and 7 and the Mass Wasting Investigation Technical Report for complete information.

- a) Mt. Roberts Slopes:

21 channels have been mapped on the Mt. Roberts slope above the city, (nos. 13 to 29). Fifteen are

¹The term landslide as used in the remainder of this Summary Report embraces all mass wasting events exclusive of "creep". Implicit in the term landslide as used herein are the following: rockfalls, rockslides, rock avalanches, debris slides, debris avalanches and debris flows.

identified as having a high hazard principally because of the large accumulations of temporarily stabilized loose debris material. The remaining are classified as potentially hazardous. Considering the extremely steep slopes, unstable bedrock and soil conditions, numerous high hazard gullies extending directly into the urban area and the known history of landsliding, most of the Mt. Roberts slope above South Franklin Street and Gastineau Avenue is to be considered as highly hazardous in terms of danger of property damage and loss of life.

b) Mt. Maria (Decker Hill):

The area directly below the open rock cliff above Basin Road is a high hazard zone. The area below the rock cliff above 6th and Nelson Streets is a high hazard area. The trestle portion of Basin Road is also a high hazard area.

c) Evergreen Bowl:

The slopes surrounding Evergreen Bowl are potential hazard areas to property at the top of the slope and adjacent to Basin Road, Gold Belt Avenue and 7th Street. A high hazard area from falling rock also exists above Calhoun Street between Dixon Street and 6th Street.

E. Composite Mass Wasting and Snow Avalanche Hazard Rating System

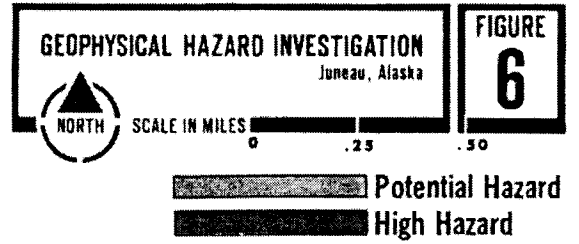
The purpose of this Composite Hazard Rating System is twofold.

- to identify areas wherein the aggregate, life and property are exposed to high, moderate and low hazards
- to provide a basis for prioritizing corrective and preventative measures.

Only mass wasting sub-areas 1 - 5, and snow avalanche hazard sub-areas 1 - 3, are included in the compilation of a Composite Hazard Rating System because these affect the urbanized areas of Juneau most directly. Seismic hazard, except for the potential for triggering either mass wasting or avalanches is not included. Triggering responses are implicit in the areas classified as having a snow avalanche or mass wasting hazard.

Each category of hazard - mass wasting and snow avalanche - identifies three degrees of hazard. Aggregating the two systems, nine combinations of hazards are possible. Practically speaking, nine classifications is an unworkable number. However, it is logical to group several of these combinations under common headings. If a geographic area is known to be vulnerable to both a high snow avalanche hazard and a potential mass wasting hazard, then the known higher level of hazard should govern, and the resulting composite hazard class is High Hazard. Similarly, two high hazard ratings constitute a Very High Hazard. Adopting this philosophy, classifications result as shown in Table 2.

MASS WASTING HAZARD AREAS




MASS WASTING CHANNELS AND ROCK SLIDE AREAS

GEOPHYSICAL HAZARD INVESTIGATION
Juneau, Alaska

FIGURE 7

NORTH SCALE IN MILES 0 .25 .50

 **Rock Slide Hazard Areas**



HISTORIC LANDSLIDE DEPOSITS

GEOPHYSICAL HAZARD INVESTIGATION
Juneau, Alaska

FIGURE 8

NORTH

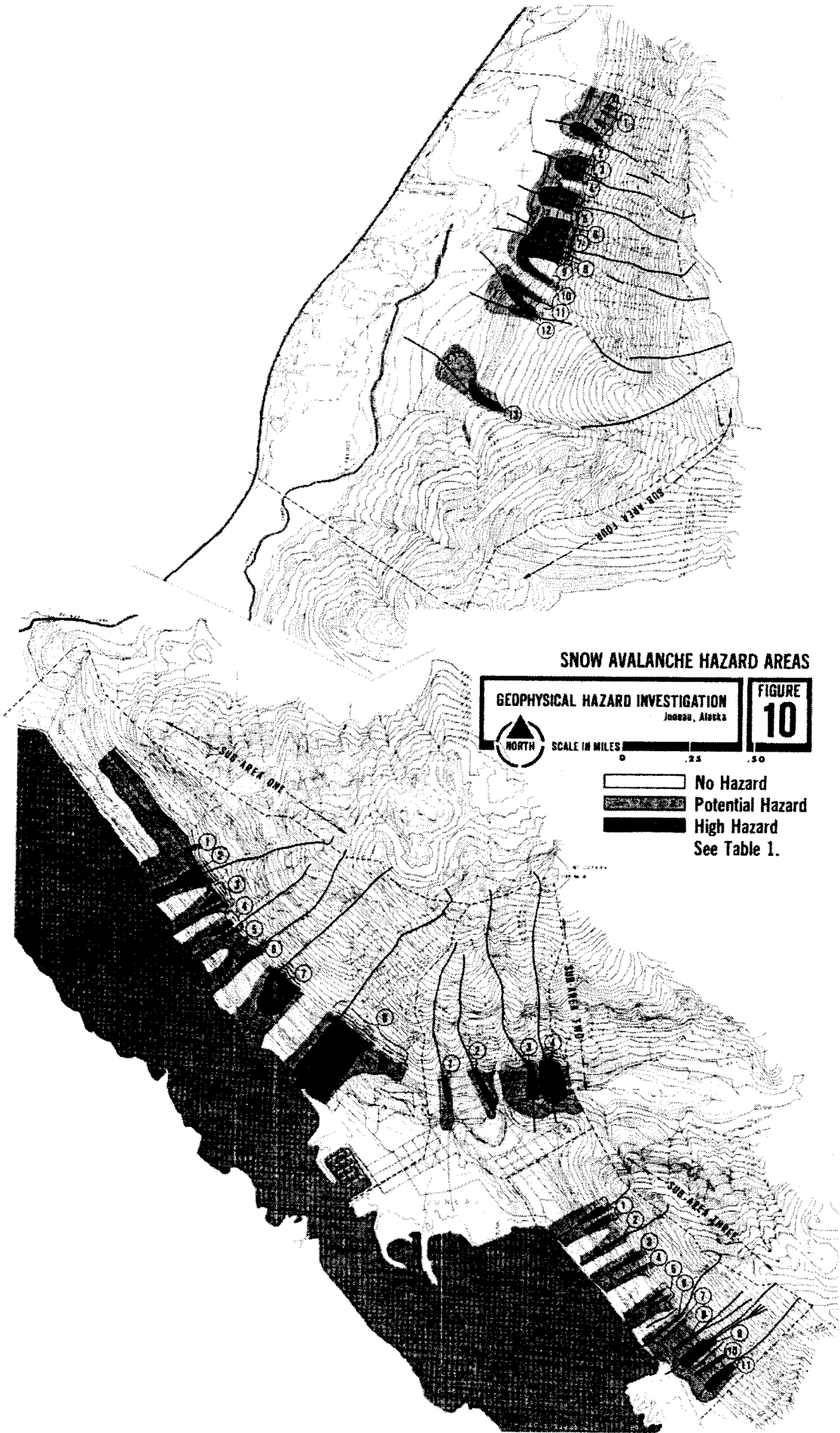
SCALE IN MILES 0 .25 .50

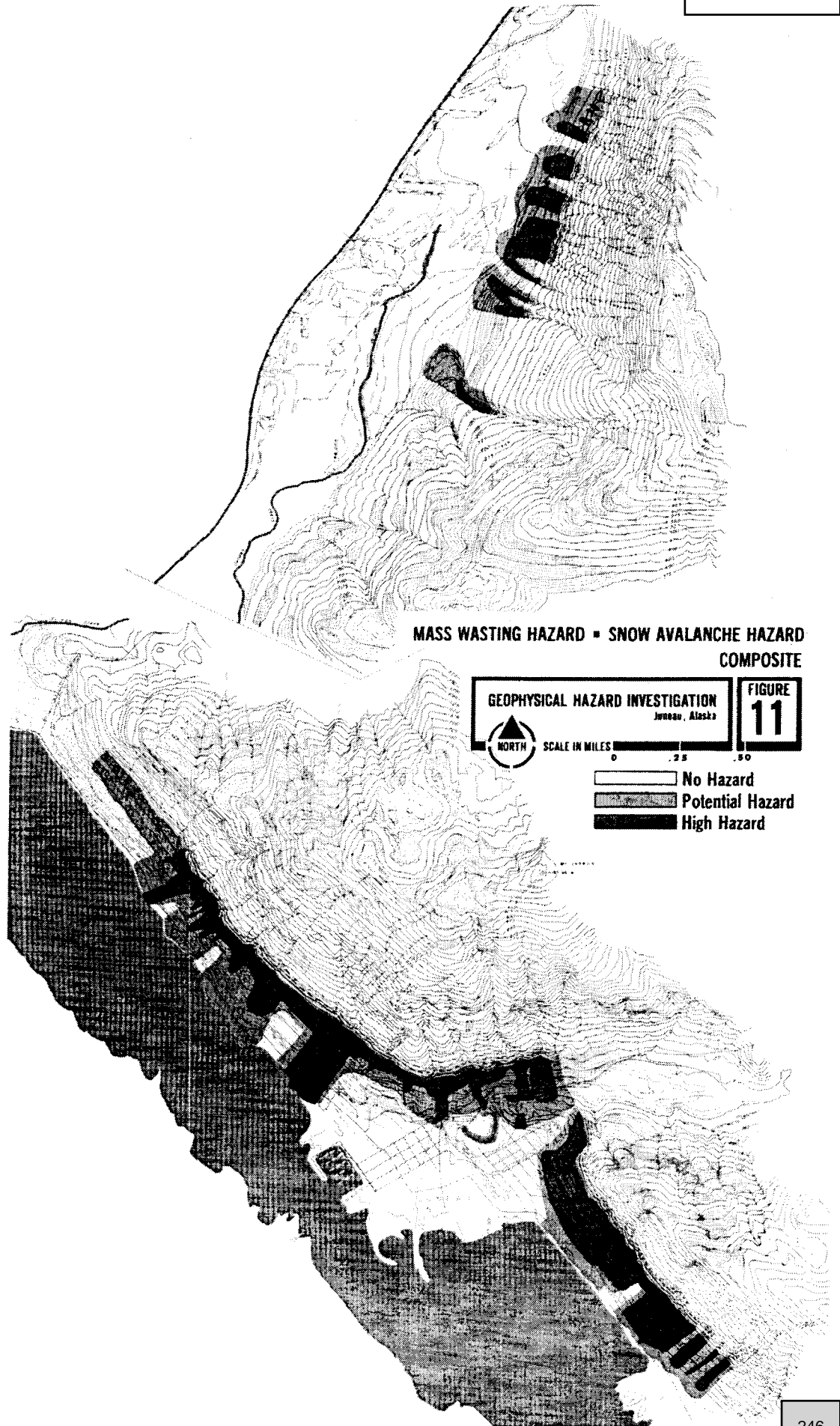
- P** Prehistoric (Before 1880)
- 11** Historic (After 1880)

ESTIMATED AGE OF DEPOSIT

| | | |
|--------|---------|---------|
| 1-1912 | 7-1918 | 13-1932 |
| 2-1932 | 8-1935 | 14-1936 |
| 3-1892 | 9-1918 | 15-1952 |
| 4- -- | 10-1936 | 16-1952 |
| 5-1922 | 11-1949 | 17-1935 |
| 6- -- | 12-1920 | |









**GEOPHYSICAL HAZARDS INVESTIGATION FOR THE
CITY AND BOROUGH OF JUNEAU, ALASKA**

TECHNICAL SUPPLEMENT

October

1972

APPENDIX I

**SEISMIC HAZARD INVENTORY
AND LAND USE CONTROL
FOR THE CITY AND BOROUGH OF JUNEAU**

**Report to the
City and Borough of Juneau
Juneau, Alaska**

**Prepared by: Alaska Geological Consultants, Inc.
Anchorage, Alaska**

June, 1972

While the angle of internal friction is ideally a single value for a specific soil type, under natural conditions engineering experience has indicated (Terzaghi and Peck, 1960) a considerable point to point variability. For soils of the type on the Juneau area slopes, these values range from a maximum of approximately 37° to a minimum of 28° .

The effective value of (ϕ) obtained from triaxial shear tests for these soils was 36° . However, since the angle of internal friction is so highly variable for natural, non-homogenous soils of this type, it is more realistic to consider zones of stability when rating slopes for purposes of hazard identification. Thus, slopes with gradients above 37° can be classified as highly unstable in terms of the susceptibility to events which might alter or reduce the delicate balance of forces operating on the slope. These are slopes which are subject to sliding whenever disturbed and may serve as major sources of landslide material during catastrophic events such as earthquakes or exceptional storms. Great care should be taken to prohibit urban development within or immediately below such areas. Road building and timber harvesting activities must be prohibited for the protection of the areas below the highly unstable zone and no dwellings should be allowed in the area.

Slopes with gradients between 28° and 37° are classified as potentially unstable and should receive minimum development with full realization that local areas within this zone may be in a highly unstable state. It is essential that natural vegetation cover be maintained wherever possible. No timber harvesting or massive land clearing should be allowed in this zone. The potential danger of landsliding from the highly unstable slopes above this zone is always present and should be kept in mind at all times when development is being considered in this area.

Figs. 3 and 4 show the stratification of most of the slopes in the Juneau Borough into zones of highly unstable and potentially unstable ground on the basis of slope gradient.

Specific Hazard Identification

Landslide deposits occur at frequent intervals along the Mt. Juneau and Mt. Roberts slopes. The most massive of these are pre-Juneau settlement in age and support old growth stands of Sitka spruce and western hemlock indicating an occurrence 250 to 300 years ago. A substantial number of lesser but still destructive landslides have occurred since the settlement of Juneau and can be traced as linear ridges and recently re-vegetated strips on the slopes behind the city. Most of these have been documented in the city newspapers, copies of which are included in Appendix X. A few have been dated approximately by dendrochronological methods.

All are indicators of active or dormant instability and of potential landslide recurrence. As a result, each of the landslide tracks have been carefully mapped, their probable points of origin indicated and the entire slope assessed in terms of immediate or potential hazard. The results of this investigation are shown in Figures 5, 6 and 7. Pre-settlement landslides and post-settlement landslides are shown in Figure 5.

Broad areas of high and potential hazard from landslide damage are shown in Figure 6. Specific gullies and channels with a known or indicated history of past debris avalanche and debris flow activity are mapped in Figure 7.

Gullies with a high hazard rating exhibit substantial accumulations of organic debris, rocks and soil in their channels and have had a past history of debris avalanche-debris flow activity. These are mapped in Figure 7. Those with a potential rating do not exhibit substantial accumulations of debris, but extend to the upper slope and exhibit some evidence of past debris avalanche-debris flow activity. Table 1 summarizes the major historical landslides in the Juneau area with dates of occurrence, approximate location, associated 24-hour rainfall and damage.

URBAN AREA SOUTH OF GOLD CREEK TO THE CITY LIMITS (See Fig. 8)

Mt. Roberts Slope

By far the most hazardous area in terms of potential destruction of property and loss of life from landslides is that area at the base of the Mt. Roberts slope extending from the corner of 3rd and Harris Streets to the beginning of Thane Road. Eleven major debris avalanche-debris flow deposits have been identified and mapped on this slope. Three of these are massive in size and occurred before Juneau settlement. The remaining eight were smaller but still destructive in size. All are identifiable on the ground and the eight post-settlement slides were well documented by local newspapers at the time of their occurrence (Appendix X).

Pre-settlement Landslides

The three pre-settlement landslides occur as major topographic features expressed as linear ridges extending approximately 700 feet through gullies in a cliff above the A.J. tram (approximately 400 feet elevation) and terminating at the beach. These deposits range from 20 to 50 feet thick and average about 200 feet wide. In every case, the debris deposit passes through or overlaps a lower cliff or bluff at the 400 foot level indicating an origin from a rock slide or soil failure on the upper slope. The gully through which the deposit passes must have served to channel the material onto the lower slope.

One of these massive landslide deposits crosses the southern terminus of Gastineau Avenue, one crosses Gastineau Avenue at the site of the A.J. bunkhouse foundation and one extends downslope from the southern end of the A.J. tramline. Many other pre-settlement landslides have occurred in the area and are indicated by deposits of mixed logs, rock and soil exposed in banks and foundation excavations between Gastineau Avenue and South Franklin Street, but are not recognizable as distinct units.

TABLE 1
LANDSLIDES LOCATED IN THE JUNEAU, ALASKA AREA

| DATE | TIME | RAINFALL (inches/hrs) | TYPE | LOCATION | DAMAGE | COMMENTS | REFERENCE |
|------------|------|---|------------------------|---|---|---|---|
| 10-18-1913 | 2100 | 3.5/24 | rockfall, rockslide | Mt. Maria on Basin Road | homes damaged | 5 landslides reported in Perserverence Basin, 1 landslide at Tredwell | Alaska Daily Dispatch, October 18, 1912 |
| 9-25-1918 | -- | 6.32/24 | debris avalanche | slope behind Gastineau Hotel | apt. building destroyed-Gastineau Hotel damaged \$25,000 | Swept apt. downhill and across Gastineau Ave., broke in back wall of Gastineau Hotel, small slide followed | Daily Alaska Empire September 28, 1918 |
| 9-25-1918 | -- | 6.32/24 | debris slide | 7th and Goldbelt into Evergreen Bowl | cabin destroyed | Carried small cabin into Evergreen Bowl | Same as above |
| 9-25-1918 | -- | 6.32/24 | debris avalanche | Gastineau Hts. | none | Other slides reported above Gastineau Hts., but not recorded | Same as above |
| 1-2-1920 | 1130 | warm weather, melting snows and heavy rain 1.79/24 | debris avalanche | Gastineau Hts. | 3 people killed, \$50,000 damage | Destroyed boarding house, three homes, twelve cabins, broke into Goldstein's store, overflow of A.J. Flume | Daily Alaska Empire January 2 and 3, 1920 |
| 9-27-1935 | -- | 2.89/24 | debris avalanche | S. Franklin at A.J. oil tanks | road blocked | -- | Daily Alaska Empire September 27, 1935 |
| 11-27-1935 | 1530 | 3.35/48 | debris avalanche | Third Avenue above Harris | 2 homes wrecked one damaged | Slide due to damming of gully by debris | Daily Alaska Empire November 29, 1935 |
| 11-27-1935 | -- | 3.35/48 | slump | 5th Street above Kennedy | none | Slide possibly due to satur- ation of marine beach depo- sit in area | Same as above |
| 11-27-1935 | -- | 3.35/48 | debris slide | Evergreen Bowl | none | A serious slide reported at Evergreen Bowl-no details | Same as above |
| 10-16-1936 | 0800 | 1.43/3 | debris avalanche | Gastineau Hts. | one woman injured, 2 houses damaged, Alaska Hotel damaged | Slide came down Mt. Roberts crossed Gastineau Ave. and broke in back of Alaska Hotel | Daily Alaska Empire October 16, 1936 |
| 11-22-1936 | 1930 | 3.89/24 | debris avalanche | Gastineau Hts., above cold storage plant | 14 died, 9 in- jured, apt. house, boarding house, 2 homes ruined | Slide resulted from slope failure below flume. Ten- sion crack noticed | Daily Alaska Empire November 23, 24, 25, 27, 28, 30, 1936 |
| 11-30-1936 | -- | -- | debris avalanche | Thane Road near Standard Oil | road closed | -- | Daily Alaska Empire November 30, 1936 |
| 10-31-1949 | -- | 2.36/24 | debris avalanche | Gastineau Hts. | home destroyed | Moved 700 feet downslope, piled into home on Gastineau Avenue | Daily Alaska Empire October 31, 1949 |
| 10-1-1952 | -- | 1.85/24 | debris avalanche | S. Franklin by old Columbia Lumber Co. kiln | road closed | -- | Daily Alaska Empire October 2, 1952 |
| 10-1-1952 | -- | 1.95/24 | debris avalanche | Gastineau Hts., piled behind 475 S. Franklin | home destroyed | -- | Daily Alaska Empire October 2, 1952 |
| 10-1-1952 | -- | 1.85/24 | debris avalanche | Above Johnson Bldg., 261 Gastineau Avenue | home destroyed | -- | Daily Alaska Empire October 2, 1952 |
| 12-16-1954 | -- | warm weather snow melt 2/24 | debris avalanche | Irwin Street before Gold Creek. | 1 home badly damaged | 2 earthslides 1 hour apart near Gold Creek bridge | Daily Alaska Empire December 17, 1954 |

Historical Landslides (Refer to Table 1)

The eight major landslides which have occurred since Juneau was settled are expressed as linear ridges near the base of the slope or as bulked deposits above Gastineau Avenue and South Franklin Street. Five of these reached South Franklin Street but did little damage on the beach side of the street (side nearest the harbor) since most of their energy was dissipated by damage and destruction above South Franklin. Three terminated on Gastineau Avenue.

Six of the historic landslides or about 75% of the total occurring, originated in or were channeled by gullies and V-notch channels which extend from the upper slope. At least three of these probably originated from slope failure above the cliff where slopes exceed 70° in gradient. The rest occurred as a direct result of failure of accumulated debris in the gullies.

The two remaining historical landslides apparently resulted from open slope failure just below the A.J. tram. One was apparently triggered by rapid addition of water to an already saturated soil mass due to overflow of the A.J. water flume on January 1, 1920. The other occurred as a result of failure, just below the tram and above the Cold Storage building on November 22, 1936. This later landslide was initiated during a period of exceptionally high rainfall (3.89 inches in 24 hours) and was probably triggered by active pore-water pressure development due to leakage of surface water into tension cracks developed at the outer edge of the tram. Unsubstantiated reports state that such tension cracks existed in the tram above the point of failure prior to the landslide.

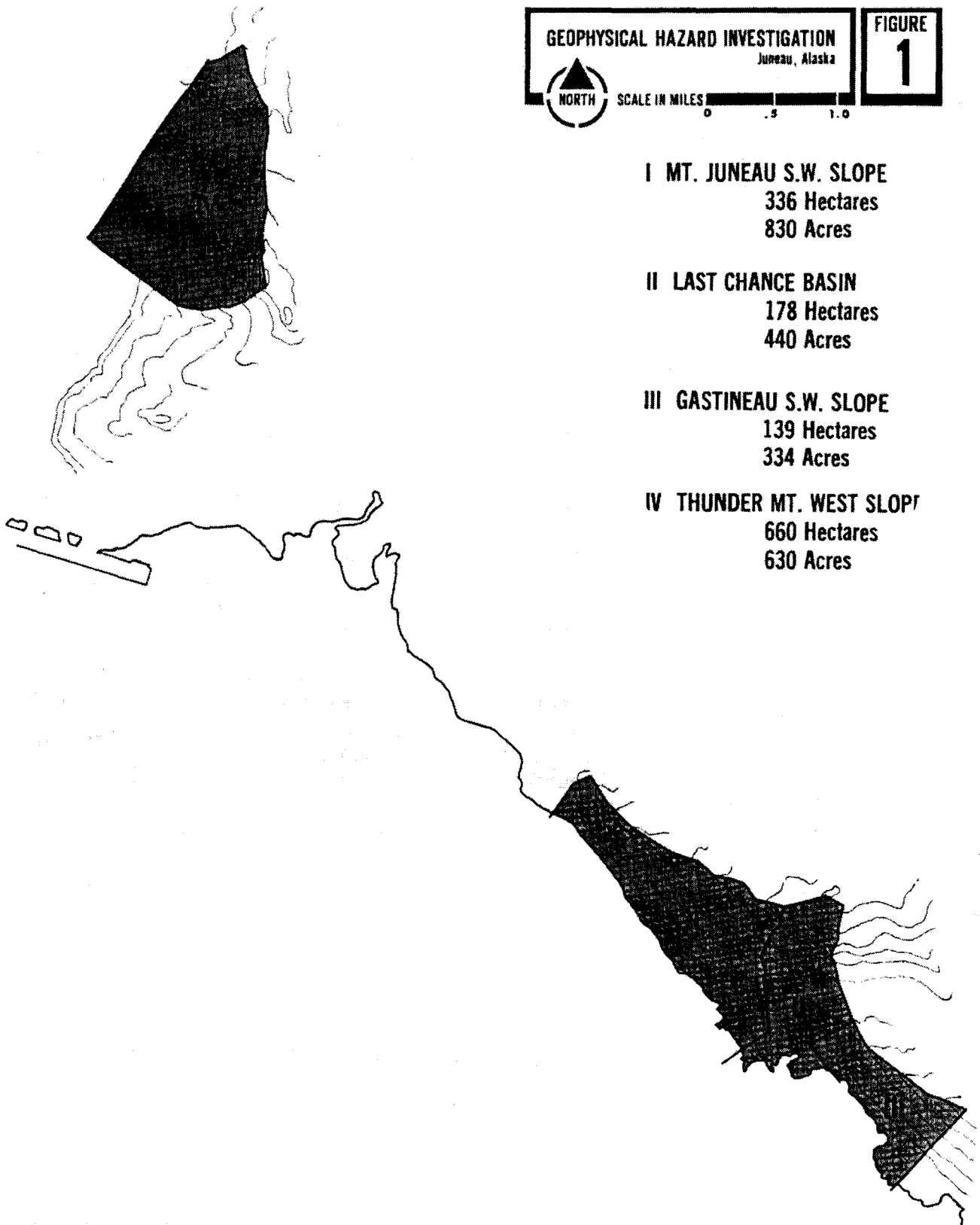
Recent Landslide Activity

The last major landslide occurred on the Mt. Roberts slope on October 1, 1952 but small debris avalanches and debris flows have continued to occur up to the present. For the most part these are small, flow only a short distance and have not reached into the urban zone. These are currently building up behind rocks, logs and other jammed debris in the gullies and constitute a continuing debris avalanche hazard to the area (Figure 4).

At least two small debris flows occurred within gullies above Gastineau Avenue last fall. One in a gully above Ewing Way which terminated temporarily at the A.J. tram and remains as a future hazard to the slopes below. The other occurred in a gully above the 1st Street stairs and flowed downslope until it was stopped behind the cable hand-rail along the old A.J. access trail to the Harris Street stairs.

In summary, 21 gullies have been mapped on the Mt. Roberts slope above the city; 15 identified as having a high debris avalanche-debris flow hazard. Considering the extremely steep slopes, unstable bedrock and soil conditions, numerous high hazard gullies extending directly into the urban area and its past history of landsliding, most of the Mt. Roberts slope above South Franklin Street and Gastineau Avenue must be considered as highly hazardous in terms of damage and potential loss of life from landslides.

SNOW AVALANCHE HAZARD INVESTIGATION SUB-AREAS



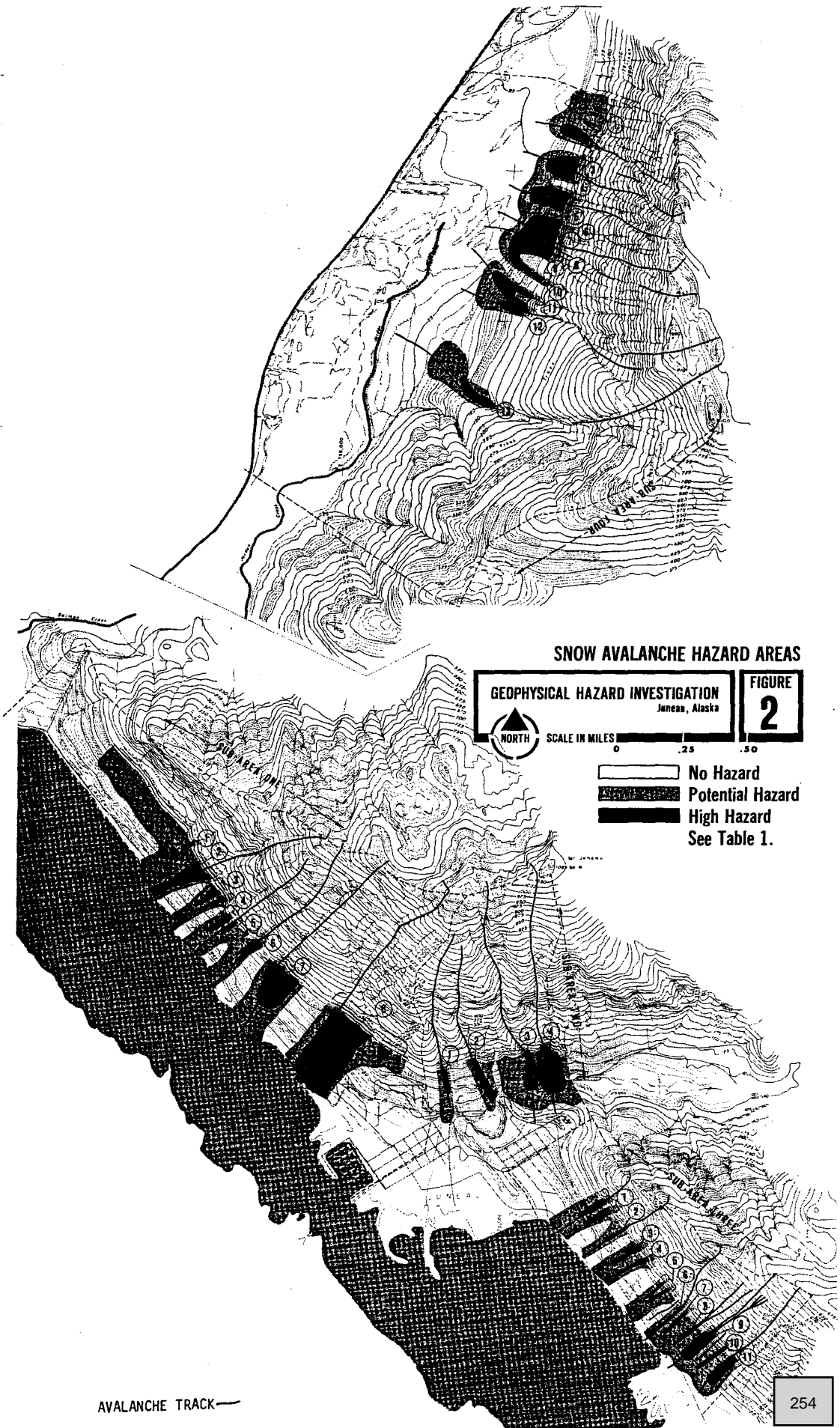


FIGURE 3

1: 250 000

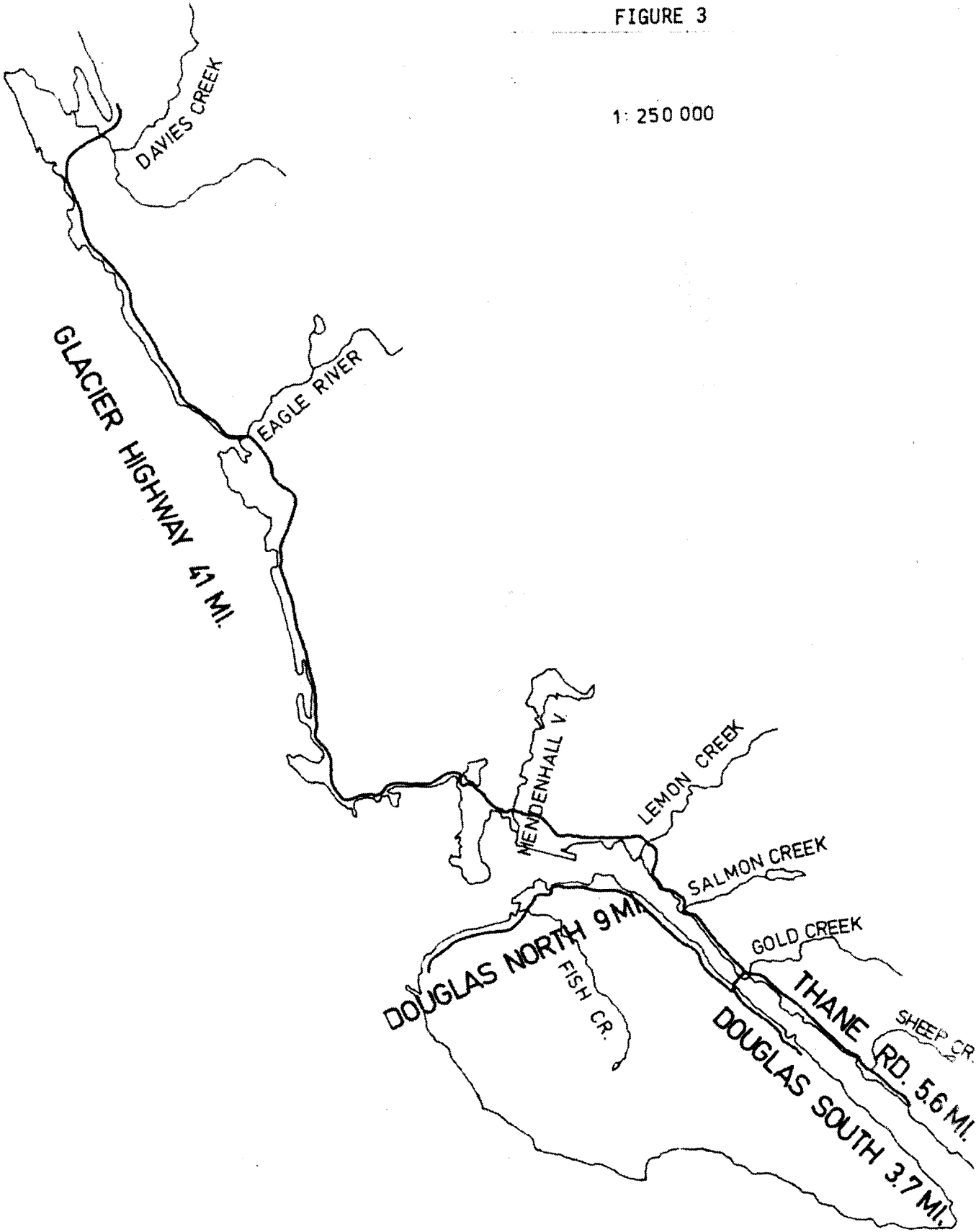
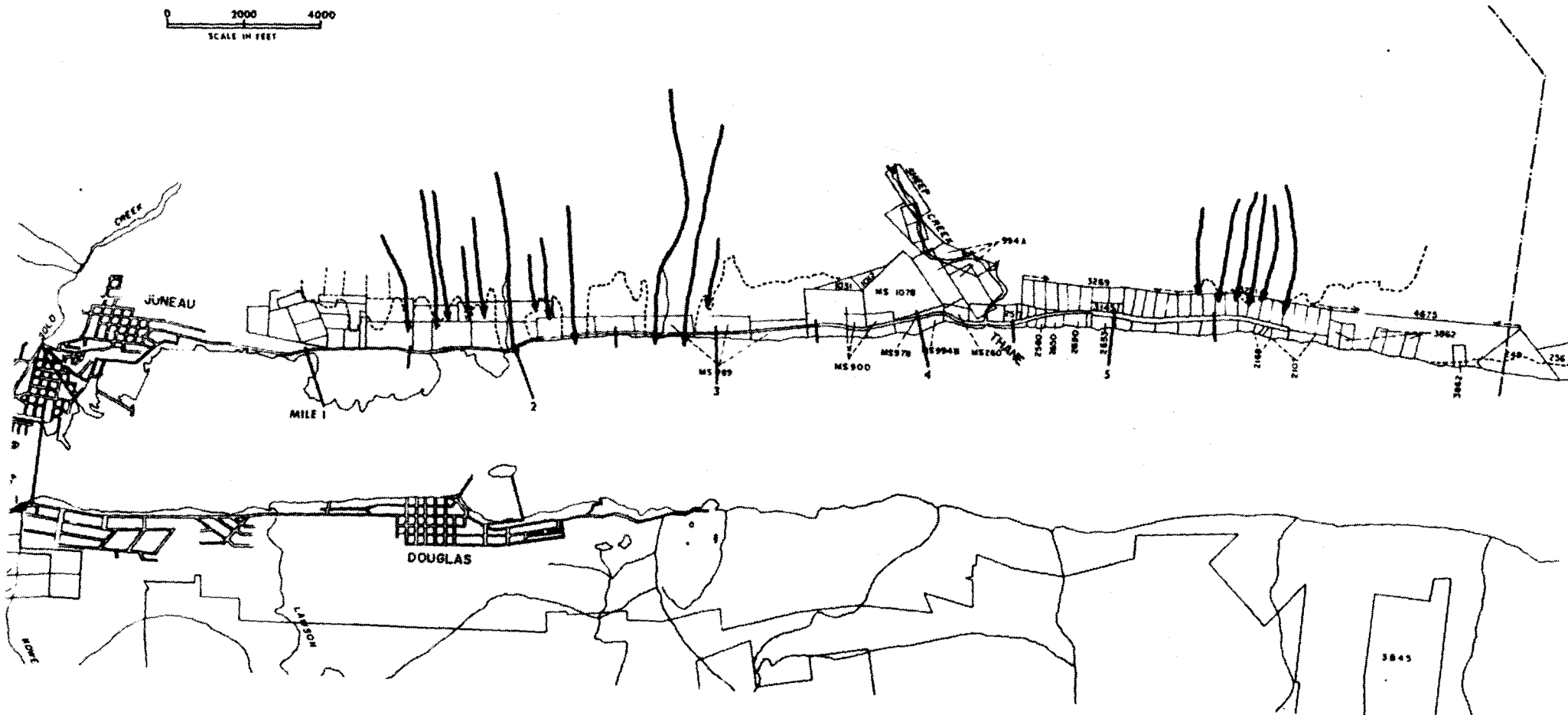
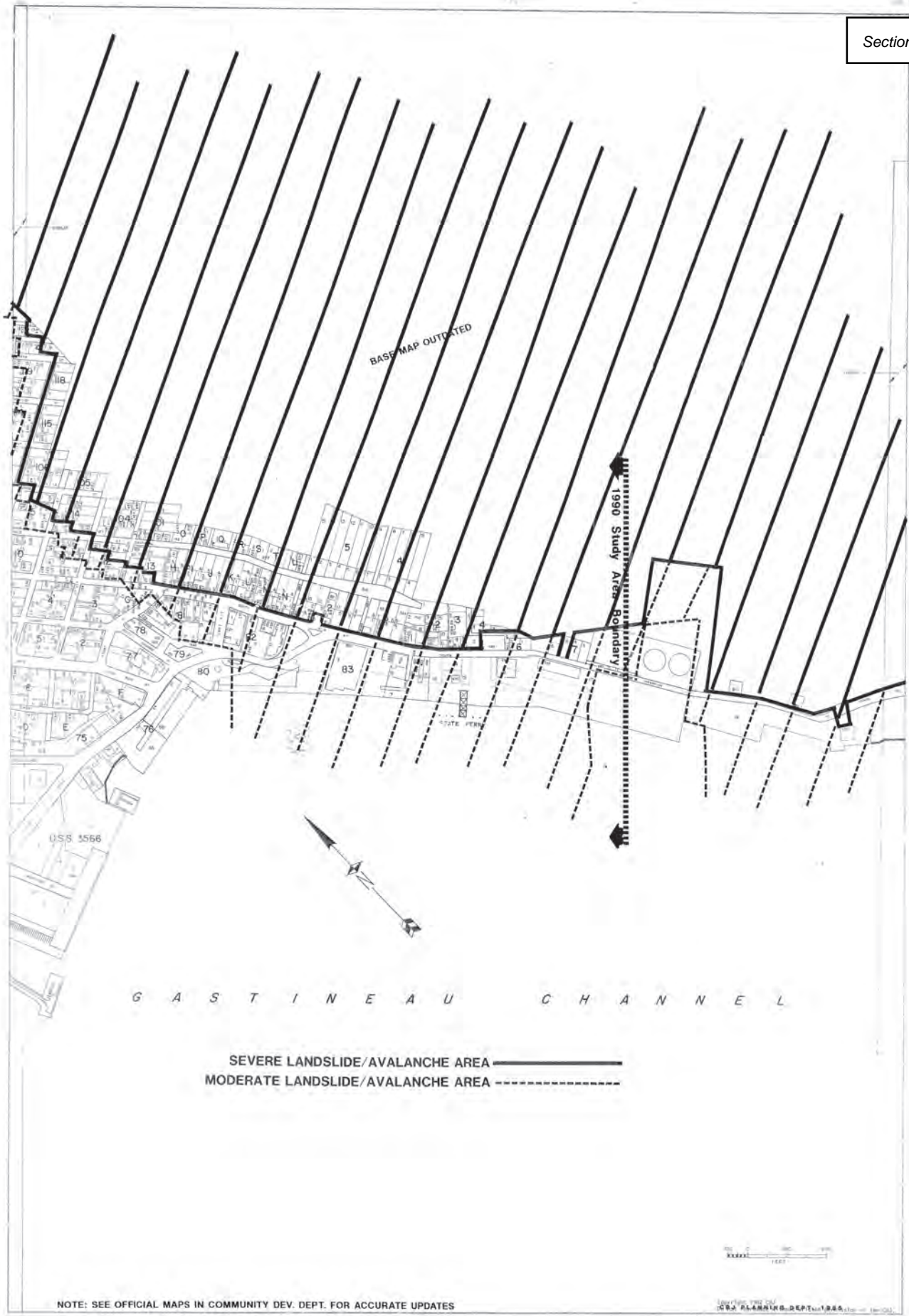


FIGURE 4

**AVALANCHE HAZARD INVESTIGATION
GENERALIZED HAZARD AREAS**

- IDENTIFIED AVALANCHE TRACKS
- - - AREA OF GENERALIZED AVALANCHE HAZARD







SHEET 4 OF 8

LANDSLIDE AND AVALANCHE AREA

**SNOW AVALANCHE
HAZARD CLASSIFICATION
THE CITY AND BOROUGH OF JUNEAU
ALASKA
GEOPHYSICAL HAZARD INVESTIGATION**

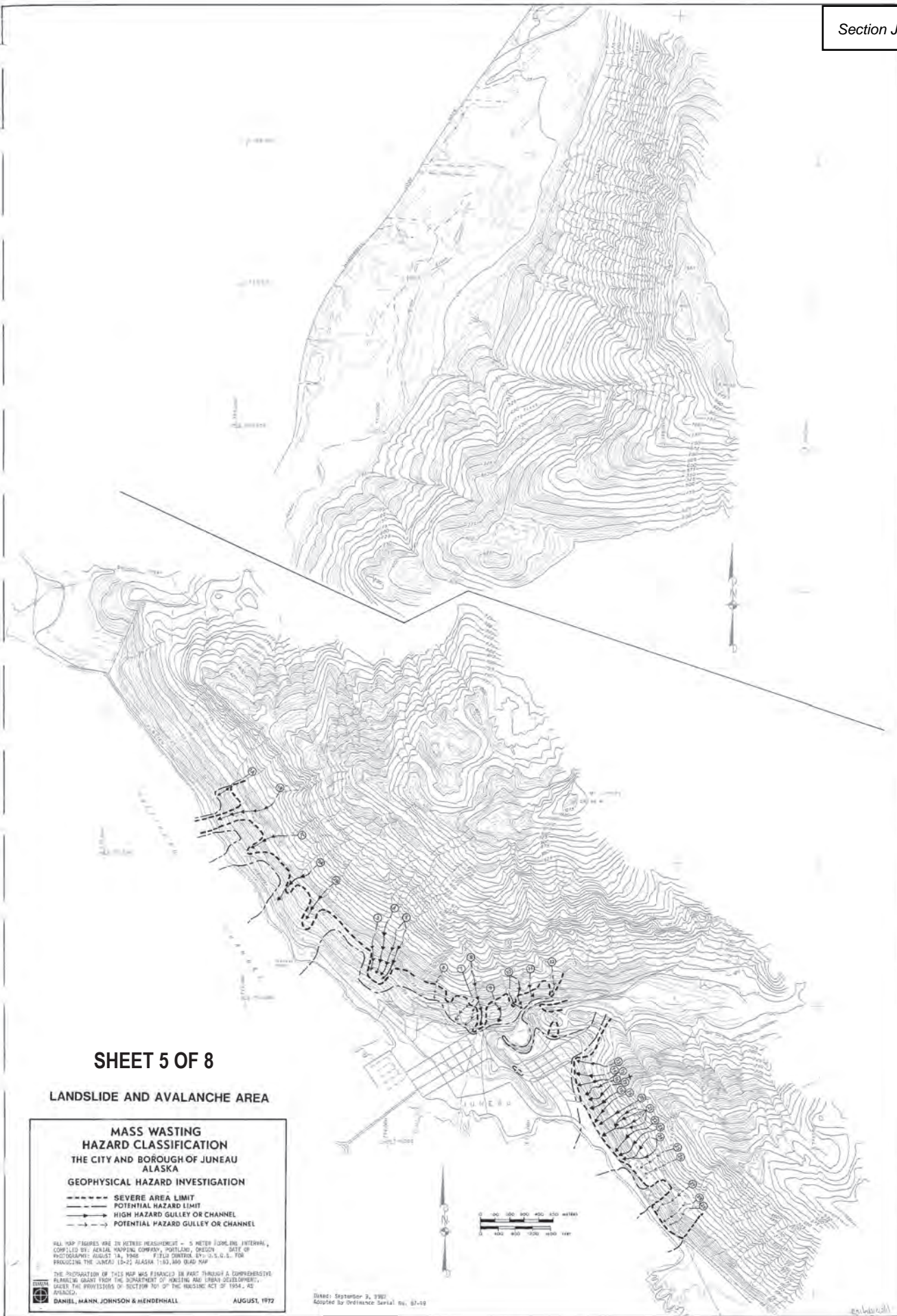
----- POTENTIAL HAZARD LIMIT
..... SUB-AREA BOUNDARIES

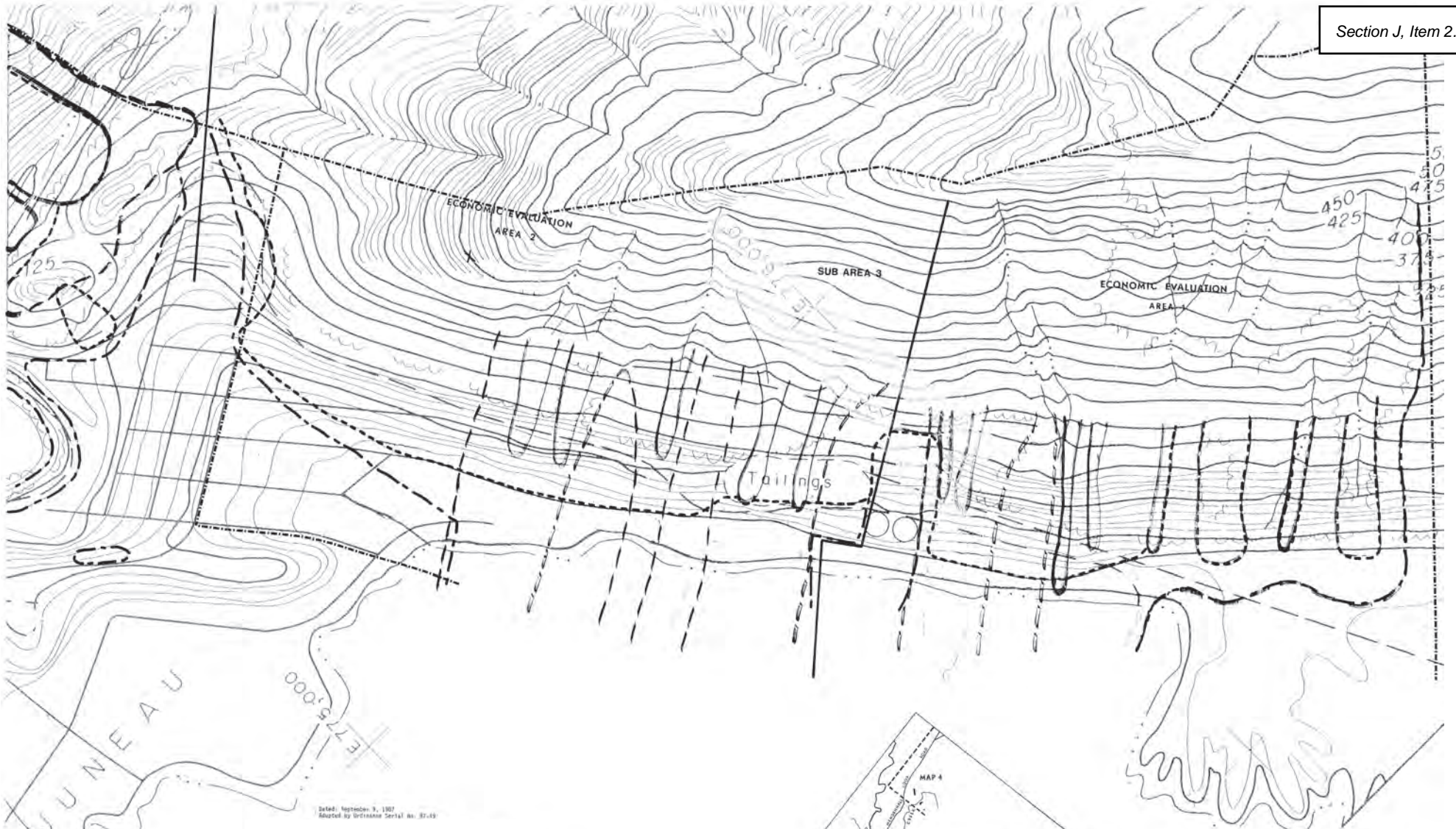
ALL MAP FIGURES ARE IN METRIC MEASUREMENT - 5 METER POINTING INTERVAL,
COMPILED BY AERIAL MAPPING COMPANY, PORTLAND, OREGON DATE OF
PHOTOGRAPHY: AUGUST 14, 1968 FIELD CONTROL BY: U.S.G.S. 1958
PROJECTION: THE UNIVERSAL (8-2) ALASKA 1:62,500 QUAD MAP

THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH A COMMERCIAL
PLANNING GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
UNDER THE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954, AS
AMENDED.

DANIEL, MANN, JOHNSON & MENDENHALL AUGUST, 1972

Dated: September 8, 1987
Adopted by Ordinance Serial No. 87-01





Dated: September 3, 1987
Sourced by Wetlands Serial No. 87-49

LANDSLIDE AND AVALANCHE AREAS

COMPOSITE HAZARD AREAS
THE CITY AND BOROUGH OF JUNEAU
ALASKA

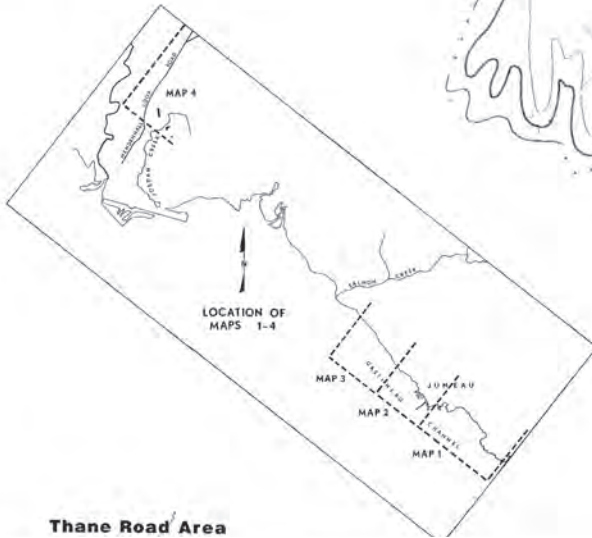
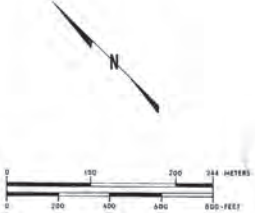
GEOPHYSICAL HAZARD INVESTIGATION
 MAP 1 OF 4

--- SEVERE AREA LIMIT
 - - - - - POTENTIAL HAZARD LIMIT

ALL MAP FIGURES ARE IN METRIC MEASUREMENT - 5 METER TOPOLINE INTERVAL.
 COMPILED BY: AERIAL MAPPING COMPANY, PORTLAND, OREGON DATE OF PHOTOGRAPHY: AUGUST 14, 1946 FIELD CONTROL BY: U.S.G.S. FOR PROJECTED FOR AERIAL PHOTO ALASKA 1:50,000 SCALE MAP

THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH A COMPREHENSIVE PLANNING GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNDER THE PROVISIONS OF SECTION 104 OF THE HOUSING ACT OF 1949, AS AMENDED.

DANIEL, HANH, JOHNSON & HEIDENHALL AUGUST, 1992



**JUNEAU AREA MASS-WASTING &
SNOW AVALANCHE HAZARD ANALYSIS**

Prepared for:

City and Borough of Juneau

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February 1992

TABLE OF CONTENTS

1. OBJECTIVES AND LIMITATIONS 1

1.1 Project Objectives 1

1.2 Limitations of the Study 1

2. DESCRIPTION OF MASS-WASTING PROCESSES 3

2.1 Debris Avalanches 3

 2.1.1 *Release Conditions* 3

 2.1.2 *Motion and Consequences to Development* 5

2.2 Debris Flows 6

 2.2.1 *Release Conditions and Flow Form* 6

 2.2.2 *Debris Flow Motion and Consequences to Development* 6

3. MASS-WASTING SEVERITY CLASSIFICATIONS 7

3.1 Mass-wasting Influence Areas 7

3.2 Severe Hazard Influence Areas 7

3.3 Special Engineering Influence Areas 8

3.4 Change of Hazard Classification 8

4. SNOW AVALANCHE HAZARD: CHARACTERISTICS AND CONSEQUENCES IN THE JUNEAU STUDY AREA 9

4.1 Avalanche Release, Motion, and Impact Effects 9

4.2 The Behrends Avenue and White Subdivision Avalanche Paths 12

5. SNOW AVALANCHE HAZARD CLASSIFICATIONS 16

5.1 Definition of High Severity Avalanche Areas 16

5.2 Definition of Special Engineering Avalanche Areas 17

5.3 Unaffected Areas 17

6. REVIEW OF CITY AND BOROUGH OF JUNEAU (CBJ) HAZARD ORDINANCES 17

APPENDIX A: RECORDED SNOW AVALANCHE EVENTS AFFECTING THE BEHRENDS AVENUE AND WHITE SUBDIVISION AVALANCHE PATHS, 1890-1991 20

APPENDIX B: SNOW AVALANCHE AND MASS-WASTING HAZARD MAPS

Map Index 28

Mass-Wasting Influence Areas: Map A 29

Mass-Wasting Influence Areas: Map B 30

Mass-Wasting Influence Areas: Map C 31

Mass-Wasting Influence Areas: Map D 32

Avalanche Hazard Zones, Behrends Ave. Path: Map E (1) 33

Avalanche Hazard Zones, Behrends Ave. Path: Map E (2) 34

Mass-Wasting Influence Areas: Map F 35

Mass-Wasting Influence Areas, White Subdivision: Photo Map G 36

Avalanche Hazard Zones, White Subdivision: Photo Map H 37

LIST OF FIGURES

Figure 1: Location Map 2

Figure 2: Debris Avalanche, S. Franklin St., 1936 3

Figure 3: Debris Avalanche, Gastineau Ave. area, 1920 4

Figure 4: Debris Avalanche, Gastineau Ave. area, 1936 5

Figure 5: Powderblast Damage, Behrends Avenue, 1962 11

Figure 6: Snow Avalanche, White Subdivision, 1985 15

1. OBJECTIVES AND LIMITATIONS

1.1 Project Objectives

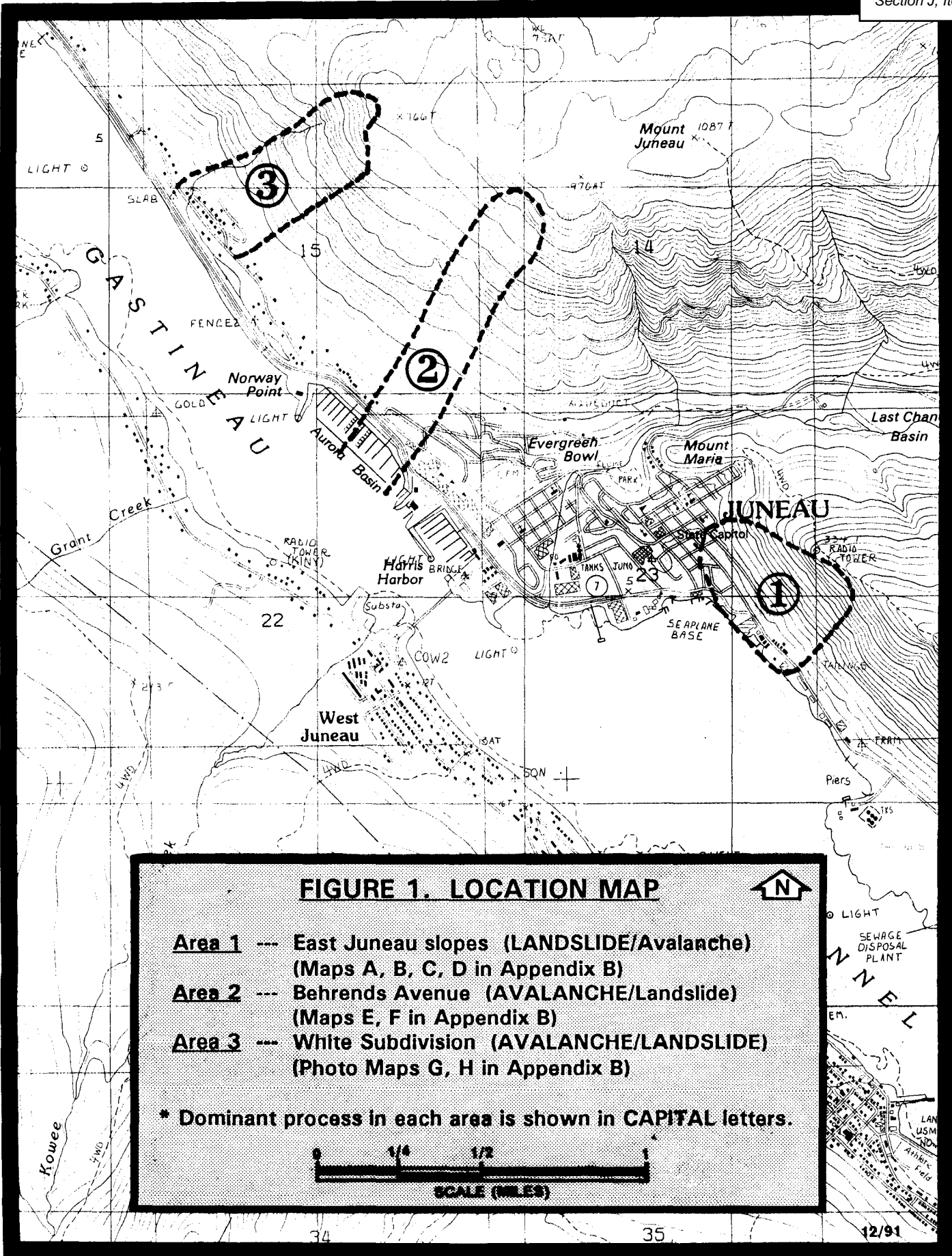
In accordance with Contract No. RFP 91-147, Juneau Hazard Area Update Project, this analysis has the following objectives:

- a. Re-evaluation of the following mass-wasting and snow avalanche areas (see Figure 1) mapped in 1972 by Daniels, Mann, Johnson, & Mendenhall (DMJM): the east Juneau area, the Behrends Avenue avalanche path, and White Subdivision;
- b. Mapping of mass-wasting and snow avalanche boundaries on new 1" = 100' scale topographic maps (where available) or on color aerial photographs;
- c. Separation of mass-wasting and snow avalanche hazard areas on new topographic maps (where available) or on aerial photographs;
- d. Description of mass-wasting and snow-avalanche processes and affected areas;
- e. Definition of hazard severity zones; and
- f. Suggestions for modifications to the Juneau hazard area ordinance.

1.2 Limitations of the Study

This study also has the following specific limitations which should be understood by all those using the results:

- a. Present soil and slope conditions were evaluated, however, significant modifications to the vegetative cover on the slopes could change the mass-wasting frequency or the avalanche frequency and size;
- b. Current methods, observations, and quantification procedures have been used to describe mass-wasting and snow avalanches affecting the Juneau area, however, future research and observations may modify the conclusions presented here;
- c. Site-specific analysis will be required to define the physical processes and constraints to development at each site; the present study and accompanying maps cannot be used for this purpose; and
- d. Additional mass-wasting and snow-avalanche areas, as defined in a 1972 study by DMJM, exist in the greater Juneau area but are beyond the scope of this study.



2. DESCRIPTION OF MASS-WASTING PROCESSES

Principal *mass-wasting* processes in the Juneau area are debris avalanches, debris slides, debris flows, and rockfall. These processes are often lumped under the general classification "landslides" with the understanding that the processes may differ considerably in release, motion, and impact characteristics, and may affect development differently. Within the areas studied and remapped in this report (see Figure 1), the most important landslide types are debris avalanches and debris flows. The release conditions, form of motion, and consequences of impact are discussed in subsequent sections.

2.1 Debris Avalanches

2.1.1 Release Conditions

Debris avalanches (or debris slides) are the primary mass-wasting process on the steep slopes above eastern Juneau. These processes begin primarily as translational landslides characterized by a planar rupture surface. In accordance with soil mechanics tests (DMJM, 1972), failures can occur on slopes in excess of 28° and slopes in excess of 37° are highly susceptible to translational failure. Inspection of the terrain in the eastern Mt. Roberts area above Gastineau Avenue indicates that slopes are sufficiently steep for debris avalanche activity. Furthermore, these slopes have a well documented history of landslides (see Figures 2-5 for examples) and large debris avalanches occurred prior to the development of Juneau. Although translational landslides will be the most common mode of slope failure initiation, rotational landslides may also occur, resulting in deeper failure planes and greater volume.

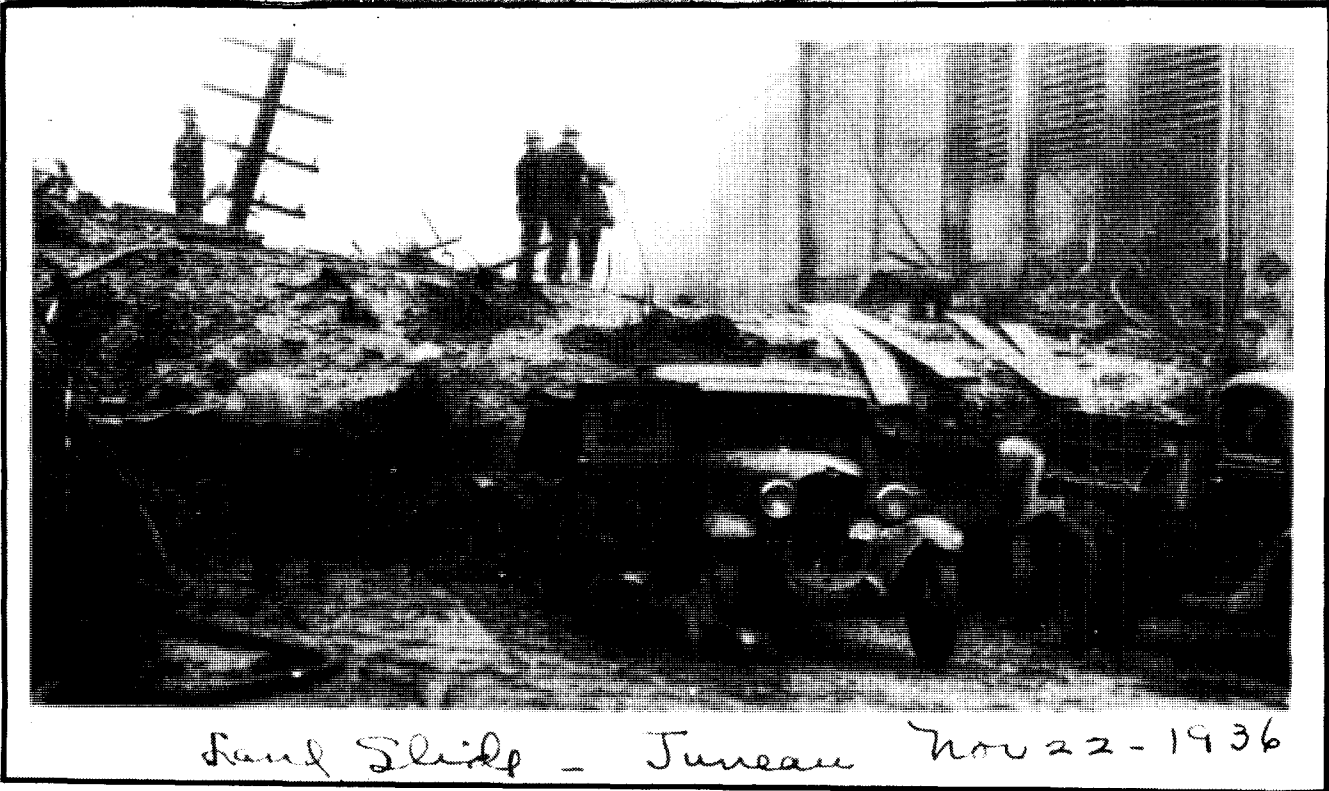


Figure 2. Debris avalanches such as this one on S. Franklin St. (Nov. 22, 1936) exert large thrust pressures against fixed objects while moving and significant depositional forces after movement stops. Flows can be several feet thick and carry rocks and large trees. Source: Alaska Historical Library, Early Prints of Alaska Collection.

Debris avalanches require (1) unconsolidated (loose) material on steep slopes, and (2) an adequate moisture source to weaken and lubricate the slide material. The Juneau area has sufficient unconsolidated material on steep slopes and an abundant moisture source. Historically, the largest and most destructive landslides have been associated with more than 1.5 inches of rain in a 24-hour period (DMJM, 1972). Precipitation records indicate that precipitation intensities of 2.0 inches in 24 hours can be expected at return periods of 5-10 years. Therefore, the conditions necessary for production of debris avalanches continue to prevail today even though major, destructive debris avalanches do not occur frequently.

Slopes are most susceptible to debris avalanches when vegetation is sparse and root systems are not available to anchor, reinforce, and consolidate the soil mass. Inspection of photographs taken in the early part of this century indicates that tree cover was less continuous than today. This may correlate with more destructive and more frequent debris avalanche activity earlier this century. However, there also exists clear evidence (in the form of deposits) that major debris avalanches occurred prior to the settlement of Juneau. These major slides, which terminated in Gastineau Channel, occurred when forest cover was undisturbed and in a natural state. Clearly, unstable soil conditions and debris avalanches can occur even within a forested slope, a fact that has been observed throughout many of the world's mountain areas. The potential for future landslides exists today.



Figure 3. This view of the area between Gastineau Ave. and S. Franklin St. (Jan. 2, 1920) illustrates how buildings were destroyed by a debris avalanches through the processes of impact and relocation. Source: Alaska Historical Library, Early Prints of Alaska Collection.

2.1.2 Motion and Consequences to Development

Debris avalanches accelerate rapidly on steep, water-saturated slopes, entrain additional soil, rock, and vegetative material during descent, and may reach velocities of 10 to 30 feet per second (approximately 7-20 mph) on steep terrain. When fully developed, the slides are several feet thick and will be studded with large rocks and trees which protrude from their upper surfaces. Although they reach high speeds on steep slopes, they also decelerate rapidly on gentle slopes. Moderate-sized debris avalanches will usually deposit most of their material on slopes of more than 10°. Road cuts will catch most of the material of moderate-sized slides. Therefore, the hazard from moderate-sized debris avalanches will decrease below road cuts. The larger avalanches, however, will overrun and fill in road cuts and will advance onto lesser gradients at the base of the slope.

Buildings exposed to fast-moving debris avalanches on steep slopes will be severely damaged, destroyed, or relocated by the impact. Impact pressures can exceed 1,000 lbs/ft², well in excess of the lateral loading capacity of wood-frame buildings, however, impact characteristics will be highly variable and will depend on velocity, density, and the presence of large rocks in the moving avalanche. Damage to structures can occur by crushing, rupture of walls by soil, rock, and vegetation impact, and relocation of structures. Because the debris avalanche process is highly variable from one location to another, even within the same general slope area, site-specific study will always be required to specify the risk to development and to design mitigation measures (see Figures 2, 3 & 4).



Figure 4. This debris avalanche on Oct. 16, 1936 destroyed buildings between Gastineau Ave. and S. Franklin St. by crushing and relocation. Source: Alaska Historical Library, Early Prints of Alaska Collection.

2.2 Debris Flows

2.2.1 Release Conditions and Flow Form

Debris flows occur in small, steep drainage basins such as those above the White Subdivision and Behrends Avenue areas. Similar to debris avalanches, *debris flows* also require steep slopes, unconsolidated surface material and an abundant source of moisture. Debris flows will often begin as translational or rotational landslides (like the debris avalanches discussed in Section 2.1), and may, in fact, have been debris avalanches during the initial stages of motion. The avalanche material, however, will typically flow into steep channels which are already conveying large water discharges. Here they become mixed with water and quickly evolve into a laminar or turbulent flow capable of transporting a large concentration of solid material. Water and additional debris can be entrained into the flows within the flood channels. The entrained water reduces internal strength and friction and enables the flows to advance for long distances on alluvial fan gradients of 5° to 15°.

Debris flows will typically reach velocities of 10 to 30 feet per second (approximately 7-20 mph) on steep slopes, but can advance at velocities of 5 to 15 feet per second (approximately 3-10 mph) for long distances on gradients of 5° to 15°. Clear evidence for active debris flow activity exists on the entire alluvial fan above the White Subdivision (see Photo Map G, Appendix B), in the steep channels above Gastineau Avenue (Maps A & B, Appendix B), and above the eastern portion of the Behrends Avenue avalanche path (Map F, Appendix B). They can also occur in channels on the slopes above eastern Juneau, but debris avalanches are the greater hazard there. Flows containing rocks up to 3 feet long, mud, and fragments of trees and other vegetation have been deposited against trees, and within numerous lobe-shaped deposits above Behrends and White Subdivisions. Therefore, debris flow is an active process at these locations.

2.2.2 Debris-flow Motion and Consequences to Development

A single debris flow episode will often produce several distinct surges of debris each as much as 5-10 feet thick. Each surge will carry water and mud as matrix material that provides strength to the flow, however, large boulders and trees are often carried near the upper surfaces, several feet above the channel bottom. Average densities will be 100-120 lbs/ft². The separate surges may reach the alluvial fan at intervals of one minute or more and each will be followed by muddy flood water which tends to erode and redistribute the debris over the fan surface. The earlier deposits (or those from prior debris flow episodes) may tend to deflect subsequent surges into unpredictable directions, therefore the flows, unlike water flooding, will not necessarily follow stream channels. This unpredictability in flow direction must be carefully considered in mitigation.

Debris flows can damage or destroy structures by crushing, erosion or deposition of mud and debris, or by pushing buildings off foundations. Typical impact pressures near the bottoms of the alluvial fans where development is located, will range from 100 to 1000 lbs/ft², well in excess of wood-frame building lateral-loading capacity, but pressure characteristics will be complicated by the presence of large rocks and tree trunks, which are often carried near the upper surfaces of flow surges several feet above the ground. Solid impact of boulders and large tree trunks at high levels must be considered in

designing mitigation. Depositional pressures may control mitigation design in some cases as debris is deposited to depths of several feet against the uphill sides and on horizontal surfaces of structures. As noted above, the unpredictable nature of flow paths on alluvial fans makes definition of "safe" areas difficult and unreliable. We have mapped the entire fans as mass-wasting influence areas, based on evidence of previous deposition.

3. MASS-WASTING SEVERITY CLASSIFICATIONS

3.1 Mass-wasting Influence Areas

The mass-wasting maps accompanying this report (see Appendix B) define *mass-wasting influence areas*. These mapped areas may be subject primarily to debris avalanches (slopes above eastern Juneau) or debris flows (White Subdivision and Behrends Avenue areas). We have subdivided the influence areas into "Severe Hazard" and "Special Engineering" areas based on potential hazard severity. Although these two processes have been described separately in Section 2, debris avalanche and debris flow consequences will be similar because both processes will contain mud and rock flows of high densities. Therefore the "Severe Hazard" and "Special Engineering" areas defined below apply to both processes.

3.2 Severe Hazard Influence Areas

Debris avalanches and debris flows within *severe hazard influence areas* have the following characteristics:

- a. Velocities may reach 15 to 30 ft/sec (approximately 10-20 mph);
- b. Flow depths may be 5 feet or more;
- c. Impact pressures over the entire flow depth may exceed 1000 lbs/ft²;
- d. Depositional loads on exposed horizontal surfaces may reach 1000 lbs/ft²;
- e. Normal (wood-frame) construction will be severely damaged or destroyed by impact and depositional loading; and
- f. Structural mitigation is possible with careful study, design, and construction methods, but reinforcement of wood-frame buildings may not be possible.

As discussed in more detail in Section 3.4, site specific locations within designated "severe hazard influence areas" may be subject to local conditions (i.e., small scale topographic features, soil, slope, water, or vegetation characteristics) which justify reclassification of the potential hazard.

3.3 Special Engineering Influence Areas

Special engineering influence areas are affected by debris flows or debris avalanches which are either smaller or less energetic than those in the severe hazard influence areas. The *special engineering influence areas* have the following debris flow or debris avalanche characteristics:

- a. Velocities will generally be less than 15 ft/sec (approximately 10 mph);
- b. Flow depths will be less than 5 feet;
- c. Impact pressures will range from 100 to 1000 lbs/ft²; ¹
- d. Depositional loads on exposed horizontal surfaces will be less than 1000 lbs/ft²;
- e. Normal wood-frame construction can be severely damaged or destroyed by impact, crushing, relocation, or flooding; and
- f. Structural mitigation is possible at special-engineering sites and can be used in typical cases to protect objects.

As discussed in more detail in Section 3.4, the designation of "influence area" suggests that sites within the "special engineering areas" and "severe hazard areas" may have small-scale topographic features, or soil, slope, water, or vegetation characteristics that may justify reclassification of the potential hazard.

3.4 Change of Hazard Classification

Within both the severe and special engineering mass-wasting influence areas, as the term "influence area" implies, severity will vary considerably from one location to another. Even the detailed topographic maps do not show surface features with a resolution sufficient to define the hazard on a site-specific basis. Therefore, adjacent structures within the same hazard classification may be exposed differently. Furthermore, it is beyond the scope of this study to quantify the slope stability, soil, groundwater, and other characteristics that control the potential for mass-wasting processes at a given site. Therefore some sites within the "severe" or "special engineering" may not require special engineering or some sites rated severe may be protected by structural mitigation. Only detailed, site-specific investigations will resolve the final hazard definition. Such studies must be required in all cases.

¹ The pressure range (100-1000 lbs/ft²) suggests the uncertainty in specifying the impact pressure of a highly inhomogeneous flow mass. It differs, therefore, from the pressure definition used in the snow avalanche zones.

Page 561-57: 49.70.210 (1) (d) -- No change is recommended.

Page 561-66: 49.70.300 (a) (1) -- No change is recommended.

Page 561-66: 49.70.300 (a) (2) -- CHANGE TO: Boundaries of severe and special engineering areas will be shown on the sensitive area map and the landslide and snow-avalanche area maps dated [new date], consisting of sheets [# through #], as the same may be amended from time to time by the Assembly by ordinance.

Page 561-66: 49.70.300 (a) (3) -- No change is recommended.

Page 561-66: 49.70.300 (a) (4) -- CHANGE TO: If a developer disagrees with the boundaries shown on the maps, he may seek departmental relocation of the boundaries by submitting site-specific studies prepared by an engineer, geologist, or recognized specialist in snow-avalanche or mass-wasting behavior, energy, velocity, and destructive potential. Such studies shall include detailed analyses of topography, vegetation, soil and snow conditions, storm and climate analysis, and other factors relevant to the description of the snow-avalanche or mass-wasting process. The study must describe how each of the factors was used in re-evaluating the snow-avalanche or mass-wasting hazard. The results must indicate hazard boundaries and the physical characteristics of the process (extent, velocity, energy, flow height, impact and depositional loading, etc.). If, in the opinion of the City engineer, the studies clearly establish that the proposed revisions are appropriate and development can safely proceed with no hazard increase, the department shall proceed accordingly.

Page 561-66: 49.70.300 (a) (5) -- CHANGE TO: The commission may require structural mitigating measures certified as effective by a professional engineer for development in landslide and avalanche areas. Structural mitigation measures must decrease the hazard to a level acceptable to the commission. Such structures may be included in the design of the building or may be separated from it, but they must not deflect avalanches or mass-wasting processes onto adjacent public or private property, streets, right-of-ways, or utilities, thus increasing the hazard to these properties.

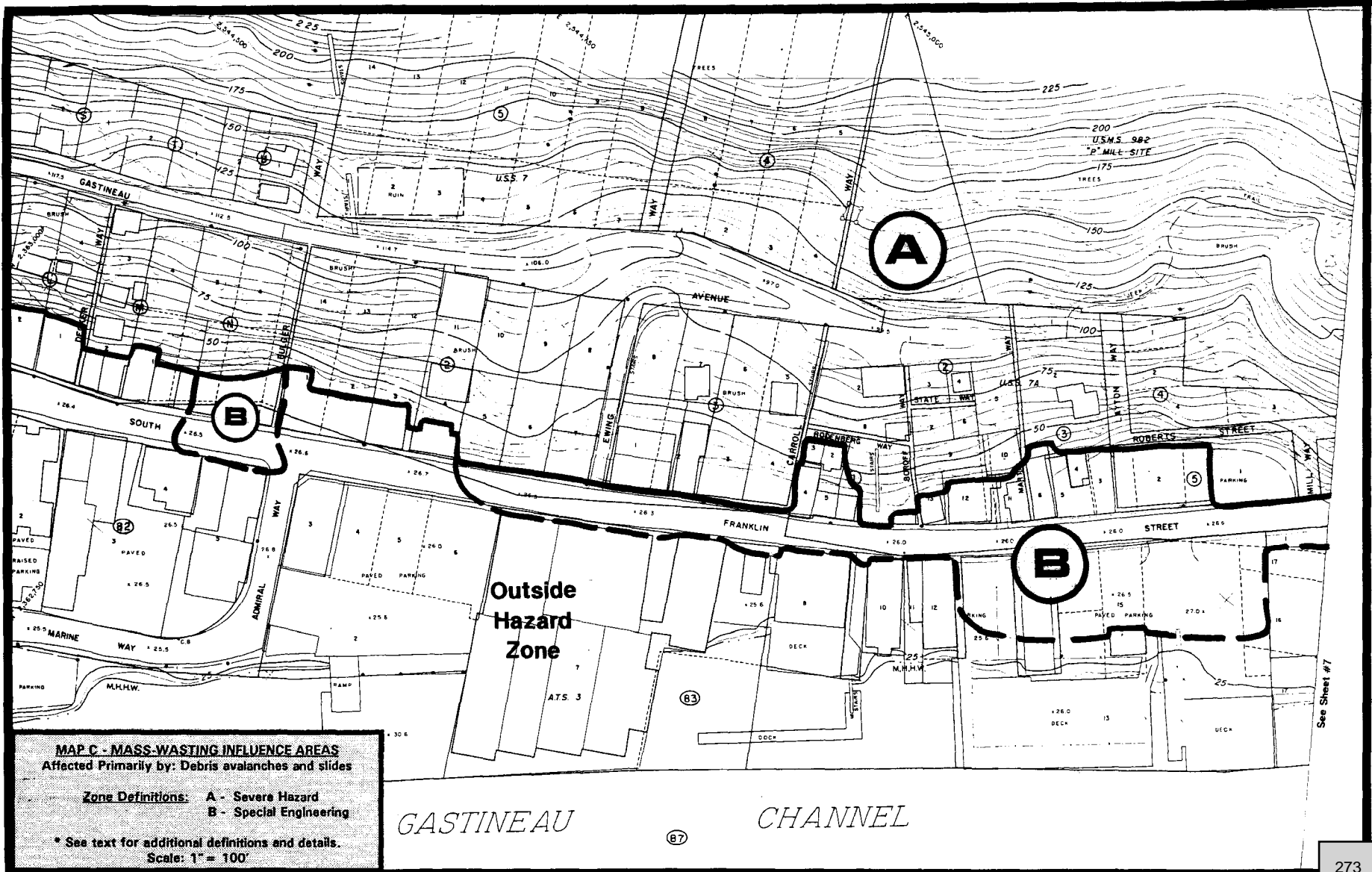
Page 561-66: 49.70.300 (b) (1) -- No change is recommended.

Page 561-67: 49.70.300 (b) (2) -- No change is recommended.

Page 561-67: 49.70.300 (c) -- CHANGE TO: Warning and disclaimer of liability. Snow avalanches and landslides may occur suddenly and unexpectedly and cannot be defined, quantified, or precisely mitigated. They may extend beyond mapped hazard boundaries due to natural or man-made causes or because of the inherent inaccuracies in the mapping process. This section does not imply that land outside of designated hazard areas, or uses permitted within such areas, will be free from danger or damage. This chapter shall not create liability on the part of the City and Borough of Juneau or any officer, employee, or consultant thereof, for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Page 561-91: 49.70.910 (b) -- No change is recommended.

MASS WASTING: MAP C



JUNEAU — DOUGLAS
 TOPOGRAPHICAL BASE MAP
 THE CITY AND BOROUGH OF JUNEAU
 DIVISION OF ENGINEERING
 475 SOUTH BEAUM STREET
 JUNEAU, ALASKA 99901

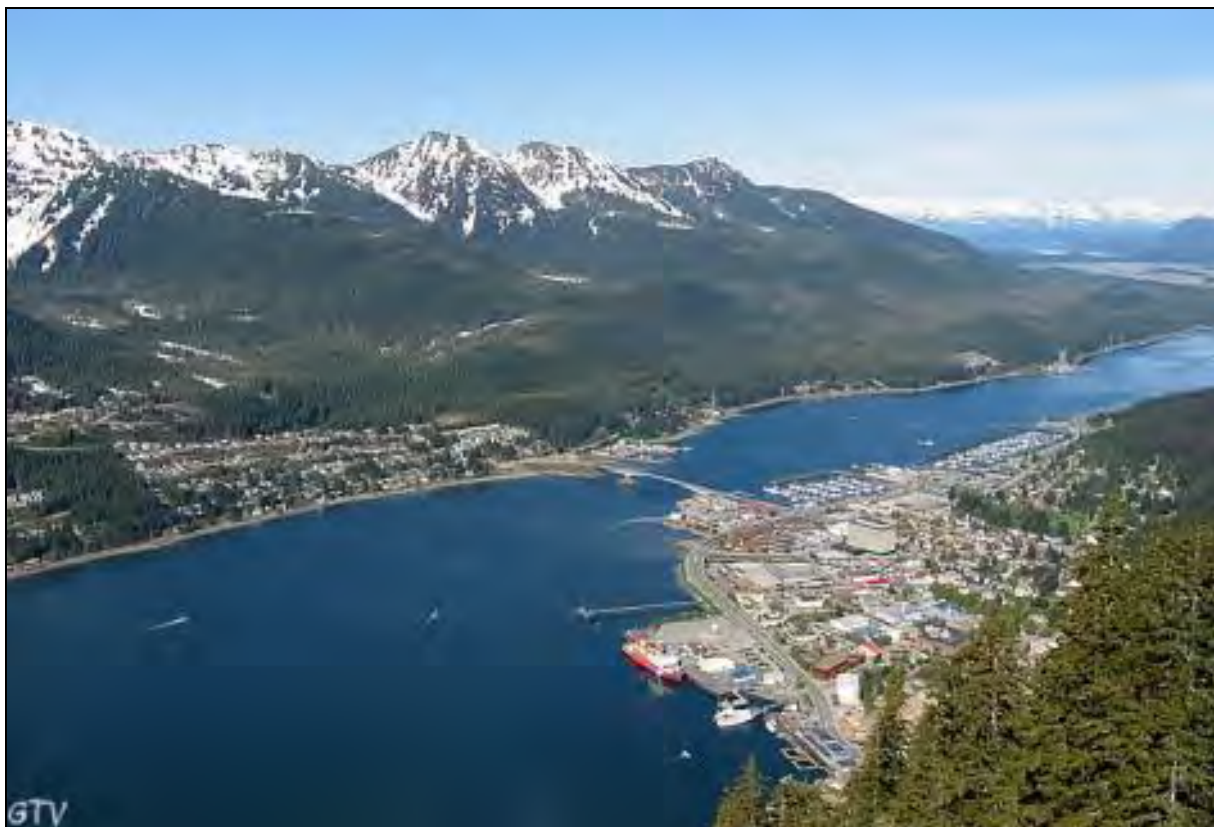
MAP C - MASS-WASTING INFLUENCE AREAS
 Affected Primarily by: Debris avalanches and slides

Zone Definitions: A - Severe Hazard
 B - Special Engineering

* See text for additional definitions and details.
 Scale: 1" = 100'

See Sheet #7

The City and Borough of Juneau

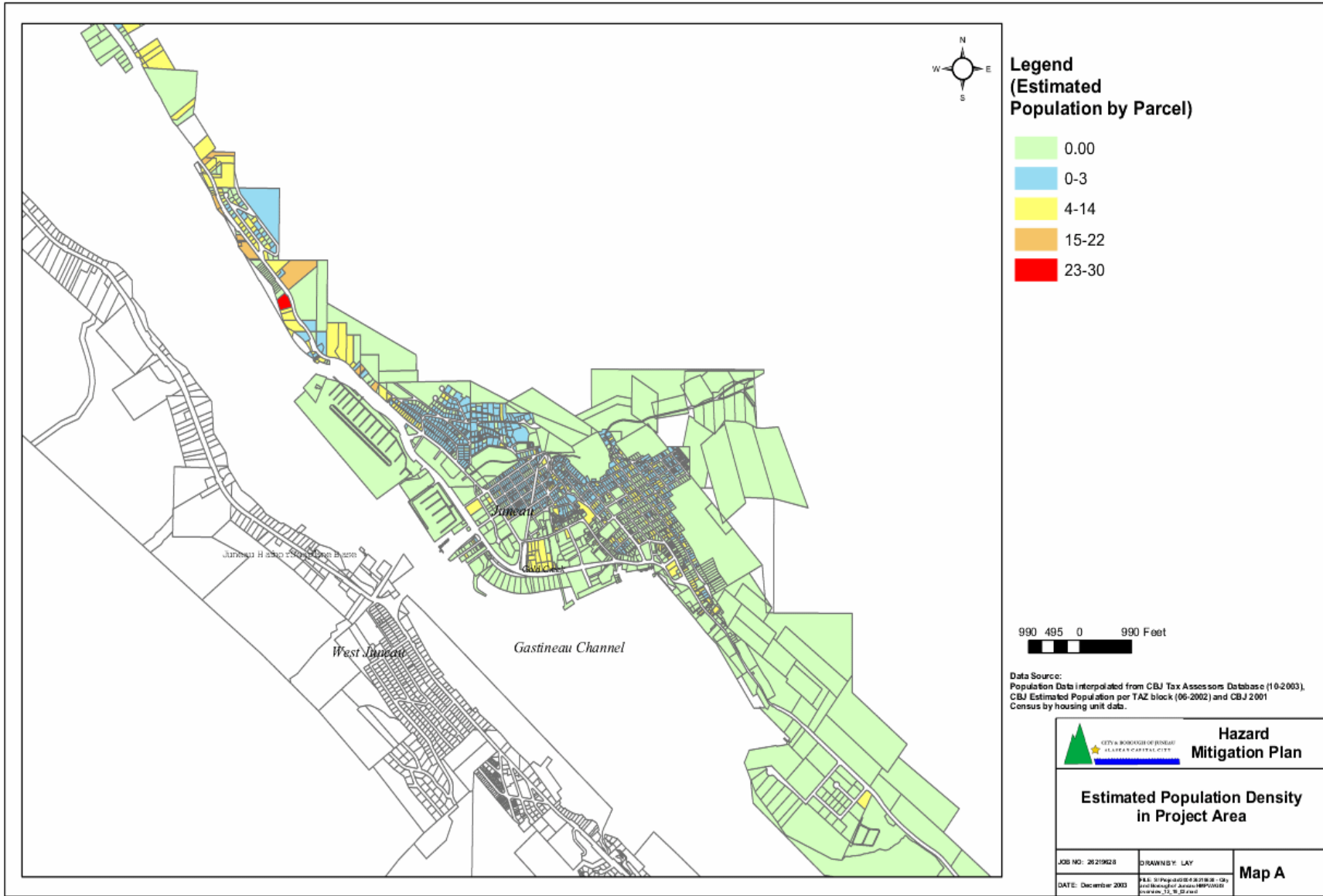


All-Hazards Mitigation Plan

2012

FINAL

August 12, 2012



Map 2 Estimated Population Density in Project Area

AVALANCHE

Avalanches take more lives nationwide than any other natural disaster event. Most avalanche deaths result from snow sport activities such as skiing, snowboarding, and snowmobiling, and the majority of the time the victim triggers the fatal avalanche. Avalanches tend to occur repeatedly in localized areas and can shear trees, cover communities and transportation routes with packed snow and debris, destroy buildings, and kill people caught by slides.

Avalanches are of special concern to Juneau because parts of the city are located directly beneath avalanche paths. National experts consider Juneau to have one of the most hazardous avalanche areas in the country because of the combined threat from the Behrends and White paths as well as the many paths that empty onto Thane Road. Avalanches have hit, damaged or destroyed at least 72 buildings within a 10-mile radius of downtown Juneau in the past century.

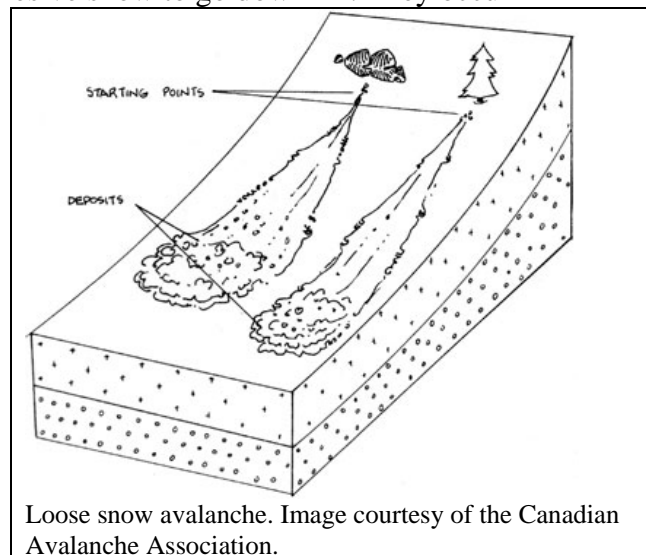
Hazard Description and Characterization

A snow avalanche is a swift, downhill-moving snow mass. The amount of damage is related to the size of the slide, type of avalanche, the composition and consistency of the material in the avalanche, the force and velocity of the flow, and the avalanche path.

Avalanche Types

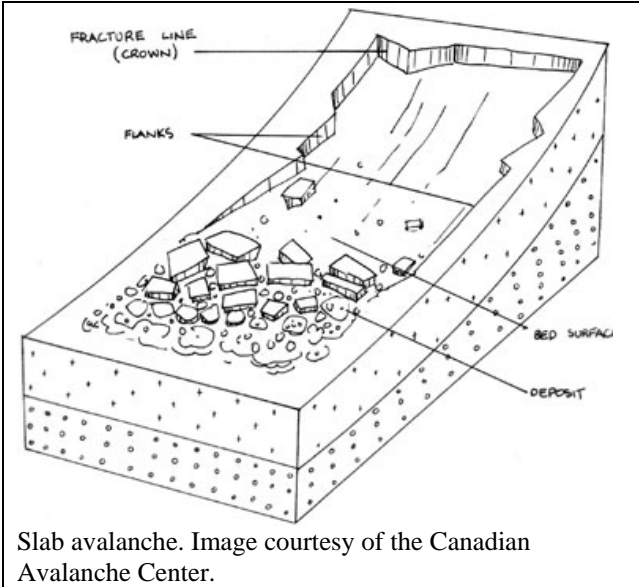
Loose Snow Avalanches

Loose snow avalanches, sometimes called point releases, generally occur when a small amount of uncohesive snow slips and causes more uncohesive snow to go downhill. They occur frequently as small local sloughs which remove excess snow (involving just the upper layers of snow) keeping the slopes relatively safe. They can be large and destructive, though. For example, wet loose snow avalanches occurring in the spring are very damaging. Loose snow avalanches can also trigger slab avalanches. Loose snow avalanches typically occur on slopes above 35 degrees, leaving behind an inverted V-shaped scar. They are often caused by snow overloading (common during or just after a snowstorm) or warming (triggered by rain, rising temperatures or solar radiation).



Slab Avalanches

Slab avalanches are the most dangerous types of avalanches. They happen when a mass of cohesive snow breaks away and travels down the mountainside. Slab avalanches occur as a result of the presence of structural weaknesses within interfacing layers of the snowpack. The weakness exists when a relatively strong, cohesive snow layer overlies weaker snow or is not well bonded to the underlying layer. The weaknesses are caused by changes in the thickness and type of snow covers due to changes in temperature or multiple snowfalls.



The interface fails for several reasons. It can fail naturally due to earthquakes, blizzards, temperature changes or other seismic and climatic causes, or artificially by human activity. When a slab is released, it accelerates, gaining speed and mass as it travels downhill. Slabs can range in thickness from less than an inch to 35 feet or greater.

Cornice Collapse

A cornice is an overhanging snow mass formed by wind blowing snow over a ridge crest or the sides of a gully. The cornice can break off and trigger bigger snow avalanches when it hits the wind-loaded snow pillow.

Ice Fall Avalanches

Ice fall avalanches result from the sudden fall of broken glacier ice down a steep slope. They can be unpredictable as it is hard to know when ice falls are imminent. Despite common belief, they are unrelated to temperature, time of day or other typical avalanche factors.

Avalanche Terrain Factors

There are several factors that influence avalanche conditions, with the main ones being slope angle, slope aspect and terrain. Other factors include slope shape, vegetation cover, elevation, and path history. Avalanches usually occur on slopes 35 to 60 degrees and can occur on slopes of 25-35 degrees, but are not as likely at that slope angle because gravity does not sufficiently stress the weak layers of the snow pack. As slope angles above 70°, the snow tends to slough off and does not have the opportunity to accumulate. Avalanches can occur outside the optimum slope angle range, but are not as common.

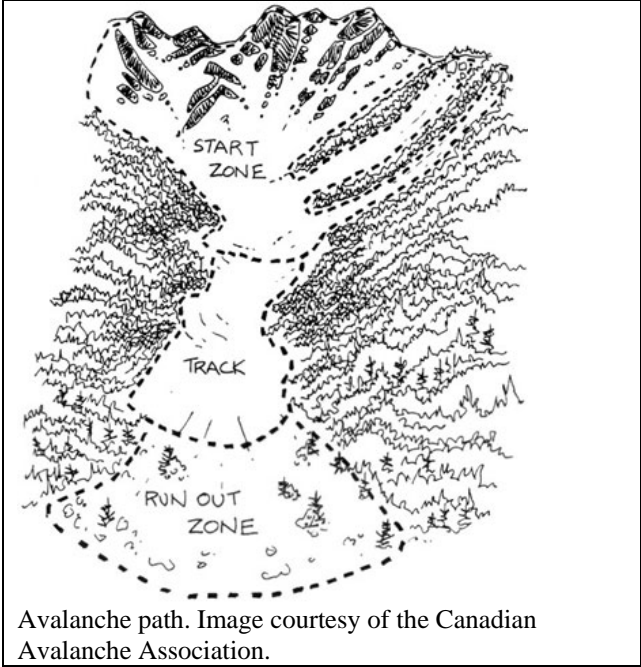
Slope aspect, also termed orientation, describes the direction a slope faces with respect to the wind and sun. Leeward slopes (slopes facing away from wind and snow) loaded by wind-transported snow are problematic because the wind-deposited snow increases the stress and enhances slab formation. Intense direct sunlight can weaken and lubricate the bonds between the snow grains, weakening the snowpack. Shaded slopes are also potentially unstable because the weak layers may be held for a longer time in an unstable state.

The local terrain features determine an avalanche’s path. The path has three parts: the starting zone, the track, and the run-out zone. The starting zone is where the snow breaks loose and starts sliding. It’s generally near the top of a canyon, bowl, ridge, etc., with steep slopes between 25 and 50 degrees. Snowfall is usually significant in this area.

The track is the actual path followed by an avalanche. The track can have milder slopes, between 15 and 30 degrees, but it is where the snow avalanche will reach maximum velocity and mass. Tracks can branch or converge, creating successive runs that increase the threat, especially when multiple releases share a run-out zone.

The run-out zone is a gentler slope at the path base where the avalanche slows down, resulting in snow and debris deposition.

The impact pressure determines the amount of damage caused by a snow avalanche. The impact pressure is related to the density, volume (mass) and velocity of the avalanche.



Urban Avalanches

Avalanche fatalities are common in areas where winter sports are popular. The most well-known avalanche deaths are those involving skiers, snowmobilers and snowboarders; however urban avalanche events that interface with infrastructure have proven to be particularly deadly and have occurred with relative frequency around the world. In many events, the avalanche danger was well known by both residents and officials; however the avalanches occurred before any decisive action could be taken.

Table 8 Sample of Fatal Urban Avalanche Events 1900-2002

| Where | When | Fatalities |
|--------------------------|--------------|-------------|
| Stevens Pass, Washington | 3-1-1910 | 96 |
| Blons, Austria | January 1954 | 56 |
| Santa Valley, Peru | 1-10-62 | Up to 4,000 |
| Val d’Isere, France | 1971 | 39 |
| Chamonix, France | 1971 | 72 |
| Azob Pass, Tajikistan | October 1997 | 46 |

| Where | When | Fatalities |
|--------------------------|---------|------------|
| Roudehen, Iran | 1-13-98 | 32 |
| Dushanbe, Tajikistan | 2-23-98 | 11 |
| Darbandi, Afghanistan | 4-7-98 | 70 |
| Kangiqsualujjuaq, Quebec | 1-1-99 | 9 |
| Gorkha, Nepal | 1-2-99 | 6 |
| Montroc, France | 2-9-99 | 12 |
| Galtuer, Austria | 3-2-99 | 20 |
| Valzur, Austria | 3-4-99 | 5 |
| Karmadon, Russia | 9-21-02 | 100-150 |

This listing is incomplete as there was even an urban avalanche fatality in Alaska as recent as 2000. Europe and other regions of the world have also experienced many other avalanche fatalities. These events are hard to catalog as there is no complete listing.

Urban avalanches that do not prove fatal are also significant as they can result in interrupted utility services, delays in emergency response, and damage to roads and other infrastructure.

Local Avalanche Hazard Identification

Juneau is one of the most hazardous avalanche areas in the country in terms of the number of residential structures exposed to slides. In the past 100 years, more than 70 buildings within 10 miles of downtown Juneau have been hit, damaged or destroyed by avalanches. At present, Juneau has 60 buildings, including one hotel, in high avalanche hazard zones; plus an expressway and a boat harbor.

During the ski season, Eaglecrest Ski Patrol provides daily avalanche bulletins relating to conditions on the ski area. These conditions can generally be assumed to reflect conditions on the mountains around downtown Juneau. CBJ has combined its Emergency Programs Manager position with an Avalanche Forecasting position. Now CBJ has Daily Avalanche Forecasts for the urban areas affected by the possibility of avalanche. These forecasts can be found on the internet at Juneau.org/avalanche.

Avalanche Classification and Terminology

Avalanche Return Intervals:

Most avalanches in a given path are relatively small and frequent, affecting only a small portion of the potential path area. Occasionally, much larger avalanches release which extend nearly to the observed limits of the path. These larger events are usually referred to as “10 year” events but in reality, reflect an order of magnitude return period between 3 years and 30 years. On rare occasions, exceptionally large avalanches occur which extend well beyond the established boundaries of the paths. These avalanches, often referred to as “100 or 300 year” avalanches, are likely to affect all or most of the potential path area.

A design avalanche is defined as an avalanche occurring within an order of magnitude range between 30 years and 300 years. Statistically, design avalanches have a 1% probability of occurring during any given year, but could occur in consecutive years or many years apart.

For the purposes of this report, “return intervals” have been calculated for each relevant avalanche path. The concept of return intervals is not intended to provide a forecast or estimate for the future occurrence of a large avalanche; rather it is used as a general quantifier for the hazard a given path presents. A long return interval generally indicates a less frequent, but larger, slide. For instance, based on historical information, the return interval for large avalanches in the Behrends Avenue path is estimated to be approximately 14.4 years, based upon 7 major events in 101 years (1890, 1917, 1926, 1935, 1946, 1962, and 1985). The number of years of historical record for avalanches affecting the White Subdivision is even shorter than the Behrends Avenue path. Buildings in the White path have been hit on four occasions in the past ten years. Based on data from the last 34 years (the period of record), the return period for large avalanches affecting private property in the White path is 3.6 years. This does not imply that a damaging avalanche is certain to occur within those return intervals, but rather provides a general guideline for estimating the risk for each path.

Little is known about the avalanche history of the smaller paths affecting newer areas of White Subdivision because development is relatively recent and no records have been routinely maintained by the CBJ.

Snow Avalanche Hazard Classifications

High Hazard/Severe Hazard/High Severity Zones are subject to avalanches with:

- a. return periods of less than 30 years, and
- b. impact pressures of greater than 600 lbs/ft²

Special Engineering/Moderate Hazard Zones are subject to avalanches with:

- a. return periods between 30 and 300 years, and
- b. impact pressures less than 600 lbs/ft²

Juneau-area Urban Avalanche Vulnerability

There are 62 houses, 1 hotel, 2 sections of the Egan Expressway (at the Behrends Avenue and White Subdivision paths), 2 major thoroughfares (Glacier Highway/Egan Drive and Thane

Road), a number of streets and roads (in the Behrends Avenue and White Subdivision paths, plus Basin Road), the Flume between Gold Creek and Evergreen Avenue, and much of Aurora Basin boat harbor in mapped avalanche zones. There are 40 residential homes in the severe hazard zone and 22 plus the Breakwater Inn hotel in the moderate hazard zone.

These paths have the potential to produce very large and destructive avalanches. Avalanches have occurred since the houses have been built but none of those slides were the largest that any given path could produce. Historical reports of much larger slides exist, and it is likely that the largest possible avalanches have not yet occurred in the relatively short period of time since the town of Juneau was established. These major events could far exceed anything in the historical record.

A very large avalanche could destroy buildings, sweep vehicles off roads, and damage or destroy boats in Aurora Basin. Such catastrophic slides could also block Glacier Highway and the Egan Expressway at the White and Behrends Avenue paths. A slide of this magnitude could also take out power and phone lines as well as separating 50% of the community from the hospital and airport. Large slides can also occur on Thane Road and in heavily used areas near Basin Road.

Table 9 Juneau Avalanche Path Systems

| Path | Details |
|--|--|
| Behrends | 14.4 year return interval. Threatens 42 residential homes; 31 in severe hazard zone. 1 hotel and harbor in moderate hazard zone. Slides can cross Glacier Highway and Egan Expressway. |
| Gold Creek -Mt Juneau (multiple paths) | Paths include Bathe Creek, Flume, Gnarly, Chop Gully, Green Weenie, and Sunshine. Slides can affect the Flume, Basin Road, and lower Perseverance Trail. |
| Gold Creek -Snowslide Gulch | Affects Gold Creek and the A-J Mine drainage tunnel; dusts Perseverance Trail and the Mining Museum footbridge. Slide from this path dammed Gold Creek in 2001. |
| Greenhouse | Not mapped as affecting houses or roads, but can reach Glacier Highway. |
| Thane Road (multiple paths) | 19+ paths. State of Alaska Department of Transportation (DOT) conducts avalanche control via explosives. |
| Unmapped | Unmapped paths above Gastineau Avenue and South Franklin Street. |
| White | 3.6 year return interval. Threatens 20 residential homes; 9 in severe hazard zone. Slides can reach Old Glacier Highway and Egan Expressway. |



White Subdivision residence after avalanche of February 20, 1985. Only the second story is visible above the avalanche debris. Photo by Doug Fesler.



JUNEAU URBAN SNOW AVALANCHE PATHS

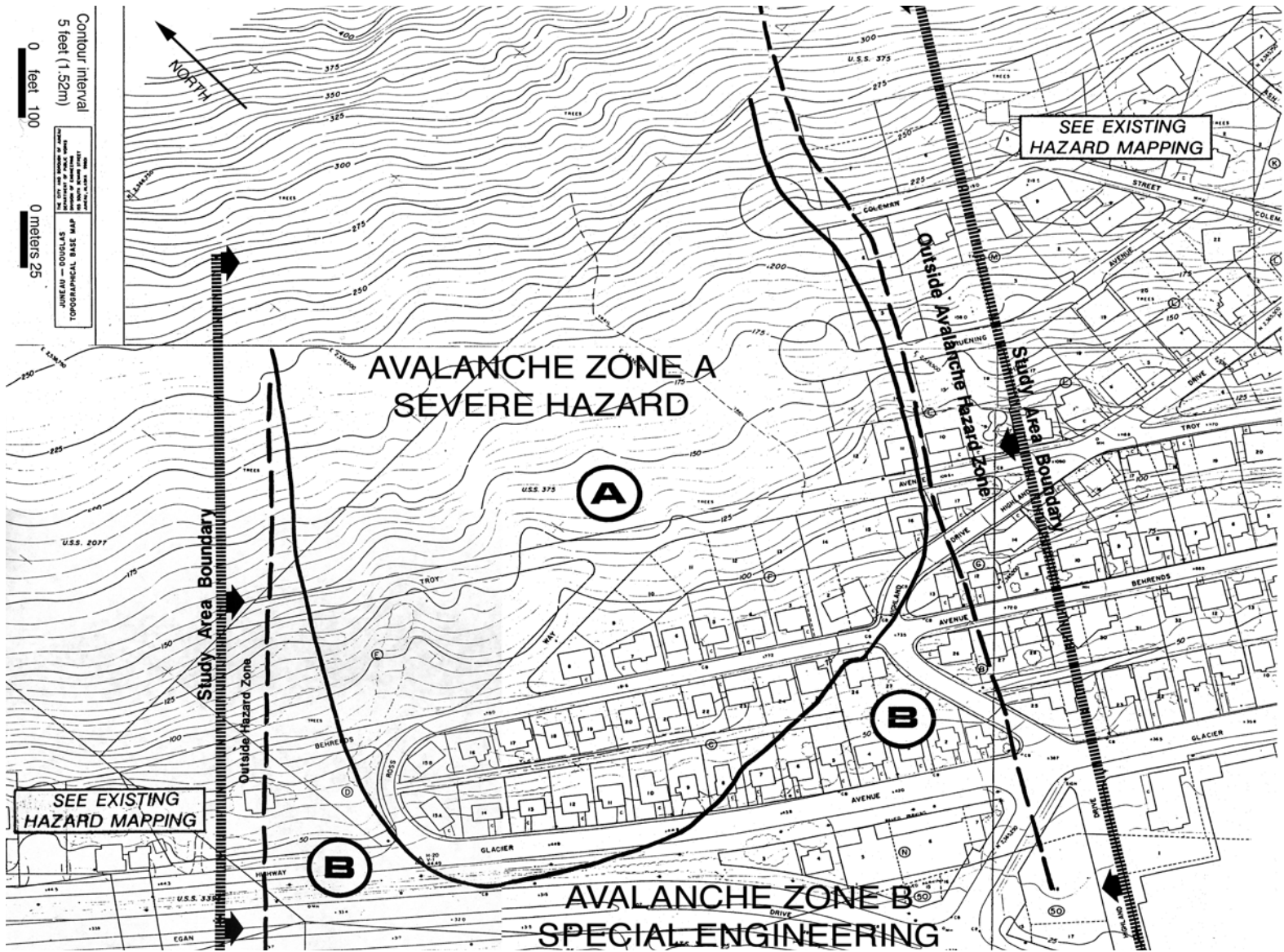
Avalanche Paths ©Bill Glude 2002 Southeast Alaska Avalanche Center
 Base Maps USGS Juneau (B-2) SE & (B-1) SW Metric 1:25,000
 Unlabeled Paths: J009 Other Gold Creek Paths



Map 4 Juneau Snow Avalanche Paths

Behrends Avenue Avalanche Path Map

Adapted from 1992 CBJ Mears-Fessler Report



Map 4 Behrends Avenue Avalanche Path



Map 5 White Subdivision Avalanche Path Map

Juneau Urban Avalanche History

The information contained in this summary was researched and compiled by Doug Fesler, Jill Fredston, and Art Mears of the Alaska Mountain Safety Center, Inc. Although not a complete history of the Behrends Avenue and White Subdivision avalanche paths, this inventory represents the most complete history ever compiled and is based upon the best information available at the time the report was written(1991). Numerous other local avalanche paths produce dozens of avalanches each year. Since this table was created there have been numerous close calls but no other severe damage has been recorded.

Table 10 Avalanche History of the Behrends and White Paths

| Behrends Avenue Path | |
|----------------------------|--|
| Date | Details |
| 1890 | A large avalanche reportedly reached tidewater in the vicinity of present day Aurora Basin Small Boat Harbor |
| March or April, 1917 | A large slide with significant powder blast reportedly blocked the road (the predecessor of Glacier Highway) and destroyed a considerable number of trees, but did not reach the beach. |
| 1926 | A large slide reportedly stopped 300' above Glacier Highway, although one finger blocked the road and reached tidewater. |
| 1935 | A large wet slab avalanche reportedly crossed Glacier Highway, blocking the road below the present-day subdivision. |
| 1946 | A large wet slab avalanche reportedly stopped in the trees (in the vicinity of present day Behrends Avenue), just above 1735 Glacier Avenue. |
| March 12, 1962 | A moderate sized avalanche with debris approximately 10'-15' deep and 600' wide stopped approximately 375' above Behrends and Troy Avenues. |
| March 22, 1962, 5:30 am | The most destructive avalanche in recent years. Approximately 35 residential structures on three streets were damaged, seven with severe damage and ten with moderate damage. In addition, considerable personal property, numerous vehicles, utility poles, power and telephone lines, fences, and trees were destroyed or damaged. |
| Winter 1965-66 | 40 small slides recorded. |
| February 10, 1966, 11am | Debris stopped approximately 1000' above the subdivision. |
| February 17, 1966, 12:30pm | Debris stopped approximately 350'-450' above the subdivision on the east side. 17 other small slides were also recorded from same storm in the same path. |
| February 22, 1966, 2pm | A large wet slab avalanche fell along the eastern side of the path, terminating approximately 400' up slope from the subdivision. A second long running slide descended the central portion of the path, stopping 500'-600' above the subdivision. Four other small slides were recorded during this storm in this path. |
| February 28, 1966 | 22 small avalanches were recorded on this date. |
| March 14, 1966 | Numerous small loose snow and wet slab releases were observed on this date. |
| April 3, 1966, 3pm | A moderate size wet slab avalanche terminated approximately 800' above the subdivision. |
| April 9, 1966 | A large wet slab release was reported. |
| January 10, 1971, 1:30pm | The only avalanche fatality known to have occurred in the Behrends Avenue path resulted on this date when a mountain climber descended into the upper part of the path, triggering a slide. Four slides reportedly fell during the day, causing powder blast to extend into the |

| Behrends Avenue Path | |
|-----------------------------|---|
| Date | Details |
| | subdivision and nearly to tidewater. |
| February 21, 1971, 10:30am | A moderate size avalanche with debris 8'-10' deep and 200' wide stopped 400'-450' above houses. |
| March 3, 1971, 5:30pm | A moderate avalanche reportedly dusted the subdivision and deposited some snow (from powder blast) in the yards of houses in Behrends before terminating in the vicinity of Glacier Ave. The debris flow stopped short of the subdivision. |
| April 3, 1971, 8am | A moderate sized avalanche stopped approximately 800' above 232 Behrends Avenue. |
| March 1972, prior to 8am | Two moderate sized slides descended the eastern and western sides of the path, stopping approximately 800' above the houses on Behrends Avenue. A third slide stopped in the gully. |
| December 16, 1975, 12:15pm | An avalanche of unknown dimensions descended Behrends path on this date. |
| January 1980 | A moderate sized avalanche "dusted" the subdivision with powder blast that continued to tidewater. Debris stopped short of reaching the subdivision. |
| March 7, 1982 | A large avalanche stopped in the trees just above the subdivision. |
| February 26, 1985 4-5pm | Four or five small slides were reported during the day with one larger slide terminating at the base of the mountain above the subdivision. |
| February 26, 1985, 8:10pm | Debris from a large slide, the largest in recent years, hit and damaged one residential structure and stopped short of hitting several others. |
| 1990-91 winter | Two avalanches occurred during this winter, one extending from the base of the transverse gully on the eastern side and one from the drainage of the western creek, terminating approximately 500' up slope from the houses on Behrends Avenue. |
| White Path | |
| Date | Details |
| March 22, 1962 | A large slide extended into the trees above Glacier Highway extending nearly to the edge of the highway. |
| February 16, 1971 | A large wet slide extended into the trees above homes. |
| January 19, 1972, 10:37 am | A soft slab avalanche triggered by strong NE winds terminated in the trees, at the base of the gully. |
| March 11, 1972 | A small-moderate sized avalanche reportedly terminated approximately 1000' above nearest houses on Glacier Ave. |
| Winter/Spring 1981 | A large avalanche hit the gray condominium on Glacier Avenue while it was under construction. Debris came through the 2 X 4 frame walls and into the basement. |
| January 2, 1985 | An avalanche 12' deep and 60' wide stopped approximately 30' above homes. |
| January 14, 1985 | An avalanche of unknown size reportedly stopped short of reaching the subdivision. |
| February 20, 1985, 9:50pm | A large avalanche hit and damaged one residential structure and partly buried one vehicle and a cache of building materials. |

| White Path | |
|------------------------|--|
| Date | Details |
| March 18, 1985, 5:30am | A large avalanche hit and damaged one residential structure and stopped short of several others. |
| January 25, 1989 | A large avalanche with debris measuring 8'-12' deep and 200' wide stopped 30' above homes. |
| February 22, 1990 | A large avalanche hit one house and missed another house by 20'. |
| March 1991 | A large slide reached Wickersham Avenue. |

This listing is incomplete as we no longer track avalanche that only come near homes. On average since 2008 2-4 avalanches come near building structures on an annual basis but only damaging avalanches are tallied.

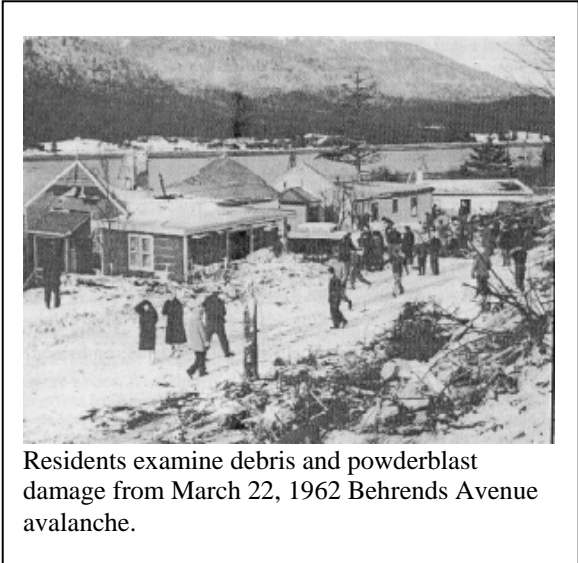
Avalanche Hazards Summary

Potential Damage

- Damage/destruction of structures
- Damage to infrastructure
- Transportation interruption
- Power interruption
- Loss of commerce

Impacts to Humans

- Loss of life
- Crushing/impact injuries
- Displaced persons/lack of shelter



Residents examine debris and powderblast damage from March 22, 1962 Behrends Avenue avalanche.

Avalanche Hazard Vulnerability

The nature and extent of historical and potential avalanche hazards in the Juneau area are described above. For the purposes of the vulnerability assessment, the following resources, listed in order of preference (preference meaning the most comprehensive data available), were utilized to map the extent of avalanche hazard zones in the Juneau area. Data from these sources were divided into high and moderate hazard zones as described below and depicted on Map 7 on page 11:

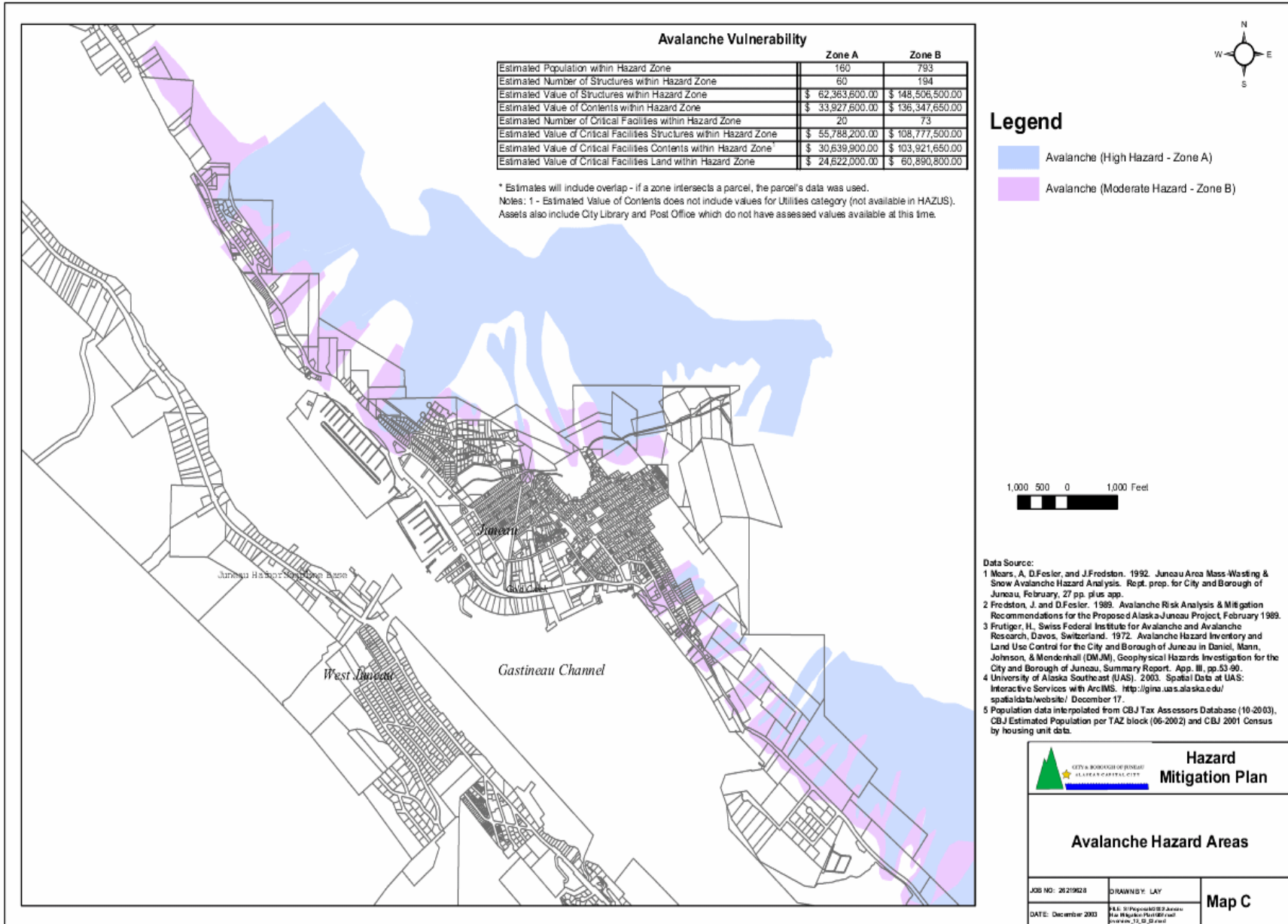
- Mears and others (1992)¹ provide maps of the Behrends Avenue and White Subdivisions in the northwest part of Juneau, which depict a Zone A (Severe Hazard) and Zone B (Special Engineering Zone {buildings must be specially engineered to be constructed within the hazard zone}) for each of these neighborhoods.
- Fredston and Fesler (1989)² completed a map of probable 20-year and 100-year avalanche boundaries for the southeast end of downtown Juneau near the wastewater treatment facility. These zones are included in the high and moderate hazard avalanche categories, respectively, in the vulnerability assessment.
- Two data sources were utilized to map high and moderate avalanche boundaries in areas of Juneau not covered by the two site-specific studies described above. Where the two data sources are not in exact agreement, the more conservative of the two was preferentially chosen for use in the vulnerability assessment:
 - Frutiger (1972)³ completed a map of high and potential avalanche hazards for the greater downtown Juneau area as part of a broader geophysical hazard investigation.
 - GIS data available from the University Of Alaska Southeast (UAS) (2003)⁴, based on research by Bill Glude at the Southeast Alaska Avalanche Center, depict high avalanche hazard areas around the north side and northwest end of downtown, as well as southeast of downtown along Thane Road.

¹ Mears, A., D. Fesler, and J. Fredston. 1992. Juneau Area Mass-Wasting & Snow Avalanche Hazard Analysis. Rept. prep. for City and Borough of Juneau. February. 27 p. plus app.

² Fesler, D. and J. Fredston. 1989. Avalanche Risk Analysis & Mitigation Recommendations for the Proposed Alaska-Juneau Project. Rept. prep. for Echo Bay Exploration, Inc. February. 33 p. plus app.

³ Frutiger, H., Swiss Federal Institute for Avalanche and Avalanche Research, Davos, Switzerland. 1972. Avalanche Hazard Inventory and Land Use Control for the City and Borough of Juneau in Daniel, Mann, Johnson, & Mendenhall (DMJM), Geophysical Hazards Investigation for the City and Borough of Juneau, Summary Report. App. III, pp.53-90.

⁴ Frutiger, H., Swiss Federal Institute for Avalanche and Avalanche Research, Davos, Switzerland. 1972. Avalanche Hazard Inventory and Land Use Control for the City and Borough of Juneau in Daniel, Mann, Johnson, & Mendenhall (DMJM), Geophysical Hazards Investigation for the City and Borough of Juneau, Summary Report. App. III, pp.53-90.



Map 6 Avalanche Hazard Areas

Other avalanche information reviewed as part of the vulnerability assessment included maps depicting avalanche and landslide hazards combined into one hazard category, which were developed by the CBJ Planning Department and utilized by Carson Dorn, Inc. (2001)⁵ in a recent hazard analysis. These maps were not used in the vulnerability assessment in an effort to provide different loss estimates for avalanches and landslides as separate categories.

Existing Community Assets

Community assets considered in the vulnerability assessment include an inventory of structures, infrastructure facilities, and the contents of structures. Structure and infrastructure values were provided in GIS format by the CBJ Tax Assessor’s Office for the downtown area by land parcel. Values of structures were treated independently from property values, which were not included in the loss estimates for avalanche hazards. That is, it was assumed that property without a developed structure would not experience financial loss in the event of an avalanche.

Structure values were obtained from the CBJ tax assessor’s database for the following numbers of structures in seven different occupancy classifications: 9,257 residential, 539 commercial, 94 government, 54 utilities, 41 religious or non-profit, 244 industrial, and 17 educational. The value of contents within structures was estimated based on guidelines published by FEMA⁶, which provide estimates by structure type as a percentage of overall structural value. For the purpose of the vulnerability assessment, it was assumed that a total loss for both structure and contents would occur in the event of an avalanche.

The values data were queried in the GIS database for parcels that overlap a high and/or moderate avalanche hazard zone. Loss estimates resulting from this inventory are summarized on Map 7 on page 11. Structural losses within the high hazard zones are estimated to total approximately \$62 million, while those in the moderate hazard/special engineering zones are estimated to total about \$148 million. The estimated value of structure contents totals approximately \$34 million in the high hazard zones and \$136 million in the moderate hazard zones. These figures include the value of all structures whose parcels overlap a high and/or moderate avalanche hazard zone, including commercial and undeveloped properties.

A 2001 study by the Southeast Alaska Avalanche Center focused solely on residential property values in the Behrends and White Subdivisions that are vulnerable to moderate and/or severe avalanche hazard areas. The approximate value of all residential properties in the Behrends and White moderate and severe hazard zones was approximately \$13 million as of 2001, including undeveloped properties.

⁵ Carson Dorn Inc. 2001. Hazard Analysis, City and Borough of Juneau. March. 85 p.

⁶ Federal Emergency Management Agency (FEMA). 2001. State and Local Mitigation Planning, How-to Guide for Understanding Your Risks: Identifying Hazards and Estimating Losses, FEMA 386-2. August.

Critical Facilities

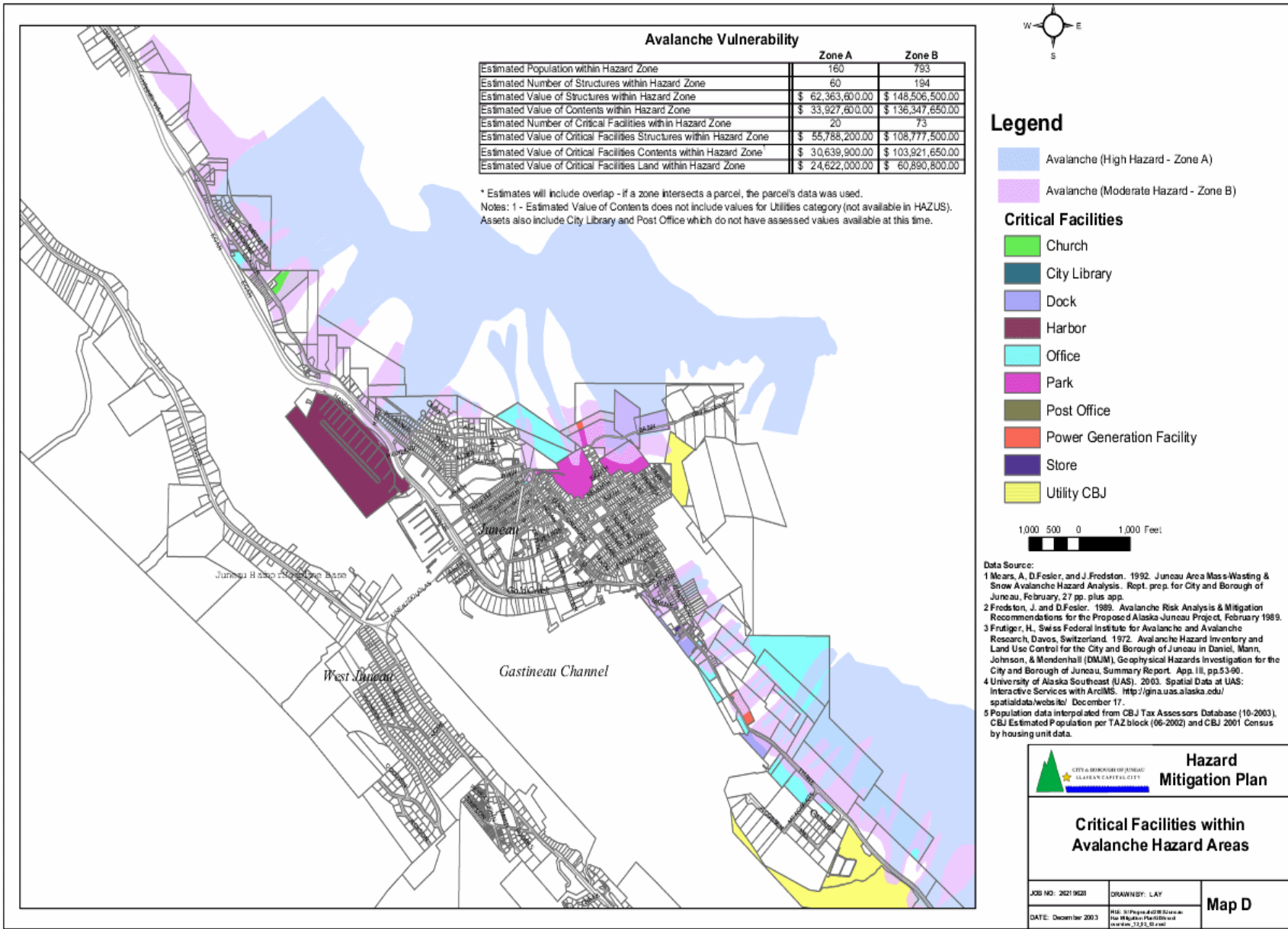
Critical facilities were identified within the high and moderate avalanche hazard zones as a subset of the total community assets. Facilities were designated as critical if they are: (1) vulnerable due to the type of occupant (children, elderly, hospitalized, etc.); (2) critical to the community’s ability to function (roads, power generation facilities, water treatment facilities, etc.); (3) have a historic value to the community (cemetery, museum, etc.); or (4) critical to the community in the event of a hazard occurring (police, fire stations, hospitals, emergency operations centers, etc.).

The following types of critical facilities were identified within the high and moderate hazard zones: Churches, City Library, Docks, Harbors, Offices, Parks, a Post Office, Power Generation Facilities, Stores and CBJ Utilities. An inventory of the number of critical facilities in each avalanche hazard zone is detailed below and shown on Map 7 on page 11.

Table 11 Critical Facilities in Avalanche Hazard Zones

| Avalanche High Hazard Zone A | Number of Critical Facilities | Avalanche Moderate Hazard Zone B | Number of Critical Facilities |
|------------------------------|-------------------------------|----------------------------------|-------------------------------|
| Office | 7 | Church | 1 |
| Park | 10 | City Library | 1 |
| Power Generation Facility | 1 | Dock | 4 |
| CBJ Utility | 2 | Harbor | 3 |
| | | Office | 36 |
| | | Park | 8 |
| | | Post Office | 1 |
| | | Power Generation Facility | 2 |
| | | Store | 13 |
| | | CBJ Utility | 4 |

The estimated loss of critical facility structures and their contents in the event of an avalanche totals approximately \$86 million for the high hazard zones and \$213 million for the moderate hazard zones. Table 11 provides a tabulation of the critical facilities estimated loss in the event of an avalanche.



Map 7 Critical Facilities Within Avalanche Hazard Areas

Vulnerable Population

The population of Juneau located within potential avalanche zones was previously estimated by Carson Dorn to be approximately 8,000 people, based on hazard maps depicting a combination of avalanche and landslide hazard zones. Estimates of population loss in this vulnerability assessment are based on avalanche hazard zones only, as well as the following assumptions:

- Average population per parcel was calculated using CBJ population housing type codes (2001 Census data), TAZ codes, and geographic area population estimates. Total population by housing unit was divided by total number of parcels to determine population by parcel.
- Population data was not available for other than residential housing units (unless a commercial or industrial coded parcel had a residential housing unit code applied to it {e.g. COMM/1+AP}).
- Population information is not currently available to assist in identifying the number of persons employed by parcel. For the purposes of this project, it is assumed that approximately 16,700 people are currently employed in the Juneau area (2000 Census data). Based on the locations of offices within each hazard area it is conservatively assumed that 25% (4,175 people) of the employable population could be located within any of the three hazard areas at the time of a hazard event.
- Tourism brings over 800,000 visitors per year to the Juneau area. As it is impossible to predict when a hazard may occur, it is also impossible to predict where visitors may be during an event. For this purposes of this project, it is conservatively assumed that 1% (8,000 people) of the yearly tourist population could be located within any of the hazard areas at the time of a hazard event, based on a peak daily cruise ship visitation of 7,500 and 500 independent visitors.
- The survival rate for persons located within a hazard zone in the event of an avalanche was assumed to be zero.

These data were entered into the GIS database and queried where parcels overlapped the high and moderate avalanche zones. The resulting populations total approximately 160 people in the high hazard zones and 793 in the moderate zones.

Future Development

As outlined in the current CBJ Land Use Code (Chapter 49.70⁷), future development is currently restricted to single-family dwellings within potential and severe avalanche/landslide hazard areas mapped by the CBJ Planning Department. Other types of development require a conditional use permit, and hazard zone boundary changes require a site-specific study.

⁷ CBJ. 2001. Land Use, City of Juneau, Alaska. Title 49, Code of Ordinances.

In addition, the current CBJ Comprehensive Plan⁸ indicates the following with regard to future development in avalanche/landslide hazard areas: the inclusion of mitigating standards (e.g. dissipating structures) in the Land Use Code for all development within hazard zones; the designation of all public lands within hazard areas as open space; the prohibition of industrial and resource extraction activities within hazard areas unless shown not to increase the hazard; and the elimination of public facilities development plans that could concentrate people in hazard areas.

Thus, existing land use codes and management plans discourage future development in avalanche hazard areas. If future development were to occur within these zones, estimates of vulnerable community assets and population loss would likely increase.

Data Limitations

The results of the vulnerability assessment and loss estimations are limited by the specificity and accuracy of the data, as well as by the assumptions used in the GIS queries. For example, existing avalanche maps vary from general to site-specific, and do not always agree. The most conservative data was generally used in this assessment; however, it is possible the data could be under-conservative in areas without site-specific studies. The map of avalanche zones in Map 6 is not intended to provide a forecast or define the probability of any particular avalanche event and should be used for planning purposes only.

Assumptions used in the querying of GIS data have generally provided results on the conservative side. Value estimates of structures and contents assumed a total loss in the event of an avalanche. Queries were based on parcel boundaries that touch an avalanche zone, not on building centroids, which would be a more accurate method for defining structure loss (building centroids are not currently available in the CBJ database). Parcels only partially within an avalanche hazard zone were included in the loss estimates. There is also some overlap of loss estimates due to some parcels touching both high and moderate zones. Population loss estimates assume all residents are at home at the time of an event, and that there are no survivors.

Lastly, the total of the loss estimates assumes that avalanche events occur in all chutes at the same time or within a short season.

Avalanche Mitigation

Current CBJ Avalanche Mitigation Activities

1. Avalanche Ordinances: The CBJ adopted an avalanche ordinance in 1987 which restricts development in severe avalanche areas to single family houses that are built to withstand avalanche impact loads. In other mapped avalanche areas such as the moderate hazard zone, all development greater than a single family home requires a conditional use permit. However,

⁸ CBJ Community Development Department. 1996. Comprehensive Plan of the City & Borough of Juneau, 1995 Update. November. 234 p.

since these ordinances have been in place, there has been some development allowed in these areas through variances granted by the CBJ for small buildings or buildings with limited occupancy. The CBJ General Engineering Division is in charge of enforcing these ordinances.

2. *Avalanche hazard investigation and mapping:* There have been several research and mapping projects regarding the avalanche hazard for the CBJ. Avalanche paths in the CBJ area are well documented through these studies.

- 1967: “Report on the Behrends Avenue Avalanche Path” prepared by Keith Hart
- 1972: “Geophysical Hazards Investigation For the City and Borough of Juneau” prepared by Daniel, Mann, Johnson & Mendenhall
- 1992: “Juneau Area Mass-Wasting and Snow Avalanche Hazard Analysis” prepared by Doug Fesler, Jill Fredston, and Art Mears.
- 2003: “Urban Avalanche Response Plan”(Appendix to CBJ Emergency Operations Plan) prepared by Bill Glude.
- 2011 “Avalanche Mitigation Study: Behrends Avenue Avalanche Path and White Subdivision Avalanche Path, Juneau, Alaska.” Prepared by SLF The Swiss Snow Institutes Senior Consultant Stefan Margreth.

3. *Avalanche control:* The Alaska DOT uses a howitzer to control avalanches on Thane Road. Most of the avalanche zones within the CBJ cannot be mitigated against in this way due to the danger to people, property and homes.

4. *Avalanche Forecasting:* The CBJ has a full time avalanche forecaster on staff to deliver daily avalanche forecasts to the community. These forecasts help to notify the public of times when avalanche areas are in high danger and should be avoided.

5. *Avalanche Education:* The CBJ Avalanche Forecaster holds multiple avalanche meetings annually to educate the public about living in a community with avalanche concerns.

CBJ Avalanche Mitigation Ideas

Goal: Reduce the CBJ’s vulnerability to avalanche hazards in terms of threat to life and property.

- **Prohibit new construction in avalanche zones.** Construction in avalanche zones means bigger losses in the future should an avalanche occurs. New construction in hazard zones should be discouraged or prohibited, even if structures are not intended for habitation.
- **Utilize appropriate methods of structural avalanche control.** Containment structures, depending on their design, can prevent snow loads from releasing and forming an avalanche, and/or protect structures by diverting or containing avalanche debris. Such structures include snow fences, diversion/containment structures, snow nets, and reforestation. The 2011 Swiss Study shows layouts for the White Path where these methods should be implemented as soon as possible.

- **Enact buyout of homes in avalanche paths.** A buyout could be implemented to reduce the number of people living in avalanche zones. With the new data available in the 2011 Study Hazard Mitigation Grant Program Funds will be sought to purchase homes in the priority 1-5 affected areas.
- **Update existing structures within avalanche zone to avalanche impact standards.** Structures that already exist can be made safer with structural reinforcements.
- **Promote voluntary evacuation during periods of HIGH or EXTREME avalanche hazard.**
- **Install Automatic Weather Station at the elevation of the starting zones on Mt Juneau.** This would significantly improve the data available for assessing the avalanche danger.
- **Build a Second Gastineau Channel Crossing.** A large avalanche in the White or Behrends Avenue Avalanche Path can block Glacier Highway and Egan Drive and sweep cars off the highways. Such large avalanches would hinder emergency response and block road access to the hospital and the airport. A second crossing would allow permanent road access from downtown to the hospital and airport.

Goal: Promote public education and awareness regarding avalanche hazards.

- Public education:
 - *Continue to educate public about avalanche hazard.* Information can be disseminated to the public through the CBJ Web site, press releases, media ads, and other methods.
 - *Promote mitigation plan effort.* The public should be given all possible opportunities to express their concerns and opinions regarding hazards that threaten their community. The mitigation plan effort is an excellent forum to promote public involvement in the planning process and allows residents to stay informed.
 - *Encourage homeowners to undertake mitigation actions for their own homes.* Knowing more about the hazard and how to protect themselves may enable homeowners to undertake their own mitigation measures.
- **Maintain regular avalanche hazard evaluation and forecasting during the winter months.** Making residents aware of current avalanche danger will help them make an informed decision whether to evacuate during times of high risk. CBJ has an ongoing avalanche forecasting and education program at this time.
- **Attach “high hazard” designation to homes within avalanche zones.** Current disclosure laws require that home buyers be informed regarding the hazards to which a given property is exposed. However, there are no rules regarding how and when the buyer must be told of the hazard. Attaching hazard information to the title or deed to a property will ensure that a new buyer is aware of the hazard.

LANDSLIDES

A landslide is a natural event that causes damage when human activities interface with slide areas. Landslides occur naturally when inherent weaknesses in the rock or soil combine with one or more triggering events such as heavy rain, snowmelt, changes in groundwater level, and seismic or volcanic activity. Erosion that removes material from the base of a slope can also cause naturally triggered landslides. Human activities such as road construction, excavation, and mining can also cause landslides.

Landslides are a significant hazard in Juneau because of the climate, topography, and the presence of other hazards such as earthquakes that might increase the likelihood of a landslide. The possibility of additional hazards caused by landslides compounds the hazard; landslides can trigger tsunamis and flash floods.

Hazard Description and Characterization

Landslide is a generic term for a variety of downslope movements of earth material under the influence of gravity. Some landslides occur rapidly, in mere seconds, while others might take weeks or longer to develop. Landslides usually occur in steep areas. Underwater landslides are also a hazard; usually involve areas of low relief and slope gradients in lakes and reservoirs or in offshore marine setting, and can cause collapse of structures as well as tsunamis.

Human activities that trigger landslides are usually associated with construction such as grading that removes material from the base, loads material at the top, or otherwise alters a slope. Changing drainage patterns, groundwater level, slope and surface water (for example the addition of water to a slope from agricultural or landscape irrigation), roof downspouts, septic-tank effluent, or broken water or sewer lines can also cause landslides. Removal of vegetation from steep slopes can erode the integrity of the ground and lead to landslides.

Three main factors influence landslides: topography, geology and precipitation. Topography and geology are associated with each other; the steeper the slope, the greater the influence from gravity. Rock strength is important as certain bedrock formations or rock types appear to be more prone than others to landslides. Precipitation may erode and undermine slope surfaces. If precipitation is absorbed into the ground, it increases the pore water pressure and lubricates weak zones of rock or soil.

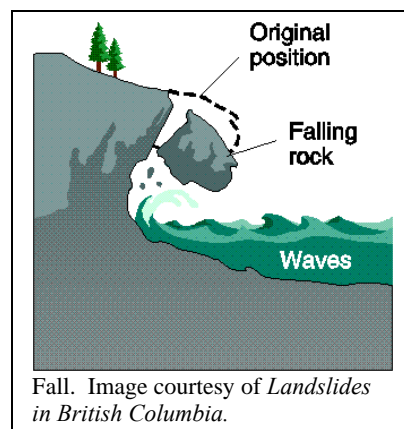
The Juneau area possesses each of these landslide factors in liberal amounts. Steep slopes surround the city, heavy precipitation and saturated soil is common, and bedrock is covered by thick soil cover. Soil creep and flow can be observed throughout the area as topsoil is pulled down slopes by gravity.

Types of Landslides

Landslides are usually classified by type of movement; falls, topples, lateral spreads, slides, and flows. A combination of two or more types is called a complex movement. Each type can be further broken down based on the type of material involved.

Falls

Falls occur when masses of rock or other material detach from a cliff or other steep slope and move downhill by free fall, rolling or bouncing. The movement is very quick. The typical slope angle involved is from 45 to 90 degrees. Rock falls occur when a rock on a steep slope becomes dislodged and falls down the slope. A rock fall may be a single rock or a mass of rocks and the falling rocks can dislodge other rocks as they collide with the cliff. At the base of most cliffs is an accumulation of fallen material termed *talus*. Rock falls are a constant hazard along transportation routes through rocky terrain.



Fall. Image courtesy of *Landslides in British Columbia*.

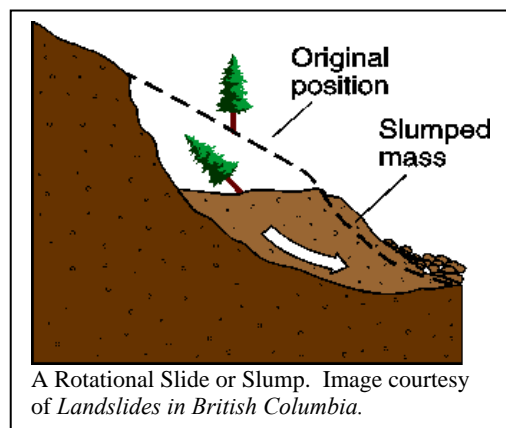
Debris falls are similar, except they involve a mixture of soil, regolith (unconsolidated weathered rock and soil material), vegetation, and rocks.

Topples

Topples are the forward rotation of rocks or other materials about a pivot point on a hillside. The movement is tilting without collapse but if the mass pivots far enough, a fall may result.

Slides

Slides are characterized by shear displacement along one or several surfaces. The two general types of slides are rotational and translational. In a rotational slide, the rupture surface is concave upward, and the mass rotates along the concave shear surface. Rotational slides, also called slumps, can occur in bedrock, debris, or earth. In a translational slide, the rupture surface is a smooth or gently rolling slope. In bedrock and earth, translational slides are sometimes called block slides if an intact mass slides down the slope. If rock fragments or debris slide down a slope on a distinct shear plane, the movements are called rockslides or debris slides.



A Rotational Slide or Slump. Image courtesy of *Landslides in British Columbia*.

Lateral Spreads

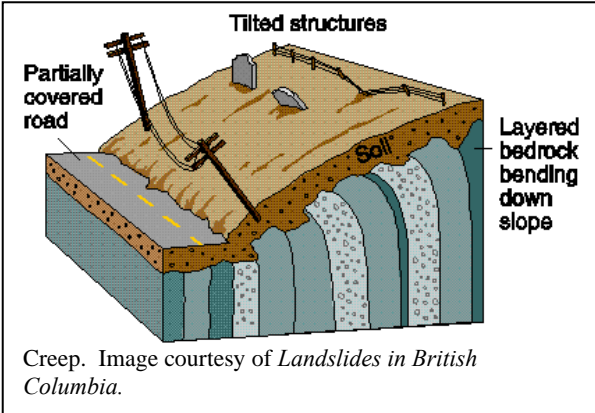
Lateral spreads involve the horizontal displacement of the surface. They often occur on gentle slopes that range between 0.3° and 3°. Lateral spreads can occur in rock but this process is not well documented and movement rates can be quite slow. They are more common in fine-grained soils, such as clay, especially if the soil has been remodeled or disturbed by construction, grading or similar activities. Loose granular soils commonly produce lateral spreads through liquefaction

(where saturated soils are transformed from a solid into a liquefied state). Liquefaction can occur spontaneously because of changes in pore-water pressure or in response to vibrations such as those produced by seismic activity. Lateral spreads typically damage pipelines, utilities, bridges, and other structures having shallow foundations.

Flows/Soil Creep

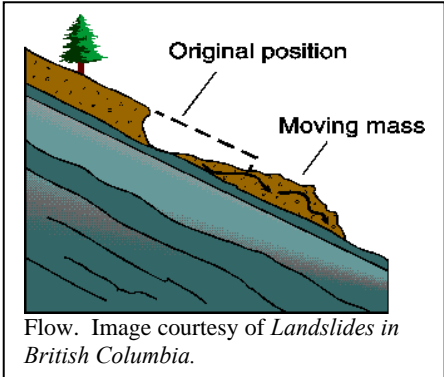
In general, a flow is a moving mass that has differential internal movements that are distributed throughout the mass. They differ from slides by their higher water content and the distribution of velocities that resembles a viscous fluid.

Soil creep is an imperceptibly slow, steady downward movement of slope-forming soil or rock due to gravity. Creep can occur due to alternate wetting and drying which expands and contracts the ground. Evidence of soil creep can be observed throughout the Juneau area; forests are full of trees with bent trunks which indicate long-term soil creep.



Creep. Image courtesy of *Landslides in British Columbia*.

A debris flow is a rapid movement of loose soil, rock and organic matter combined with water and air to form a downward moving slurry. The slurry can travel several miles from its source, growing in size as it picks up trees, cars, and other materials along the way.



Flow. Image courtesy of *Landslides in British Columbia*.

Debris flows tend to occur on slopes in the 20-45 degree range, like those that surround Juneau. They are usually associated with unusually heavy precipitation or with rapid snowmelt. They can also occur following the bursting of a natural dam formed by landslide debris, glacial moraine, or glacier ice.

Additional Causes and Secondary Effects

Landslides are often associated with other hazards. For example, a landslide may occur during floods because both involve precipitation, runoff, and ground saturation. Landslides are also often associated with seismic and volcanic events. Some of the costliest landslides in American history were caused by the 1964 Good Friday earthquake. It has been estimated that ground failure caused about 60% of the damage.

The secondary effects of landslides can also be very destructive. Landslide-caused dams cause damage upstream due to flooding and downstream due to a flood which may develop as a result of a sudden dam break. Landslides can also cause tsunamis and seiches when slide material slides into a lake or sea, displacing large amounts of water.

Areas most vulnerable are deep bays and inlets adjacent to steep slopes, such as those that surround Juneau. In these semi-enclosed basins, the water can oscillate to create a large wave, called a seiche, which can impact the shorelines several times before dissipating. The waves that destroyed much of old Valdez after the great 1964 earthquake were caused by an earthquake-triggered submarine slide. In 1958, an earthquake on the Fairweather fault triggered a large landslide that crashed into the head of Lituya Bay, generating a wave that stripped trees to an elevation of 1,700 ft. on the opposite shoreline. A non-earthquake related seiche occurred in Skagway Harbor in November 1994, destroying part of the state ferry dock and city boat harbor. This seiche was caused by a submarine landslide, which apparently was triggered by an extreme low tide.

There may be many similar unstable areas around Juneau where damaging landslide-generated waves can occur as a result of earthquakes or other triggering events. Vertical seafloor motion resulting from a future earthquake in the Yakataga seismic gap could produce a damaging tsunami.

Local Landslide Hazard Identification

Landslide Classifications and Terminology

Landslide Probability

Historically, the largest and most destructive landslides have been associated with more than 1.5 inches of rain in a 24-hour period. Precipitation records indicate that precipitation intensities of 2.0 inches in 24 hours can be expected at return periods of 5-10 years. Therefore, the conditions necessary for production of large landslides continue to prevail today even though major, destructive landslides do not occur frequently.

Landslide Hazard Classifications

Severe Hazard Areas have the following characteristics:

- a. Velocities may reach 15-30 feet per second (10-20 mph)
- b. Flow depths may be 5 feet or more
- c. Impact pressures over the entire flow depth may exceed 1000 lbs/ft²
- d. Depositional loads on exposed horizontal surfaces may reach 1000 lbs/ft²
- e. Normal (wood-frame construction will be severely damaged or destroyed by impact and depositional loading
- f. Structural mitigation is possible with careful study, design, and construction methods, but reinforcement of wood-frame buildings may not be possible

Special Engineering Areas have the following characteristics:

- a. Velocities will generally be less than 15 ft/sec (approx. 10 mph)

- b. Flow depths will be less than 5 feet
- c. Impact pressures will range from 100 to 1000 lbs/ft²
- d. Depositional loads on exposed horizontal surfaces will be less than 1000 lbs/ft²
- e. Normal wood-frame construction can be severely damaged or destroyed by impact, crushing, relocation, or flooding
- f. Structural mitigation is possible at special engineering sites and can be used in typical cases to protect objects

Juneau landslide paths and danger zones

Many of Juneau’s landslide paths coincide with avalanche paths. There are additional areas of concern, however, such as the area above Gastineau Avenue and between Gastineau Avenue and South Franklin Street. Unmapped areas within the borough remain to be studied for landslide hazards, and will be included in this plan as resources become available to evaluate those areas for landslide hazards.

Juneau’s Landslide History

January 2, 1920

A series of debris avalanches occurred in the area between Gastineau Avenue and South Franklin Street. Damage was caused by the impact of the debris slides as well as the relocation of several buildings, which slid into other buildings. Four people were killed, and up to eight were injured.

November 15, 1929

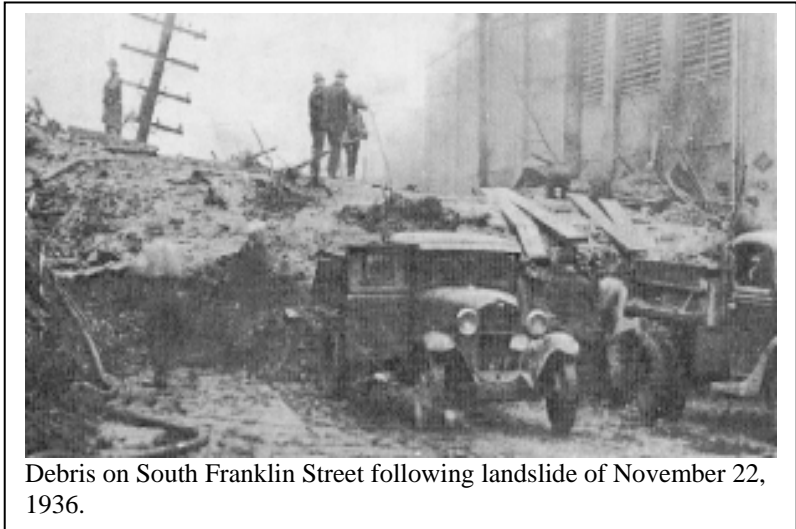
Gastineau Avenue landslide destroyed one home.

October 16 1936

A debris avalanche between Gastineau Avenue and South Franklin Street destroyed several buildings and buries one resident.

November 22, 1936

One of Juneau’s most destructive landslides occurred on November 22, 1936. Prolonged heavy rainfall triggered a debris flow that struck a residential area causing numerous injuries and deaths. The slide completely covered South Franklin Street to a depth of approximately ten feet. Fifteen people were killed.



Debris on South Franklin Street following landslide of November 22, 1936.

July 16, 1984

Heavy rain fell on already waterlogged soils and triggered a debris avalanche/flow that destroyed a small hydroelectric dam, damaged two houses and left debris on the Glacier Highway and inside several local businesses.

October 20, 1998

Over the 19th and 20th of October, over six inches of rain fell in the Juneau area, saturating the soil and causing several ground failures, closing several sections of highway and damaging homes, roads, and state trails. Slides occurred along North Douglas Highway, on Thane Road, downtown near Cope Park, and along Glacier Highway in several locations just north of the high school, in the Twin Lakes area, and near the ferry terminal. At least 5 homes were damaged on North Douglas due to mass wasting and flooding between Cordova Street and the Bonnie Brae subdivision. After the slides occurred along Glacier Highway, the AWARE women's shelter was flooded with muddy water. Another mud slide completely collapsed a section of Fritz Cove Road (just north of the airport) and removed a beachfront home from its foundation. The home was completely destroyed⁹.

Landslide Hazards Summary

Potential Damage

- Damage/destruction of structures
- Transportation Interruption
- Power interruption
- Lack of access to services (hospital, emergency services, etc)

Impacts to Humans

- Impact/crushing injuries
- displaced people/lack of shelter
- loss of life
- property loss



Structure damage from the slide of January 2, 1920, above South Franklin Street.

⁹ http://testaprfc.arh.noaa.gov/pubs/newsltr/pub6/SE_flood.html

Local Landslide Vulnerability

Extent of Vulnerable Zones

The nature and history of landslide hazards in the Juneau area are described above. For the purposes of the vulnerability assessment, the following resources, listed in order of preference (preference meaning the most comprehensive data available), were utilized to map the extent of landslide hazard zones in the Juneau area. Data from these sources was divided into high and moderate hazard zones as described below and depicted on Map 8 on page 11.

Mears and others (1992)¹⁰ provide maps of the White Subdivision, Behrends Avenue area, and the southeast side of downtown Juneau, which depict a Severe Hazard (Zone A) and a Special Engineering Zone (buildings must be specially engineered to be constructed within the hazard zone) (Zone B) for each of these neighborhoods.

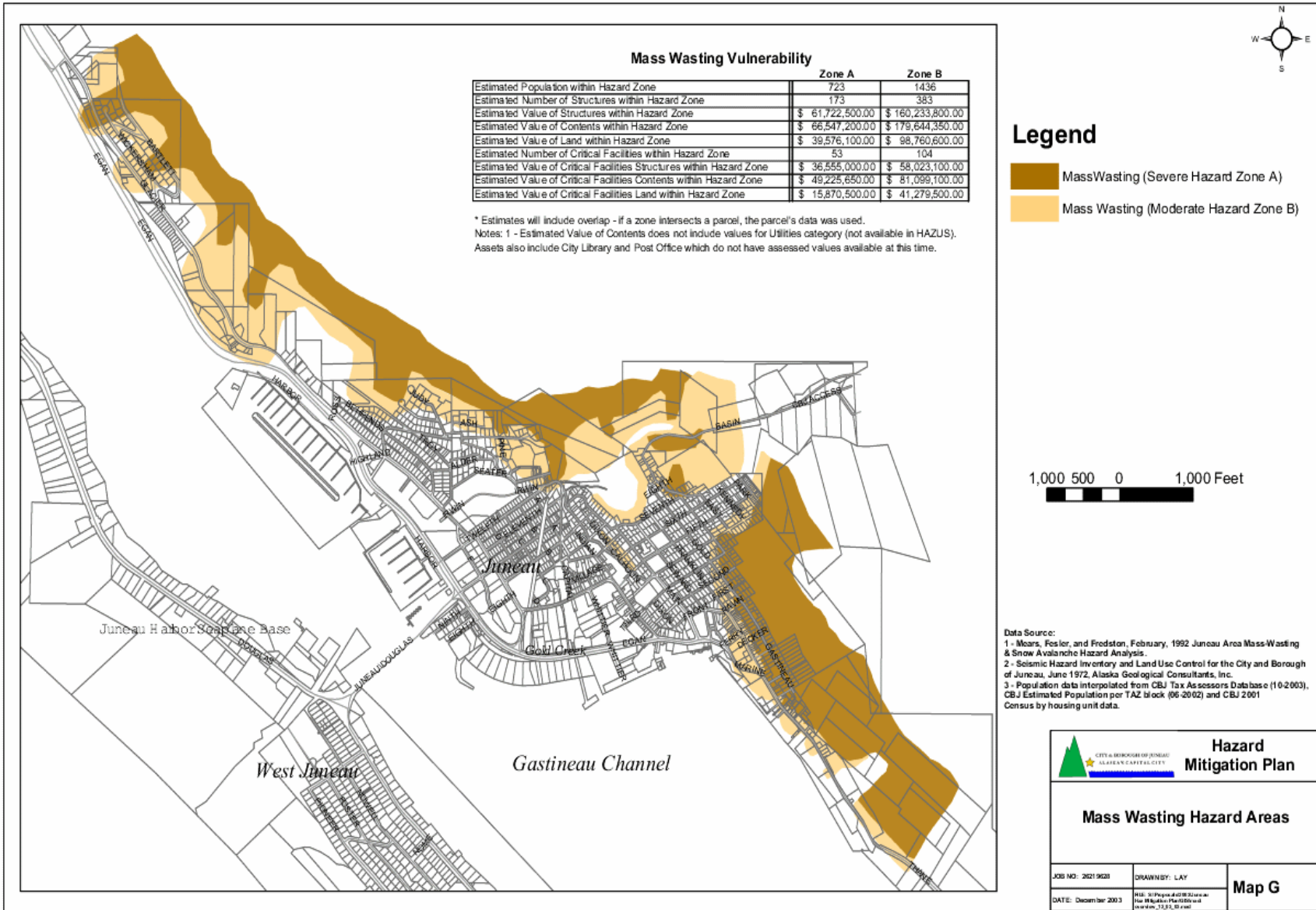
Swanston (1972)¹¹ completed a map of high and potential mass wasting hazards for the greater downtown Juneau area as part of broader geophysical hazard investigation. This map incorporates data regarding unstable slope angles, historic landslide deposits, mass wasting channels, and rock slide areas. These data were used to map high and moderate landslide boundaries in areas of Juneau not covered by the site-specific study described above. Where the two data sources are not in exact agreement, the more conservative of the two was preferentially chosen for use in the vulnerability assessment.



January 2, 1920 landslide damage, looking down from Gastineau Avenue.

Other landslide information reviewed as part of the vulnerability assessment included maps depicting avalanche and landslide hazards combined into one hazard category, which were developed by the CBJ Planning Department and utilized by Carson Dorn, Inc. (2001)¹² in a recent hazard analysis. These maps were not used in the vulnerability assessment in an effort to provide different loss estimates for landslides and avalanches as separate categories.

¹⁰ Fesler, Fredston, and Mears. 1992. Juneau Area Mass-Wasting and Snow Avalanche Hazard Analysis. Rept. prep. for City and Borough of Juneau. February. 27 p. plus app.
¹¹ Swanston, D.M., U.S. Forest Service, Forest Services Laboratory, Corvallis, Oregon. 1972. Mass Wasting Hazard Inventory and Land Use Control for the City and Borough of Juneau in Daniel, Mann, Johnson, & Mendenhall (DMJM), Geophysical Hazards Investigation for the City and Borough of Juneau, Summary Report. App. II, pp.17-51.
¹² Carson Dorn Inc. 2001. Hazard Analysis, City and Borough of Juneau. March. 85 p.



Map 8 Mass Wasting Hazard Areas

Existing Community Assets

Community assets considered in the vulnerability assessment included an inventory of structures, infrastructure facilities, and the contents of structures. Structure and infrastructure values were provided in GIS format by CBJ for the downtown area by land parcel. Structure value and property value were treated as separate categories in the loss estimates, as it was assumed that property without a developed structure could still experience financial loss in the event of a landslide (e.g. landslides and other types of erosion cause actual loss of property due to the potential of the property sloughing off into a water body).

Structure values were obtained from the CBJ tax assessors’ database for the following numbers of structures in seven different occupancy classifications: 9,257 residential, 539 commercial, 94 government, 54 utilities, 41 religious or non-profit, 244 industrial, and 17 educational. The value of contents within structures was estimated based on guidelines published by FEMA¹³, which provide estimates by structure type as a percentage of overall structural value. For the purpose of the vulnerability assessment, it was assumed that a total loss for structure, land, and contents would occur in the event of a landslide.

The values data were queried in the GIS database for parcels that overlap a high and/or moderate landslide hazard zone. Loss estimates resulting from this inventory are on Map 8. Structural losses within the high hazard zones are estimated to total approximately \$62 million, while those in the moderate hazard/special engineering zones are estimated to total about \$160 million. The estimated value of land alone is approximately \$40 million in the high hazard zones and \$99 million in the moderate zones. The estimated value of the contents of structures is about \$67 million in the high hazard zones and \$180 million in the moderate zones.

Critical Facilities

Critical facilities were identified within the high and moderate landslide hazard zones as a subset of total community assets. Facilities were designated as critical if they are: (1) vulnerable due to the type of occupant (children, elderly, hospitalized, etc.); (2) critical to the community’s ability to function (roads, power generation facilities, water treatment facilities, etc.); (3) have a historic value to the community (cemetery, museum, etc.); or (4) critical to the community in the event of a disaster (police, fire stations, hospitals, emergency operations centers, etc.).

The following types of critical facilities were identified within the high and moderate hazard zones: Churches, the City Library, Docks, Offices, Parks, the Post Office, Power Generation Facilities, Stores and CBJ Utilities. Land parcels with critical facilities were queried in the GIS database separately from the total community assets inventory, and the results are listed below and on Map 7 and

Table 12. The estimated loss of critical facility structures and their contents in the event of a landslide totals approximately \$86 million for the high hazard zones and \$140 million for the moderate hazard zones.

¹³ Federal Emergency Management Agency (FEMA). 2001. State and Local Mitigation Planning, How-to Guide for Understanding Your Risks: Identifying Hazards and Estimating Losses, FEMA 386-2. August.

Table 12 Critical Facilities in Landslide Zones

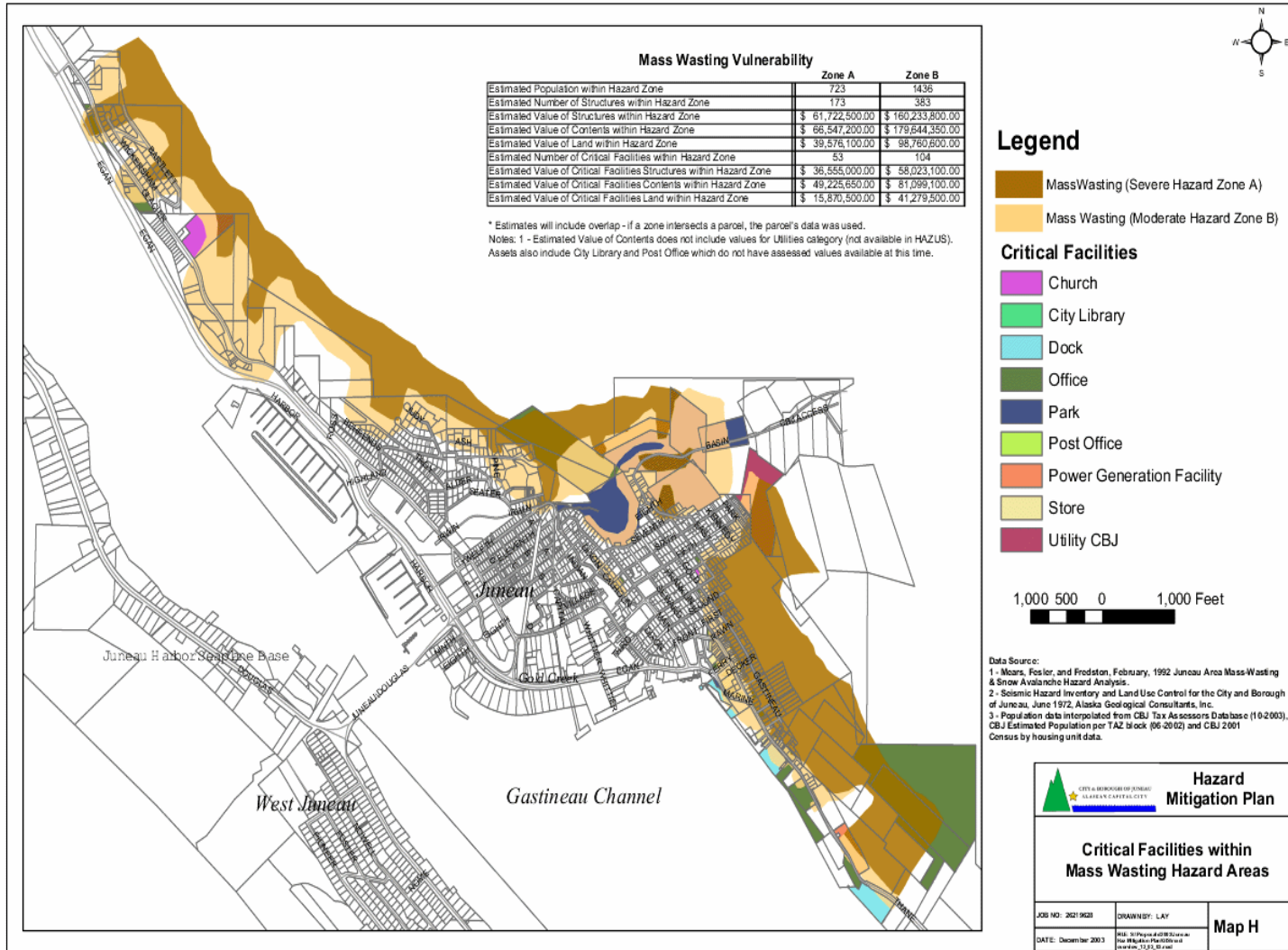
| Mass Wasting (Severe Hazard Zone A) | Number of Critical Facilities | Mass Wasting (Moderate Hazard Zone B) | Number of Critical Facilities |
|--|----------------------------------|--|----------------------------------|
| Church | 1 | Church | 2 |
| Office | 28 | City Library | 1 |
| Park | 5 | Dock | 3 |
| Power Generation Facility | 3 | Office | 48 |
| Store | 14 | Park | 16 |
| Utility CBJ | 2 | Post Office | 1 |
| | | Power Generation Facility | 3 |
| | | Store | 28 |
| | | Utility CBJ | 2 |

Vulnerable Population

Estimates of population loss in the event of landslides are based on the following assumptions:

- Average population per parcel was calculated using CBJ population housing type codes (2001 Census data), TAZ codes, and geographic area population estimates. Total population by housing unit was divided by total number of parcels to determine population by parcel.
- Population data was not available for other than residential housing units (unless a commercial or industrial coded parcel had a residential housing unit code applied to it {COMM/1+AP}).
- Population information is not currently available to assist in identifying the number of persons employed by parcel. For the purposes of this project, it is assumed that approximately 16,700 people are currently employed in the Juneau area (2000 Census data). Based on the locations of offices within each hazard area it is conservatively assumed that 25% (4,175 people) of the employable population could be located within any of the three hazard areas at the time of a hazard event.
- As described in Section 2 of this plan, tourism brings over 800,000 visitors per year to the Juneau area. As it is impossible to predict when a hazard may occur, it is also impossible to predict where visitors may be during an event. For this purposes of this project, it is conservatively assumed that 1% (8,000 people) of the yearly tourist population could be located within any of the three hazard areas at the time of a hazard event.
- The survival rate for persons located within a hazard zone in the event of a landslide was assumed to be zero.

These data were entered into the GIS database and queried where parcels overlapped the high and moderate landslide zones. The resulting populations total approximately 723 people in the high hazard zones and 1436 in the moderate zones as depicted on Map 8 on page 11.



Map 9 Critical Facilities Within Mass Wasting Hazard Zones

Future Development

As outlined in the current CBJ Land Use Code (Chapter 49.70), future development is currently restricted to single-family dwellings within potential and severe avalanche/landslide hazard areas mapped by the CBJ Planning Department. Other types of development require a conditional use permit, and hazard zone boundary changes require a site-specific study.

In addition, the current CBJ Comprehensive Plan indicates the following with regard to future development in avalanche/landslide hazard areas: the inclusion of mitigating standards (e.g. appropriate structural engineering) in the Land Use Code for all development within hazard zones; the designation of all public lands within hazard areas as open space; the prohibition of industrial and resource extraction activities within hazard areas unless shown not to increase the hazard; and the elimination of public facilities development plans that could concentrate people in hazard areas.

Thus, existing land use codes and management plans discourage future development in landslide hazard areas. If future development were to occur within these zones, estimates of vulnerable community assets and population loss would likely increase.

Data Limitations

The results of the vulnerability assessment and loss estimations are limited by the specificity and accuracy of the data, as well as by the assumptions used in the GIS queries. For example, existing landslide maps vary from general to site-specific, and do not always agree. The most conservative data were generally used in this assessment. It is possible that they could be either over- or under-conservative in areas without site-specific studies. The maps of mass wasting zones in Maps 9 and 10 are not intended to define the probability of any particular landslide event and should be used for planning purposes only.

Assumptions used in the querying of GIS data have generally provided results on the conservative side. Value estimates of structures and contents assume a total loss in the event of a landslide. Queries were based on parcel boundaries that touch a landslide zone, not on building centroids, which would be a more accurate method for defining structure loss (building centroids are not available in the CBJ database.) Parcels only partially within a landslide hazard zone were included in the loss estimates. There is also some overlap of loss estimates due to some parcels touching both high and moderate zones. Population loss estimates assume all of the population would be lost at the time of an event

Lastly, the total of the loss estimates assumes that landslide events occur in all hazard zones at the same time or within a short season.

Landslide Mitigation

Current CBJ Landslide Mitigation Programs

1. Landslide investigation and mapping:

- 1972: “Geophysical Hazards Investigation For the City and Borough of Juneau” prepared by Daniel, Mann, Johnson & Mendenhall.
- 1992: “Juneau Area Mass-Wasting and Snow Avalanche Hazard Analysis” prepared by Doug Fesler, Jill Fredston, and Art Mears.

2. Landslide ordinance. A hillside ordinance was adopted in 1987 in part to ensure that hillside development provides erosion and drainage control and to minimize damage from hazards in hillside development. It provides standards for approving development in hillside areas, and development in these areas must also provide erosion and drainage controls. Since the ordinance was passed, there has been new development within landslide hazard areas. Variances have been granted to allow small buildings and buildings with limited occupancy to be constructed without meeting landslide-resistance standards or codes regulating the load capacity they are able to withstand. However, such buildings do have to comply with other standards for hillside development. Any new building must undergo an engineering analysis to show that it is built to withstand impact loads appropriate to its location.

3. Landslide-resistant construction. Several buildings in the CBJ have landslide-resistant construction, such as breakaway, sacrificial walls on the lower floors to let landslides pass through (Marine View Building). Other buildings have elevated construction to allow landslides to pass under the bulk of the building.

CBJ Landslide Mitigation Ideas

Goal: Reduce risk of landslides in developed areas.

- **Prohibit removal of vegetation in areas prone to landslides.** Removal of vegetation from slopes can compromise the integrity of the soil and lead to landslides. Requests to remove vegetation should be handled through a permit process that involves an assessment of the area for landslide hazard.
- **Maintain existing drainage system above Gastineau Avenue.** A drainage system above Gastineau Avenue currently exists, but there has been some disparity in determining who is responsible for maintaining it. If the system is adequate, it would benefit the CBJ to maintain the system to a useable standard.
- **Create new drainage systems in appropriate areas.** Drainage systems allow runoff water to drain quickly from the hillsides before it can saturate the soil and subsequently destabilize slopes.

- **Structural reinforcement of unstable slopes.** Structural reinforcement, where appropriate, can help anchor and stabilize areas prone to landslides. Methods of structural reinforcement include fences, barriers, and revegetation.

Goal: Reduce the CBJ's vulnerability to landslide damage in terms of loss of life and property.

- **Buy out property in affected areas.** A buyout could be implemented to reduce the number of people living in avalanche zones.
- **Building code updates.** Require affected properties to retrofit to highest standard of landslide protection.
- **Disallow any new construction in landslide prone areas.** New construction should not be permitted in known hazard areas. Future disaster damages may be avoided by implementing this policy.

Goal: Have comprehensive information regarding landslide hazards and unstable soils throughout the CBJ's developed area, including areas that will be developed in the future.

- Conduct additional study of unstable soils and landslide prone areas, specifically those areas that have not yet been studied and might present additional dangers in the form of underwater landslides, or landslides that may cause tsunamis.

Goal: Increase public awareness of landslide dangers and hazard zones.

- Public disclosures of risk linked to deed or title of property and require owners to notify renters of hazard prior to occupancy. Many residents, especially renters, are not aware of the locations of landslide zones or the potential dangers inherent in living within them.
- Install warning signage in mapped landslide zones.

Section 4: **Mitigation Strategy**

Mitigation Strategy Development

This section of the plan outlines the CBJ’s overall strategy to reduce its vulnerability to the effects of the hazards studied. Currently the planning effort is limited to the three hazards determined to be of the most concern; avalanche, landslide, and downtown Juneau fire; however the mitigation strategy will be regularly updated as additional hazard information is added and new information becomes available.

Overview

Evaluating mitigation options is a difficult task. The Planning Team must balance the effectiveness of the mitigation action against cost, public opinion, affects on the environment, feasibility, and many other factors. Because of gaps in available data, any quantitative measurement will exhibit a certain amount of ambiguity. The Planning Team chose to use a system that would apply all available data while at the same time illustrating where data is insufficient to apply to the mitigation option as a criteria.

Mitigation action items were identified by the Planning Team through brainstorming, outside contributions, and public meetings. The Planning Team used the following information (Pages 118 through 120), which lists each mitigation option, its cost, estimated timeframe, responsible agency, and potential sources of funding, to evaluate and prioritize each mitigation action item.

The Planning Team then chose the STAPLE+E method to establish ratings for each hazard based on the best available data. The STAPLE+E method is a planning tool recommended by FEMA the helps planners apply their existing knowledge and available data to each mitigation option during the prioritization process. The STAPLE+E method is described in more detail in Table 18 on page 121. The Planning Team then applied a rating of Significantly Adverse, Insignificant, Significantly Beneficial, or Unknown to each option. More detailed explanations of these ratings are found in Table 19 on page 122. To make this rating system easier to understand, the Planning Team applied a numerical value to each rating, as shown in Table 23 on page 126.

Since significant gaps in data make it impossible to accurately rate mitigation options solely based on the results of such tabulations, the Planning Team created a Mitigation Action Plan outlining progressive steps the CBJ can take to apply the recommended mitigation options. The Mitigation Action Plan is comprised of mitigation options that the CBJ can utilize quickly and easily, with minimal financial investment, until more comprehensive information regarding large-scale mitigation options can be obtained. The Mitigation Action Plan is designed in a way

that enables the CBJ to enact whichever mitigation options are currently possible for it to accomplish, as well as easily update the action plan as circumstances and available data changes.

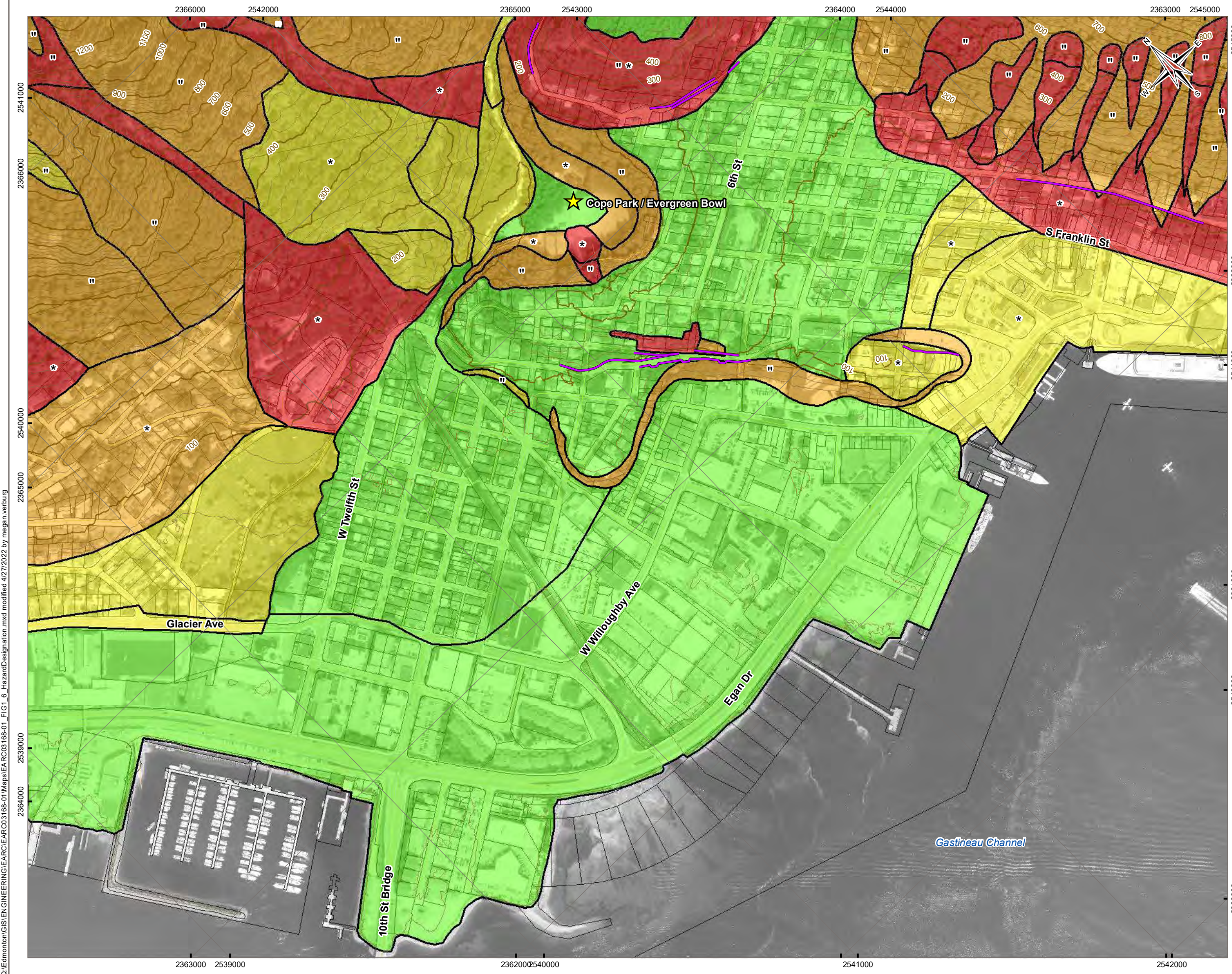
Table 15 Avalanche Mitigation Options

| HAZARD: | | Avalanches | | |
|--|---|--|---------------------------------|---|
| MITIGATION ACTIONS | RESPONSIBLE AGENCY | COST | POSSIBLE FUNDING SOURCES | TIMEFRAME |
| Public education: <ul style="list-style-type: none"> • Continue to educate regarding avalanche hazard • Promote mitigation plan effort • Encourage homeowners to undertake mitigation actions for their own homes | CBJ | Staff time | CBJ EMPG PDMG HMGP | Ongoing |
| Utilize appropriate methods of structural avalanche control. Possible methods include: <ul style="list-style-type: none"> • Snow fences • Diversion/containment structures • Reforestation | CBJ, supported by State of Alaska DOT (in some areas) | Avalanche system design, purchase of materials, cost of installation | CBJ PDMG EMPG HMGP | 1-2 years; permanent when complete although may require light maintenance |
| Establish regular avalanche hazard evaluation and forecasting during the winter months. | CBJ | Cost of staff position or outside avalanche specialist/forecasting service | CBJ | Ongoing |
| Progressively buy out homes in high hazard zones | CBJ | Market value of all homes in avalanche zones | CBJ HMGP PDMG | 10-30+ years |
| Prohibit all new construction in Severe hazard zones | CBJ | None; however staff time is required for enforcement | CBJ | Ongoing |
| Maintain “high hazard zone” designation to titles of properties | CBJ | Staff/ administration time | CBJ | Ongoing |

Table 16 Landslide Mitigation Options

| | |
|----------------|------------------|
| HAZARD: | Landslide |
|----------------|------------------|

| MITIGATION ACTIONS | RESPONSIBLE AGENCY | COST | POSSIBLE FUNDING SOURCES | ESTIMATED TIMEFRAME |
|---|---|---|------------------------------------|----------------------|
| Update CBJ mapping to reflect high hazard and moderate hazard areas as determined in CBJ-funded studies | CBJ | Staff time | CBJ EMPG HMGP | Ongoing |
| Utilize existing drainage system above Gastineau Avenue | CBJ | Staff time to investigate state of drainage systems; future maintenance costs | CBJ | Immediately – 1 year |
| Prohibit removal of vegetation in landslide areas | CBJ | Staff and administrative time | CBJ | 1 year |
| Restrict construction in landslide zones | CBJ | Staff and administrative time | CBJ | 1 year |
| Buy out of affected properties | CBJ | Market value of all homes in hazard zones, staff time | CBJ EMPG PDMG | 10-50+ years |
| Structural reinforcement of unstable slopes | CBJ with support from AkDOT in some areas | Staff time; future maintenance costs | CBJ State of AK EMPG PDMG | 1-10 years |
| Thorough geological mapping of soils and slopes | CBJ with support from State of AK in some areas | Staff time | CBJ | 3-10 years |
| Link “high hazard” designation to titles of properties | CBJ | Administrative/staff time | CBJ | 1 year |
| Require owners to notify renters of hazard prior to occupancy | CBJ | Administrative/staff time | CBJ | 1 year |



LEGEND

- ★ Location of Interest
- ▭ Study Area
- ▭ Deep-Seated Bedrock Slide
- Engineered Slope¹

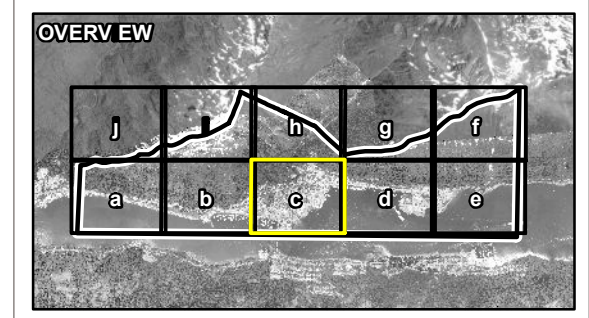
Landslide Hazard
(For Hazard Designation Definitions Refer to Table 1.4 and the Glossary of Terms in the Report)

- Low
- Moderate
- High
- Severe
- Severe if Deep-Seated Bedrock Slide Fails

▭ Initiation Zone
* Runout Zone
+ Potential Initiation Zone for Deep-Seated Bedrock Slide

Base Data

- Index Contour (100 ft)
- Intermediate Contour (25 ft)
- Road
- Land Parcel



NOTES

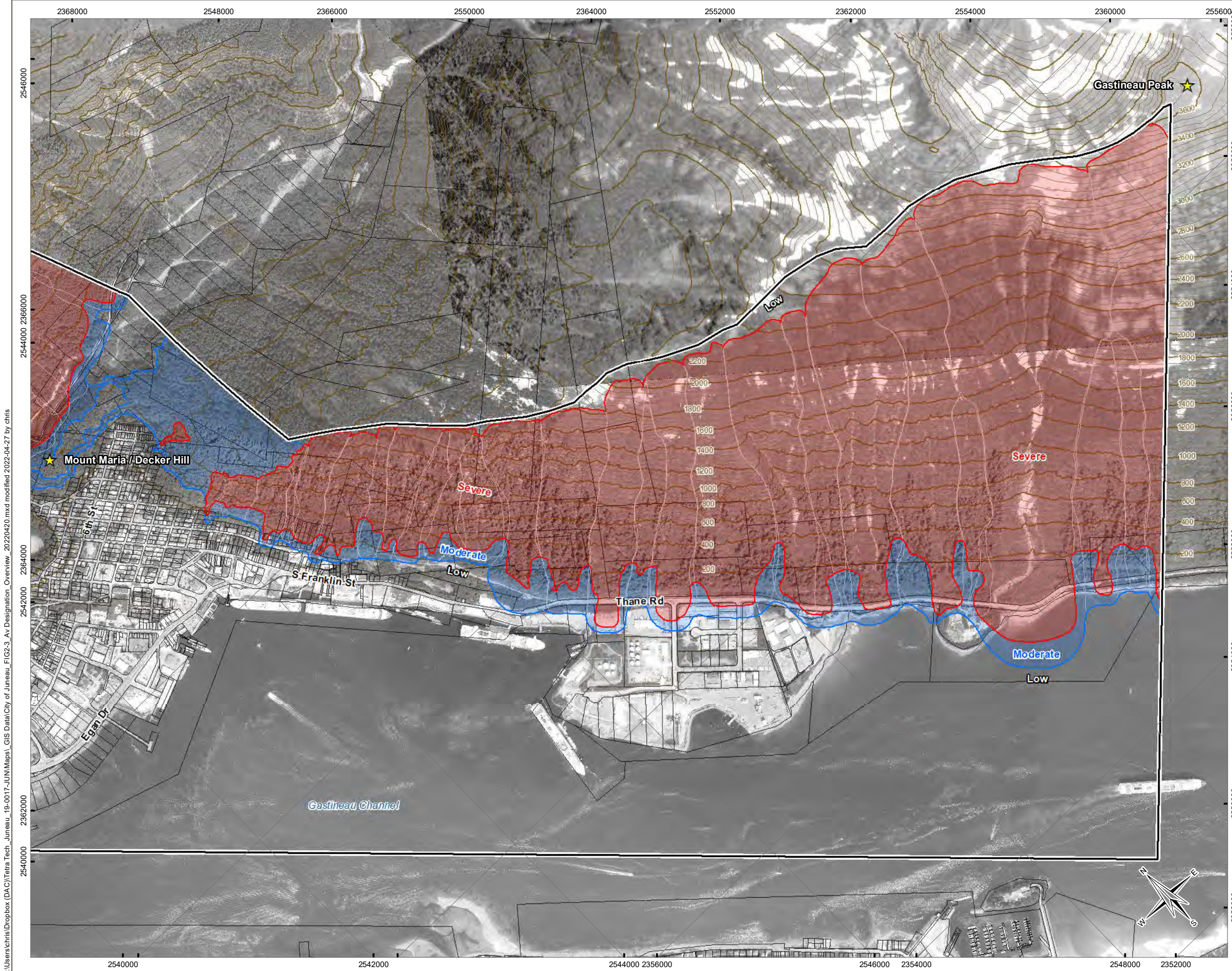
¹ Engineered slope not evaluated by Tetra Tech for this study
Base data source:
Contours generated from 2013 LiDAR provided by CBJ.
Additional contours generated from 2012 LiDAR provided by CBJ.
Hydrology and roads obtained from Alaska Department of Natural Resources.
Terrain Classification based on Terrain Classification System for British Columbia, Version 2, 1997.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

STATUS
ISSUED FOR USE

**JUNEAU LANDSLIDE AND
AVALANCHE ASSESSMENT**

Landslide Hazard Designation Mapping

| | | |
|--|--|-------------------------------|
| PROJECTION State Plane Alaska Zone 1 5001 | DATUM NAD83 | CLIENT |
| Scale: 1:5,000 300 150 0 300 Feet | | TETRA TECH |
| FILE NO. EARC03168-01_FIG1_6_HazardDesignation.mxd | OFFICE TL-EDM | DATE April 27, 2022 |
| DWN MRV | CKD SL | APVD SM/ VER |
| REV 0 | PROJECT NO. ENG.EARC03168-01 | Figure 315 |



Section J, Item 2.

LEGEND

- ★ Location of Interest
- Study Area
- Avalanche Path (estimated 300-year boundary)

Base Data

- Index Contour (200 ft)
- Intermediate Contour (50 ft)
- Land Parcel

AVALANCHE HAZARD DESIGNATION

- Low**
Return period greater than 300 years
OR
Impact pressures less than 20 lbs/ft² (1 kPa) with a return period greater than 30 years.
- Moderate**
Return period between 30 and 300 years;
AND
Impact pressure less than 600 lbs/ft² (30 kPa).
- Severe**
Return period less than 30 years;
AND/OR
Impact pressure greater than or equal to 600 lbs/ft² (30 kPa).

OVERVIEW

NOTES

Low hazard designation not shown. Low hazard designation includes all areas not designated as "Moderate" or "Severe".

Base data source:
Land parcels provided by CBJ.
Contours generated from 2013 LiDAR provided by CBJ.
Background contours generated from 2012 LiDAR provided by CBJ.
Primary imagery provided by CBJ, 2013.
Background imagery provided by ESRI; Maxar (2020).

STATUS
ISSUED FOR USE

JUNEAU LANDSLIDE AND AVALANCHE ASSESSMENT

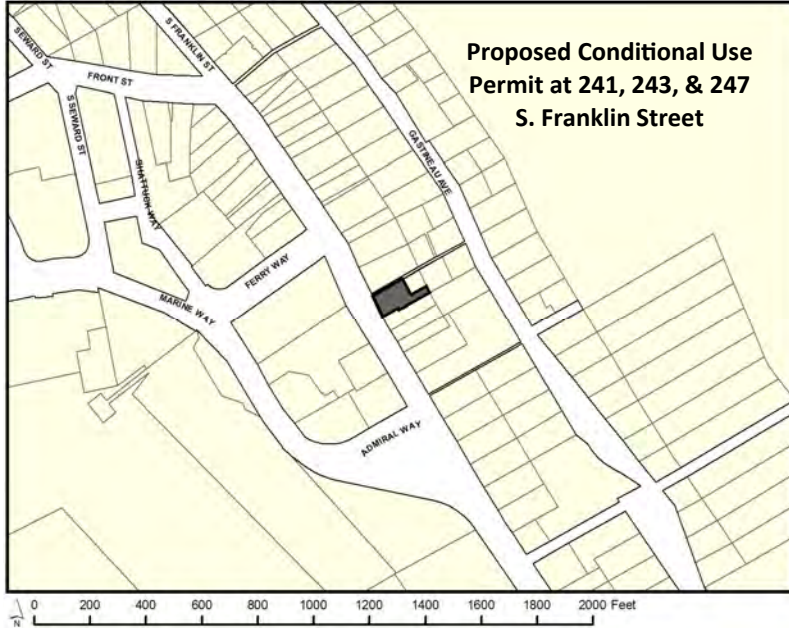
Avalanche Hazard Designation Mapping Overview

| | | |
|---|-----------------------|---|
| PROJECTION State Plane Alaska Zone 1 5001 | DATUM NAD83 | CLIENT CITY AND BOROUGH OF JUNEAU ALASKA |
| Scale: 1:12,500 | | |
| FILE NO. 19-0017-JUN-002 | | |
| OFFICE DAC-Rev | DWN CA | CKD AJ |
| | | APVD AJ |
| | | REV 2 |
| DATE April 27, 2022 | | PROJECT NO. 19-0017-JUN |

Figure 316

Invitation to Comment

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



TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit to create seven apartments at 241, 243, & 247 S. Franklin Street in a Mapped Landslide and Avalanche Area.**

PROJECT INFORMATION:

Project Informa. on can be found at:
<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **Monday, October 25th, 2022** at
<https://juneau.org/community-development/planning-commission>
 Find hearing results, meeting minutes, and more here, as well.

| | | | |
|--|--|---|---|
| Now through Oct. 3 | Oct. 4 — noon, Oct. 21 | HEARING DATE & TIME: 7:00 pm, Oct. 25, 2022 | Oct. 26 |
| 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/83425441349 and use the Webinar ID: 834 2544 1349 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska. | The results of the hearing will be posted online. |

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4139 ♦
 Email: pc_comments@juneau.org
 Mail: Community Development, 155 S. Seward Street, Juneau AK 99801

| | |
|--|-----|
| <p>Case No.: USE2022 0013 Parcel No.: 1C070B0M0010 CBJ Parcel Viewer: http://epv.juneau.org</p> | 317 |
|--|-----|



From: [Janna Auger](#)
To: [Jennifer Shields](#)
Subject: TGH's affordable housing
Date: Monday, September 26, 2022 8:52:16 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Jennifer.

I am writing in support of The Glory Hall's commitment to providing affordable housing in Juneau. I believe the project to convert the old building to housing units is a critical first step for our community and for the individuals who will benefit from the housing. Please help this project move forward.

Thank you

Janna

From: [Diana Baetscher](#)
To: [Jennifer Shields](#)
Subject: Support for Glory Hall downtown housing
Date: Friday, September 16, 2022 11:20:25 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Ms. Shields,

I'm writing to express my strongest support for the Glory Hall project to convert its downtown building to seven affordable housing units.

Juneau is in an affordable housing crisis. Anything that we as a city can do to provide additional housing for the most vulnerable members of our community should be prioritized.

The Glory Hall provides effective housing and resources to this community and is poised to make more housing available through their downtown project.

Downtown housing is necessary to keep downtown Juneau a vibrant and diverse community - the type of community we want for our city.

Please support this project and allow it to move forward as quickly as possible.

Many thanks,

Diana Baetscher

- > Here are some ideas of what to say:
- > -I support the Glory Hall's project to convert their downtown building to 7 units of affordable housing!
- > -I believe that the key to a vibrant downtown is housing and this project is a step in the right direction!
- > -Juneau is in a housing crisis and I believe that the City should be doing more to support organizations and nonprofits that are trying to help solve the problem like the Glory Hall. Please help this project move forward ASAP!

From: [Gina ChiMott](#)
To: [Jennifer Shields](#)
Subject: Glory Hall's conditional use permit
Date: Wednesday, September 21, 2022 11:13:49 AM

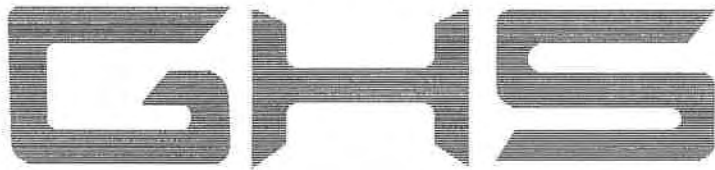
EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

I have been also working with Glory Hall to help people who desperately need housing. And I have also worked with Barlett hospital since Covid-19 and in the midst of a housing crisis. I am 100% in support of TGH to have a permit to convert their building downtown to help people who need housing.
Thank you,

Hyun Chi-Mott (Gina) 586-6303
1711 Glacier Ave.
Juneau, AK 99801

Sincerely,



GASTINEAU HUMAN SERVICES CORPORATION • 5597 AISEK STREET • JUNEAU, ALASKA 99801
Behavioral Health Services • Community Corrections • Transitional Housing • (907) 780-4338 • Fax (907) 780-4098

The City and Borough of Juneau
Community Development Department
230 S Franklin St
4th Floor Marine View Building
Juneau, AK 99801

September 16, 2022

Dear the City and Borough of Juneau,

Please find a letter of support for Glory Hall’s Conditional Use Permit Application to create seven units of affordable housing in their downtown building. Lack of affordable housing in Juneau is a crisis which has a negative impact on all levels of our community. We have been seeing the housing crisis only grow worse over the last several years. People who would have previously been able to find housing now cannot afford or find available units. This is an enormous determinant to our community. The Glory Hall is a trusted partner, providing important services, emergency shelter, street outreach, meals, referrals, and housing.

GHS plays an important role in the continuum of social services available in Southeast Alaska. With over fifty years of experience working in behavioral health, transitional housing, and re-entry, GHS has been able to assist individuals in recovery as they transition to a stable life in the community with the supports that they need to succeed.

The Glory Hall has a long collaborative relationship with GHS that has been a great benefit to our shared clients for many years. We look forward to continuing this relationship for many years to come, and enthusiastically support their efforts to provide a much-needed addition to Juneau’s housing market.

Sincerely,

Connie Schaaf
Connie Schaaf (Sep 19, 2022 08:54 AKDT)

Connie Schaaf
Interim Executive Director

RECEIVED

SEP 20 2022

Permit Center/CDD

From: [Gold Town Theater](#)
To: [Chloe Papier](#); [Jennifer Shields](#)
Subject: Re: Letter of Support for Conversion of TGH's Old Building to Apartments
Date: Monday, September 19, 2022 1:05:21 PM
Attachments: [Gold Town Letter of Support CUP.docx.pdf](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

absolutely happy to do this

attached

thanks for continuing to swim upstream against the never-ending river of bullshit this feckless city drums up and for trying to wring some life out of a decaying casket.

fight the power

cheers
collette

On Wed, Sep 14, 2022 at 11:26 AM Chloe Papier <cpapier@juneauhfc.org> wrote:

Hi Collette,

I hope you are doing very well!!

I am wondering if you might possibly be able to write a letter of support for our project to convert our downtown building to 7 units of affordable housing? We have been working on this for a very long time but we think we are arriving at the last step! We are applying for a conditional use permit for the project and we are very in need of letters to be sent to CDD.

I drafted a short letter for you but it can be really informal - you can even just send a quick email that you support the project. The deadline for this is 9/30

Emails and letters can be sent to Jennifer.Shields@juneau.org or you can send them back to me and I can pass it along. If you do end up emailing her if you could cc me I would greatly appreciate it :)

Thank you so much and let me know if you have any questions!
Chloe

--
Chloe Papier (she/her)
Interim Executive Director
The Glory Hall
8715 Teal St
Juneau AK 99801
Direct: (907) 419-7386

--

Collette Costa
Gold Town Theater manager,
Juneau, AK
www.goldtownnick.com
www.facebook.com/goldtownmovies



--

This E-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. This information is confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

September 19th, 2022

Dear the City and Borough of Juneau

As a year-round locally-focused business, The Gold Town Nickelodeon Theater cannot more wholeheartedly support the Glory Hall’s effort to create affordable housing downtown in their previous location and fully supports their conditional use permit application.

In order for non-tourist related, locally centered businesses to survive, Downtown Juneau needs people who actually live here—all year—and who contribute to the flow of the downtown corridor. The Glory Hall has a great track record of completing complicated construction projects and has demonstrated their commitment to increasing affordable housing in Juneau, which is hovering on extinction.

I urge you to approve their conditional use permit application without burdensome conditions, and help contribute to continuing a vibrant year-round downtown environment.

Sincerely,



Collette Costa

Gold Town Theater manager

From: [Charlie Herrington](#)
To: [Jennifer Shields](#)
Cc: [Chloe Papier](#)
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Monday, October 3, 2022 9:21:51 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear City and Borough of Juneau

I attended a Planning Commission meeting a few months ago and listened to oral arguments from The Glory Hall & CDD regarding the conditional use permit to convert the former downtown shelter into seven affordable housing units.

It was an illuminating meeting and the Glory Hall's application was well defended with convincing arguments grounded in logic, reason, and evidence. I couldn't say the same about CDD's position. It seemed they were the only people in the room disapproving of the Glory Hall's application. I believe it was the next day that the Planning Commission asked CDD to reconsider, but it was once again denied for reasons that escape the logic of inquiring minds.

I'm not surprised the Planning Commission asked CDD to reconsider. I am surprised that CDD doubled down. Juneau is clearly in the midst of a housing crisis and CBJ should be doing everything it can to support projects that positively contribute to housing. I urge you to approve this conditional use permit without burdensome conditions.

Sincerely,

Charlie Herrington
3311 Foster Ave
Juneau, AK 99801

From: [Chloe Papier](#)
To: [Jennifer Shields](#)
Cc: [Gordon Blue](#)
Subject: Letter of Support from Holy Trinity Church
Date: Thursday, September 15, 2022 9:10:35 AM
Attachments: [Letter of Support for Glory Hall 9.14.2022 \(2\).pdf](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Jennifer,

Please see attached for a signed letter of support from Father Gordon

Thank you very much!

--

Chloe Papier (she/her)
Interim Executive Director
The Glory Hall
8715 Teal St
Juneau AK 99801
Direct: (907) 419-7386

September 14, 2022

RE: Conditional Use Permit for 247 S Franklin St Apartment Renovation

To the Planning Commission,

This is a letter of support for the renovation of the Glory Hall's downtown building on behalf of the Holy Trinity Episcopal Church. Our congregation is 100% behind the Glory Hall's effort to build more affordable housing downtown. We have witnessed the growing housing crisis in Juneau and commend all agencies that are working diligently to develop solutions. We understand that the challenges of homelessness, hunger, addiction, and suffering are complex. Housing is a human right and we should not have so many community members without homes or struggling to find affordable homes.

Just as the Episcopal church is closely interwoven with the history of Alaska, so Holy Trinity Church has been a positive contributing factor of community in Juneau and Southeast Alaska. For more than 127 years in downtown Juneau, we have opened wide the door to all those who are in need and suffering. Holy Trinity Church works closely with the Glory Hall throughout the year because the work of the Glory Hall relieves suffering and blesses all of Juneau in doing so.

We cook meals and commune with our community members at the Glory Hall. We provide spiritual guidance to their staff and patrons. We mourn with them and conduct memorial services for those who often have passed away before their time. We served as an alternate place for the delivery of Glory Hall services on a number of occasions. We hosted the Glory Hall when their building was not operational due to a major flood. We supported several projects the Glory Hall worked on with the community, particularly the Juneau Housing First Collaborative project. Weaving our efforts together provides greater benefit for all.

The current proposal will enhance the pattern of care, making the tapestry of Community stronger, more resilient and better able to shelter against the winters that are to come. I urge you to approve this application for a conditional use permit and thank you for doing so. If you have any further questions, please reach out to me.

Sincerely,

Rector

From: [Dave Branding](#)
To: [Jennifer Shields](#)
Cc: [Chloe Papier](#)
Subject: Ltr of support
Date: Thursday, September 15, 2022 6:55:36 AM
Attachments: [TGH los 9 15 22.pdf](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Good morning Ms. Shields. Attached please find a letter of support for the Glory Hall’s proposal to create 7 apartments on Franklin Street. Thank you very much and have a great day.
-DB



“Helping people live their own best lives”

September 15, 2022

Jennifer Shields, Planner II
Community Development
City and Borough of Juneau
155 S. Seward Street
Juneau, AK 99801

Dear Ms. Shields,

The purpose of this correspondence is to provide support for the proposal by the Juneau Housing First Collaborative dba the Glory Hall to create seven new apartments in the old Glory Hall building on Franklin street. Although I serve as a member of the organization’s board of directors this letter is being written from the perspective of my role as CEO at JAMHI Health & Wellness.

The Glory Hall, JAMHI and other local non-profits have long valued strong collaborative working relationships in collective service to people in Juneau. We work closely to serve people with complex needs very well. In fact, JAMHI was founded in 1985 to ensure there would always be safe affordable housing for adults with severe mental illness in our community so any proposal to increase affordable housing options has our support.

Moreover, as an employer who has more than doubled the size of its workforce in the last five years and is challenged to adequately staff our growing service lines, the availability of affordable housing in Juneau frequently challenges our ability to recruit and retain. Therefore, we are especially thankful for the Glory Hall’s proposal that will increase Juneau’s affordable housing stock.

In sum, we urge approval of the application as presented. If you have questions at any time please contact me directly at dave@jamhi.org or 231-590-9637. Thank you for your consideration.

Sincerely,

David G. Branding, PhD

David G. Branding, PhD
Chief Executive Officer

3406 Glacier Hwy
Juneau, Alaska 99801

Tel. (907) 463-3303
Fax (907) 463-6858
jamhihealthandwellness.org

From: [Chloe Papier](#)
To: [Jennifer Shields](#)
Cc: [Hazel LeCount](#); [Roy Anderson](#)
Subject: Letter of Support from JCHH
Date: Monday, October 3, 2022 2:00:14 PM
Attachments: [JCHH LOS 247 S Franklin St.pdf](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Jennifer

Please see attached for a letter of support from the Juneau Coalition on Housing and Homelessness - Roy and Hazel are Co-Chairs and asked me to forward this to you. They are cc'd on this email

Thank you
Chloe

--

Chloe Papier (she/her)
Interim Executive Director
The Glory Hall
8715 Teal St
Juneau AK 99801
Direct: (907) 419-7386



September 15, 2022

RE: The Glory Hall's Conditional Use Permit Application

The Juneau Coalition on Housing and Homelessness (JCHH) is writing in unwavering and enthusiastic support of The Glory Hall's project to convert the second and third floors of its downtown building to affordable housing and their conditional use permit application.

JCHH is a partnership of local agencies and organizations who serve those experiencing or in danger of homelessness in Juneau. These organizations participate in the Juneau Continuum of Care by providing emergency, transitional, permanent-supportive housing, and supportive services to clients. We individually and collectively work together to develop solutions.

The Glory Hall is one of the founding members of JCHH and the work that they do, in collaboration with myriads of partners is critical to our community. The Housing First Project, the Navigator Program, food delivery to those most in need, are some of the important community projects in which the Glory Hall has played a critical role. Annually, the Glory Hall provides over 55,000 meals and over 11,000 safe emergency shelter beds.

The Juneau Coalition on Housing and Homelessness urges the Planning Commission to approve the Glory Hall's request for a conditional use permit without onerous conditions. The agencies and organizations that are a part of JCHH have all become keenly aware of how awful the housing crisis has become. There are a very large number of people in our community who cannot find rentals let alone rentals that are affordable. While this project will not solve the crisis it is a step in the right direction, we need many more projects like it and applaud those who are willing to help.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle D. Carr", is written over a large, horizontal, looping scribble.

From: [Elizabeth Pederson](#)
To: [Jennifer Shields](#)
Subject: Letter of Support for the Glory Hall Permit
Date: Tuesday, September 27, 2022 6:53:15 PM
Attachments: [TGH Volunteer Group letter of support Pederson.docx](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Good Evening Jennifer,

I understand you are the City Planner for the Glory Hall DT Project. See attached - a letter of support from myself and the Glory Hall Volunteer Cooking Group I serve with. Also please share with the appropriate CBJ CDD staff as well.

Thank you for your time and consideration!

~Elizabeth (Buffy) Pederson

September 27th, 2022

Dear CBJ CDD Staff,

We are writing in support of The Glory Hall's application for a conditional use permit to remodel their Franklin St. building into seven units of affordable housing in downtown Juneau.

Our volunteer group brings food to cook and serve dinner at The Glory Hall once a month to provide support and a delicious hot meal. The people we serve there have many needs, especially food and shelter insecurity. We commend the Glory Hall, and their many volunteers, for the services they provide to meet these important human needs. We believe the next step in helping this vulnerable population is creating affordable housing options, which starts with the city approving this permit. The Glory Hall's downtown location is near many job opportunities, social services programs, and transportation making it a great place for this housing.

Thank you for your time and consideration! This project is important to our community, and The Glory Hall needs your help!

Sincerely,



Elizabeth (Buffy) Pederson and first Tuesday of the month Glory Hall Volunteer Group

From: [Luke Vroman](#)
To: [Jennifer Shields](#)
Subject: Fwd: Fwd: Letter of Support For Downtown Glory Hall Project!
Date: Monday, September 26, 2022 11:58:22 AM
Attachments: [Support letter GH.pub](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello Jennifer,

Attached you will find a Letter of Support for The Glory Hall's application for a conditional use permit from Ms. Hazel LeCount on behalf of The Polaris House.

Thanks very much, and happy windy Monday to you!

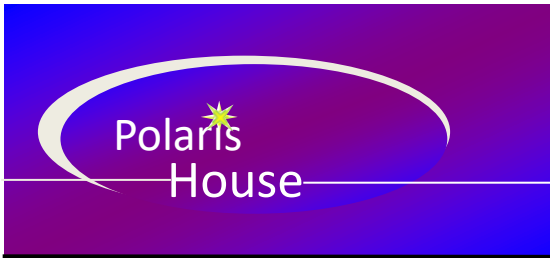
Best,
Luke Vroman (he/him)
Deputy Director
The Glory Hall
8715 Teal St. Juneau, AK 99801
907.500.8120 (direct)
907.586.4159 (The Glory Hall)
luke@feedjuneau.org
"Serving Those Most In Need"

----- Forwarded message -----
From: **Hazel LeCount** <hblecount@polarishouseak.org>
Date: Mon, Sep 26, 2022 at 11:51 AM
Subject: Re: Fwd: Letter of Support For Downtown Glory Hall Project!
To: Luke Vroman <luke@feedjuneau.org>

Here you go Luke, I sure hope this helps.

Thank you,

Hazel LeCount
Executive Director
Polaris House
hblecount@polarishouseak.org
907-780-6775
907-500-5393
|



Sponsored By



Promo Self-Su ency and Recovery

Section J, Item 2.

434 W. Willoughby

Ph: (907) 780-6775

Fax: (907) 780-6774

Email : polarishouse@alaska.net

September 26, 2022

Dear The City and Borough of Juneau,

The Polaris House is submitting this letter on behalf of the Glory Hall to support their hopeful affordable housing project that is slated for their former shelter building on South Franklin Street. We understand that they are applying for a conditional use permit to move this project forward, and we support them in this endeavor 100 percent! The Glory Hall is hoping to develop seven units of affordable housing downtown, and the addition of viable residences available to participants of The Polaris House (and all of Juneau's social service agencies) is nothing short of a mandate!

The Polaris House is a clubhouse community made up of members who struggle/have struggled with mental illness. The only requirement for membership is a mental illness diagnosis, and our ultimate goal is recovery -in Juneau alone we have over 400 members! Our business model is staff and members working side-by-side to do the work of the clubhouse, and through this, members have more opportunities throughout the community to live full and rewarding lives. We are located downtown on Willoughby Ave. and are open Monday thru Saturday for members to access the resources our community offers. We have three different employment program opportunities, we serve daily lunches, which members and staff work side-by-side to prepare. Above all Polaris House is a safe place to be. Through the clubhouse, members have access to daily activities, and connections to resources, and most importantly Polaris House is a place to be a part of something that relies on member participation for it to be operational. Our members need access to affordable housing options, and The Glory Hall realizes this need. Please help The Glory Hall to make their project possible by approving their application for a conditional use permit at 247 S Franklin St. Any reasonable developer attempting to build housing accessible to the population that Polaris House, The Glory Hall, and other local agencies serve cannot afford insurmountable barriers placed in their paths, and the support of CBJ is a requirement for them to make further housing a reality.

The project for seven units of affordable housing at the former Glory Hall space is important to our community, not only because the housing space is desperately needed, but because it will serve as a jumping-off point for further projects like this one that will one day help to solve our community's housing crisis. We encourage you to support The Glory Hall by granting a conditional use permit without overwhelming barriers to success. Every new unit in Juneau counts, and we are absolutely overdue for projects like this one.

Thank you for your consideration in this manner.

Sincerely,

Hazel LeCount

Executive Director

Polaris House Inc.

From: [Joan O'Keefe](#)
To: [Jennifer Shields](#)
Subject: Letter of Support for TGH CUP
Date: Wednesday, September 14, 2022 5:15:23 PM
Attachments: [SAIL CUP Letter of Support, TGH Project.pdf](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Jennifer,

Please find attached a Letter of Support from Southeast Alaska Independent Living (SAIL) for the Glory Hall's CUP application for 247 Franklin Street Apartment Conversion Project.

Gunalchéesh / Háw'aa / Thank you for your assistance!

Joan O'Keefe

Executive Director

Southeast Alaska Independent Living, Inc. (SAIL)

United Human Services of SE Alaska, Inc. (UHS)

888-487-0987 office and 907-321-3156 cell

www.sailinc.org

<http://www.tealstreetcenter.org/>



3225 Hospital Drive, Suite 300 Juneau, AK 99801 | PH: 800.478.7245 | FAX: 888.521.4869

September 14, 2022

City and Borough of Juneau
Community Development Department
230 S. Franklin St.
Juneau, AK 99801

Dear CBJ Community Development Department and Planning Commission,

It is my pleasure to write this letter of support for the 247 S. Franklin Street Apartment Conversion project. Southeast Alaska Independent Living (SAIL) understands that affordable housing is foundational to communities and people’s lives. We urge the Planning Commission to approve The Glory Hall’s application for a Conditional Use Permit without delay so they can begin their work to create these much-needed units.

As an Independent Living Center and an Aging and Disability Resource Center, SAIL staff works directly with many clients who have benefited from various housing initiatives designed to serve our low income and housing insecure neighbors such as the first and second phases of the Housing First project and the new Glory Hall. More apartments retained by a nonprofit landlord will ensure that housing is available to all members of our communities, including those most in need.

Providing consistent support to the individuals we work with is extraordinarily challenging when they are living on the streets and often cycling between jail, the hospital and detox. This population is at great risk for violent attack and exploitation. These individuals have complex medical and behavioral health needs that are left unattended when they are struggling day by day to find a relatively safe place to lay down at night. Having a landlord who will take a chance and rent to them is critical. In addition, even some of our staff struggle with housing. Making more units available will help with the labor crisis and attract and keep people in Juneau.

Juneau still has more work to do. There are still many individuals who are on the street, young professionals struggling to find housing, and people leaving Juneau due to lack of an affordable place to live. Thank you for taking a step in the right direction.

Respectfully

Joan O’Keefe
Executive Director

From: [Dave Ringle](#)
To: [Jennifer Shields](#)
Subject: Letter of support for Glory Hall project
Date: Wednesday, September 14, 2022 2:25:10 PM
Attachments: [TGH support letter.docx](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Jennifer,

Attached is a letter of support for the Glory Hall conditional use permit application.

Dave Ringle
Executive Director
Society of St. Vincent de Paul
8617 Teal Street
Juneau, AK 99801
907-321-7026
dave@svdpjuneau.org
www.svdpjuneau.org

"We provide material and spiritual charity and work for social justice for all people."

Society of St. Vincent de Paul
St. Therese Conference
8617 Teal Street
Juneau, AK 99801
(907) 321-7026

*“We provide material and spiritual
charity and work for social
justice for all people”*



September 14, 2022

Re: 247 S. Franklin Street Conditional Use Permit Application

To Whom it May Concern:

I am writing in support of the Glory Hall’s project to convert their downtown building into seven units of affordable housing through their conditional use permit application. We are in the midst of a housing crisis, and this is a unique opportunity to quickly create seven units of affordable housing downtown. We have been talking about the affordable housing problem for years, but after COVID and the lifting of the eviction moratorium this problem has risen to the crisis level. Lack of affordable housing effects our community, discouraging people from seeking employment here and creating new homeless people every day. This project is particularly effective in solving the problem as it only requires modifying an existing building, not new construction. As such it is much less likely to suffer serious supply chain delays that many housing projects currently have. As members of this community, we should all be working collaboratively towards solutions and I urge the Planning Commission to approve this request as soon as possible.

The Glory Hall and the Society of St. Vincent de Paul work closely on many issues including affordable housing and homelessness. They are a trusted partner of ours and we look forward to continuing this relationship for many years to come. We enthusiastically support your efforts to provide a much-needed addition to Juneau’s low income housing market.

Your support of their project would be greatly appreciated. Thank you and please contact me if you have any questions.

Sincerely,

Dave Ringle
Executive Director
Society of St. Vincent de Paul St. Therese Conference

From: [Laura Talpey](#)
To: [Jennifer Shields](#)
Cc: cpapier@juneauhfc.org
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Saturday, October 1, 2022 10:24:37 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

Sincerely,
Laura Talpey

From: [Louise Taylor](#)
To: [Jennifer Shields](#)
Subject: Support for affordable housing development in downtown Juneau
Date: Saturday, September 24, 2022 2:03:09 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello Jennifer,
I hope the city planning commission can find some way to support the conversion of the Glory Hall shelter into affordable apartments downtown. The city has long claimed that it supports developing more housing yet no one has yet stepped up to replace downtown apartments lost to fire, retail, or otherwise converted into short-term rentals. If landslide hazard is the only roadblock, then why can't the Glory Hall building get a waiver since it was already housing? Here you have a non-profit with a great track record and an excellent proposal and the only thing standing in the way of creating more housing is an overly strict interpretation of the planning code. Please reconsider and support this critical affordable housing.

Lou Taylor

From: [Natalie Watson](#)
To: [Jennifer Shields](#)
Subject: Affordable housing downtown!
Date: Monday, September 26, 2022 6:43:24 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Jennifer,

I am writing in strong support of the Glory Hall's project to convert their downtown building to seven units of affordable housing. One of the keys to a vibrant downtown is housing and this project would be a meaningful step in the right direction. Cities across the country are reinvesting in their downtown, infilling under-used spaces with diverse housing stock. This makes sense on many levels, such as equity (equal access to quality public spaces), livability, walkability, public safety (eyes on the street), business vitality and reducing dependence on motor vehicles.

As we all know, Juneau is in a housing crisis and I believe that the City should be doing all it can to support organizations and nonprofits such as the Glory Hall that are trying to help solve the problem. I understand that the building is in a potential avalanche zone and has an associated rule prohibiting projects that will 'increase density' within that zone. If it is truly not safe to have housing there then I strongly encourage the City to proactively create affordable, dense housing somewhere else in the downtown.

Warmly,
Natalie Watson
Juneau, AK

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers

7:00 p.m.

Meeting Date: October 25, 2022

1. USE2022 0013:

- a. Public Comment – Lucid Reverie, received 10-14-2022 (page 2)
- b. Public Comment – Laura Lucas, received 10-17-2022 (page 3-6)
- c. Public Comment – Olivia Sinaiko, received 10-17-2022 (page 7)
- d. Public Comment – C. Kiel Renick, received 10-17-2022 (page 8)
- e. Public Comment – Piper Haney, received 10-19-2022 (page 9)
- f. Public Comment – Sydney Hughes, received 10-19-2022 (page 10)
- g. Public Comment – Margo Waring, received 10-19-2022 (page 11)
- h. Public Comment – Kelsey Dean, received 10-20-2022 (page 12)
- i. Public Comment – Hannah Wilson, received 10-20-2022 (page 13)
- j. Comments from The Glory Hall, received 10-21-2022 (page 14-85)

2. PAD2022 0003:

- a. Public Comment – John Crabill, received 10-17-2022 (page 86)
- b. Public Comment – John Crabill, received 10-19-2022 (page 87-89)
- c. Comments from Murray Walsh & James Parise, received 10-21-2022 (page 90-95)
- d. Public Comment – Karla Hart, received 10-21-2022 (page 96)

October 14, 2021

Dear CBJ CDD Staff,

I've lived and worked in downtown Juneau since the 80's. My grandma used to volunteer at the old visitor kiosk and one of my first summer jobs was at the old Boarding House Bakery. The Glory Hall and former Glory Hole have been a big part of providing services for folks in the area for as long as I can remember.

Today I'm writing in support for the Glory Hall's 247 S. Franklin Street Affordable Housing Downtown project. The Glory Hall's affordable housing efforts come at an important time. I've had friends and colleagues leave town in recent years simply because they couldn't find reasonable housing. Housing is a major problem right now and the city needs to be supporting every effort to open up more affordable housing. Especially this one from a longtime and well trusted community non-profit.

Lack of downtown housing, especially affordable downtown housing has been a topic of discussion for many years, and I am glad to see this step toward decreasing the scope of the problem.

I encourage you to approve this application and to support their efforts to put people into affordable workforce housing.

Pat Race

Lucid Reverie / Alaska Robotics

175 S. Franklin St. Suite 312

Juneau, AK 99801

From: [Laura Lucas](#)
To: [Jennifer Shields](#)
Subject: Re: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Friday, October 21, 2022 10:02:11 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Jennifer

I reread my letter and noticed a typo that unfortunately declares the opposite of what I meant to say. ("apart of the solution" vs "a part of the solution"— what a difference a space can make!)

If you haven't already put the letter in the packets, If you could replace it with below, I would appreciate it.

If you've already done it, no worries, I think my opinion is understood in either case.

Thanks much,

Laura

From: Laura Lucas <laurajlucas88@gmail.com>
Sent: Monday, October 17, 2022 12:06 PM
To: Jennifer Shields <Jennifer.Shields@juneau.org>

Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project

Dear CBJ Community Development

I am writing in regards to the Glory Hall's application to repurpose the former shelter on South Franklin St into affordable housing units.

The argument presented by CBJ Community Development staff at a recent Planning Commission that the proposed additional apartments would increase density and therefore violate CBJ code struck me as lacking common sense. How can a plan that proposes to create a half dozen or so apartments housing about a dozen people represent an increase in density of a property that once sheltered 40-60 individuals nightly?

In their opposition brief, CDD stated that their denial was based on a "straightforward application of the CBJ code.... [A code] that beyond representing the will of the community provides guidance and places guardrails." As a community member, I would suggest that their interpretation of the Code creates not a guardrail but an unfortunate barrier to the goals of the CBJ Housing Action Plan to reduce downtown's critical housing shortage.

Looking around downtown, I mourn the loss of buildings that once provided housing that now are empty, languishing and deteriorating. (Twentieth Century Theater comes to mind). CBJ's Comprehensive Plan acknowledges this problem of dwelling units that have been vacated by the owner and are being kept off

the market. By The Glory Hall's proposal to convert a portion of their property on South Franklin to affordable housing, they are acting as a community-minded landlord and accordingly become a part of the solution to reducing the housing shortage downtown.

I recognize and applaud CBJ's ongoing effort to increase access to affordable housing such as the use of the Juneau Affordable Housing Fund to fund worthy housing projects. I supported the new City Hall funding proposition because I looked forward to the possibility of returning the CBJ offices in the Marine View Apartments back to their original housing purpose. Obviously, as with the latter failed vote, there will be times when there are setbacks to these efforts. For this reason, I think it's all the more important to recognize that each step towards reaching our goal, however small, should not be ignored.

I urge you to approve the conditional use permit for The Glory Hall's conversion project on South Franklin.

Sincerely,

Laura Lucas

6615 North Douglas Hwy

On Wed, Oct 19, 2022 at 11:28 AM Jennifer Shields <Jennifer.Shields@juneau.org> wrote:

Hi Laura,

Thank you for your email in support of a Conditional Use Permit for the Glory Hall at 247 S. Franklin Street. I will be sure to include it in the written record, and I will present it to the Planning Commission in an "Additional Materials" packet when they review this application on October 25, 2022. In the meantime, please feel free to contact me if you have any other comments or questions.

Sincerely,

Jennifer L. Shields | Planner II

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4139



Fostering excellence in development for this generation and the next.

From: Laura Lucas <laurajlucas88@gmail.com>
Sent: Monday, October 17, 2022 12:06 PM
To: Jennifer Shields <Jennifer.Shields@juneau.org>
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear CBJ Community Development

I am writing in regards to the Glory Hall's application to repurpose the former shelter on South Franklin St into affordable housing units.

The argument presented by CBJ Community Development staff at a recent Planning Commission that the proposed additional apartments would increase density and therefore violate CBJ code struck me as lacking common sense. How can a plan that proposes to create a half dozen or so apartments housing about a dozen people represent an increase in density of a property that once sheltered 40-60 individuals nightly?

In their opposition brief, CDD stated that their denial was based on a "straightforward application of the CBJ code.... [A code] that beyond representing the will of the community provides guidance and places guardrails." As a community member, I would suggest that their interpretation of the Code creates not a guardrail but an unfortunate barrier to the goals of the CBJ Housing Action Plan to reduce downtown's critical housing shortage.

Looking around downtown, I mourn the loss of buildings that once provided housing that now are empty, languishing and deteriorating. (Twentieth Century Theater comes to mind). CBJ's Comprehensive Plan acknowledges this problem of dwelling units that have been vacated by the owner and are being kept off the market. By The Glory Hall's proposal to convert a portion of their property on South Franklin to affordable housing, they are acting as a community-minded landlord and accordingly become apart of the solution to reducing the housing shortage downtown.

I recognize and applaud CBJ's ongoing effort to increase access to affordable housing such as the use of the Juneau Affordable Housing Fund to fund worthy housing projects. I supported the new City Hall funding proposition because I looked forward to the possibility of returning the CBJ offices in the Marine View Apartments back to their original housing purpose. Obviously, as with the latter failed vote, there will be times when there are setbacks to these efforts. For this reason, I think it's all the more important to recognize that each step towards reaching our goal, however small, should not be ignored.

I urge you to approve the conditional use permit for The Glory Hall's conversion project on South Franklin.

Sincerely,

Laura Lucas

6615 North Douglas Hwy

From: [Olivia Salisbury Sinaiko](#)
To: [Jennifer Shields](#)
Cc: [Chloe Papier](#)
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Monday, October 17, 2022 12:59:51 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am a Juneau homeowner who both lives and works downtown. I am writing in whole-hearted support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is in the midst of a housing crisis and people are suffering, and converting this building into 7 units would be a meaningful step towards alleviating that suffering. My hope is that the City will do everything it can to support those who are willing to step forward to help solve the problem, including approving The Glory Hall's application for a conditional use permit. I urge you to approve this project without burdensome conditions.

Thank you,

Olivia Sinaiko

From: [Kiel Renick](#)
To: [Jennifer Shields](#)
Subject: Support for The Glory Hall Affordable Housing project
Date: Monday, October 17, 2022 1:09:07 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Good Afternoon Jennifer,
I'm writing you and the greater CBJ in support of The Glory Hall's plan to develop its former shelter into 7 units of affordable housing. Juneau is facing a housing crisis at all levels of income, and these 7 housing units could bring folks from houselessness to being housed. That is life changing for those people, and also important for Juneau's overall economy. Having observed the ongoing debate regarding this issue, I would hope that CBJ can be solution oriented to help the people of Juneau attain needed housing instead of digging in to defend bureaucratic technicality.

Please be helpful in addressing our community needs, especially at this trying time.

Thank you,
C. Kiel Renick
615 Basin Rd.
Juneau AK 99801

From: [Piper Haney](#)
To: [Jennifer Shields](#)
Subject: Glory Hall's Conditional Use Permit
Date: Wednesday, October 19, 2022 8:57:19 AM
Attachments: [Outlook-yaau4cmw.png](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

My name is Piper Haney and I am a mental health clinician for Front Street Clinic that is based at the Glory Hall emergency shelter. I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. Living without stable housing can drastically worsen mental and physical health symptoms and contribute to substance abuse. By creating more affordable housing units in Juneau we have the opportunity to provide community members with stable and affordable housing, one of the basic needs necessary to reach self-sufficiency and improve mental and physical health. I urge you to approve this project without burdensome conditions.

Sincerely,
Piper Haney

Piper Haney, LMSW
Behavioral Health Clinician - Unlicensed
Front Street Clinic/ The Glory Hall
P: 907.364.4429
E-mail: phaney@searhc.org
225 Front Street Ste. 202 | Juneau, AK, 99801



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From: [Sydney Hughes](#)
To: [Jennifer Shields](#)
Cc: cpapier@juneauhfc.org
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Wednesday, October 19, 2022 11:19:13 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

Sincerely,
Sydney Hughes

From: [Margo Waring](#)
To: [Jennifer Shields](#)
Subject: Glory Hall apartments
Date: Wednesday, October 19, 2022 9:05:05 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I am writing to let the Planning Commission know my opinion about efforts to convert the former Glory Hall into seven affordable apartments.

I read in the Juneau Empire that CDD is still opposing 7 new units and has recommended denial of the conditional use permit because it says that the project would increase density of the parcel because the prior residents of the shelter did not have individual cooking, sleeping and bathroom facilities and the residents of the apartment would.

To me, this is silly. The fact is that upwards to 53 people lived in the GH at any one time and CBJ considered it safe for them to be there, sleep, use bathrooms and meals cooked for 53+ everyday. The new units will house up to 14 people which seems a safer number. If the concern is fire protection, perhaps a permit can insist on extra fire extinguishers in each unit. I am sure that prospective tenants will be screened for suitability. And the fact that the apartments are affordable and will accept Section 8 vouchers will make a significant addition to Juneau's supply of this type of rental unit.

I encourage the Planning Commission to look beyond narrow definitions used by CDD and see that this project deserves their support.

By the way, I was a frequent cook at the GH(s) and its kitchens for more than 30 years and am familiar with patrons and staff and feel that everyone will do what they can to make the conversion a success.

Sincerely,
Margo Waring
11380 N. Douglas Hwy
Juneau, AK 99801

From: [Kelsey Dean](#)
To: [Jennifer Shields](#)
Cc: cpapier@juneauhfc.org
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Thursday, October 20, 2022 7:16:20 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

Sincerely,
Kelsey Dean

From: [Hannah Wilson](#)
To: [Jennifer Shields](#)
Cc: cpapier@juneauhfc.org
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Thursday, October 20, 2022 7:16:48 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

Sincerely,

Hannah Wilson

Sent from my iPhone

Mary Alice McKeen
Attorney, Alaska Bar # 8106035
212 West 9th Street
Juneau, Alaska 99801
907-957-6170
ottokeen@gmail.com

BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

| | | |
|----------------------------|---|------------------------------------|
| JUNEAU FIRST HOUSING |) | USE 2022 013: |
| COLLABORATIVE, |) | TGH's Application for a |
| dba THE GLORY HALL (TGH) - |) | Conditional Use Permit to create |
| |) | seven affordable apartments in the |
| Applicant |) | Mixed Use District in |
| |) | Downtown Juneau |

TGH's Application for a CUP to create seven affordable apartments in the Mixed Use District in Downtown Juneau should be granted.

Introduction..... 2

Summary..... 3

Exhibits attached to these Comments 5

Minor correction in application: the first floor will be used as a commercial rental; it may or may not be a restaurant..... 6

Standard of Review..... 6

1. The Glory Hall Building is not located in a severe avalanche area..... 7

2. The Director's finding that this project increases density is clear error and is in no way supported by a preponderance of evidence in the record. 10

A. The issue is whether this project increases density of this parcel; it does not..... 11

B. CDD conceded in the Building Permit Appeal that this Project does not increase density of this parcel; it only argued against a general redefinition of density for all projects..... 15

3. The Director's finding that the proposed development will materially endanger the public health, safety, or welfare is in error and not supported by a preponderance of the evidence..... 17

A. The Director's assertion that this conditional use permit should be denied because TGH did not present evidence beyond what is in CDD's records that TGH complied with the conditions of the 1990 conditional use permit 1990 is error. 17

1. This standard is unreasonable and arbitrary on its face. 18

Mary Alice McKeen
Attorney, Alaska Bar # 8106035
212 West 9th Street
Juneau, Alaska 99801
907-957-6170
ottokeen@gmail.com

BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

| | | |
|----------------------------|---|------------------------------------|
| JUNEAU FIRST HOUSING |) | USE 2022 013: |
| COLLABORATIVE, |) | TGH's Application for a |
| dba THE GLORY HALL (TGH) - |) | Conditional Use Permit to create |
| |) | seven affordable apartments in the |
| Applicant |) | Mixed Use District in |
| |) | Downtown Juneau |

TGH's Application for a CUP to create seven affordable apartments in the Mixed Use District in Downtown Juneau should be granted.

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A. The Director's assertion that this conditional use permit should be denied because TGH did not present evidence beyond what is in CDD's records that TGH complied with the conditions of the 1990 conditional use permit 1990 is error. 17

1. This standard is unreasonable and arbitrary on its face. 18

2. This standard contradicts the presumption of regularity that applies to the Planning Commission’s and CDD’s actions that led to the Certificate of Occupancy Permit issued to The Glory Hall on August 14, 1991. 18

3. CDD’s records show that CDD admirably performed its job in 1990 – 1991..... 19

B. The preponderance of evidence does not support the Director’s finding that the conversion of The Glory Hall building to seven small apartments will materially affect public health, safety or welfare..... 20

C. The treefall event on Gastineau Avenue in September 2022 does not support denial of this conditional use permit. 22

D. The conditions hinted at by CDD are not reasonable..... 24

Conclusion 25

Introduction

The Juneau Housing First Collaborative doing business as The Glory Hall (TGH) submits these comments in support of its application for a conditional use permit to create seven affordable rental units in its building located at 247 South Franklin Street. TGH responds to points made by CDD in its Staff Report submitted to Michael LeVine, Chair, Planning Commission on October 17, 2022.¹ TGH will refer to that document as the “CDD Staff Report.” With the CDD Staff Report, CDD Planner submitted 304 pages of attachments, which TGH will cite by Attachment Letter A through Z 2 and sometimes also by page number in the Planning Commission packet.

TGH received the CDD Staff Report on Monday, October 17, 2022, at 5:07 p.m. It was 26 pages and had 304 pages of attachments. Frankly it was a surprise that CDD continued to argue that the conditional use permit should be denied on the grounds of CDD’s conclusion that the project would increase density of the parcel.² This was surprising in light of the arbitrary and absurd results of that position – this building can

¹ CDD Staff Report to Michael LeVine, Chair, Planning Commission by Jennifer Shields, Planner II, through Jill Maclean, CDD Director.
² CDD Staff Report at pages 9- 11.

house over 50 persons a night in several dormitories, seven shared bathrooms, and one large kitchen but cannot house 7 to 14 people because these residents will have their own sleeping, bathroom and cooking facilities -- and in light of CDD's acknowledgment in the Building Permit appeal that *in this case, for this project*, the interpretation of density in the Proposed Decision of the Planning Commission "supports TGH's conversion *and* the intent of CBJ 49.70.300(b)(1), which is to minimize risk to people and property."³ TGH elaborates on this in Point 2 B below. But CDD has put before the Commission *again* the legal issues that were the subject of extensive briefing and legal argument in the Building Permit appeal.

TGH has done its best to respond to the CDD Staff Report in the two and a half days it had to prepare these comments. At the hearing, TGH has only ten minutes to make its opening comments and five minutes for response. TGH hopes that the Commissioners ask questions if any of TGH's argument need clarification or give TGH time to submit additional written comments for any points that require a written response.

Summary

Under CBJ 49.15.330, the Planning Commission has exclusive authority to issue a conditional use permit.⁴ The Planning Commission shall reject the CDD Director's determination regarding a conditional use permit if it finds, by a preponderance of evidence, that the Director's determination was in error. This project is allowed by the Table of Permissible Uses. This parcel is in the Mixed Use District, which has no

³ CDD's Objections to the Proposed Decision at 5 (*italics in original*) (June 8, 2022).

⁴ A Planning Commission's decision may be appealed to the Assembly under Chapter 01.50 of the Municipal Ordinances.

maximum number of dwelling units per acre. This project implements a priority of the Juneau Comprehensive Plan, which recognizes that Juneau has a “housing crisis.”

The Director, however, recommended that the Planning Commission simply deny outright the conditional use permit for these seven affordable rental units. The Director determined that a grant of this permit was prohibited by CBJ 49.70.300(b)(1), which states that “no development . . . within a severe avalanche area shall . . . increase the density of that parcel.” This is error for two reasons. First, the parcel is not in a “severe avalanche area.” The parcel is in a potential avalanche hazard area, based on Map 4, 1987 Hazard Study Maps, which are still the official CBJ maps. The parcel is in a low (negligible) avalanche hazard zone on the more recent Tetra Tech maps.

Second, the project does not increase density of the parcel by any reasonable measure of density. The project does not increase the density of structures: it converts the inside of the building into seven small apartments and does not change the footprint of the building. The project changes the use of the building from housing 43 to 53 people with shared sleeping, cooking, bathroom and living facilities to housing 7 to 14 people in seven small apartments with their own sleeping, cooking, bathroom and living facilities. Finally, the project decreases the maximum number of persons that can occupy the space by 75% because the allowable space per resident of an apartment is much greater than the allowable space per resident of a homeless shelter.

The Director determined that the project would materially endanger the public health, safety or welfare. The Director stated that TGH had not proven that it met the requirements of the conditional use permit it received in 1990 to construct the shelter. This is error. An applicant is entitled to rely on the “presumption of regularity” that a government agency is presumed to have properly discharged its official duties. It would

be a nightmare if every time a property owner wanted a new permit, it had to go back years and show that it, or prior owners, had met the conditions for prior permits. CDD's own records show that TGH met the conditions of the 1990 conditional use permit and CDD issued an Occupancy Permit "certifying at the time of issuance this structure was in compliance with the various ordinances of the City and Borough of Juneau regulating building construction or use [for a Group Shelter]," attached as Exhibit 2.

Furthermore, the City authorized construction and use of the building as a homeless shelter in 1990 and TGH still has a valid conditional use permit for that use. The record does not show by a preponderance of evidence that conversion of the building to seven small apartments would materially endanger the public health, welfare or safety. The conversion does not change the footprint of the building. TGH submitted detailed engineering plans from Stan Tech for the structural changes in the building required for the conversion. The internal agency review of the application yielded no concerns from CBJ Engineering or Building. No neighbors of the building have raised safety concerns. And the public comment, including comments from several downtown business owners, was unanimous in favoring development which would lead to more affordable rental housing and more people living in the Downtown area. The only entity opposed to this project is CDD.

Exhibits attached to these Comments

Exhibit 1: CBJ 49.70.300 – Landslide and avalanche areas (full text of ordinance).

Exhibit 2: Certificate of Occupancy issued for TGH Building "certifying at the time of issuance this structure was in compliance with the various ordinances of the City and Borough of Juneau regulating building construction or use" for a Group Shelter, Attachment N to CDD Staff Report.

Exhibit 3: Sheet 4, 1987 Hazard Study Maps, showing TGH parcel in "potential avalanche area."

Exhibit 4: CDD references in Building Permit Appeal to TGH parcel being located in “a moderate avalanche area.”

Exhibit 5: CBJ 49.25.500, Density: “The maximum number of dwelling units per acre shall be as provided in the following table.” Mixed Use District has no maximum density of dwelling units per acre.

Exhibit 6: Opening Brief of TGH in Building Permit Appeal: sections addressing whether the project would increase density.

Exhibit 7: Reply Brief of TGH in Building Permit Appeal: sections addressing whether the project would increase density.

Exhibit 8: Affidavit of Mariya Lovishchuk re Engineering Firms (June 30, 2022)

Minor correction in application: the first floor will be used as a commercial rental; it may or may not be a restaurant.

The application incorrectly stated the first floor will be used as a restaurant. The first floor has a commercial kitchen. In other parts of the application, TGH stated that the first floor will be used as a commercial rental. It may or may not be used as a restaurant. There are other possible uses, such as, for example, a training space for a nonprofit or tribal organization to train persons for work in the culinary or hospitality fields. If a restaurant, the venture will have some elements of a mission-aligned use, that is a use compatible with the mission of The Glory Hall. The first floor rental will be decided after the apartment conversions are completed or near completion.

Standard of Review

The Planning Commission has exclusive authority to issue a conditional use permit (CUP) under CBJ 49.15.330. The CDD Director reviews the application for a CUP.⁵ The Planning Commission reviews the CDD Director’s and shall adopt the CDD Director’s determination unless it finds, by a preponderance of evidence, that the

⁵ CBJ 49.15.330(d).

determination was in error.⁶ The Planning Commission may also take action based on its independent review of the evidence before it.⁷

1. The Glory Hall Building is not located in a severe avalanche area.

CBJ 49.70.300(b)(1) states:

Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

TGH maintains in the strongest possible terms that this project does not increase density. But this ordinance only applies to development “within a severe avalanche area” and the record shows that this parcel is not in a severe avalanche area. If the parcel is not in a severe avalanche area, this part of the ordinance does not apply to TGH’s request for a conditional use permit.

This parcel is not in a severe avalanche area and CDD admits that this parcel is not in a severe avalanche area. Based on the Hazard Study Map Sheet # 4, attached as Exhibit 3, this property is in a “potential hazard” for Snow Avalanche Hazard Classification. This is equivalent to a “moderate avalanche area.”⁸ Based on the 1987 maps, the Glory Hall parcel is in a severe landside area and that is why in 1989, TGH submitted the R & M analysis of landslide risk and why the Planning Commission required mitigating measures for landslides as part of construction of the building that is

⁶ CBJ 49.15.330(e)(2).

⁷ See CBJ 49.15.330(f) (providing that based on its independent review of the evidence, the Commission may deny or condition a permit if it finds that the development will more probably than not [1] materially endanger the public health or safety, [2] substantially decrease the value of the property or be out of harmony with the neighboring area, [3] lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans).

⁸ CDD Staff Notations in Building Permit Appeal, Exhibit 4 to these Comments.

there today. The recent Tetra Tech maps put the TGH property in a low avalanche hazard designation – not moderate, not severe – which the maps explain mean a return period of greater than 300 years.⁹

Further, the record of the appeal for the Building Permit for this property shows CDD staff as noting “this parcel is located in the moderate avalanche area.”¹⁰

It is also noteworthy that the extensive record of TGH’s application for a conditional use permit in 1990 has no indication that CDD treated this parcel as in the severe avalanche area and as subject to the restriction on development in CBJ 49.70.300(b).¹¹

In fact, CDD admits that this parcel is not in a severe avalanche area. CDD has made the decision on its own to apply the limitation in CBJ 49.70.300(b) to parcels in either a severe avalanche area or a severe landslide area. CDD does this because it concluded that the Assembly use of the term “severe avalanche area” in CBJ 49.70.300(b) was unintentional. The CDD Staff Report states that because CBJ 1987 maps were based in part on 1970 maps that combined landslide and avalanche, “staff believe that the heading of CBJ 49.70.300(b) labeled, ‘Severe Avalanche Areas’ – but not landslide – was not intentional.”¹²

This is an unreasonable interpretation of Assembly intent for numerous reasons:

⁹ Figure 2.4d, <https://juneau.org/community-development/special-projects/landslide-avalanche-assessment>. CDD notes that these maps are for informational purposes at this time.

¹⁰ Exhibit 4 to these Comments.

¹¹ Attachments F – N, CDD Staff Report.

¹² CDD Staff Report at page 16.

- It was not only the heading of CBJ 49.70.300(b) that used the term “severe avalanche area” or “severe avalanche areas.” The Assembly used that term in the heading AND in two places in CBJ 49.70.300(b), as noted below.¹³
- The ordinance shows the Assembly understood that there were both landslide and avalanche areas. It used the term “severe avalanche areas” five times in the entire CBJ 49.70.300 and “landslide areas” six times.¹⁴ It applied some parts of CBJ 49.70.300 to landslide and avalanche areas.
- CBJ 49.70.300(a)(2) specifically states that “Boundaries of potential and severe avalanche areas will be as shown on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1-8, as the same may be amended from time to time by the assembly by ordinance.” There would be no point to that provision if it didn’t matter whether a parcel was in a severe landslide or a severe avalanche area.
- CBJ 49.70.300(a)(2) states the boundaries will be as shown on “sheets 1-8.” It does not say “except for Sheet 4.” It is true that on some sheets, the Assembly adopted composite maps: Sheets 1, 5, 7. But Sheet 4 has separate boundaries and the Assembly adopted that sheet in 1987 and has not amended it. So for the

¹³ (b) *Severe avalanche areas.*

(1) Notwithstanding any other provision, no development or any part of a development, *which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.

(2) No subdivision shall be approved which creates a lot lacking sufficient building space *outside a severe avalanche area.* [emphasis added]

¹⁴ These mentions are noted on Exhibit 1.

purposes where the statute treats avalanche and landslide areas differently, the Assembly adopted maps with separate boundaries. CDD points to statutory provision where the Assembly stated that it was combining for all purposes avalanche and landslide areas together.

The Assembly adopted this language in 1987 and amended the statute in 1990 and in 2006 and left the references to “severe avalanche areas” in place.¹⁵ CDD is rewriting the ordinance and is rewriting it in a way that enlarges the restrictions on property owners. If CDD thinks the Assembly made a mistake, it can work with the City Manger or the Legal Department to request that the Assembly change the ordinance. But it is not CDD’s role to rewrite ordinances and fix mistakes that it thinks the Assembly made.

This parcel is not and never has been in a severe avalanche area. CBJ 49.70.300(b) does not limit the development of TGH property in any way.

2. The Director’s finding that this project increases density is clear error and is in no way supported by a preponderance of evidence in the record.¹⁶

In addition to the fact that the parcel is not in a severe avalanche area, the Director erred by finding that the project increased density. TGH maintains that since the Assembly did not specifically define “density,” the Planning Commission should make a fact-specific determination whether a particular development would increase the density of a parcel by looking at all the facts about a development: whether the development increases structures on the parcel; whether it increases dwelling units, whether it increases the persons occupying the parcel; whether it increases the persons that can

¹⁵ Serial No. 87-49, § 2, 1987; Serial No. 90-03, § 1, 1990; Serial No. 2006-15, § 23, 6-5-2006.

¹⁶ For a more detailed analysis of this issue, TGH’s arguments on this point from the Building Permit Appeal are contained in Exhibits 6 and 7 to these Comments.

legally occupy the premises. The Planning Commission should look at all relevant facts. If it does, this project does not increase density.

CDD states that the Planning Commission can only look at one fact, namely whether the proposed development increases the number of dwelling units, which are residential uses where persons have their own “cooking, living, sleeping and toilet facilities.”¹⁷ This approach is in error. CDD’s interpretation of density was not adopted by the Assembly either in the ordinance itself or as a general definition. CDD’s interpretation leads to unreasonable, arbitrary and absurd results that do not comport with a reasonable construction of Assembly intent in adopting CBJ 49.70.300. It is far more reasonable that the Assembly intended CDD and the Planning Commission to look at all the facts related to a project to determine whether the project would increase the density of a parcel.

A. The issue is whether this project increases density of this parcel; it does not.

The issue is whether this project increases the density of this parcel. The Assembly did not adopt a definition of “density” in CBJ 49.70.300(b). The Assembly did not adopt a definition of “density” in the definition section for Title 49, which is where the Assembly defines terms that it intends to have a common definition throughout Title 49.¹⁸ The Assembly knows how to do this. It has adopted definitions of 402 terms in CBJ 49.80.120 to use throughout Title 49. “Density” is not one of them.

Since the Assembly did not adopt a “one-size-fits-all” definition of density, TGH maintains that the proper interpretation of Assembly intent in CBJ 49.70.300(b) is that

¹⁷ CBJ Staff Report at 8 – 10. This is the definition of “dwelling unit” in CBJ 49.80.120.
¹⁸ CBJ 49.80.120.

CDD would determine whether a project increased density of a parcel by considering all relevant facts about the project including whether the project enlarges or adds a structure to the parcel, whether the project adds dwelling units on the parcel, whether the project increases the number of persons residing or using the parcel and whether the project increases the number of persons that can potentially occupy the building. And any conclusion that the government arrives at regarding whether a project increases density should be reasonable and not produce an absurd result.

This conversion of a homeless shelter to seven small apartments does not increase density by any reasonable measure:

- The building conversion does not add structures or change the footprint of the building.
- The project does not increase the density of people who have or will use the building. The project significantly decreases the occupants of the building. The project changes the use of the building from housing 43 to 53 homeless people for decades, who shared bathroom, sleeping, and cooking facilities, to housing 7 to 14 people in seven small apartments with their own bathroom, sleeping and cooking facilities.
- The project significantly decreases the number of people that can occupy the parcel. A shelter resident in a dormitory has to have 50 gross square feet per person. A resident of an apartment has to have 200 gross square feet per person. The project decreases the maximum allowable occupancy on the parcel by 75%.

Why and how does CDD conclude that this project increases density? CDD defines “density” to mean one and one fact only: whether the project increases the number of dwelling units. Dwelling units are a residential use providing “independent

and complete cooking, living, sleeping and toilet facilities for one family.”¹⁹ CDD states that the homeless shelter had “0” dwelling units and that the project will have “7” dwelling units and therefore the conversion project increases density and is prohibited.

CDD does not provide a reasonable basis for its adoption of an across-the-board definition of density as dwelling units in CBJ 49.70.300(b). The Assembly did NOT adopt it in the ordinance itself or in the general definition section. And CDD’s “one-size-fits-all” definition of density leads to an absurd result. It is a result that does not meet the “red face” test of a plausible or coherent statement of Assembly intent. Why would the Assembly intend to allow development of this property for homeless persons, who share sleeping, cooking and bathroom facilities, to live in a mapped hazard area but not for renters, who have their own sleeping, cooking and bathroom facilities? And why on earth would the Assembly intend this result *precisely because* homeless persons share sleeping, cooking and bathroom facilities and renters do not?

CDD asserts that density in other sections means the number of dwelling units.²⁰ The references to density as meaning dwelling units comes almost exclusively from CBJ 49.25.500, attached as Exhibit 5, and related ordinances. CBJ 49.25.500 specifies density for establishing the “maximum number of dwelling units per acre” by different zoning districts. CBJ 49.25.520 specifies in close-to-excruciating detail how to apply the rules for counting up to the maximum. CBJ 49.60.140, cited in the CDD Staff Report, establishes a “residential density bonus,” for when a developer can exceed the allowable maximum density in CBJ 49.25.500.

¹⁹ CBJ 49.80.120.

²⁰ CDD Staff Report at 8 – 9.

These ordinances provide no support for CDD's conclusion that the Assembly intended to determine an increase density in CBJ 49.70.300 by the sole fact of whether the project increased dwelling units.

- The Assembly specified unequivocally in CBJ 49.25.500 – 520: count dwelling units to determine density. CBJ 49.25.500 is what an ordinance looks like when the Assembly establishes a standard for density for a particular purpose. The Assembly specified the allowable density for cottage housing development, namely the maximum number of dwellings in a cottage housing development is 12 units, except in a D-10 zoning district the maximum is 14 units.²¹ These are what ordinances look like when the Assembly establishes a maximum density and then exceptions to it. The Assembly did not tell CDD to count dwelling units to determine an increase in density in CBJ 49.70.300(b).
- The density standard for maximum dwelling units in the CBJ code has no applicability to this parcel. This parcel is in a Mixed Use District. The table in CBJ 49.25.500 states there is no maximum for the number of allowable dwelling units.
- CBJ 49.70.300(b) is not a zoning provision. It is a Land Use provision but not a zoning provision. This ordinance is in Chapter 49.70, which is “Specified Area Provisions.”
- The definition of “density” as “dwelling units” in CBJ 49.25.500 – 520 and related ordinances does not lead to arbitrary and absurd results. The definition of “density” as “dwelling units in these ordinances does not undermine Assembly

²¹ CBJ 49.15.760(b)(1) & (2)(establishing maximum number of dwellings in a cottage housing development)

intent because the Assembly adopted that measure of density for determining the maximum density of dwelling units in zoning districts. CDD's adoption of "density" as dwelling units in CBJ 49.70.300(b) leads in this instance to unreasonable and arbitrary results, which are inconsistent with any reasonable statement of Assembly intent.

Despite all the ink spilled in this case, this is not a hard case. TGH agrees that CDD can look at dwelling units as one fact in determining whether a project increases density. But when, as here, there is one large dwelling that housed 43 to 53 persons a night and the new use will house 7 – 14 persons per night and the new uses decreases the potential occupancy by 75%, CDD erred by not looking at other facts. CDD arrived at an absurd, unjust and arbitrary result. And CDD is telling the Planning Commission that it *must* tell this non-profit corporation that it cannot convert its building to seven small apartments because it served the community for over thirty years by operating a homeless shelter in this building. This is clear error. The Planning Commission can look at the actual facts of this project and reach the obvious conclusion that this project does not increase density of this parcel.

B. CDD conceded in the Building Permit Appeal that this Project does not increase density of this parcel; it only argued against a general redefinition of density for all projects.

After oral argument on the appeal on May 24, 2022, the Planning Commission issued a proposed decision on June 1, 2022, and made two findings:

1. CDD acted in error by not incorporating previous engineering work in their analysis under CBJ 49.70.300(a)(5). CBJ Engineering accepted the site specific 1989 R&M Geophysical Hazard Assessment. The assessment established that the Glory Hall was not in a severe hazard zone. The assessment amends the 1987 CBJ hazard maps for this property.

2. The Planning Commission has determined the intent of CBJ 49.70.300 is to provide for the safety of occupants within a structure, regardless of use. As density is not specifically defined in Title 49, according to CBJ 49.20.300, the Planning Commission hereby provides the following interpretation: For the purposes of CBJ 49.70.300(b)(1), the phrase “shall not increase density” shall be interpreted to mean, “shall not increase the total quantity of people in a structure.”

In CDD’s Objections to the Proposed Decision, it is important to note that CDD acknowledged that TGH’s project does not increase the density of this parcel. These are CDD’s words:

Thus, in this case, TGH’s conversion will lead to fewer people living in a designated severe hazard area *even though* this same conversion will increase dwelling units. Thus, in this case, the Proposed Decision’s definition for CBJ 49.70.300(b)(1)’s density supports TGH’s conversion *and* the intent of CBJ 49.70.300(b)(1), which is to minimize risk to people and property.²²

CDD conceded that the Planning Commission’s definition of “density” in the Proposed Decision “supports TGH’s conversion *and* the intent of CBJ 49.70.300(b)(1).” CDD in essence acknowledges that the proposed definition of “density” works for this project.

Read fairly, what CDD objected to in the proposed decision and in the CDD Staff Report is that it did not want a general redefinition of “density” and it did not want a general redefinition of “density” as meaning only “occupancy.”²³ The Planning Commission withdrew the Proposed Decision. The Planning Commission does not need to, and probably should not, adopt a general redefinition of “density” for all projects. And TGH does not advocate that the Planning Commission adopt a definition of

²² CDD’s Objections to the Proposed Decision at page 5 (italics in original).

²³ CDD’s Objections to the Proposed Decision at 3 – 7 and specifically page 3 (“CDD Objects to the Commission’s Finding Density Should Be Defined As Occupancy for CBJ 49.70.300(b)(1) Purposes.”); CDD Staff Report at 9 (“if the Commission renders CBJ 49.70.300(b)(1) to mean occupancy, the Commission will open the door to substantial development within Severe Landslide and Avalanche areas.”)

“density” as meaning only occupancy. This avoids the concerns of CDD that it will have to define “density” as meaning only occupancy.

The Planning Commission can and should state that it will determine density based on all relevant facts about a proposed development. The Planning Commission can easily find that this development does not increase density of this parcel. If there is a dispute, the Planning Commission can and should evaluate whether a future project increases density based on the facts of this future projects.

3. The Director’s finding that the proposed development will materially endanger the public health, safety, or welfare is in error and not supported by a preponderance of the evidence.

A. The Director’s assertion that this conditional use permit should be denied because TGH did not present evidence beyond what is in CDD’s records that TGH complied with the conditions of the 1990 conditional use permit 1990 is error.

CDD Staff Report states: “In 1989, the applicant received Conditional Use Permit approval to operate an Emergency Shelter in a Mapped Hazard Area, based on conditions outlined in a 1989 R & M Engineering Report. **Those conditions have not been confirmed as completed.**”²⁴ The CDD Director’s Report says the same thing, “Those conditions [in the 1989 R & M Engineering Report] have not been confirmed as completed.” CDD is actually suggesting that to receive a conditional use permit in 2022, the applicant must prove affirmatively that it met the conditions that led it to receive a conditional use permit, building permit and Certificate of Occupancy thirty-one years ago.

²⁴ CDD Staff Report at page 2 (emphasis in original).

1. This standard is unreasonable and arbitrary on its face.

It would be a nightmare if every time an applicant wanted a conditional use permit, CDD could require it to prove that CBJ properly issued and enforced prior permits. This permit was issued thirty-one years ago. How long could CDD reach back? The same property owner received the prior CUP and is applying for this. But that is not necessarily the case.

2. This standard contradicts the presumption of regularity that applies to the Planning Commission's and CDD's actions that led to the Certificate of Occupancy Permit issued to The Glory Hall on August 14, 1991.

An applicant is entitled to rely on the “presumption of regularity” for official acts including that CDD in 1990 did its job and ensured compliance with the conditions in the CUP before it issued a Certificate of Occupancy for the Building.²⁵ The preeminent statement of this principle in American law was made by the United States Supreme Court in 1926 in *United States v. Chemical Foundation*:

The presumption of regularity supports the official acts of public officers and, in the absence of clear evidence to the contrary, courts presume that they have properly discharged their official duties.²⁶

The presumption has been applied to government actions in many different situations.²⁷ It enables citizens to rely on the sufficiency of past actions taken by government agencies; saves reviewing bodies time because they do not have to endlessly go back to prior acts to see if the government did its job, unless there is clear reason to

²⁵ Exhibit 2 to these Comments: Certificate of Occupancy (August 14, 1991), issued by Christian T. Roust, Building Official.

²⁶ *United States v. Chem. Found.*, 272 U.S. 1, 14 – 15 (1926).

²⁷ E.g., *Jud. Watch, Inc. v. U.S. Dep't of State*, 282 F. Supp. 3d 338, 345 (D.D.C. 2017) (“[a]gencies are entitled to a presumption that they complied with the obligation to disclose reasonably segregable material” under the Freedom of Information Act) (citations and punctuation omitted); *Bold All. v. U.S. Dep't of the Interior*, 572 F. Supp. 3d 943, 947 (D. Mont. 2020) (“The government's designation of an administrative record is entitled to a presumption of completeness.”).

think it did not; reduces the possibility of a government agency selectively asking only certain applicants to dig back twenty, in this case, thirty-one years, to prove something that the same government agency said an applicant had already complied with.

3. CDD's records show that CDD admirably performed its job in 1990 – 1991.

The Planning Commission approved a conditional use permit on January 23, 1990, for construction of The Glory Hole Building subject to the following condition:

For the new building the developer shall include R & M Engineer's construction recommendations listed in the project's hazard analysis report.²⁸

R & M Engineers concluded that the "potential for mass wasting is minimal," particularly if its recommendations were followed:

1. Machine grade the entire surface upslope of the existing concrete retaining wall to a relatively uniform slope angle (Shallow terracing may be more aesthetically pleasing.)
2. Found the deck support footing at least 4' below the slope surface as measured on the slope's low side. Footings may be designed for a soil bearing value of 1,500 PSF.
3. Relocate the fuel oil tank so it does not bear against the upslope slide of the retaining wall.
4. Hydroseed the slop soils exposed by grading and handplant with salmonberry, alder, or other native, hardy plants.
5. Intercept sheet flow water at the upslope property line by excavating a 2" (minimum) depth ditch sloped to drain without eroding the ditch bottom. The ditch should discharge into a conduit leading to the municipal storm drain system.²⁹

²⁸ Attachment F to CDD Staff Report, Notice of Decision, Letter from David Goade, Planner II to The Glory Hole (Jan. 26, 1990).

²⁹ R & M Engineering Report at page 2 (December 28, 1989), Attachment F to CDD Staff Report.

CDD then issued a building permit to construct the new building and the building permit incorporated the conditions.³⁰ CDD records show that two engineering firms – R & M Engineering and Wilson Engineering – were involved in monitoring the demolition of the old building and the construction of the new building.³¹ The Certificate of Occupancy issued by a fine prior building official, Christian (Chris) T. Roust on August 14, 1991, is attached to these comments as Exhibit 1. The Certificate of Occupancy states: “ *This certificate issued pursuant to the requirements of Section 306 of the Uniform Building Code, as amended, certifying that at the time of issuance this structure was in compliance with the various ordinances of the City & Borough of Juneau regulating building construction or use for the building.*” These were all records within CDD’s custody and control.

B. The preponderance of evidence does not support the Director’s finding that the conversion of The Glory Hall building to seven small apartments will materially affect public health, safety or welfare.

The Director found that the project will materially endanger the public health, safety or welfare.³² This is a serious finding to make about a project. It is not supported by the record.

First, to deny a conditional use permit, the finding that the Director or the Commission must make is that proposed development “will materially endanger the

³⁰ Attachment K to CDD Staff Report, Building Permit (May 3, 1990). The copy is a little blurry but the bottom half says “Project Permit” then lists “Conditional” and lists the conditions. There was also a separate demolition permit for removal of the old building. Attachment J to CDD Staff Report.

³¹ Attachment K to CDD Staff Report: *see, e.g.*, Letter from R & M to CBJ (May 14, 1990)(discussions with Coogan Construction re vibration from sheet pile installation); Wilson Engineering Compaction Report (May 30, 1990); Letter from Lars Gregovich, PE, Wilson Engineering to John Egan, Glory Hole Director (Dec. 12, 1990)(“To the best of my ability and knowledge, all work which we inspected confirmed to the approved plans and specifications for this job.”)

³² CDD Staff Report at 25.

public health or safety.”³³ Although the Director made a finding of “yes,” the explanation of the finding was as follows: “There is evidence to suggest that the requested multi-family dwelling, in a Mapped Severe Landslide and Avalanche Hazard area, will materially endanger the public health or safety.”³⁴ The Director must weigh the evidence and conclude how the preponderance of evidence supports that finding and explain the basis for that conclusion. Simply saying there is “evidence to suggest” does not meet the statutory standard.

Second, the CDD Staff Report and the Director’s Report rely on what it termed the failure by TGH to prove that CDD did its job in 1990 – 1991. As discussed above, this is not valid “evidence.” This Commission can presume, and the CDD records bear it out, that this applicant received a conditional use permit with conditions “necessary to mitigate external adverse impacts,” as required by CBJ 49.15.330(a). The possibility of landslides and mass wasting was analyzed and the Commission put conditions to address any risk and CDD issued a Certificate of Occupancy that all requirements in CBJ ordinances had been met.

Third, TGH is not seeking a conditional use permit to construct this building but only to convert it. The building was deemed safe to construct in 1991. The building still has a conditional use permit and a certificate of occupancy that allows it to operate as a shelter. If the building is safe to house homeless persons, it should be presumed safe to house renters. The only change made by the conditional use permit is conversion of the building into seven small apartments. And for this work, TGH submitted detailed

³³ CBJ 49.15.330(d)(5)(A)(Director’s determination); CBJ 49.15.330(f)(1)(Commission determination).

³⁴ CDD Staff Report at 25.

operating plans from Stan Tech Engineering.³⁵ The plans were 35% drawings and cost \$35,000. The plans show load bearing walls and other data that is necessary for the conversion. What evidence is CDD relying on to show that the *conversion* of this building to seven small apartments will materially affect public health and safety?

Fourth, the internal review of this project by other CBJ agencies yielded no concern from CBJ Engineering or Building and an affirmative comment from Fire that there are no issues with this project.³⁶

Fifth, unlike many housing projects, this project has elicited no concern from any neighbors – residential or business. The comments have been uniformly in favor of this proposed development. The only entity opposed to this project is CDD.

C. The treefall event on Gastineau Avenue in September 2022 does not support denial of this conditional use permit.

CDD points to the treefall event on Gastineau Avenue last month and puts in pictures of the event.³⁷ This, of course, was extremely unfortunate for the property owners involved but it does not support denial of this conditional use permit.

First, it was a tree fall event rather than primarily a mudslide. TGH bases this on the pictures themselves and on public comments reported by CBJ officials:

Juneau, Alaska (KINY) - Drone footage is revealing that the slide on Gastineau Avenue was more of a treefall than a large mudslide.

That's according to the CBJ's Tom Mattice. He spoke to News of the North on Wednesday.

³⁵ Stan Tech Engineering Plans, Attachment A to CDD Staff Report, pages 43 – 66 of Planning Commission packet.

³⁶ CDD Staff Report at page 22.

³⁷ CDD Staff Report at 21.

"What's really interesting is it's really more of a treefall event than it was a mudslide," Mattice said. "As we started looking at the drone footage yesterday, and started to look at the debris, we have we have a tremendously large tree that fell and it took out a whole bunch of other small trees. The amount of mud is actually pretty minimal. It's amazing how much more of a treefall than it is than the actual mudslides, like we're traditionally used to."³⁸

The Glory Hall Building has no trees upslope from it. In fact, upslope of The Glory Hall is a garden for which TGH received a permit from CDD.³⁹

Second, this does not change the statutory framework for what a property owner can do on this parcel. The ordinance (CBJ 49.70.300(b)) prevents development in a severe avalanche area and only if it increases density. This parcel is neither in a severe avalanche area and does not increase density.

Third, to construct the building, R & M Engineering analyzed the slope angle and soil and concluded "that the potential for damage from mass wasting in minimal," particularly if its recommendations were implemented, which they were.⁴⁰

Fourth, CDD does not point to anything specific that shows the building is still not safe for occupancy except to point to "subsequent upslope development, including the reconstruction of Gastineau Avenue and associated drainage improvements above the site."⁴¹ Any upslope development is approved by the City. In particular, the reconstruction of Gastineau was a significant project undertaken by the City. It is unreasonable to require a private landowner to get an engineering study to analyze whether this large City project adversely affected its property. Will every property owner

³⁸ <https://www.kinyradio.com/news/news-of-the-north/mattice-gastineau-avenue-slide-more-likely-a-large-treefall-rather-than-mudslide/>

³⁹ CHLOE: IS THERE A REFERENCE TO THIS ON THE CDD Staff Report? What page?

⁴⁰ R & M Engineering Report (December 28, 1989), Attachment F to CDD Staff Report, pages 101 - 107 of Planning Commission Packet.

⁴¹ CDD Staff Report at page 17.

on South Franklin and any “mapped hazard area” who wants to develop its property have to hire an engineer to prove that the City’s Gastineau Reconstruction project did not affect its property?

Finally, 43 – 53 people a night have lived there and could live there again under the conditional use permit that still applies to this property. TGH is completely willing to provide engineering plans to show that conversion of this building to seven small apartments will not adversely affect the structural integrity of the building. This is the engineering analysis that should be required and that TGH has complied with.

D. The conditions hinted at by CDD are not reasonable.

CDD did not recommend any conditions but simply recommended that the Planning Commission deny the conditional use permit. But it has hinted at some conditions:

- As a condition to receive a permit in 2022, TGH should show in 2022 that it met the conditions when it received its 1990 conditional use permit: this is unreasonable and unwarranted for reasons discussed above.
- TGH should get a study that meets the requirements of CBJ 49.70.300(a)(4): TGH is not asking for a change in the boundary lines so this would not be appropriate.
- As part of that idea, TGH must obtain a study by an engineer experienced in avalanche analysis: Exhibit 8 is an affidavit from Mariya Lovishchuk, that she prepared before she started her no-contact sabbatical. Ms. Lovishchuk did a full-court press and made contacts with 10 engineering firms and 4 other

organizations. None of the engineering firms were available to do an analysis but six engineering firms did not have avalanche experience or were otherwise not qualified to perform the work.⁴² The only engineering firm with avalanche experience that at that time was willing to consider the work was Tetra Tech, but they could not perform an analysis because it needed permission from CBJ because CBJ was Tetra Tech's prior client and CBJ would not give permission for Tetra Tech to perform the analysis for TGH. A requirement for an engineer with avalanche experience is unnecessary because the parcel is not in a severe avalanche zone, the parcel has no history of avalanches, it will likely be impossible to find such an engineer.

- Applicant should prove that CBJ's Gastineau Reconstruction Project did affect its property: as discussed above, this is a completely unreasonable suggestion by CDD for an obligation to be placed on a private landowner as a condition for developing their property.

Conclusion

It is not reasonable to interpret the Assembly intent in adopting AS 49.70.300 in 1987 to undermine efforts to create new housing, especially new rental housing, on South Franklin Street. CDD's radical new approach would have prevented the numerous buildings that housed people: the Glory Hall shelter itself; the numerous buildings owned by companies that have commercial establishments on the first floor and work

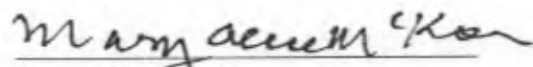
⁴² Mark Pusich with PDC Engineers; Don Larson; two more local engineering firms; StanTech Engineers; Shannon & Wilson Engineering. Alan Jones was conflicted out due his work on the Tetra Tech and also the scope of the project exceeded his ability.

force housing on the second floor, the Strasbaugh Apartments on Gastineau Avenue, and the Channel View Apartments on Gastineau Street.

Title 49 has several purposes. One is to “recognize the economic value of land and encourage its proper and beneficial use.” Every action by CDD and then the Planning Commission must take that into account. CDD’s recommendation to deny this CUP means that TGH can operate a shelter on this parcel or try to rent the three floors for retail and office space, for which there is a glut on the market so the upstairs floors will likely be at least partly vacant.

With the CBJ’s blessing, this building has been authorized to house homeless persons since TGH received its Occupancy Certificate in 1991. TGH believes that the “proper and beneficial use” of this building is to continue to house persons but now in seven units of permanent affordable rental housing to the housing stock of Juneau. It is well within the Planning Commission’s authority to grant a conditional use permit for this beneficial project. Every unit matters.

Dated: 10-21-2022


Mary Alice McKeen
Attorney for The Glory Hall

I certify that on October 21, 2022, I served this document on the following persons: Jennifer.Shields@juneau.org; Sherri.Layne@juneau.org; Chelsea.Wallace@juneau.org.


Mary Alice McKeen

49.70.300 ^① Landslide and avalanche areas.
 M W W W W M W W

(a) Generally.

- (1) Development in all ^② landslide and avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches.
 M W W W W M W W
- (2) Boundaries of potential and ^① severe avalanche areas will be as shown on the ^③ landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1-8, as the same may be amended ^④ from time to time by the assembly by ordinance.
 M W W W W M W W
- (3) Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling within landslide or avalanche areas shall require a conditional use permit.
 M W W W W M W W
- (4) If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, the department shall proceed accordingly.
 M W W W W M W W
- (5) ^⑥ The commission may require mitigating measures certified as effective by a professional engineer for development in ^⑤ landslide and avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density.
 M W W W W M W W

(b) Severe avalanche areas. ^③

- (1) ^④ Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.
- (2) No subdivision shall be approved which creates a lot lacking sufficient building space outside a severe avalanche area. ^⑤

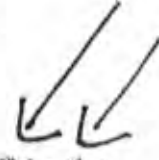
(c) *Warning and disclaimer of liability.* Avalanches and landslides may occur outside hazard areas in excess of engineering expectations. The location and severity of the event may be increased by manmade or natural causes. This article does not imply that land outside of designated hazard areas, or uses permitted within such areas, will be free from danger or damage. This article shall not create liability on the part of the City and Borough of Juneau or any officer or employee thereof for any damages that result from reliance of this article or any administrative decision lawfully made under this article.

(Serial No. 87-49, § 2, 1987; Serial No. 90-03, § 1, 1990; Serial No. 2006-15, § 23, 6-5-2006)

*KEY:
* SEVERE AVALANCHE AREA = ———, [5] MENTIONS.
* LANDSLIDE AREA = M W W W W, [6] MENTIONS.

Certificate of Occupancy

City & Borough of Juneau, Alaska



This Certificate issued pursuant to the requirements of Section 306 of the Uniform Building Code, as amended, certifying that at the time of issuance this structure was in compliance with the various ordinances of the City & Borough of Juneau regulating building construction or use for the following:

Use Classification GROUP SHELTER Bldg. Permit No. 4775.01

Occupancy Group R-1-A-3 Construction Type V-lhr.

Owner of Building Christian Juneau Cooperative Owner Address P.O. Box 186 Juneau, AK 99801

Building Address 247 S. Franklin St.

Legal Description of Building Lot Tract M, Lot # 2

TOWNSITE OF JUNEAU

File No. 1-C07-0-BOM-001-0

CRoust
Christian T. Roust
Building Official

Date August 14, 1991

Post this Certificate and all identified attachments in a conspicuous place.

Page 165
IN PACKET

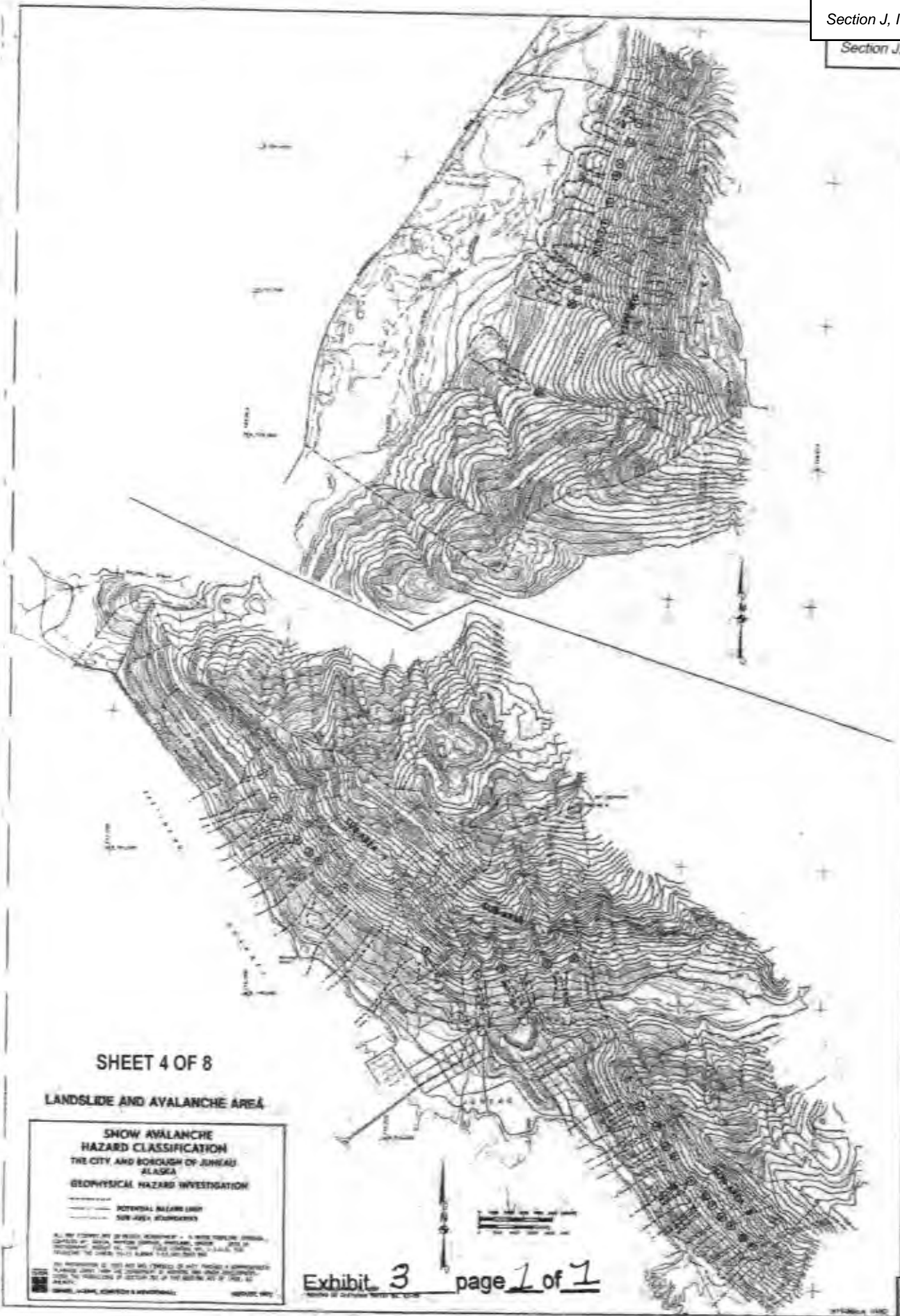


Exhibit 3 page 1 of 1

Attachment W - 1987 Hazard Study Map Sheets 1, 4, 5, 7

Planning Commission Packet - p. 254

BUILDING PERMIT APPLICATION

NOTE: THIS IS NOT A BUILDING PERMIT

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspections, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Case No: **BLD20210765**

| | |
|---|---|
| Case Description: Convert emergency shelter and soup kitchen into 7 apartments | |
| Site Address: 241 S FRANKLIN ST | Check No. of Existing Dwelling Units: 0 |
| Parcel No: 1C070B0M0010 | No. of New Dwelling Units: 7 |
| Legal Description: JUNEAU TOWNSITE BL M LT 2 FR | No. of Removed Dwelling Units: 0 |

| | |
|--|--|
| Applicant : JUNEAU COOPERATIVE CHRISTIAN MINISTRY DBA THE GLORY HALL 247 S FRANKLIN ST JUNEAU AK 99801 | e-mail: brucecdenton@gmail.com e-mail: lovishchuk.mariya@gmail.com |
| | CEL 907-723-2259 PRI 907-957-2885 |

| | |
|---|---|
| Owner: JUNEAU COOP CHRISTIAN MINISTRY PO BOX 021997 JUNEAU AK 99802-1997 | Contractor: CARVER CONSTRUCTION LLC PO BOX 240475 DOUGLAS AK 99824 |
| PH: _____ FAX: _____ | |

Valuation for Permit Fee Calculations:

| <u>S.F.</u> <u>Type</u> | <u>Rate</u> | <u>Amount</u> |
|-------------------------|-------------|-----------------------|
| | | 1,100,000.00 |
| Total Valuation: | | \$1,100,000.00 |

Associated Cases:
None

Parcel Tags:
This parcel is located within the Downtown Historic District.

This parcel is located in the moderate avalanche area and severe landslide area. 9/28/2009 JLW

Glory Hole Remodel 1990

Notes and Conditions:
Waiting for payment

| | | |
|---|-------------|-------------------------|
| Applicant's Signature (Owner, Contractor or Authorized Agent) | Date | Staff Acceptance |
|---|-------------|-------------------------|

I hereby certify that I have read and examined this application and know the same to be true and correct. I further certify that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

Exhibit 4 page 1 of 2

JUNEAU PERMIT CENTER - 230 S. Franklin Street - 4th Floor, Marine View Center - Mail: 155 S. Seward Street, Juneau, AK 99801
 Phone: 586-0770 - FAX: 586-3355 - Inspection Requests: 586-1743 - Email: permits@ci.juneau.ak.us
 Record, APL2021-0006 - 241 S. Franklin St. The Glory Hall

Page 37 of 169
 COD application filed out for TSH Building Permit
 11-23-2021

3/4/2022

Case No: **BLD20210765**

Site Address: 241 S FRANKLIN ST

Parcel No: 1C070B0M0010

Desc: Convert emergency shelter and soup kitchen into 7 apartments

| | |
|--|-----------------------------------|
| Commercial _____ REPI _____ | New Dwelling Units: <u>7</u> |
| FCC Code: <u>437</u> | Existing Dwelling Units: <u>0</u> |
| Type of Construction: _____ | Occupancy Class: <u>R-2</u> |
| Sprinkler Substitute for Type A Construction: YES NO | |
| Sprinkler System: FULL PARTIAL NONE | Required: YES NO |
| Alarm System: FULL PARTIAL NONE | Required: YES NO |
| Code Edition: _____ | Code Review by: _____ Date: _____ |

Valuation for Permit Fee Calculations:

| S.F. | Type | Rate | Amount |
|------------------|------|------|-----------------------|
| | | | 1,100,000.00 |
| Total Valuation: | | | \$1,100,000.00 |

| <p>LAND USE</p> <p>ZONE/UNITS MU / 0 _____</p> <p>WETLAND _____</p> <p>FLOOD ELEV. <u>23.00</u></p> <p>FIRM ZONE <u>X</u></p> <p>FIRM MAP _____</p> <p>LOT SIZE <u>3,196 SF</u></p> <p><u>0.1 ACRES</u></p> <p>SETBACKS</p> <p>Front <u>0</u></p> <p>Rear <u>0</u></p> <p>Side <u>0</u></p> <p>Other _____</p> <p>PARKING</p> <p>ANADROMOUS _____</p> <p>EAGLES NEST _____</p> <p>Coverage <u>Permissible/Conditional</u></p> <p>HEIGHT _____</p> <p>VEGETATION <u>Permissible/Accessory</u></p> <p>HAZARD _____</p> | <p>ENGINEERING/PUB WORKS</p> <p>Dwelling Units: _____</p> <p>CITY WATER:</p> <p>Permit #: _____</p> <p>Use: _____</p> <p>Assessment: _____</p> <p>Service Size: _____</p> <p>Line Size: _____</p> <p>Meter Size: _____</p> <p>CITY SEWER:</p> <p>Permit #: _____</p> <p>Use: _____</p> <p>Assessment: _____</p> <p>Fixture Units: _____</p> | <p>PLAN REVIEW APPROVALS</p> <table border="0"> <tr> <th></th> <th>Initials</th> <th>Date</th> </tr> <tr> <td>Fire</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Zoning</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Engineering</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Water</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Sewer</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Architectural</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Structural</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Plumbing</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Mechanical</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Electrical</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Access</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Spcl Insp Form</td> <td>_____</td> <td>_____</td> </tr> </table> <p style="text-align: center;"><u>APPROVED FOR ISSUANCE</u></p> <p style="text-align: center;">Signature _____</p> <p style="text-align: center;">Date _____</p> | | Initials | Date | Fire | _____ | _____ | Zoning | _____ | _____ | Engineering | _____ | _____ | Water | _____ | _____ | Sewer | _____ | _____ | Architectural | _____ | _____ | Structural | _____ | _____ | Plumbing | _____ | _____ | Mechanical | _____ | _____ | Electrical | _____ | _____ | Access | _____ | _____ | Spcl Insp Form | _____ | _____ | <p>PERMIT ISSUANCE FEES</p> <table border="0"> <tr><td>Grading Plan Review Fee</td><td>\$ _____</td></tr> <tr><td>Adjusted Plan Review Fee</td><td>\$ _____</td></tr> <tr><td>Fast Track Fee</td><td>\$ _____</td></tr> <tr><td>Early Start Fee</td><td>\$ _____</td></tr> <tr><td>Building Permit Fee</td><td>\$ _____</td></tr> <tr><td>Water Assessment Fee</td><td>\$ _____</td></tr> <tr><td>Sewer Assessment Fee</td><td>\$ _____</td></tr> <tr><td>Sewer Inspection Fee</td><td>\$ _____</td></tr> <tr><td>Grading Permit Fee</td><td>\$ _____</td></tr> <tr><td>Driveway Permit Fee</td><td>\$ _____</td></tr> <tr><td>Bond for _____</td><td>\$ _____</td></tr> <tr><td>Other _____</td><td>\$ _____</td></tr> <tr><td>Total Issuance Fees</td><td>\$ _____</td></tr> </table> <p>PERMIT ISSUANCE PAYMENTS</p> <table border="0"> <thead> <tr> <th>Date</th> <th>Receipt</th> <th>Check</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td><td>_____</td><td>\$ _____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td><td>\$ _____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td><td>\$ _____</td></tr> </tbody> </table> | Grading Plan Review Fee | \$ _____ | Adjusted Plan Review Fee | \$ _____ | Fast Track Fee | \$ _____ | Early Start Fee | \$ _____ | Building Permit Fee | \$ _____ | Water Assessment Fee | \$ _____ | Sewer Assessment Fee | \$ _____ | Sewer Inspection Fee | \$ _____ | Grading Permit Fee | \$ _____ | Driveway Permit Fee | \$ _____ | Bond for _____ | \$ _____ | Other _____ | \$ _____ | Total Issuance Fees | \$ _____ | Date | Receipt | Check | Amount | _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ | \$ _____ |
|---|--|---|----------|----------|------|------|-------|-------|--------|-------|-------|-------------|-------|-------|-------|-------|-------|-------|-------|-------|---------------|-------|-------|------------|-------|-------|----------|-------|-------|------------|-------|-------|------------|-------|-------|--------|-------|-------|----------------|-------|-------|--|-------------------------|----------|--------------------------|----------|----------------|----------|-----------------|----------|---------------------|----------|----------------------|----------|----------------------|----------|----------------------|----------|--------------------|----------|---------------------|----------|----------------|----------|-------------|----------|----------------------------|----------|------|---------|-------|--------|-------|-------|-------|----------|-------|-------|-------|----------|-------|-------|-------|----------|
| | Initials | Date | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fire | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Zoning | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Engineering | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sewer | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Architectural | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Structural | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plumbing | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mechanical | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Electrical | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Access | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Spcl Insp Form | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grading Plan Review Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adjusted Plan Review Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fast Track Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Early Start Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Building Permit Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water Assessment Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sewer Assessment Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sewer Inspection Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grading Permit Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Driveway Permit Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bond for _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Issuance Fees | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date | Receipt | Check | Amount | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ | _____ | _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ | _____ | _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ | _____ | _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>LAND USE PERMITS</p> <p>ADR Case #: _____</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Parcel Tags:
This parcel is located within the Downtown Historic District.

This parcel is located in the moderate avalanche area and severe landslide area. 9/28/2009 JLW ↙

Glory Hole Remodel 1990

CONDITIONS AND HOLDS ON PERMIT: (Continued on back of sheet)

Exhibit 4 page 2 of 2

Record, APL2021 0006 - 247 S. Franklin St./The Glory Hall

Page 60 of 169

Staff Review of Building Permit Application.
3-4-2022

The maximum number of dwelling units allowed per acre shall be as provided in the following table:

| Zoning District | <u>Maximum Dwelling Units/Acre</u> |
|-----------------|---|
| RR | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-1 | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-3 | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-5 | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-10 | 10 units per acre |
| D-10 SF | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-15 | 15 units per acre |
| D-18 | 18 units per acre |
| MU | No maximum density ← |
| MU2 | 80 units per acre |
| MU3 | 30 units per acre |
| NC | 15 units per acre |
| LC | 30 units per acre |

Exhibit 5 page 1 of 2

| | |
|----|-------------------|
| GC | 50 units per acre |
| WC | 18 units per acre |

(Serial No. 87-49, § 2, 1987; Serial No. 98-02, § 2, 1998; Serial No. 98-09, § 6, 1998; Serial No. 2007-39, § 10, 6-25-2007; Serial No. 2010-22, § 4, 7-19-2010; Serial No. 2012-24, § 4, 5-14-2012, eff. 6-14-2012; Serial No. 2021-35(am), § 6, 2-7-2022, eff. 3-10-2022)

Exhibit 5 page 2 of 2

Mary Alice McKeen
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BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

JUNEAU COOPERATIVE CHRISTIAN)
MINISTRY, dba THE GLORY HALL,)
)
Appellant,)
)
vs.)
)
CBJ COMMUNITY DEVELOPMENT,)
)
Appellee.)

APL2021-06
Appeal of:
BLD2021-0765
CDD Director's Decision dated
December 1, 2021

selected portions
Opening Brief of The Glory Hall (TGH) - as marked,
April 2, 2022

Opening Brief of The Glory Hall (TGH) -
[corrected]

Summary of Basis for Appeal and Reasons to Grant the Building Permit to TGH..... 2 ✓

Issues on Appeal..... 3 ✓

Juneau's Housing Crisis and Assembly Response 4

Statement of Facts..... 6

Statement of Proceedings 8

Standard of Review 10

The Planning Commission should grant a building permit for this excellent project that is allowed by the Table of Permissible Uses and that will bring seven rental units of affordable housing to Downtown Juneau. 11

1. The project does not increase the density of this parcel within the meaning of CBJ 49.70.300(b)(1); the project significantly decreases density of the parcel. 11 ✓

 A. The project does not increase the density of this parcel based on structures: there was one building when it was a shelter and there will be one building if the building is converted into seven small apartments. 12 ✓

 B. The project decreases density of this parcel based on usage by people: 43 - 53 persons were regularly housed in the Shelter and 7 - 14 persons will be housed in seven small apartments. 12 ✓

Exhibit 6 page 1 of 15

- CDD's Decision did not explain why it defined "density" of a parcel as "the number of dwelling units" on a parcel when CDD's definition of "density" is not in any CBJ ordinance or any authority cited by CDD.
- CDD's Decision did not address TGH's arguments that the project decreases density on the parcel based on how many people would be using the parcel under the new use, namely a maximum of 14 persons in seven small apartments.
- CDD's definition of "density" is mechanistic and bureaucratic, namely count the number of dwelling units before and after a project without considering any other facts about the project.
- CDD's definition of "density" precluded it from examining the specifics of this project and precluded it from recognizing an unusual situation, such as here, namely a project dividing one large building that housed 43 to 53 persons into seven small rental units that will house 7 – 14 persons.
- CDD's definition of "density" attributes an intent to the Assembly to allow housing for homeless persons in an emergency shelter for over 30 years on this parcel but to prevent housing for renters on the same parcel.
- CDD's definition of "density" is inconsistent with Juneau's Comprehensive Plan and the CBJ Housing Action Plan because it prevents this much needed project of seven modest but nicely remodeled small apartments in the Downtown core.

Issues on Appeal

1. Under CBJ 49.70.300(b)(1), a development may not occur on a parcel in a severe avalanche area, as designated on 1987 CBJ Hazard Maps, if the development would "increase the density of that parcel." When used as an emergency shelter, the Glory Hall Building housed 43 – 53 people per night and had 100 people there during the day. Under the proposed development, the Glory Hall former building will house a maximum of 14 people in 7 small apartments. Did CDD err when it denied a building permit for this project on the grounds that the project increased the density of this parcel?
2. Assuming for the sake of argument that CDD's definition of density is correct, TGH maintained before CDD that the Glory Hall Building, when used as a shelter, had seven distinct areas with basic facilities for independent and complete cooking, living, sleeping and toilet

The Planning Commission should grant a building permit for this excellent project that is allowed by the Table of Permissible Uses and that will bring seven rental units of affordable housing to Downtown Juneau.

1. The project does not increase the density of this parcel within the meaning of CBJ 49.70.300(b)(1); the project significantly decreases density of the parcel.

CBJ 49.70.300(b)(1) states “no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel.” The issue before the Planning Commission is the interpretation of the term “density” and whether the building permit was correctly denied on the grounds that the project would “increase the density of [this] parcel.”

The Assembly did not prohibit all development in a parcel located in a severe avalanche area on the 1987 CBJ hazard maps. The Assembly prevented development only if it would “increase the density” of the parcel. CBJ 49.70.300 itself does not define “density.” The definition section in Title 49, with its hundreds of definitions, does not define “density.”²⁷ The International Building Code of 2012 does not define “density.”²⁸

Since there is no preset definition of “density” in the ordinance, the Planning Commission must interpret “density” and “increase density” based on the text of the ordinance construed in light of the purpose of the ordinance and related ordinances and Assembly actions.

Words in an ordinance should be interpreted according to their common meaning unless it is a technical term that has acquired a specific technical meaning.²⁹ The common understanding of “density” is something like the definition in Collins English Dictionary, which defines density as “the extent to which something is filled or covered with people or things.”³⁰

²⁷ CBJ 49.80.120.

²⁸ Chapter 2, Definitions, International Building Code, 2012 Ed.

²⁹ AS 01.10.040(a)(statutes).

³⁰ <https://www.collinsdictionary.com/us/dictionary/english/density>

If this project increased density of this parcel, it would have to increase the extent to which this parcel is filled with people or things. It does not. The project does not increase the number of big "things" on this parcel, that is, structures or buildings. The project significantly decreases the number of people residing on the parcel. The project decreases the number of people that can occupy the parcel.

A. The project does not increase the density of this parcel based on structures: there was one building when it was a shelter and there will be one building if the building is converted into seven small apartments.

The project does *not* increase the extent to which this parcel is filled with people or things. As for things that would be relevant in the context of a building permit, the project does not increase the buildings and structures on the parcel. There is one building now and there will be one building on this parcel after the project is completed. The project does not even change the footprint of the building.

B. The project decreases density of this parcel based on usage by people: 43 – 53 persons were regularly housed in the Shelter and 7 - 14 persons will be housed in seven small apartments.

As for people, the project decreases, rather than increases, the density of this parcel, as measured by the people living there and using the parcel. When the Glory Hall was used as a shelter, it provided housing for 43 – 53 persons who slept there at night. It provided space during the day for 100 persons – Shelter residents and other people – in the large room on the ground floor known as the "Day Room." After the proposed development, the building will house between 7 to 14 persons in seven small apartments. The first floor will be a mission-aligned commercial space. The density of persons using this parcel is going from 43 – 53 persons, who were Shelter residents, to 7 – 14 persons, who are paying renters. This project

Exhibit 6 page 5 of 15

dramatically decreases the density of the number of persons using this parcel and therefore the number of persons who are exposed to whatever risk of avalanche exists on this parcel.

C. The project decreases density of the parcel based on occupancy: under the new use of seven small apartments, fewer occupants and more space per occupant.

If density is measured by how crowded the occupants of the space may be, the project decreases density by that measure. The project decreases the density of this parcel based on the maximum number of persons that can occupy the space as set forth in the International Building Code.³¹ Table 1004.1.2 has an “Occupant Load Factor” for spaces within a building. It is attached as Exhibit 1 to this Brief with the relevant spaces marked.

For the second and third floor of the Glory Hall Building:

- Old use: when used as a shelter, there were three dormitories on the third floor and two dormitories on the second floor.³²
- For dormitory space, each occupant must have at least 50 gross square feet per person.
- New use: if this space can be converted to seven small apartments, each occupant in a residential space must have 200 gross square feet per person.
- Change: Under the new use, each occupant is guaranteed four times more space than each occupant under the old use: 50 square feet increased to 200 square feet.

For the ground floor (1st floor) of the Glory Hall Building:

- Old use: when used as a shelter, there was a large day room on the ground floor with movable tables and chairs where people sat during the day.

³¹ International Building Code, 2012 Edition. All references to the IBC are to the 2012 Edition.
³² TGH submitted the Glory Hall’s existing floor plan to CDD. [R. 6- 8] TGH also let the City know there were sleeping spaces in addition to the five dormitories, namely a bedroom for folks with medical issues and an apartment (where night staff or a live-in staff person – the Glory Hall has had both – slept) [R. 170].

- For this use, each occupant must have at least 15 net square feet.
- New use: if the project is approved, this space will be a commercial space.
- Each occupant in a mercantile space that is not a basement or grade floor area must have at least 60 square feet.
- Change: Under the new use, each occupant has a minimum of four times more space than each occupant under the old use: 15 square feet increased to 60 square feet.

This Table lays out the same information:

Table 1: Comparison of Occupant Load Factors in Glory Hall Building as Currently Configured and Glory Hall Building if Project Goes Forward

| | Occupant Load Factor for Space in Table 1004.1.2 | Occupant Load Factor for Space in Table 1004.1.2 | Occupant Load Factor for Space in Table 1004.1.2 |
|---|--|---|---|
| Glory Hall Building as currently configured | Dormitory spaces on 2d and 3d floor: one occupant per 50 gross sq. ft. | Day Room on 1st floor: Assembly without fixed seats; unconcentrated (tables & chairs): one occupant per 15 net sq. ft. | Kitchen, commercial: one occupant per 200 gross sq. ft. |
| Glory Hall Building if project goes forward | Residential space – 7 small apartments: one occupant per 200 gross sq. ft. | Mercantile space on first floor: one occupant per 60 gross sq. ft. | Kitchen, commercial: one occupant per 200 gross sq. ft. |
| Change in Occupant Load under new use | Occupant Load: new use gives each occupant at least four times more space than the old use. | Occupant Load: new use gives each occupant at least four times more space than the old use. | Occupant Load: no change |

Source: Table 1004.1.2, IBC, Maximum Floor Area Allowances per Occupant [Exhibit I to this Brief]

By this measure, the project significantly decreases density because the minimum space per occupant under the new uses is four times greater – 400% greater -- than the minimum space per occupant in the old use. This is reasonable. If a person is living in something represented as a residential space, the building code guarantees them more space than a person who is sleeping in a dormitory. If a person goes into a commercial retail establishment, the building code guarantees them more space than a person in an assembly room with tables and chairs. But

Exhibit 6 page 7 of 15

what is unreasonable is for CDD to say that the project increases density when, by this objective measure in the IBC, the project decreases density. Under the new use, fewer occupants, more space per occupant.

D. TGH’s interpretation furthers the purpose of CBJ 49.70.300(b).

TGH’s interpretation of density furthers the purpose of CBJ 49.70.300(b). It is worth repeating that, with this ordinance, the Assembly did not prevent all development of property within a severe avalanche area on the 1987 CBJ Hazard Area maps. The Assembly balanced the goal of encouraging property owners to develop and improve their property in this area with the goal of minimizing the risk of loss of life and property from an avalanche. The balance it struck was that property owners in a severe avalanche zone could develop their property as long as the development did not increase density of the parcel. If the development did not increase density, the Assembly wanted it to happen. The Assembly did not mandate stagnation of all properties mapped within a severe avalanche area.

The project will significantly decrease the number of people who use this property. It will go from emergency housing for 43 to 53 people to rental housing for 7 to 14 people. The project will significantly decrease the number of people that can occupy the property based on the IBC requirements for minimum space, discussed in the prior section. The project improves the property *and* exposes *fewer* people to whatever risk of avalanche exists on this parcel. Therefore it makes no sense to say that CBJ 49.70.300(b) should be interpreted to prevent this major improvement that a downtown owner wants to make to a major downtown building.

E. TGH’s interpretation of CBJ 49.70.300(b) furthers the Comprehensive Plan and the Juneau Housing Action Plan.

This requires little explanation. As discussed earlier, in the Comprehensive Plan and the CBJ Housing Action Plan, the Assembly has made it a high priority to try to come to terms with

the longstanding critical housing shortage in Juneau.³³ The Glory Hall’s interpretation of CBJ 49.70.300(b) furthers the goals of the Comprehensive Plan and the CBJ Housing Action Plan because it allows the construction of seven new affordable rental units in Juneau. This may seem small and unimportant but the Comprehensive Plan concluded that every single habitable dwelling in our community is needed: “Unless and until the community achieves a healthy vacancy rate, all habitable dwellings are valued and needed and uninhabitable units should be rehabilitated or replaced.”³⁴ And it would mean the world to the 7 to 14 persons who would gain affordable housing in seven modest apartments also known as dwelling units in Downtown Juneau.³⁵ But ironically it is precisely *because* The Glory Hall seeks to put “dwelling units” in the old Glory Hall Building that CDD denied this building permit.

2. CDD’s interpretation of CBJ 49.70.300(b) is clear error.

A. CDD’s definition of “density” as equal to “the number of dwelling units” is not found in the text of this ordinance, any other CBJ ordinance or any authority cited by CDD.

To have it before us, the text of the ordinance at issue, CBJ 49.70.300(b)(1), states in full:

Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

CDD denied a building permit in a one-paragraph decision:

Please accept this email as an official denial of your request to convert the old Glory Hall shelter into 7 apartments. According to the CBJ adopted hazard maps the Glory Hall is located in a sever [sic] avalanche zone. *Increasing the number of dwelling units is prohibited by code in this hazard zone.* The code language is below for your reference [CBJ 49.70.300]. Please feel free to contact me via

³³ See “Juneau’s Housing Crisis and Assembly Response” at pages 4 -6 *supra*.
³⁴ Juneau Comprehensive Plan at p. 32.
³⁵ It will probably be much less than 14 because most of the efficiencies will probably not have two people living in them.

email if you have any questions about the code, this denial or your option moving forward. [emphasis added] [R. 106]

It did not explain this in its decision but CDD's step were these. It said that the emergency shelter had "0" dwelling units; this project would create "7" small apartments or dwelling units; "7" is greater than "0", so permit denied. [R. 37, R. 90]

TGH's immediate reaction to CDD's assertion that "Increasing the number of dwelling units is prohibited by code in this hazard zone" was that CBJ 49.70.300(b) does *not* prohibit increasing the number of dwelling units in this hazard zone. You can look at the text above. It does not have the words "dwelling units" in it. CBJ 49.70.300(b) does prohibit some development in a severe avalanche area, as defined by CBJ 1987 Hazard Maps, but *only* if the development would "increase the density of that parcel."

CDD *interpreted* the word "density" to mean "dwelling units." CDD's Decision did that *sub silentio*. CDD did not explain that is what it was doing. CDD did not explain why it was doing that. CDD did not provide any authority for defining "density" to mean "dwelling units." And it was under an obligation to do that: both to provide an explanation to the property owner and to this body as the appeal agency. This by itself is grounds to set aside CDD's Decision.³⁶

CDD's definition of "density on a parcel" to mean "the number of dwelling units on a parcel" is not in the ordinance itself. CDD's definition is not in the definition section of Title 49.³⁷ CDD did not provide any authority for its definition of "density" as equal to "dwelling units."

³⁶ CBJ 01.50.070(a)(2) provides that the appeal agency may set aside the decision being appealed if the decision "is not supported by adequate written findings or the findings fail to inform the appeal agency or the hearing officer of the basis upon which the decision appealed from was made; . . ."

³⁷ CBJ 49.80.120. Title 49 has no definition of density.

It is true that Title 49 defines “dwelling units.”³⁸ But the question is why CDD interpreted density in CBJ 49.70.300(b) to mean the same as the number of dwelling units on a parcel.

Despite being asked [R. 97], it gave no answer.

B. CDD’s “dwelling unit” interpretation of CBJ 49.70.300(b) frustrates the Mixed Use District, the Comprehensive Plan and the CBJ Housing Action Plan.

CDD interprets CBJ 49.70.300(b) to prevent this project because this project will create seven small apartments or “dwelling units” in a building that used to be an emergency shelter and the emergency shelter, according to CDD, should be treated as having no dwelling units. This interpretation is inconsistent with the purpose of the Mixed Use District, where this parcel is located. By ordinance, the Mixed Use District “reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.”³⁹ But CDD’s interpretation means this building cannot contain any residential dwelling units.

CDD’s interpretation undermines a high priority of the Assembly as formally expressed in the Juneau Comprehensive Plan and the CBJ Housing Acting Plan because it prevents this large downtown building from being converted to seven units of affordable rental housing, even though the property owner has detailed engineering and architectural plans to do this and the project is allowed within the Table of Permissible Uses.

CBJ 49.05.100 specifies six purposes of Title 49, the Land Use Code. One purpose is to “recognize the economic value of land and encourage its proper and beneficial use.”⁴⁰ TGH believes that the “proper and beneficial use” of this property – that has housed people since at

³⁸ CBJ 49.80.120 defines “dwelling unit” as “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.”

³⁹ CBJ 49.25.220.

⁴⁰ CBJ 49.05.100(6).

least 1990 – is to continue to house people. What use does CDD say is the “proper and beneficial use” of this large 4500 square foot building? Only an emergency shelter? A vacant building? An unimproved building? Retail on the first floor but vacant second and third floors like other downtown buildings? Under CDD’s interpretation, anything *but* housing because, under CDD’s interpretation, the owner of this building cannot put any “dwelling units “ in this building *because* it used to be an emergency shelter. That is perverse in light of this parcel’s location in the Mixed Use District and the Assembly’s strenuous efforts to encourage affordable “dwelling units” through the Borough and especially in the Downtown core.

C. CDD’s interpretation of “density” is unreasonable and arbitrary.

CDD’s interpretation of “density” results in it finding and concluding that a conversion of 1 large dwelling that housed 43 to 53 people into seven small apartments that will house 7 to 14 people actually increases the density of this parcel! On its face, this is an unreasonable finding and an unreasonable conclusion.

CDD’s interpretation of “density” resulted in it finding and concluding that the downtown emergency shelter had “0,” as in zero, dwelling units. [R. 37, R. 70] This treats the downtown shelter as having no one living there. This is unreasonable.

CDD’s interpretation of “density” took no account of the definition of dwelling in the Title 49: “dwelling means a building or portion thereof, used exclusively for human habitation.” Putting aside our argument that the downtown shelter did have seven spaces that qualify as seven dwelling units, the downtown shelter was a “dwelling.” Whatever category you want to put the shelter in, it had people dwelling there for 30 years and CDD should take that into account in its definition of “density.”

CDD's interpretation of CBJ 49.70.300 leads to an unreasonable conclusion, namely that the Assembly intended to allow homeless persons who slept in dormitories to live in this building for over 30 years but intended to prevent renters from living in this building because renters have individual dwelling units. In denying this building permit to remodel the building into seven small apartments, CDD is saying the building was okay for homeless persons but not okay for renters. This is unreasonable and has the effect of devaluing homeless persons as a category and the 43 to 53 homeless persons who regularly were housed at the downtown shelter.

D. CDD's interpretation of its authority under CBJ 49.70.300(b) is a policy error and an abuse of discretion.

CDD's interpretation of "increase density" in CBJ 49.70.300(b) is that the Assembly intended to adopt a mechanistic, cookie cutter approach to whether a project would "increase density:" namely count the dwelling units before the project, count the dwelling units after the project, and if the number goes up, deny the building permit. This is a policy error and an abuse of discretion because it denies CDD any discretion to look at the particulars of the project.

TGH provided CDD with detailed architectural and engineering plans of the proposed renovation. TGH provided CDD with information on the number of persons that lived at the Glory Hall Building, when it was used as a shelter, and the number of persons that would live there, if the building was converted to seven small apartments. [R. 91] CDD acknowledged this information. [R. 89 – 90]. In denying the building permit, CDD did not consider any of that relevant. All that was relevant to CDD was CDD's conclusion that the Glory Hall Emergency Shelter contained "0" dwelling units and that Glory Hall Building after the remodel would contain "7" dwelling units. Once it checked those boxes, it denied the permit. [R. 37, R. 106]

This was error. First and foremost, the Assembly did not tell CDD to do that. It did not tell CDD to count dwelling units and deny a permit if the project increased dwelling units. It

told CDD to evaluate whether a development increased the density of the parcel. It is far more reasonable to conclude that the Assembly wanted CDD to do a project-specific evaluation of this request for a building permit. It is certainly reasonable to conclude that the Assembly wanted CDD to consider information about the number of dwelling units but it is unreasonable to conclude that the Assembly wanted CDD to consider *only* that information. It is far more reasonable to conclude that the Assembly gave CDD the discretion to take into account what is probably an unusual situation, namely one very large dwelling providing emergency housing for 43 – 53 people converting to seven small units of rental housing for housing 7 –14 people.

CDD did not look at the facts of this specific situation when it denied a building permit for this project. But the Planning Commission can and should. Based on the specific facts of this project, TGH believes that the Planning Commission will easily conclude that this project does not increase the density of this parcel and should receive a building permit so the project can go forward – full speed ahead!

E. CDD’s denial of this building permit may have relied on irrelevant factors and inaccurate assumptions.

CDD’s interpretation of “increase density” may have relied on irrelevant factors. TGH refers the Commission to an email in the record with comments by Allison Eddins, the CDD Planner, who issued the CDD Decision in this case on behalf of Jill Maclean, CDD Director. In an email to the CBJ Fire Marshal about this permit application, Ms. Eddins states that Ms. Maclean “is mostly concerned with the political issues around the draft hazard maps. The Starr Hill and Highlands neighborhood don’t want the maps adopted and the Assembly almost certainly won’t adopt the maps without amending the existing regulations.” After that, Ms. Eddins wrote: “Plus, it doesn’t look very good for CBJ to be encouraging housing in mapped

Exhibit 6 page 14 of 15

hazard areas.” [R. 75] These factors were not mentioned in CDD’s one-paragraph decision. [R. 106]

As for the draft hazard maps, there are political issues, to be sure, around adopting the draft hazard maps but the question of whether this project increases the density of this parcel is separate from whether this parcel should be in a severe avalanche area and whether the designation, city-wide, for hazard areas should be changed.⁴¹

As for whether “it doesn’t look very good for CBJ to be encouraging housing in mapped hazard areas,” it is hard to unpack that one. The Assembly most definitely has encouraged development of housing in Downtown Juneau and part of Downtown Juneau is in a severe avalanche area, as that is described on the 1987 hazard maps. It is an unwarranted assumption that the controversy over the maps should be taken by CDD as a reason to discourage housing generally in mapped areas. To the extent that the Assembly has discouraged housing development in a severe avalanche area, it is only development that increases density within the meaning of CBJ 49.70.300(b)(1).

3. In the alternative, the project will not increase density because the Glory Hall Building, when used as an emergency shelter, had seven dwelling units within it.

As soon as Ms. Lovishchuk received the pre-conference report, she informed CDD that she believed there were seven dwelling units within the Glory Hall building: one apartment, three dormitories, one bedroom for folks with mobility issues and two overflow dorms. [R. 170] CDD did NOT address this issue in its decision and did not ask Ms. Lovishchuk for any further

⁴¹ As noted, on the Tetra Tech maps, this parcel is not in the severe or moderate avalanche hazard zone. It is in a low hazard zone. Figure 2.4, Tetra Tech, Downtown Juneau Landslide and Avalanche Assessment (May 28, 2021) (Issued for Review) available on CDD website: <https://juneau.org/community-development/special-projects/landslide-avalanche-assessment>.

Exhibit 6 page 15 of 15

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BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

JUNEAU COOPERATIVE CHRISTIAN)
MINISTRY, dba THE GLORY HALL,)
)
Appellant,)
)
vs.)
)
CBJ COMMUNITY DEVELOPMENT,)
)
Appellee.)

APL2021-06
Appeal of:
BLD2021-0765
CDD Director's Decision dated
December 1, 2021

Reply Brief of The Glory Hall (TGH) - *Selected portions,
as marked,
May 12, 2022*

Introduction.....

Undisputed facts..... 3

Ordinance to be interpreted: CBJ 49.70.300(b)..... 4

TGH's interpretation and CDD's interpretation of CBJ 49.70.300(b): how to determine whether a development would "increase the density of that parcel." 5

1. At page 7 of its Opposition Brief, CDD finally provides the authority that it argues supports its interpretation of CBJ 49.70.300(b) that "increase the density of that parcel" means "increase the dwelling units on that parcel." 7

2. CDD's interpretation that "density" in CBJ 49.70.300(b) means "the number of dwelling units" is not supported by substantial evidence, is an abuse of discretion, and is arbitrary and unreasonable. 10

 A. CDD does not show that the Assembly intended to define "density" as "dwelling units" in CBJ 49.70.300(b). 11

 1) The Assembly did not define "density" as meaning only "dwelling units" in CBJ 49.70.300(b). 11

 2) The Assembly did not adopt a global or general definition of density applicable throughout Title 49, the Land Use Code. 11

 3) The Assembly did not incorporate the definition of "density" in CBJ 49.25.500 - 520 into CBJ 49.70.300(b). 12

Exhibit 7 page 1 of 2

4) The use of "dwelling units" to measure density in Chapter 49.25, Zoning Districts, provides no support for CDD's interpretation of density in CBJ 49.70.300(b)..... 12

5) TGH is not confused; TGH simply disagrees with CDD on what facts are relevant to determine whether a project increases the density of a parcel in CBJ 49.70.300(b). 14

B. CDD's definition of "density" as "dwelling units" is contradicted by the text of CBJ 49.70.300(b) because the addition of bedrooms in a dwelling unit increases the density of the parcel even though the addition of bedrooms in a dwelling unit would not increase the number of dwelling units..... 16

C. CDD's definition of density undermines the purpose of CBJ 49.70.300(b). 17

D. CDD's interpretation of density leads to a profoundly unreasonable and arbitrary result: the property owner cannot convert its building to seven units of affordable housing because the prior use of the building was an emergency shelter where people shared kitchen and bathroom facilities..... 18

E. CDD's definition of density is inconsistent with purpose of Title 49 to achieve the objectives of the Comprehensive Plan..... 19

F. CDD does not address that its interpretation of density undermines the purpose of Title 49 "[t]o recognize the economic value of land and encourage its proper and beneficial use." 2

3. TGH's interpretation of CBJ 49.70.300(b) is proper: CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project significantly decreases the number of persons residing on the parcel..... 21

4. CDD has opened the door to evidence that TGH cannot obtain a site-specific study showing that the parcel is located outside of a severe avalanche zone..... 24

Conclusion 26

Introduction

The Juneau Cooperative Christian Ministry dba The Glory Hall appeals the denial of a building permit to convert the second and third floors of the former emergency shelter at 247 South Franklin Street, which housed between 43 – 53 persons, into seven small rental units of affordable housing, which would house between 7- 14 persons.¹ CDD denied the permit because CDD said the project would "increase the density" of the parcel within the meaning of CBJ

¹ TGH noticed a mistake in its Opening Brief at page 6. Under the project, the second floor will have two efficiency apartments and the third floor will have four efficiency apartments (*not three*) and one one-bedroom apartment. The project will provide six efficiency apartments and one one-bedroom.

49.70.300(b). Under that ordinance, this project may not occur if it would “increase the density” of the parcel.

TGH maintains that CDD wrongly denied the permit because the project does not “increase the density” of the parcel within the meaning of that ordinance and because the undisputed facts in the record show that the project decreases the density of the parcel.

If the Planning Commission concludes that the project does not increase the density of the parcel within the meaning of CBJ 49.70.300(b), there is no dispute that CDD wrongly denied the building permit and the Planning Commission should grant it.

Undisputed facts

The undisputed facts include these facts:

- The Glory Hall Building at 247 South Franklin has been in use as an emergency shelter since 1990. [R. 116 – 118]
- When the Glory Hall Building was used as an emergency shelter, it provided housing to 43 to 53 homeless persons and about 100 persons would use the Day Room on the ground floor. [TGH Opening Brief at 6]
- Under the proposed use, 7 – 14 renters would reside in the building. [R. 4, 71]
- Under the proposed use, the number of people residing in the building would decrease from 43 – 53 persons to 7 – 14 persons with 14 being a hard maximum.²
- When the Glory Hall Building was used as an emergency shelter, each occupant in a dormitory space had to have 50 gross square feet per person. [TGH Opening Brief at 13 – 15 & Exhibit to Brief with IBC Table 1004.1.2]
- Under the proposed use, each occupant in a residential space must have 200 gross square feet per person. [same]
- Under the proposed use, the maximum allowable occupancy on the parcel decreases by 75% over the prior use. [same]

² The number of residents would likely not be 14 because most efficiencies would have one, not two, persons, although two persons would be allowed.

- The former emergency shelter was “a dwelling,” as that term is defined in Title 49, namely “a building or portion thereof, used exclusively for human habitation.” [CBJ 49.80.120]
- The former emergency shelter was not a “dwelling unit,” and did not contain any dwelling units, as that term is defined in Title 49, namely “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.” [CBJ 49.80.120]³
- The former emergency shelter was a residential occupancy and the specific type of residential occupancy was a “congregate living facility,” as defined by the IBC, namely, “a building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.” [CDD Opposition Brief at 9 – 10]
- The Glory Hall Building is located in MU, Mixed Use Zoning District. [R. 33]
- The Glory Hall Building is in an area designated as a severe avalanche area based on low resolution hazard maps adopted by CBJ in 1987. These maps were based on data created in the 1970’s. [TGH Opening Brief at 7]

Ordinance to be interpreted: CBJ 49.70.300(b)

CBJ 49.70.300(b) *Severe avalanche areas.*

(1) Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

This statute is ambiguous. It states no development may “increase the density of that parcel” but it does not define density. The parties to the appeal have different interpretations of that phrase.

The key principle in interpreting an ordinance is adopting an interpretation that carries out the intent of the legislative body that adopted it, in this case, CBJ Assembly. The Planning

³ The IBC has a slightly different definition in Section 202: a “dwelling unit” is “[a] single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.” We accept that the former emergency shelter did not have dwelling units under the Title 49 definition *and* the IBC definition. TGH withdraws the appeal point that the former emergency shelter was a “dwelling unit” or had “dwelling units” as defined by Title 49 or the IBC. TGH Opening Brief at 3 – 4, 22 – 23.

Commission uses the same principles to determine Assembly intent as a court: "Interpretation of a statute is a question of law to which we apply our independent judgment; we interpret the statute according to reason, practicality, and common sense, considering the meaning of the statute's language, its legislative history, and its purpose."⁴ An ordinance should be construed in accord with what the leading text on statutory construction calls the "golden rule of statutory interpretation." The golden rule of statutory construction is "when one of several possible interpretations of an ambiguous statute produces an unreasonable result, that interpretation should be rejected in favor of another which produces a reasonable result."⁵ The Assembly is presumed to have intended reasonable results consistent with the purpose of the ordinance that it adopted.

TGH's interpretation and CDD's interpretation of CBJ 49.70.300(b): how to determine whether a development would "increase the density of that parcel."

The Planning Commission has the responsibility to interpret provisions of Title 49, the Land Use Code.⁶ The Planning Commission makes an independent judgment on the meaning of the ordinance. The Planning Commission has before it two interpretations of CBJ 49.70.300(b)(1), which is part of Title 49.

TGH's interpretation of CBJ 49.70.300(b) is that CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project increases buildings on the parcel, whether the project increases dwelling units on the parcel, whether the project increases the number of persons residing on the parcel and whether the

⁴ *Daggett v. Feeney*, 397 P. 3d 297, 304 (Alaska 2017) quoting *Adamson v. Municipality of Anchorage*, 333 P. 3d 5, 11 (Alaska 2014). To date, neither party has cited any legislative history of the ordinances involved in this appeal.

⁵ N. Singer & S. Singer, *Sutherland Statutes and Statutory Construction* § 45.12 at 103 – 106 (7th ed, rev. April 2014).

⁶ CBJ 49.20.300.

project increases the number of persons that can potentially occupy the buildings on the parcel. TGH interprets the purpose of CBJ 49.70.300(b) as preventing development which subjects more people to whatever risk of avalanche exists on the parcel and allowing development which does not subject more people to the risk of avalanche and certainly allowing the development when, as here, the project subjects significantly less people to whatever risk of avalanche exists on the parcel.

CDD’s interpretation of CBJ 49.70.300(b) is that “density of a parcel” means “the number of dwelling units on a parcel.” Under CDD’s interpretation, the only relevant fact in determining whether a development would increase density of the parcel is the number of “dwelling units” – units with “independent and complete cooking, living, sleeping and toilet facilities for one family”⁷ – on the parcel before the development and the number of dwelling units after the development. If the number of “dwelling units” goes up, CDD states that the property owner cannot undertake the development, unless the property owner obtains a study that the parcel is outside a severe avalanche area.⁸ CDD attributes to the Assembly the intent to prevent development that would increase the number of individual cooking, living, sleeping and toilet facilities on parcels in severe avalanche areas, irrespective of whether the development would increase or, as here, significantly decrease the number of persons exposed to whatever risk of avalanche exists on the parcel.

⁷ CBJ 49.80.120 (definition of “dwelling unit” in Title 49).
⁸ CBJ 49.70.300(a)(4).

2. CDD’s interpretation that “density” in CBJ 49.70.300(b) means “the number of dwelling units” is not supported by substantial evidence, is an abuse of discretion, and is arbitrary and unreasonable.

This appeal concerns the proper interpretation of CBJ 49.70.300(b)(1):

Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

CDD’s stated position is that “density” is equal to “the number of dwelling units.”¹⁴

CDD is reading CBJ 49.70.300(b) as if it were written this way:

Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, ~~increase the density of that parcel~~ *increase the number of dwelling units on that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

That fact, alone, is a red flag: CDD is in effect crossing out the words used by the Assembly and using different ones. That fact suggests that CDD is rewriting the ordinance rather than interpreting it. But in its Opposition Brief, CDD defends its “interpretation” by saying that in the CBJ code, “density is measured by dwelling units.”¹⁵ CDD asserts that “this definition of density [as dwelling units] comes directly from CBJ code.”¹⁶ CDD asserts, “As shown by CBJ 49.25.500-520, density is measured in dwelling units.”¹⁷ CDD’s assertions and interpretation do not withstand scrutiny.

¹⁴ CDD Opposition Brief at 7, 16 – 17.

¹⁵ CDD Opposition Brief at 7.

¹⁶ Opposition Brief at 15.

¹⁷ Opposition Brief at 15 – 16.

A. CDD does not show that the Assembly intended to define “density” as “dwelling units” in CBJ 49.70.300(b).

1) The Assembly did not define “density” as meaning only “dwelling units” in CBJ 49.70.300(b).

To state the obvious, the Assembly did not say in CBJ 49.70.300(b), “no development . . . shall increase the number of dwelling units on that parcel.” It said, “no development . . . shall increase the density on that parcel.” As CBJ 49.25.500 – 520 shows, when the Assembly wants to direct CDD to count dwelling units and take action based on that calculation – in those ordinances it is to enforce the maximum number of dwelling units per acre – the Assembly does that explicitly. The fact that the Assembly did not do that in CBJ 49.70.300(b) is strong evidence that it did not intend to do that.

2) The Assembly did not adopt a global or general definition of density applicable throughout Title 49, the Land Use Code.

When the Assembly wants to adopt a definition of a term that is to be used across the Title 49, it does that in CBJ 49.80.120, the definition section of Title 49. CBJ 49.80.120 begins with this statement: “The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.” Title 49 is divided into 17 chapters. The Assembly is not reluctant to define terms that are to be used across different chapters of Title 49. The Assembly has defined hundreds of terms in CBJ 49.80.120.

The Assembly, however, did *not* adopt a global definition of “density” for Title 49.¹⁸ The IBC of 2012 does not contain a general definition of density.¹⁹ So when CDD categorically asserts that “the Code” defines density as dwelling units, that is not true. The Code has no

¹⁸ CBJ 49.80.120(definition section).

¹⁹ Section 202 (definition section) of IBC of 2012.

general definition of density. If, as CDD claims, the Assembly really wanted “density” to be defined throughout Title 49 as “dwelling units,” that definition would be in the general definition section for Title 49.²⁰ But it is not there.

3) The Assembly did not incorporate the definition of “density” in CBJ 49.25.500 – 520 into CBJ 49.70.300(b).

In CBJ 49.70.300(b), the Assembly did not incorporate by reference the definition of “density” in CBJ 49.25.500 – 520. Thus, the Assembly had many ways it could have adopted CDD’s definition of density for CBJ 49.70.300(b) but it did not. The Assembly did not do it explicitly in the ordinance. The Assembly did not do it by way of a global definition. The Assembly did not do it by incorporating by reference the measure of density in CBJ 49.25.500 – 520.

4) The use of “dwelling units” to measure density in Chapter 49.25, Zoning Districts, provides no support for CDD’s interpretation of density in CBJ 49.70.300(b)

CDD repeatedly asserts that density is measured by dwelling units “in CBJ code.”²¹ CDD asserts: “That density is measured in dwelling units is repeatedly and reliably shown in Code.”²² CDD repeats like a mantra: “CDD’s decision is supported by substantial evidence – CBJ code.”²³ CDD never specifies what it means by “CBJ Code” but it is Title 49, the Land Use Code. Title 49 is vast. It is organized into 17 chapters and each chapter has many ordinances. So although CDD says density is measured by dwelling units in “the Code,” to understand what

²⁰ CBJ 49.80.120.

²¹ CDD Opposition Brief at 7, 8.

²² CDD Opposition Brief at 8, citing CBJ 49.25.510(a)-(c) and CBJ 49.25.520.

²³ CDD Opposition Brief at 13. CDD repeats these exact words or very similar ones at pages 15, 16 and 17 of its brief.

that could possibly mean, you have to look at what specific provisions of “the Code” that CDD cites to support its assertions.

CDD cites CBJ 49.25.500 – 520, which are in Chapter 49.25 of Title 49.²⁴ Chapter 49.25 is Zoning Districts. CBJ 49.25.500 provides the basic rule: “The maximum number of dwelling units allowed per acre shall be provided in the following table,” and then follows a table with the “maximum dwelling units/acre” in each of 15 zoning districts in Juneau. So for example, in D-10, there is allowed “10 units per acre.” But in D-18, there is allowed “18 units per acre.” CDD is absolutely correct that CBJ 49.25.510 - CBJ 49.25.520 provides detailed rules for how to determine density in this context. CDD is correct that these ordinances establish how to determine whether a developer has exceeded the maximum allowable dwelling units per acre and address questions such as how to count duplexes, how to deal with accessory apartments, and how to count single-room occupancies with private facilities.²⁵ CDD states, “For density calculations, single-room occupancies with private facilities count as one-half of a dwelling unit,” and correctly cites CBJ 49.25.510(j)(2) for that statement.²⁶

What CDD shows is not that “density” is determined by “dwelling units” throughout “the Code.” What CDD shows is that “density” is determined by dwelling units throughout Chapter 49.25, Zoning Districts. Again, it is simply not true that “the Code” has a general definition of density or a general approach to measuring density.

²⁴ CDD Opposition Brief at 7 – 8 & 16. The only other citation CBJ provides to support its claim that “the Code” defines density as dwelling units is CBJ 49.60.140. CDD Opposition Brief at page 16 note 62. This ordinance is closely related to the Chapter 49.25 provisions because it provides a “residential density bonus” and specifies when “the allowable density of dwelling units per acre” specified in CBJ 49.500 – 520 may be increased by ten percent.

²⁵ CBJ 49.25.510(d)(1)(duplexes), CBJ 49.25.510(k)(an extremely detailed section on accessory apartments), CBJ 49.25.510(j)(2)(single room occupancies with private facilities).

²⁶ CDD Opposition Brief at page 8 & note 31.

The density determinations in Chapter 49.25 are fundamentally different from the density determination in CBJ 49.70.300(b):

- The Assembly specified unequivocally in CBJ 49.25.500 – 520: count dwelling units to determine density. The Assembly did not tell CDD to count dwelling units to determine density in CBJ 49.70.300(b).
- The purpose of CBJ 49.25.500 – 520 is to establish clear-cut rules for the use of property. The purpose of CBJ 49.70.300(b) is to limit development that might increase danger to people.
- CBJ 49.70.300(b) is not a zoning provision. It is a Land Use provision but not a zoning provision. This ordinance is in Chapter 49.70, which is “Specified Area Provisions.”
- The definition of “density” as “dwelling units” in CBJ 49.25.500 – 520 does not lead to unreasonable and arbitrary results, does not undermine the objectives of the Comprehensive Plan and the Housing Action Plan, and does not undermine the purpose of Title 19 “[t]o recognize the economic value of land and encourage its proper and beneficial use.” But all these consequences flow when CDD chooses to define “density” as “dwelling units” and engrafts the definition of density in CBJ 49.25.500 – 520 onto the ordinance in this appeal, CBJ 49.70.300(b).²⁷

5) TGH is not confused; TGH simply disagrees with CDD on what facts are relevant to determine whether a project increases the density of a parcel in CBJ 49.70.300(b).

CDD states that the applicant is confused and befuddled and does not understand the difference between “occupancy” and “density,” despite CDD “repeatedly” attempting to explain these terms to the applicant.²⁸ In fact, CDD has found the applicant so confused that CDD

²⁷ See Points 2 D, E & F at pages 18 - 21 *infra*.

²⁸ CDD Opposition Brief at 11, 13.

believes this shows that TGH “is not a credible source on code interpretation or risk assessment.”²⁹

The applicant understands that CDD believes the definition of “density” in CBJ 49.70.300(b) should be exclusively defined by the number of dwelling units. The applicant disagrees that is the only fact to be considered in determining density of a parcel in this ordinance.

As for occupancy, the applicant understands occupancy and believes it did a credible job explaining the occupancy provisions in IBC Table 1004.1.2 in its Opening Brief.³⁰ CDD did not disagree with the fact that under the proposed use of the building as seven small apartments, each occupant has 400% more space than the occupants under the prior use of the building as an emergency shelter.

CDD and TGH disagree on whether these facts are relevant to decide whether to deny TGH a building permit on the grounds that the project increases density of the parcel. TGH thinks the occupancy numbers are relevant because they are objective standards that are attached to the space and provide relevant data to evaluate whether the development will expose more or less people to whatever risk of avalanche exists on the parcel. CDD thinks they are irrelevant because all it needs to know is how many “dwelling units,” as defined by Title 49, were on the parcel before the development and how many “dwelling units,” as defined by Title 49, will be on the parcel after the development.

To support its contention that “occupancy” is irrelevant to TGH’s building permit application, CDD refers to several ordinances in Title 49 that use the word “occupancy:” one about off-street parking spaces, one about recreational vehicles and park occupancy, and two

²⁹ CDD Opposition Brief at 13 note 49.

³⁰ TGH Opening Brief at 13 – 15 & Exhibit to Brief, IBC Table 1004.1.2.

about calculating the maximum allowable number of dwelling units per acre in CBJ 49.25.500 – 520, the ordinances just discussed.³¹ Each of those ordinances have a specific context and problem they sought to address. CDD does not show how they are relevant to determining the Assembly intent regarding “density” in this code provision, CBJ 49.70.300(b), as applied to this building permit request. CDD does not show that they support its interpretation of CBJ 49.70.300(b) that it is irrelevant whether the proposed development results in a use which decreases the number of persons that will occupy and that can occupy this parcel.

B. CDD’s definition of “density” as “dwelling units” is contradicted by the text of CBJ 49.70.300(b) because the addition of bedrooms in a dwelling unit increases the density of the parcel even though the addition of bedrooms in a dwelling unit would not increase the number of dwelling units.

CDD’s definition of “density” as dwelling units is contradicted by the text of CBJ 49.70.300(b). The ordinance states that “no development or any part of a development, which is within a severe avalanche area shall, *by the addition of bedrooms*, conversions of buildings, or otherwise, increase the density of that parcel.” (emphasis added). By the clear terms of the ordinance, the addition of bedrooms to a dwelling unit or other structure is an action that can increase the density of that parcel. A dwelling unit is “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.”³² A dwelling unit does not have a specified number of bedrooms. The addition of bedrooms to a dwelling unit does not increase the number of dwelling units but it does increase the density of the parcel.

³¹ CDD Opposition Brief at 8 & notes 28 - 31: CBJ 49.40.200(2)(off-street parking); CBJ 49.65.460 (park occupancy and recreational vehicles); CBJ 49.80.120 (defining “single-room occupancy with private facilities” and “single-room occupancy with shared facilities”); CBJ 49.25.510(j)(2)(for density calculations of maximum units per acre, single-room occupancies with private facilities count as one-half of a dwelling unit).

³² CBJ 49.80.120.

Exhibit 7 page 13 of 21

This is significant for two reasons. One, it shows that the Assembly did not intend that an increase or decrease in dwelling units is the sole criterion for whether a project increases density because with the addition of bedrooms to a dwelling unit, density increases but the number of dwelling units does not. Two, it shows that the Assembly was concerned with whether a development would increase the number of persons exposed to whatever avalanche risk exists on a parcel because, with the addition of bedrooms, the number of persons potentially exposed to an avalanche risk would increase but the number of dwelling units would not.

C. CDD's definition of density undermines the purpose of CBJ 49.70.300(b).

TGH maintains that the purpose of CBJ 49.70.300(b) is to prevent development which puts more people at risk of whatever avalanche risk exists on the parcel and to allow development which does not. This project, as a matter of undisputed fact, puts less people at that risk than the prior use of the property. CDD's interpretation prevents a development that puts less people at risk and therefore frustrates the purpose of CBJ 49.70.300(b).

Every interpretation of an ordinance has a purpose implicit in the interpretation. CDD's interpretation of density is that it is irrelevant that TGH's proposed development both improves the property significantly *and* exposes significantly less people to whatever risk exists on this parcel compared to the prior use. CDD says the only relevant fact is whether the development puts more stoves, refrigerators and toilet facilities, the things that make up an individual dwelling unit, at risk. This is an unreasonable interpretation of the purpose of this ordinance.

D. CDD’s interpretation of density leads to a profoundly unreasonable and arbitrary result: the property owner cannot convert its building to seven units of affordable housing because the prior use of the building was an emergency shelter where people shared kitchen and bathroom facilities.

In analyzing the results of CDD’s interpretation, the key thing to remember is that a dwelling unit is a residential use “providing independent and complete cooking, living, sleeping and toilet facilities for one family.”³³ CDD’s interpretation of “density” in CBJ 49.70.300(b) as meaning “dwelling units” produces profoundly unreasonable and arbitrary results that are incompatible with any reasonable conception of Assembly intent or statutory purpose.

The result of CDD’s interpretation is that the property owner can house 43 – 53 people on this property in an emergency shelter but not 7 – 14 people, far fewer people, in seven small apartments. On its face, that would seem unreasonable even if that was the only fact known to the Planning Commission.

But what is profoundly unreasonable is the reason *why* CDD states that the property owner cannot do that. CDD has denied this property owner a building permit to convert its building into seven small apartments, where the residents will have individual facilities, because the building used to be an emergency shelter, which meant the residents shared kitchen and bathroom facilities, which meant they did not have “independent and complete cooking, living sleeping and toilet facilities,” which meant, according to CDD, that they were not living in a dwelling unit, and which meant, according to CDD, that the property owner would be denied a building permit to convert the former emergency shelter into seven small apartments.

It is convoluted. And it is the consequence of CDD choosing to define “density” as “dwelling units.” It is not obvious at first but the cardinal sin in CDD’s approach to this situation is choosing a definition of “density” that results in characterizing the former emergency shelter

³³ CBJ 49.20.180.

Exhibit 7 page 5 of 21

as a “zero” and characterizing it as a “zero” because the residents – homeless persons – shared facilities and did not have their own “independent and complete cooking, living, sleeping and toilet facilities.”

The bottom line is that, unless CDD’s decision is reversed, this property owner cannot convert this building into seven affordable apartments because the prior residents were homeless persons who shared bathroom and kitchen facilities.

This is profoundly arbitrary and unreasonable. There is no reasonable basis for saying this result is consistent with Assembly intent. There is no basis for CDD to say that the Assembly intended to prevent converting this building into seven badly needed modest affordable rental housing units because the building provided emergency housing in the past where residents had to share kitchen and bathroom facilities.

E. CDD’s definition of density is inconsistent with purpose of Title 49 to achieve the objectives of the Comprehensive Plan.

The first purpose of Title 49, or the Code as it is referred to by CDD, is “[t]o achieve the goals and objectives, and implement the policies of the Juneau Comprehensive Plan.”³⁴ The Comprehensive Plan is properly viewed as part of the Code. The Juneau Housing Action Plan is properly viewed as part of Title 49.

In evaluating competing interpretation of CBJ 49.70.300(b), if one interpretation furthers the Comprehensive Plan and the Juneau Housing Action Plan and one does not, that is a reason to chose the one that furthers the Comprehensive Plan and the Housing Action Plan. Juneau faces a housing crisis. This is not a theoretical statement. It means that people cannot find places to live or rent, especially lower income folks.

³⁴ CBJ 49.05.100(1).

CDD’s actions here undermine both the Comprehensive Plan and the Housing Action Plan. The Comprehensive Plan states: “Unless and until the community achieves a healthy vacancy rate, all habitable dwellings are valued and needed and uninhabitable units should be rehabilitated or replaced.”³⁵ CDD is preventing seven units of badly needed affordable rental housing in downtown Juneau.

CDD states: “While CDD appreciates the importance of increasing housing, these plans do not excuse compliance with CBJ code – especially those code provisions concerning public safety.”³⁶ CDD’s denial of the building permit was not based on safety. CDD denied the building permit because it defined “density” as dwelling units and because it concluded this project increased density. As discussed, this means that CDD denied the building permit because the prior use was an emergency shelter where people shared kitchen and bathroom facilities, that is, they did not have individual dwelling units.

CDD also states that denying TGH a building permit to convert this building into seven small affordable rental units is no loss to the housing stock of Juneau because it never was part of Juneau’s housing stock. CDD states that its action “insures 247 South Franklin Street will not be ‘housing stock’ unless and until it is shown to be sufficiently safe.”³⁷ The Glory Hall Shelter at 247 South Franklin Street is part of Juneau’s “housing stock.” For 30 years, homeless people lived there safely. Forty-three to fifty-three people a night lived there. It would be a tremendous loss to Juneau if this landmark of Juneau’s care and compassion cannot continue to house people. This relates to the next problem with CDD’s interpretation of CBJ 49.70.300(b).

³⁵ Juneau Comprehensive Plan at p. 32.
³⁶ CDD Opposition Brief at 13.
³⁷ CDD Opposition Brief at 15.

F. CDD does not address that its interpretation of density undermines the purpose of Title 49 “[t]o recognize the economic value of land and encourage its proper and beneficial use.”³⁸

CDD’s interpretation of “density” means that this property can be used to operate a homeless shelter, because that is not a dwelling unit, but it cannot be used to provide rental housing, because they are dwelling units. But the property owner believes, and CBJ actions to implement the Comprehensive Plan and the Housing Action Plan suggest that the City agrees, that the need in downtown Juneau is for affordable rental housing. If that is foreclosed to this property owner, it will be foreclosed to any subsequent owners of this property. Therefore, the options for this prime real estate in downtown Juneau – that has housed persons for over 30 years – is to be used as a homeless shelter, a vacant or partly vacant building, or commercial rentals, if tenants can be found.

TGH’s interpretation of density avoids these results and should be adopted by the Planning Commission. TGH’s interpretation allows the property to be used for its “proper and beneficial use,” which is rental housing.

3. TGH’s interpretation of CBJ 49.70.300(b) is proper: CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project significantly decreases the number of persons residing on the parcel.

TGH’s interpretation of CBJ 49.70.300(b) is that CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project increases buildings on the parcel, whether the project increases dwelling units on the parcel, whether the project increases the number of persons residing on the parcel and whether the project increases the number of persons that can potentially occupy the buildings on the parcel. TGH interprets the purpose of CBJ 49.70.300(b) as preventing development which

³⁸ CBJ 49.05.100(6); TGH Opening Brief at 18 – 19.

subjects more people to whatever avalanche risk exists on the parcel and allowing development which does not subject more people to the risk of avalanche and certainly allowing development where, as here, the undisputed fact is that the project subjects significantly less people to the risk of avalanche: 43 – 53 residents under the prior use versus 7 – 14 residents under the proposed use.

TGH's interpretation is the proper interpretation of CBJ 49.70.300(b) for close to innumerable reasons. This is a partial list:

- TGH does not rewrite the ordinance and substitute “increase the number of dwelling units” on the parcel for “increase the density of the parcel” when the Assembly chose “density,” a more general term.
- TGH does not take the measure of density from one part of the code – the zoning district provisions in Chapter 49.25 – and transplant that measure to CBJ 49.70.300(b) when the Assembly could have done that but did not.
- TGH's interpretation takes into account the actual, undisputed, facts, namely that this project decreases significantly the number of persons who will be residing on this parcel and who can reside on this parcel.
- TGH's interpretation does not stop a project that demonstrably decreases the persons exposed to whatever avalanche risk exists on this parcel while simultaneously telling the property owner that the permit is being denied to protect persons from avalanche risk.
- TGH's interpretation treats the former emergency shelter as part of the “housing stock” and worthy to be preserved as part of Juneau's housing stock by being turned into seven small apartments.
- TGH's interpretation does not deny this landowner the right to convert its building into seven small apartments, which will house 7 – 14 persons, on the unreasonable and

arbitrary grounds that the prior use was an emergency shelter, which housed 43 – 53 persons.

- TGH’s interpretation does not deny this property owner the right to convert its building into seven small apartments, which will house 7 – 14 persons, on the unreasonable and arbitrary grounds that the residents of the prior emergency shelter shared bathroom and kitchen facilities and did not have their own “independent and complete cooking, living, sleeping and toilet facilities for one family.”³⁹
- TGH’s interpretation allows this landowner to use the property in a way that is allowed by the Table of Permissible Uses, a use which is presumptively allowed.
- TGH’s interpretation allows this landowner to use this property for rental housing, a use which is encouraged in the Mixed Use District.⁴⁰
- TGH’s interpretation allows this property owner to take private action which furthers the goal of the Comprehensive Plan and the Housing Action Plan, namely providing seven units of affordable rental housing, which is desperately needed in light of Juneau’s Housing Crisis.
- TGH’s interpretation is not influenced by “political issues around the draft hazard maps,” [R. 75] which are irrelevant to whether the project would increase density.⁴¹
- TGH’s interpretation is not influenced by the political perception that “it doesn’t look very good for CBJ to be encouraging housing in mapped hazard areas” when the grant or denial of this building permit should not be influenced by what “looks very good” or

³⁹ CBJ 49.80.120 (definition of “dwelling unit” in Title 49).

⁴⁰ CBJ 49.2.220(a).

⁴¹ [R. 75] is an email from CBJ Planner Allison Eddins to Dan Jager and Edward Quinto (Nov. 17, 2021). Ms. Eddins signed the CDD Decision under appeal, which is identified in the record as the “official permit denial.” [R. 106]

what doesn't. [R. 75] This property is in an area currently mapped as a severe avalanche area and this property owner should be able to build seven small apartments unless this development would "increase the density of this parcel," as that term is properly defined.

4. CDD has opened the door to evidence that TGH cannot obtain a site-specific study showing that the parcel is located outside of a severe avalanche zone.

"Under [Alaska] case law, a party may open the door to evidence on a subject by putting that subject at issue in the case."⁴² The Court in *Worthy v. State* found that the State had "interjected" an issue into the case and therefore opened the door to evidence on that issue.⁴³ A party may open the door through argument of counsel.⁴⁴ As Justice Fabe observed in *Worthy*, "[I]t is not unusual for a party to render the previously excluded evidence relevant and admissible by some action of its own during trial."⁴⁵ The same principles should apply in an administrative hearing.

Before briefing, TGH asked to supplement the record with material including documentation showing that Ms. Lovishchuk contacted six engineering firms and Bill Glude, Alaska's premier avalanche scientist, to try to submit a study to show that the subject parcel is outside the severe avalanche area.⁴⁶ TGH did not think a study is necessary because a study is only necessary if the project increases density. But in the interests of getting the building conversion underway as soon as possible, Ms. Lovishchuk tried unsuccessfully to locate an

⁴² *Loncar v. Gray*, 28 P. 3d 928, 932 (Alaska 2001).
⁴³ *Worthy v. State*, 999 P. 2d 771, 775 (Alaska 2000)
⁴⁴ *Harned v. Dura Corp.*, 665 P. 2d 5, 7 – 10 (Alaska 1983).
⁴⁵ 999 P. 2d at 777 (Fabe, J., dissenting).
⁴⁶ Motion to Supplement Record (March 18, 2022); Memorandum in Support (March 18, 2022); Submission of Material Sought to be Supplemented to Record on Appeal with Exhibits 1 - 6 (March 18, 2022). Exhibit 2 is the email between TGH and the City regarding this subject. Exhibit 2 at page 11 contains a list of six engineers that Ms. Lovishchuk had contacted as of March 2, 2022 and that was provided to CDD. Exhibit 4 is Ms. Lovishchuk's statements about her contact with Mr. Glude. Exhibit 5 is Mr. Glude's resume, which summarizes his work with Alaska Avalanche Specialists, LLC, from 1990 to the present. Exhibit 6 is Mr. Glude's statement concerning the project.

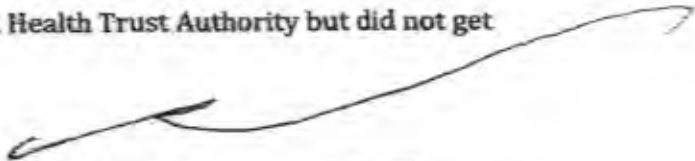
BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU
AFFIDAVIT OF MARIYA LOVISHCHUK RE ENGINEERING FIRMS

Mariya Lovischuk, being duly sworn, states:

1. I am the executive director of the Juneau Housing First Collaborative dba the Glory Hall, formerly Juneau Cooperative Christian Ministry dba the Glory Hall
2. I reached out to the following engineering firms to perform an engineering study to speed up making improvements to the 247 S. Franklin Street building.
 - I contacted PND Engineers. PND Engineers stated that the R&M report TGH presented to CDD is all that is needed, that asking for more information is an incorrect way for CDD to proceed, and that the building permit should be issued based on R&M report presented. In a follow-up contact by our attorney with PND, they stated unequivocally that they would not conduct a study for this project.
 - I contacted J Mark Pusich with PDC Engineers. Mr. Pusich indicated that his firm does not have expertise in avalanche analysis and that he could not think of anyone else locally who does.
 - I contacted Don Larsen, an Civil Engineer. Mr. Larsen indicated that he would love to help but does not have expertise in avalanche analysis.
 - I reached out to two more local engineering firms who did not wish to engage with the project because they are concerned about working on an issue which to them appeared to be contentious with CDD and because they did not have expertise in avalanche analysis.
 - I contacted StanTech Engineers. They did not have avalanche expertise.
 - I contacted Shannon and Wilson Engineering. They also did not have avalanche expertise to proceed.
 - I contacted TetraTech because they had expertise in avalanche hazard determinations. TetraTech was willing to work with TGH but needed permission from CBJ to do so because CBJ was the initial client. CBJ declined to provide such permission.

Exhibit 8 page 1 of 2

- I contacted StanTec again and Stantec reached out to engineers internally as well as throughout the State. There was no one available/qualified to perform the work.
- I reached out to Agnew Beck, a firm that specializes in non-profit development projects and asked for recommendations for a qualified civil engineer. Agnew Beck recommended that Arete LLC and CWR Engineering group. After a lengthy conversation with both Arete and CWR, no one had required qualification/ability to work on a project of this scope.
- To help with the project Arete LLC, reached out to Dave Hamre, a foremost expert on Alaskan avalanche hazards. Even though Dave is a foremost avalanche expert, just as in case of Bill Glued, Dave did not meet the CDD required qualification because he is not an engineer. Dave referred TGH to Chris Wilbur and Alan Jones.
- I reached out to Chris Wilbur. Mr. Wilbur's workload does not allow him to assist with the project.
- I reached out to Alan Jones, who also worked on the TetraTech studies. Mr. Jones was not able to assist due to his prior contact with the City and also because of the project scope.
- I reached to Alaska Housing and Finance Corporation to inquire if they know of any engineers who might be able to help and while we discussed the housing crisis, the merits and the need for the project, the conversation did not yield any engineers.
- Similarly, I reached out to Alaska Mental Health Trust Authority but did not get results.



Mariya Lovishuk

Subscribed and sworn to or affirmed before me by Mariya Lovishchuk on the 30 day of June, 2022, at Juneau, Alaska.

Teal R. Goodsell
 Notary Public, State of Alaska
 My commission expires 12/03/2025

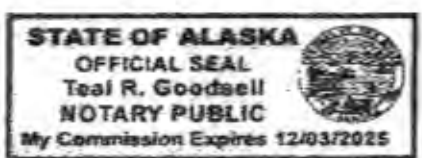


Exhibit 8 page 2 of 2



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/community-development/planning-commission

155 S. Seward Street • Juneau, AK 99801

**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: October 31, 2022
File No.: PAD2022 0003

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a land disposal of 6,098 square feet to James E. Parise.

Property Address: NHN (Glacier Highway / Auke Bay area)

Legal Description or ROW name: USS 2909 FS ROW

Parcel Code No.: 4B2801020070

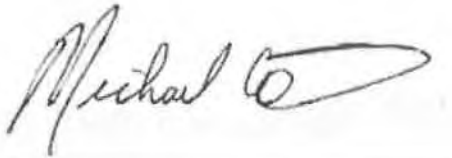
Hearing Date: October 25, 2022

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 17, 2022, and recommended that the Assembly DENY the 6,098 square foot land disposal.

Attachments: October 17, 2022 memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding PAD2022 0003.

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

City and Borough of Juneau
CBJ Assembly
File No.: PAD2022 0003
October 31, 2022
Page 2 of 2



Michael LeVine, Chair
Planning Commission

November 6, 2022

Date



Filed With Municipal Clerk

11/7/22

Date

cc: Plan Review

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



DATE: October 17, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Jennifer Shields, Planner II *Jennifer L. Shields*
THROUGH: Jill Maclean, AICP, Director

PROPOSAL: Applicant requests a Property Disposal Review for the purchase of approximately 6,098 square feet of City & Borough of Juneau-owned land.

STAFF RECOMMENDATION: Denial

KEY CONSIDERATIONS FOR REVIEW:

- The Land Management Plan designates this City property as Retain.
- Land disposal is not in general conformity with the 2013 Comprehensive Plan, the 2016 CBJ Land Management Plan, the 2019-2029 Parks & Recreation Master Plan, or the 2015 Auke Bay Master Plan.
- The Parks and Recreation Advisory Committee (PRAC) does not support the proposed land disposal.
- The Assembly passed a motion to enter into negotiations with the original proposer.

ALTERNATIVE ACTIONS:

1. **Amend:** amend the recommendation to include conditions and recommend approval to the Assembly.
2. **Approve:** recommend approval of the proposed project. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

A Notice of Recommendation will be forwarded to the Assembly for further action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.10.170(c) (Land Disposals)
 - CBJ 49.80 (Definitions)
 - CBJ 53.09.200(b) (Land Disposals)
 - CBJ 53.09.260 (Negotiated sales, leases, and exchanges)

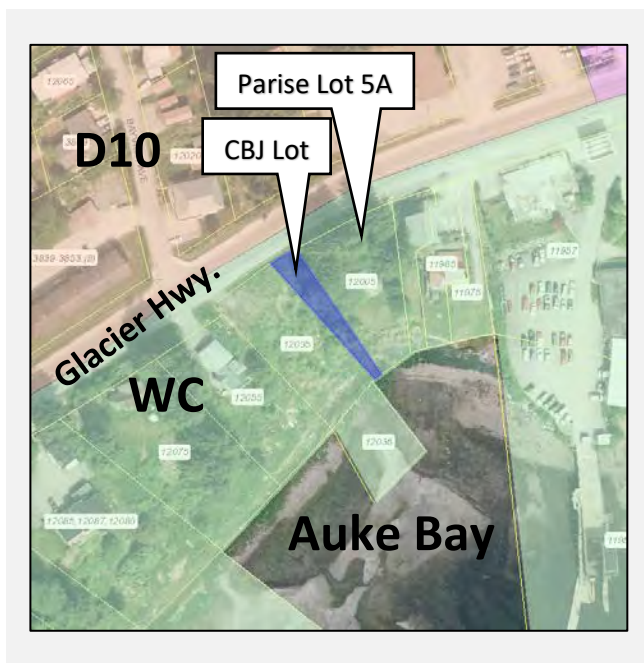
| GENERAL INFORMATION | | |
|----------------------|----------------------------|-----------------------|
| | Land Disposal Party | Purchasing Party |
| Property Owners | CBJ | James E. Parise |
| Applicant | | James E. Parise |
| Property Address | N/A | 12005 Glacier Highway |
| Legal Description | USS 2909 FS ROW | USS 2909 Lot 5A |
| Parcel Number | 4B2801020070 | 4B2801020060 |
| Zoning | Waterfront Commercial (WC) | |
| Land Use Designation | Marine Mixed Use (M/MU) | |
| Lot Size | 14,948 square feet | 6,098 square feet |
| Water/Sewer | N/A | Public water & sewer |
| Access | Glacier Highway | |
| Existing Land Use | Undeveloped | Residential |
| Assoc. Applications | N/A | N/A |

The Commission shall hear and decide the case per CBJ 53.09.260 - Negotiated sales, leases, and exchanges:

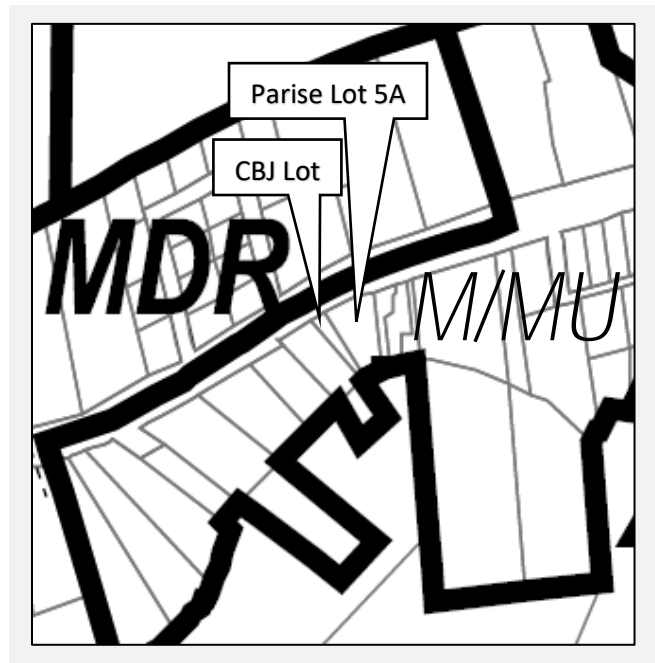
- (a) Application, initial review, assembly authority to negotiate. Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.
- (b) Review and approval process. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the Planning Commission for disposals other than leases, after review by the Assembly Lands Committee, and authorization by the Assembly By Ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the Assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

CBJ 49.10.170(c) Planning Commission Duties: The commission shall review and make recommendations to the Assembly on land acquisitions and disposals as prescribed by Title 53, or Capital Improvement Project by any City and Borough agency. The report and recommendation of the Commission shall be based upon the provisions of this title, the comprehensive plan, and the Capital Improvements Program.

CURRENT ZONING MAP



LAND USE DESIGNATION MAP



SURROUNDING LAND USES AND ZONING

| Direction | Zoning District | Land Use |
|-----------|--------------------------------|-------------------------------------|
| North | D10 (Multi-Family Residential) | Residential & Auke Bay Bible Church |
| South | Waterbody | Auke Bay |
| East | WC | Residential (under construction) |
| West | WC | Vacant |

BACKGROUND INFORMATION

Project Description – The applicant is seeking to purchase a 6,098 square foot strip of undeveloped, CBJ-owned land with beach access to Auke Bay that is currently managed by the Parks and Recreation Department. The applicant owns the adjacent residential property to the East (Lot 5A) which is currently under reconstruction with a major remodel of the single-family dwelling. The applicant would use the CBJ property to construct a driveway as an alternative access off of Glacier Highway, an Alaska Department of Transportation and Public Facilities (DOT&PF) Right-of-Way (ROW) (Attachment A).

If the disposal is ultimately approved by the CBJ Assembly, the applicant would be required to submit a Minor Subdivision application per CBJ 49.15.401(a)(4): *“Lot line adjustments. The Minor Subdivision process shall be used to review adjustments to any number of lot boundary lines if the subdivision does not result in an increase in the number of lots.”* Minor Subdivisions are approved by the Director.

The current application is solely to obtain a Land Disposal recommendation from the Planning Commission.



Background – CBJ Lot

The table below summarizes relevant history for the CBJ property requested for disposal.

| Year | Item | Summary |
|-----------|--------------------------------|---|
| 1951 | Plat | U.S. Survey 2909 embracing a Forest Service ROW of 0.14 acres (Attachment B). |
| 1957-1964 | Quit Claim Deed | Lot 4 to the west Quit Claim Deed references two Special Use permits and a ROW Permit for access roads (Attachment C). |
| 1965 | Easement | Private, non-exclusive easement for public access issued to Fred S. Honsinger through ADL 24304, presumably for a driveway to the adjacent property to the west (Attachment D). |
| 1971 | Plat | Plat #652 identifies a parking area, driveway, boathouse, and marine railway on the lot (Attachment E). |
| 1981 | Easement | DOT&PF easement encompassing the entire lot for drainage facilities with ADL 100939/F-095-2(6) (Attachment F). The easement was excluded with the 1982 Patent to CBJ. |
| 1982 | Patent | State of Alaska Patent to CBJ; subject to ADL 2430 and, a 50-foot wide easement for access from Glacier Highway to the mean high water of Auke Bay. Excluding ADL 100939/F-095-2(6) (Attachment G). |
| 1985 | Ordinance | Serial No. 85-76am preserving certain lands for the Juneau Open Space and Park System classifies the lot for public use – beach access (Attachment H). |
| 1996 | Ordinance | Serial No. 96-26 re-establishing certain lands for the Juneau Open Space and Park System classifies the lot for public use – beach access (Attachment I). |
| 1998 | Parks and Recreation Inventory | Mentions underground storm drains and a use trail; also mentions CBJ Parks and Recreation Advisory Committee (PRAC) meeting held on March 17, 1998 that voted to retain the parcel (Attachment J). |
| 2021 | PRAC Meeting | On June 1, 2021 the CBJ PRAC met regarding an <u>easement</u> request on the lot; no action was taken, and they requested more information from the applicant (Attachment K). |
| 2021 | Public Comments | Parks and Recreation Department sent out postcard mailers to the neighborhood regarding the easement request (Attachment L). |
| 2021 | Memorandum of Agreement (MOA) | On November 14, 2021, an MOA was signed between CBJ and Parise for temporary construction access; the MOA expired on June 1, 2022 (Attachment M). |
| 2022 | PRAC Meeting | On April 5, 2022, the CBJ PRAC met regarding a <u>purchase</u> request and voted 3-2 against disposal of the property (Attachment N). (<i>Minutes of the meeting not yet available.</i>) |
| 2022 | Lands Meeting | On April 11, 2022, the CBJ Lands, Housing, and Economic Development LHED Committee met regarding the <u>purchase</u> request; after a lengthy discussion, the Committee tabled the request (Attachment O). |
| 2022 | Assembly Meeting | On August 1, 2022, the Assembly met to consider the matter and passed a motion to enter into negotiations with the applicant per CBJ 53.09.260 (Attachment P). (<i>Minutes of the meeting not yet available.</i>) |

The CBJ lot was originally platted in 1951 with U.S. Survey 2909 as a Forest Service ROW (Attachment B). It appears that from 1957 to 1964, the owner of the property to the west (now vacant Lot 4) was granted two Special Use Permits and Right-of-Way Permit #24304 for access roads through the Forest Service ROW (Attachment C). In 1965, Permit #24304 was transferred to the new owner of Lot 4, Mr. Fred Honsinger (Attachment D).

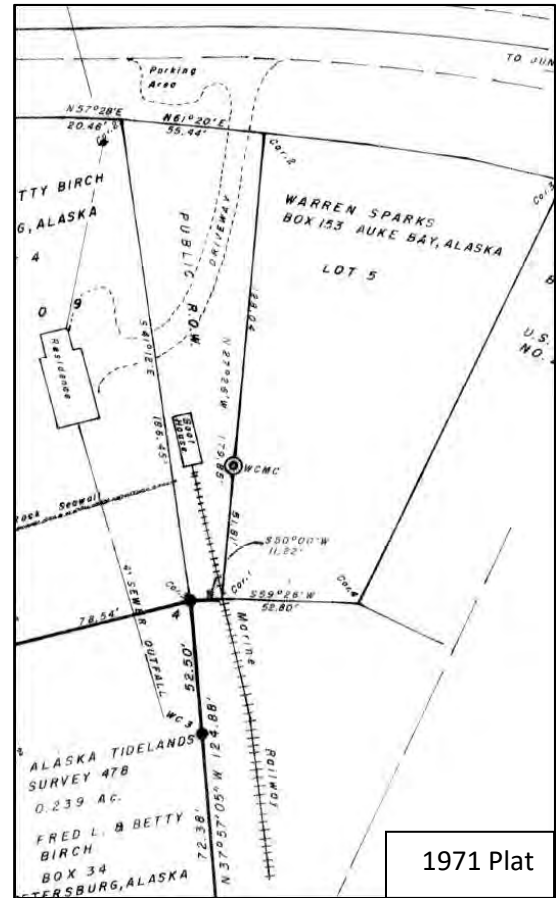
In 1971, Mr. Honsinger acquired tidelands directly south of Lot 4; plat #652 for this acquisition indicates that the Forest Service ROW had a parking area, driveway, boathouse, and marine railway (i.e. inclined tracks extending into the water so that a boat could be hauled up on a cradle or platform for cleaning or repairs) (Attachment E). In 1981, an easement covering the majority of the Forest Service ROW was granted to DOT&PF for drainage facilities (Attachment F).

In 1982, the Forest Service ROW was patented to CBJ by the State of Alaska as a land parcel rather than as a ROW (Attachment G). The patent for the land was subject to the 1965 Honsinger access easement, and a 50-foot wide public access easement from the Glacier Highway ROW to the mean high water line of Auke Bay. These easements are in place today.

In 1985, the CBJ lot was included in Ordinance 85-76am, which preserved certain municipal lands for the Juneau Open Space and Park System, and classified the lot for public use – beach access (Attachment H). In 1996, this system was reestablished with Ordinance 96-26 and categorized the lot as a “Natural Area Park”, meaning a park designed to serve the entire community by providing open space, access to water, and opportunities for passive and dispersed recreation (Attachment I).

Existing Conditions – CBJ Lot

The CBJ lot is 55.44 feet wide along the Glacier Highway ROW and narrows down to 11.22 feet wide at the Auke Bay shoreline. Approximately half of the frontage is inaccessible due to a five-foot high retaining wall that was



constructed by the DOT&PF in 2016. The lot has a steep slope down from the road to a small level bench area in the middle of the lot, and then a gentler slope down to the beach.

According to an older Parks and Recreation inventory, at one time there was a use trail down the side of the lot which veered over onto the vacant lot to the west (Lot 4) towards the beach. In addition, the inventory mentions “an underground storm drain system that includes underground culverts and a station about midway through the lot” (Attachment J). At lower tides, the beach can be walked to the west, and there are views of Statter Harbor and Auke Bay.



MOA temporary construction access.



Looking south from CBJ Lot to Auke Bay.



DOT&PF retaining wall in front of lots.

Background – Parise Lot 5A

The table below summarizes relevant history for the applicant’s property.

| Year | Item | Summary |
|------|--------------------------|--|
| 1950 | Assessor | According to Assessor’s records, the structure was built in 1950, prior to the establishment of zoning in the area (Attachment Q). |
| 1951 | Plat | The original Lot 5 of U.S. Survey 2909 was platted prior to the establishment of zoning in the area, and shows a log house, shed, garden, and detached garage partially encroaching within the Glacier Highway ROW (Attachment B). |
| 1965 | Zoning Permit | Zoning Permit application approved for an office space with a parking garage and a rental apartment (Attachment R). |
| 1992 | Plat and Quit Claim Deed | Plat 92-28 and DOT&PF Commissioner’s Quit Claim Deed for project F-093-2(6) adjusting the front lot line to create Lot 5A and removed the detached garage from the Glacier Highway ROW (Attachment S). |
| 2021 | Warranty Deed | Property purchased by applicant (Attachment W). |
| 2021 | Building Permit | BLD21-328 applied for grading and a retaining wall; application is still under review pending the land disposal determination (Attachment T). |
| 2021 | Building Permit | BLD21-569 issued for a major remodel of the existing single-family dwelling (Attachment U). |
| 2021 | MOA | On November 14, 2021, an MOA was signed between CBJ and Parise for temporary construction access; the MOA expired on June 1, 2022 (Attachment M). |

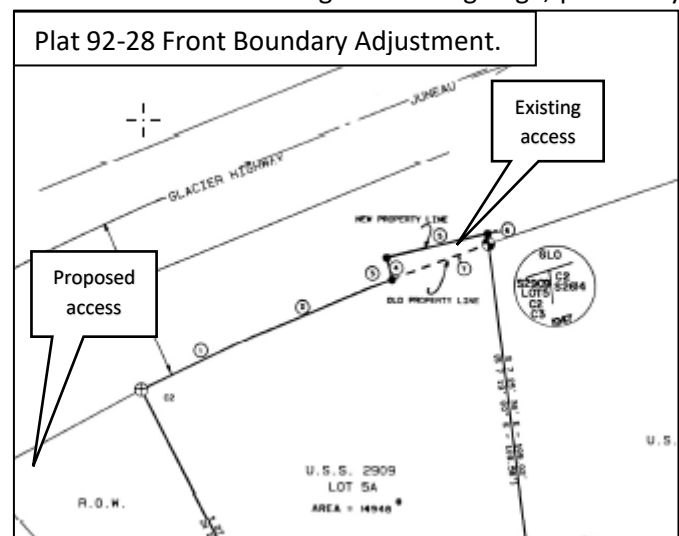
Existing Conditions – Parise Lot 5A

The applicant’s lot is approximately 125 feet wide along the Glacier Highway ROW (taking into account the boundary adjustment created in 1992) and slopes down to 53.06 feet wide at the Auke Bay shoreline. The existing single-family dwelling, currently under reconstruction with a major remodel, is sited in the middle of the lot (Attachments T and U).

In 1992, Plat 92-28 and DOT&PF Commissioner’s Quit Claim Deed for project F-093-2(6) adjusted the front lot line to create the current Lot 5A. This boundary adjustment removed the encroaching detached garage, previously built before 1952, from the Glacier Highway ROW (Attachment S).

The majority of the lot frontage has a five-foot high retaining wall that was constructed by DOT&PF in 2016 as part of a reconstruction project that included changing the roadway grade and rebuilding sidewalks (Attachment V). During the earlier design phase of the highway reconstruction, the owner of the lot at that time declined to work with DOT&PF to redesign and rebuild the existing access and garage to meet current standards.

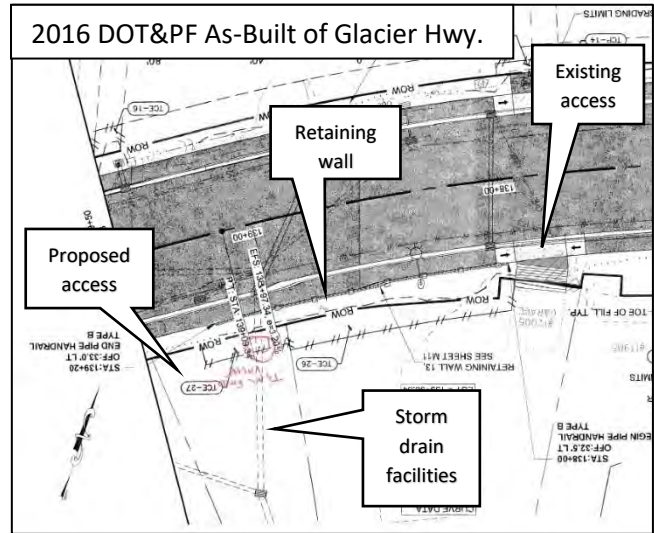
Near the end of the reconstruction project in 2016, the lot changed ownership, and the new owners were



compensated by DOT&PF. This compensation included completed design plans and substantial funding to reconstruct the existing access area on the owner's lot. However, the new owners chose not to use the funding for the purposes of reconstruction, and left the access and garage unimproved. These owners sold the property five years later in its current condition to the applicant in 2021 (Attachment W).

Currently, the only vehicular access and off-street parking available consists of a wooden parking deck and a detached garage on pilings that fronts directly onto the Glacier Highway ROW, on the east side of the lot. The wooden parking deck is 13 feet at its deepest point.

If the Land Disposal is approved, the proposed driveway would start at the ROW on the west side of the combined lot's new frontage (Attachment T). Alternatively, if the land disposal is denied, the applicant could reconfigure the existing access area on site.



Detached garage on pilings.



Wooden parking deck and garage.

Previous Discussions and Meetings – In May 2021, the City received a request from the applicant for an easement across the lot. Since that initial request, the issue of easement or disposal has been discussed at numerous public meetings, as summarized below:

- On June 1, 2021 the CBJ PRAC met regarding an easement request on the lot; no action was taken, and the Committee requested more information from the applicant and that CBJ staff bring forward a more definitive proposal, rather than accept staff's recommendation of denial (Attachment K).
- In August 2021, the Parks and Recreation Department sent out postcard mailers to the neighborhood regarding the easement request; **of 82 total respondents, 49 (60%) were not in favor of granting the easement and 33 (40%) were in favor** (Attachment L).
- Also following the June 2021 meeting, Parks, CDD, Lands, and the City Attorney's Office staff determined that an easement was problematic for following the Land Use Code, and that a disposal and lot consolidation would be more conforming with Code. Specifically, CDD did not support a permanent easement to serve as permanent access to the applicant's Lot 5A side property line since the property currently has access through the lot's frontage. Further, CBJ 49.35.250(b) related to lot and subdivision design addresses access through the frontage, and not through adjacent properties:
CBJ 49.35.250: Public and Private Improvements, Access.
(b) Publicly maintained access within a subdivision. Unless otherwise provided in this section or in CBJ 49.15.420(a)(1), all lots must satisfy the minimum frontage requirement and have direct and practical access to the Right-of-Way through the frontage. The minimum frontage requirement on a Right-of-Way is 30 feet or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by:
 - (1) Dedication of a new Right-of-Way with construction of the street to public standards. This street must connect to an existing publicly maintained street;*
 - (2) Use of an existing publicly maintained street;*
 - (3) Upgrading the roadway within an existing Right-of-Way to public street standards. This existing Right-of-Way must be connected to another publically maintained street; or*
 - (4) A combination of the above.*
- On November 14, 2021, an MOA was signed between CBJ and Parise for temporary construction access so that the applicant could start work on improvements to his residence. The MOA expired on June 1, 2022 (Attachment M).
- On April 5, 2022, the CBJ PRAC met to discuss the matter again, this time regarding a purchase request, and voted 3-2 against disposal of the property (Attachment N). (*Minutes of the meeting not yet available.*)
- On April 11, 2022, the CBJ LHED Committee met regarding the purchase request; after a lengthy discussion and two failed motions, the Committee tabled the request (Attachment O).
- On August 1, 2022, the Assembly met to consider the matter and passed a motion to enter into direct negotiations with the applicant per CBJ 53.09.260 (referenced on page 2 of this report) (Attachment P). (*Minutes of the meeting not yet available.*)

CBJ 53.09.200(b) - Purpose and intent. The purpose and Intent of Title CBJ 53.09.200(b) is:

1. Inclusion in Land Management Plan. Except for property acquired by tax foreclosure or Reconveyance agreement, real property should not be conveyed prior to inclusion in a Land Management Plan.

The Land Management Plan designates this city property disposal as retain.

ZONING ANALYSIS

CBJ 49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

(1) To achieve the goals and objectives, implement the policies of the Juneau comprehensive plan, and coastal management program;

(2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;

(3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;

(4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;

(5) To provide adequate open space for light and air; and

(6) To recognize the economic value of land and encourage its proper and beneficial use.

Comprehensive Plan Classification – M/MU (Marine / Mixed Use)

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

Table of Permissible Uses – The proposed purpose of this disposal is to provide more frontage to create an access and driveway for one single-family residential lot. This use is appropriate for the WC zoning district.

Table of Dimensional Standards – The proposed area for disposal encompasses 6,098 square feet of land in the WC zoning district. The detached garage does not meet setback requirements. Prior to future development, a Nonconforming Certification Review would be required.

Roadway Classification – This section of Glacier Highway is classified as an arterial by the CBJ Roadway Classification Map. The applicant may need to apply for an Access Permit to connect a new driveway to Glacier Highway, a State-owned ROW.

Hazard Areas – Using U.S. Geological Survey contour data, the overall slope of the CBJ lot is ~22%; future development would require a Hillside Development Endorsement per CBJ 49.70.200. The lower half of the lot is located within a Special Flood Hazard Area (SFHA) Zone VE; future development in this area would require a Floodplain Development Permit per CBJ 49.70.400.

COMMUNITY SERVICES

| Service | Summary |
|------------------------|--|
| Urban Service Boundary | Within |
| Water/Sewer | CBJ Water / CBJ Sewer |
| Fire Service Area | Within |
| Schools | No CBJ school is directly impacted by this project. |
| Recreation | 1985 Ord. 85-76am preserving certain lands for the Juneau Open Space and Park System classifies the lot for public use – beach access (Attachment H). 1996 Ord. 96-26 re-establishing certain lands for the Juneau Open Space and Park System classifies the lot for public use – beach access / natural area (Attachment I). |

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The table below summarizes Conservation, Historic, and Archeological Resources which may be affected by the CBJ land disposal.

| Resource | Summary |
|-------------------------------|---|
| Wetlands | Yes |
| Anadromous | There are no anadromous streams on or within 50 feet of the land disposal area. |
| Impaired Waterbodies | No |
| Historic | Unknown |
| Archeological | Unknown |
| Comprehensive Plan View sheds | Yes |

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

| 2013 COMPREHENSIVE PLAN – The proposed land disposal does NOT conform to the 2013 Comprehensive Plan. | | | |
|--|-----------------|--|--|
| Chapter | Page No. | Item | Summary |
| 7 | 78 | Natural Resources and Hazards 7.2-IA1 | Designate areas for water-dependent uses on the Comprehensive Plan Land Use Maps, the CBJ GIS maps, and the Land Use Code Maps. Identify and designate on these maps publicly owned shoreline areas that are appropriate for publicly-accessible open space/natural areas or recreational use, for fish and wildlife corridors for fishing and hunting, and/or for view corridors. |
| 7 | 80 | Natural Resources and Hazards 7.3-IA9 | The CBJ government should designate publicly-owned shoreline areas along the roaded areas of the Borough for public access recreation, stream corridor protection and/or wildlife access protection areas. |
| 9 | 127 | Parks, Recreation, Trails and Natural Area Resources 9.1-IA7 | Identify traditional and high quality waterfront access areas , recreational anchorages and beaches, beach trail opportunities, boat launch areas, and waterfront park sites. Coordinate with the CBJ Docks and Harbors, Land & Resources, CDD, and State of Alaska to assure that public access to water is provided. |
| 9 | 128 | Parks, Recreation, Trails and Natural Area Resources 9.3-SOP1 | Designate public areas and sites recommended in the 2007 Update of Chapter 8 of the Juneau Parks and Recreation Comprehensive Plan for permanent public access and use . Work toward acquiring privately-owned land through dedication, donation or purchase. Develop legal descriptions and revise the zoning map accordingly. |
| 17 | | Community Development 17.2-SOP2 | Evaluate the opportunities for joint development of CBJ-owned lands with State and private landholders. |
| 17 | 226 | Community Development 17.2-SOP4 | Base decisions regarding disposal of CBJ-owned lands on demonstrated market demand and evidence that disposal will be in the public interest and, particularly, for projects that would provide affordable housing or that would create jobs that pay a living wage. Coordinate activities with an orderly system for extending and constructing the public facilities and services called for in the transportation/public facilities and services element of the Plan. |
| 17 | 226 | Community Development 17.2-SOP5 | Evaluate land not scheduled for immediate disposal for possible interim uses prior to private development. |
| 17 | 226 | Community Development 17.2-DG1 | To the greatest extent practicable, retain shoreline and riparian lands in public ownership. However, where disposal of such lands is deemed by the Assembly to be appropriate, ensure the provision of public access to the shoreline and water including provision of adequate trail head or boat launch areas, and retention of a public access easement along beaches. |

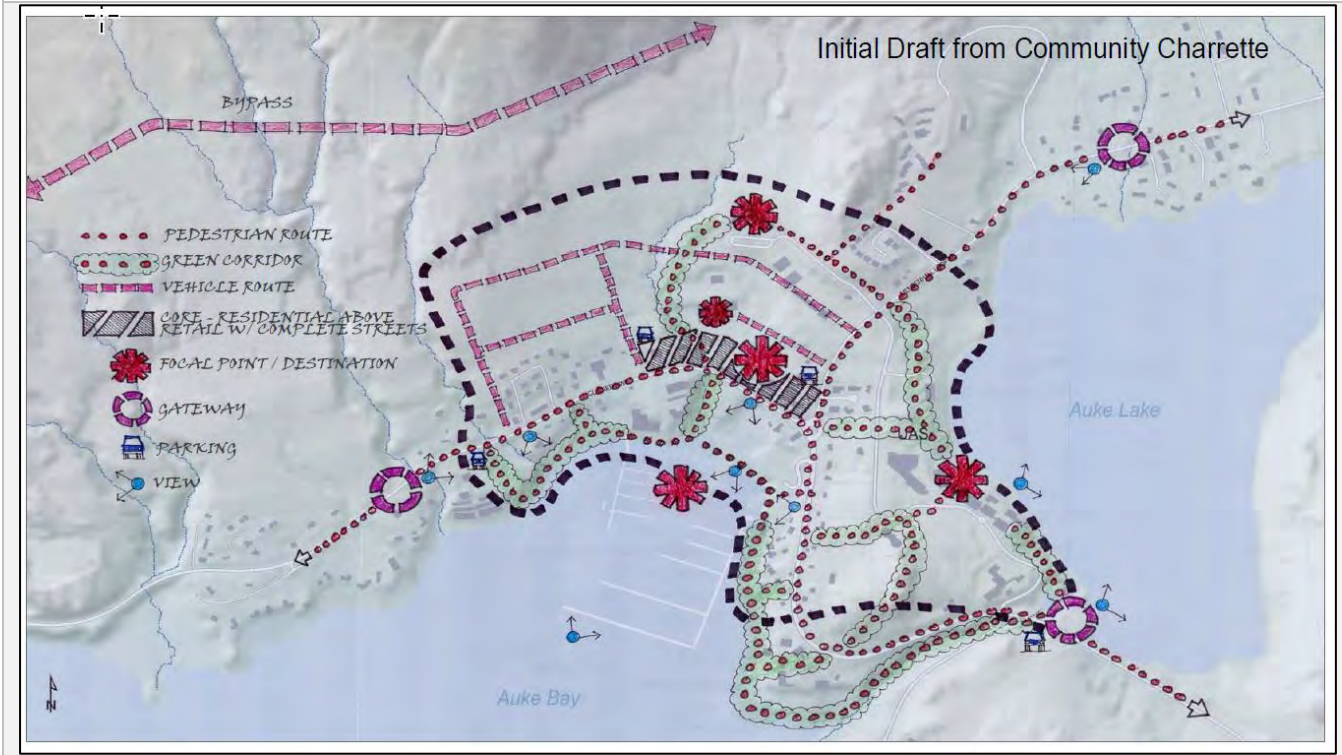
| 2016 LAND MANAGEMENT PLAN – The proposed land disposal does NOT conform to the 2016 Land Management Plan. | | | |
|--|----------|-------------------|--|
| Chapter | Page No. | Item | Summary |
| Goals & Objectives | 7 | Goal 2 Objectives | <p>Provide direction on the best use of CBJ-owned land for both development and preservation.</p> <ul style="list-style-type: none"> • Encourage multiple land uses. • Set aside land for needed transportation, schools, public housing, storage, maintenance yards, and other public facilities & services. • Identify and preserve open spaces to protect lands and shorelines which possess recreational, scenic, wildlife, and other critical habitat qualities. • Retain a significant quantity of land to provide for future land use options. • Maintain sufficient land for future CBJ land needs. |
| CBJ Land Holdings | 50 | Auke Bay LND-0302 | <p>Retain.</p> <p>“Retain” means land being retained for various public purposes which include parks, harbors, airport, fire stations, schools, the hospital, maintenance shops, etc. These lands are not intended to be sold but may be eased or leased for specific purposes, such as airport related uses, consistent with an adopted plan.</p> |

| 2019-2029 PARKS AND RECREATION MASTER PLAN – The proposed land disposal does NOT conform to the 2019-2029 Parks and Recreation Master Plan. | | | |
|--|----------|--|---|
| Chapter | Page No. | Item | Summary |
| Parks | 34 | 4.1.2 Natural Area Parks | <p>Natural Area Parks differ from Recreation Service Parks in their underlying purpose. Natural Area Parks are areas of natural quality designed to serve the entire community by providing open space, access to water, and opportunities for more passive and dispersed recreation activities. There are two types of Natural Area Parks, less programmed Semi-Primitive Areas and programmed and staffed Developed Natural Areas.</p> |
| Parks | 44 | 4.2.1 Parkland Inventory, Distribution | <p>Auke Bay /Back Loop</p> <p>The Auke Bay/Back Loop area contains one mini park, which is located in a development that is not central to the neighborhood's population. There is an Elementary School in the area, but with the construction of the planned Pederson Hill development, it will be important to add more Recreation Service Parkland in the area.</p> |
| Trails | 45 | 4.3 Trails Classification | <p>Trail, Pathway and Beach Accesses</p> <p>Trails and pathways are found within Recreation Service Parks, Natural Area Parks, and in other areas of the community.</p> <p>Definition: Trails and pathways are designed to provide walking, bicycling and other non-motorized recreation opportunities. They provide linkages to other areas and facilities and offer non-vehicular</p> |

| | | | |
|--|-----|-----------------------------------|--|
| 2019-2029 PARKS AND RECREATION MASTER PLAN – The proposed land disposal does NOT conform to the 2019-2029 Parks and Recreation Master Plan. | | | |
| | | | options for travel throughout the community. Natural trails provide options for travel to more remote areas or to the waterfront. Trails can be designed for single or multiple types of users. Bike routes for transportation are included in the 2009 Juneau Non-Motorized Transportation Plan. |
| Parks | 100 | 7.8 Land Acquisition and Disposal | All recreation service parks, special use areas, developed natural areas, semi-primitive areas, and conservation areas are considered valuable parkland and generally are not candidates for disposal. |

| 2015 AUKE BAY AREA PLAN – The proposed land disposal does NOT conform to the 2015 Auke Bay Area Plan. | | | |
|--|----------|-----------------------------------|--|
| Chapter | Page No. | Item | Summary |
| 1 | 12 | Pedestrian Connections | <p>Wherever possible, linkages between properties are encouraged. Establishing these linkages can take a variety of forms including easements and public ROWs. Some of the linkages envisioned by the Auke Bay Area Plan include a sea-walk which builds upon the work that the CBJ Docks and Harbors have identified in their planning processes. Other linkages are designed to tie into residential, commercial, recreational, and trail opportunities.</p> <p>The primary criteria for consideration includes the following:</p> <ol style="list-style-type: none"> 1. The linkage should contribute to connecting residential development to either UAS, the waterfront, or the business community; 2. The location of the linkage should consider view opportunities; 3. The design of the linkage should foster additional opportunities for art, culture, education kiosks; and, 4. Design of the linkage should address all season weather and lighting conditions, consistent with recreation and transportation needs. |
| 4 | 30 | Recreation Goals and Policies | <p>Goal 1: Seek opportunities to connect hiking and biking trails to provide for longer, interconnected loop systems that include connections to Auke Lake and beyond.</p> <p>1.4 Develop a sea-walk that connects Statter Harbor’s Sea-walk system to Auke Creek.</p> |
| 5 | 42 | Transportation Goals and Policies | <p>Goal 2: Create an appropriately scaled sea-walk along the waterfront, linking residential, commercial, and recreational uses to the Statter Harbor Facility.</p> <p>2.3 Encourage properties fronting on the sea-walk to connect to the sea-walk and to provide connections from sea-walk to public ROWs for pedestrian cross circulation.</p> |

2015 AUKE BAY AREA PLAN – The proposed land disposal does NOT conform to the 2015 Auke Bay Area Plan.



AGENCY REVIEW

CDD conducted an agency review comment period between September 20, 2022 and October 5, 2022.

| Agency | Summary |
|---------------------|--|
| DOT&PF | <p>“Regarding access to the parcel, it is likely DOT&PF would permit a new access on the west end of the retaining wall, however we would also then require removing the existing access into the garage, as our standard does not allow two accesses for that amount of road frontage. As of yet, there is no Driveway Permit application on file.</p> <p>I was not aware of the drainage easement from the U.S. Forest Service and haven’t had time to research whether we would have any interest in relinquishing that right or if we would prefer to retain that for future conveyance of water. As long as we hold that easement we would not allow any permanent structures to be placed upon that. The driveway across it is fine, but not a garage or carport, for example.”</p> |
| Lands | No comments received. |
| Parks & Recreation | Provided several comments on this already over the past year, at this stage no additional comments. |
| General Engineering | No comments received. |
| Building | No comments at this time. |
| Fire | No comments received. |
| Docks and Harbors | Docks & Harbors does not have a recommendation, as the property is under the management authority of Parks and Recreation. I do note that the CBJ Land Management Plans does call for this property to be retained. |

PUBLIC COMMENTS

CDD conducted a public comment period between September 22, 2022 to October 3, 2022. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on site two weeks prior to the scheduled hearing (Attachment X). No public comments have been received as of the date of this staff report.

FINDINGS

In accordance with CBJ 53.09.260, staff finds that the proposed disposal of land by CBJ does comply with Title 49 Land Use Code; however, the following issues make the land disposal problematic:

- Community: Land disposal of public ownership access to the shoreline and beach is not in general conformity with adopted plans, specifically the 2013 Comprehensive Plan, the 2016 Land Management Plan, the 2019-2029 Parks and Recreation Master Plan, and the 2015 Auke Bay Area Plan.
- Community: Auke Bay has a limited number of public beach access areas.
- CBJ Lot: When transferred to CBJ from the State, subject to a 50-foot wide public access easement from the ROW to Auke Bay.
- CBJ Lot: When transferred to CBJ from the State, subject to ROW Permit ADL 24304.
- CBJ Lot: Appears to have DOT&PF drainage facilities in a recorded easement that may need to be retained.
- CBJ Lot: Parks and Recreation Advisory Board voted to retain in 1998.
- CBJ Lot: Parks and Recreation Advisory Board voted to retain in 2022.
- CBJ Lot: 2016 Land Management Plan designates the lot as retain.
- CBJ Lot: 60% of public comments received on a requested private easement for the lot were not in favor of granting the easement.
- Applicant's Lot: If the land disposal is approved and the two lots are consolidated into private ownership, DOT&PF would only allow one access to the ROW, requiring removal of the existing access.
- Applicant's Lot: Alternative options to redesign the existing driveway area.
- Applicant's Lot: Has an existing detached garage setback encroachment that would need to be corrected prior to future development.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of DENIAL to the CBJ Assembly for the land disposal.

STAFF REPORT ATTACHMENTS

| Item | Description |
|---------------------|--|
| Attachment A | Application Packet |
| Attachment B | 1951 USS 2909 |
| Attachment C | 1957-1964 QCD Honsinger to Miller |
| Attachment D | 1965 ADL 24304 Honsinger Public Access Easement |
| Attachment E | 1971 Plat 652 and ATS 478 |
| Attachment F | 1981 ADL 100939 DOT Drainage Facilities |
| Attachment G | 1982 Patent State of Alaska to CBJ |
| Attachment H | 1985 Ord. 85-76am establishing a Park System |
| Attachment I | 1996 Ord. 96-26 re-establishing the Park System |
| Attachment J | 1998 PRAC Recommendation re. Retain |
| Attachment K | 2021-06-01 PRAC Minutes |
| Attachment L | 2021 Public Comments from PRAC Survey |
| Attachment M | 2021 MOA CBJ and Parise |
| Attachment N | 2022-04-05 PRAC Agenda |
| Attachment O | 2022-04-11 LHED Minutes |
| Attachment P | 2022-08-01 Assembly Agenda |
| Attachment Q | Assessor Parcel Info |
| Attachment R | 1965 Parise Garage Office and Apartment Approval |
| Attachment S | 1992 QCD and Plat 92-28 for Garage in ROW |
| Attachment T | 2021 BLD21-328 grading permit application for driveway |
| Attachment U | 2021 BLD21-569 major Remodel Permit |
| Attachment V | 2016 DOT&PF Glacier Highway Reconstruction As-Built |
| Attachment W | 2021 WD Smith to Parise |
| Attachment X | Abutters Notice and Public Notice Sign Photo |



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

| | | | | | | | | | |
|--|--|--|--|---|------------------------|--|--|--|--|
| To be completed by Applicant | PROPERTY LOCATION | | | | | | | | |
| | Physical Address Glacier Highway - Auke Bay | | | | | | | | |
| | Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS 2909 FS ROW | | | | | | | | |
| | Parcel Number(s) 4B2801020070 | | | | | | | | |
| | <input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which _____ | | | | | | | | |
| | LANDOWNER/ LESSEE | | | | | | | | |
| | Property Owner CBJ | Contact Person Dan Bleidorn | | | | | | | |
| | Mailing Address 155 S. Seward St. | Phone Number(s) 586-5252 | | | | | | | |
| | E-mail Address dan.bleidorn@juneau.org | | | | | | | | |
| | LANDOWNER/ LESSEE CONSENT | | | | | | | | |
| Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name. | | | | | | | | | |
| I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application. | | | | | | | | | |
| <table style="width:100%; border:none;"> <tr> <td style="width:50%; text-align:center;"><u>Dan Bleidorn</u> Landowner/Lessee (Printed Name)</td> <td style="width:50%; text-align:center;"><u>Land Manager</u> Title (e.g.: Landowner, Lessee)</td> </tr> <tr> <td style="border:none;">x <u><i>Daniel Bleidorn</i></u> Landowner/Lessee (Signature)</td> <td style="border:none;"><u>8/26/22</u> Date</td> </tr> <tr> <td style="border:none;"><u>James E Parise</u> Landowner/Lessee (Printed Name)</td> <td style="border:none;"><u>Home Owner</u> Title (e.g.: Landowner, Lessee)</td> </tr> <tr> <td style="border:none;">x <u><i>James E Parise</i></u> Landowner/Lessee (Signature)</td> <td style="border:none;"><div style="border:1px solid black; padding:2px;"><u>8/26/22</u></div> Date</td> </tr> </table> | | <u>Dan Bleidorn</u> Landowner/Lessee (Printed Name) | <u>Land Manager</u> Title (e.g.: Landowner, Lessee) | x <u><i>Daniel Bleidorn</i></u> Landowner/Lessee (Signature) | <u>8/26/22</u> Date | <u>James E Parise</u> Landowner/Lessee (Printed Name) | <u>Home Owner</u> Title (e.g.: Landowner, Lessee) | x <u><i>James E Parise</i></u> Landowner/Lessee (Signature) | <div style="border:1px solid black; padding:2px;"><u>8/26/22</u></div> Date |
| <u>Dan Bleidorn</u> Landowner/Lessee (Printed Name) | <u>Land Manager</u> Title (e.g.: Landowner, Lessee) | | | | | | | | |
| x <u><i>Daniel Bleidorn</i></u> Landowner/Lessee (Signature) | <u>8/26/22</u> Date | | | | | | | | |
| <u>James E Parise</u> Landowner/Lessee (Printed Name) | <u>Home Owner</u> Title (e.g.: Landowner, Lessee) | | | | | | | | |
| x <u><i>James E Parise</i></u> Landowner/Lessee (Signature) | <div style="border:1px solid black; padding:2px;"><u>8/26/22</u></div> Date | | | | | | | | |
| NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date. | | | | | | | | | |
| APPLICANT If same as LANDOWNER, write "SAME" | | | | | | | | | |
| Applicant (Printed Name) James E Parise | Contact Person | | | | | | | | |
| Mailing Address 12005 Glacier Hwy Juneau, AK 99801 | Phone Number(s) 907-209-4975 | | | | | | | | |
| E-mail Address parisejim@gmail.com | | | | | | | | | |
| x <u><i>James E Parise</i></u> Applicant's Signature | <u>8/26/22</u> Date of Application | | | | | | | | |

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

Intake Initials
JLS

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

| | |
|---------------------------------|---------------------------------|
| Case Number PAD22-003 | Date Received 8/26/22 |
|---------------------------------|---------------------------------|



PROPERTY ACQUISITION AND DISPOSAL REVIEW APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.
NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY:
Purchase City owned lot north of 12005 Glacier Hwy to allow for construction of a driveway to said address.

TYPE OF PROJECT REVIEW: Property Acquisition Review Property Disposal Review

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:
Is this project associated with any other Land Use Permits? YES Case No.: _____ NO
Capital Improvement Program # (CIP) _____

ESTIMATED PROJECT COST: \$ TBD

ALL REQUIRED MATERIALS ATTACHED

- Complete application
- Pre-Application notes (if applicable)
- Narrative including:
 - Current use of land or building(s)
 - Proposed use of land or building(s)
 - How the proposed project complies with the Comprehensive Plan
 - How the proposed project complies with the Land Use Code (Title 49)

Site Plan (details on page 2)

NOTE: This application is required even if the proposed project is associated with other Land Use permits.

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

| PROPERTY ACQUISITION & DISPOSAL FEES | Fees | Check No. | Receipt | Date |
|--------------------------------------|---------------|-----------|---------|------|
| Application Fees | \$ <u>-0-</u> | | | |

*100.00 Deposit-Sign
50.00 Sign*

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

| | | |
|---------------------------------|---------------------------------|------------|
| Case Number PAD22-003 | Date Received 8/26/22 | 449 |
|---------------------------------|---------------------------------|------------|

Property Acquisition & Disposal Review Information

Property Acquisition & Disposal project review is outlined in CBJ 53.04 and 53.09

Each application for a Property Acquisition & Disposal project is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make recommendations tailored to individual applications.

Application: An application for a Property Acquisition & Disposal project review will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Property Acquisition & Disposal Project Application, and Development Permit Application forms.
2. **Fees:** No fee required for projects that cost less than \$2.5 million. For projects costing more than this amount, the fee is \$1,600.00. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - a. Plat, site plan, floor plan and elevation views of existing and proposed structures and land;
 - b. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances;
 - c. Proposed traffic circulation within the site including access/egress points and traffic control devices;
 - d. Existing and proposed lighting (including cut sheets for each type of lighting);
 - e. Existing and proposed vegetation with location, area, height and type of plantings; and,
 - f. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

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

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

To: Parks & Recreation Advisory Committee

From: James and Kelly Parise
12005 Glacier Hwy, Juneau, AK 99801

Date: June 1, 2021

RE: Easement Request through ROW

My wife and I, through PEAK Construction applied for a permanent easement across an existing Right of Way to construct a driveway to our property adjacent to the ROW. We purchased the home in January and hired PEAK construction to complete a major renovation of the current home including the entire interior/exterior of the structure. One major improvement we would like to complete is a driveway/parking pad on our property to alleviate street parking and give us access to our house that is not safely available currently. We have an existing street level “garage” on stilts that is unsafe to park in and dilapidated. With the addition of the new retaining wall installed by the Alaska DOT in 2016, pulling out of the existing parking structure (the wooden ramp where we currently park) is hazardous because the line sight for us and oncoming traffic is compromised and unsafe. Also, when we park on the existing small wooden ramp, the car blocks the sidewalk to pedestrians and forces them into the oncoming traffic that is also subject to the limited and unsafe sight line along Glacier Hwy.

The Parks Department has recommended that our application be denied. We respectfully disagree with their recommendation and will address each of their concerns below (The highlights are Parks & Rec’s):

Policy 7.2 To preserve and protect fish and wildlife habitat, scenic corridors, and public access to the water, as well as water-dependent uses in planning for use of coastal areas.

- The current ROW is steep, dangerous terrain with very limited access to the beach. The driveway, as designed will improve access by leveling the steep entrance to the land. The driveway will be built to preserve and protect the scenic corridor and public access.

Policy 7.3 To protect riparian habitat, including stream corridors and lake shorelines, from adverse effects of development and to provide a higher level of protection for non-urban shorelines in public ownership.

- The driveway, as designed, will not adversely affect any of the above.

Implementing Action 9: The CBJ government should designate publicly owned shoreline areas along the roaded areas of the borough for public access recreation.

- The driveway only improves access to the shoreline

Policy 9.1 *To provide quality dispersed outdoor recreational opportunities and to acquire and develop sufficient local parks and recreational facilities in locations convenient to all areas of the CBJ.*

Implementing Action 7: Identify traditional and high quality waterfront access areas, recreational anchorages and beaches, beach trail opportunities, boat launch areas, and waterfront park sites. Coordinate with the CBJ Docks and Harbors, Lands & Resources, CDD, and State of Alaska to assure that public access to water is provided.

- I'm not sure what the definition of "high quality waterfront access area" is but I don't think this ROW would currently fall under that category. It is steep, dangerous terrain that is essentially inaccessible. The driveway will provide greater access because it will level and improve entrance to the land from Glacier Hwy. Public access will only improve with the proposed driveway.
- There are currently two other access points within 300 yards of the ROW, both with parking and better access to the beach. The ROW in question does not have any parking and is much steeper and unsafe than the other two ROWs. By installing a driveway on the ROW, we will improve access to the public.

Policy 9.3 *To preserve as public natural areas those publicly owned lands and shoreline areas that possess important recreational, scenic, fish and wildlife, and other environmental qualities, or are subject to natural hazards.*

Standard Operating Procedure 1: Designate public areas and sites ... for permanent public access and use. Work toward acquiring privately owned land through dedication, donation, or purchase.

- Since the AK DOT installed the retaining wall along our property and half-way through the ROW, it could be argued that the natural area has not been preserved. The remaining access to the ROW from Glacier Hwy is steep and dangerous terrain, which will be made more accessible through the driveway.

Policy 17.2 *To hold certain lands in the public trust, and to dispose of certain lands for private use when disposal serves the public interest.*

Standard Operating Procedure 4: Base decisions regarding disposal of CBJ-owned lands on demonstrated market demand and evidence that disposal will be in the public interest and,

particularly, for projects that would provide affordable housing or that would create jobs that pay a living wage.

Development Guideline 1: To the greatest extent practicable, retain shoreline and riparian lands in public ownership. However, where disposal of such lands is deemed by the Assembly to be appropriate, ensure the provision of public access to the shoreline and water including provision of adequate trail head or boat launch areas, and retention of a public access easement along beaches

- The CBJ will not be disposing of the land, only granting permanent easement. CBJ will still retain the land and I believe will serve in the public interest by improving access to the ROW over the driveway by leveling the steep and dangerous terrain.

The following are the concerns of the Parks & Recs department and I will address each below:

PROPOSED EASEMENT

The applicant states that they are remodeling a home located at 12005 Glacier Hwy., next door to the CBJ Beach Access parcel. The permanent easement across CBJ property is requested “to get material and equipment closer to the site than the existing circumstance allows.” The proposed easement totals approximately 1,175 square feet, and would occupy more than 20% of the CBJ parcel. A permanent driveway would be constructed within the easement, which would include all of the CBJ parcel’s frontage on Glacier Hwy. The home currently has a detached garage that provides direct access to Glacier Hwy.

The application further states that “ADOT/CBJ constructed a retaining wall that runs the length of the property line in front of 12005 Glacier Hwy.” This is incorrect: CBJ was not involved in the construction of this retaining wall, which was built by the Alaska Department of Transportation & Public Facilities as part of the Glacier Highway Reconstruction Project (Fritz Cove Rd. to Seaview Ave.). Neither the retaining wall nor the highway encroach on 12005 Glacier Hwy. While the property has a detached garage providing direct access to Glacier Hwy., it has never had a driveway. The DOT&PF project did not alter access to the property.

During the construction project, DOT&PF paid the owners of 12005 Glacier Hwy. \$2,350 for a temporary construction easement. Right-of-Way staff confirmed that the final grade of the highway required a new ramp to access the detached garage. According to DOT&PF, the state designed a ramp and provided an additional cash payment to the homeowners for construction.

- Technically, the proposed driveway takes is less than 20% of the CBJ parcel, not more as stated above.
- The permanent easement is requested to install a permanent driveway to the property, not to “get materials and equipment closer to the site...”. We are completely renovating the current house on the property and one major improvement is safe, off-street parking for us, our children and our guests.
- While we do have a detached “garage” with access to Glacier Hwy via a wooden ramp built on stilts, it is unusable as a parking garage. The pilings and support beams hold the garage approximately 30ft off the ground and do not appear able to support a vehicle. The structure is old and dilapidated. We currently park on the wooden ramp but only half of the vehicle fits while the other half blocks the sidewalk along Glacier Hwy.

- Pulling out of onto Glacier Hwy from the wooden ramp can be dangerous to us and oncoming traffic because the newly installed AK DOT retaining wall can make it difficult to see oncoming traffic, pedestrians and cyclists. No one has used the home as a primary residence since the retaining wall was built so the hazardous line of sight was much less of a factor than it is for my family.
- It's true that technically the retaining wall does not encroach on our property (there is a ROW between the wall and our property), in reality, the wall spans the length of our property and half-way through the CBJ ROW.

DISCUSSION & RECOMMENDATION

This property was preserved by the Assembly in 1985 from all other uses in order to provide permanent public access to the shoreline of Auke Bay. Ordinance 85-76am allows "incidental uses" of park lands, including easements; however, the proposed driveway is not incidental to the public's use of the property. The sole purpose of the easement is to provide access to private property to facilitate a remodeling project.

- It is not correct that the sole purpose of the easement is to provide access to facilitate a remodeling project. The sole purpose is to provide safe, off-street parking for us, our children and our guests.

The CBJ Comprehensive Plan requires that disposals of land held in the public trust (i.e. parks) be in the public interest. Granting a permanent easement across public land to remodel a private home does not meet this test. The public would not benefit from this easement and, in fact, it is likely that public access would be restricted or impeded if the easement is granted.

- Again, this easement is not to remodel a private home. It is to provide safe, off-street parking for us, our children and our guests.
- It is incorrect to say it would restrict or impede public access to the already inaccessible ROW. In fact, the driveway would improve access by leveling the steep and dangerous terrain.

Ensuring public access to the shoreline is the essential purpose for which this property was added to the Juneau Open Space and Park System by the Assembly in 1985. Even a non-exclusive easement allowing public access would be very difficult due to the small size of the parcel and steep terrain. The applicant has not demonstrated how public access to the shoreline would be maintained considering that the proposed easement and driveway would occupy more than 20% of the CBJ parcel and all of its road frontage.

- Technically, the proposed driveway takes is less than 20% of the CBJ parcel, not more as stated above.
- By having a permanent easement, the CBJ is assured improved access to the beach because in order to have access to our home, we have to maintain the driveway. We will have to plow in the winter and maintain during the summer. This only improved access to the public.

Disposing of this property by granting a permanent easement is not consistent with the CBJ Comprehensive Plan. It is the explicit policy of the CBJ to prioritize the acquisition and retention of properties that provide public access to the shoreline. The Comprehensive Plan does not support disposing of these properties by sale, lease, easement, or any other manner.

While other Beach Access parcels exist in Auke Bay, they were all preserved by the Assembly in order to provide the public with convenient access to the shoreline. While many Beach Access parcels (including this one) have yet to be fully developed with formal trails, they are still extraordinarily valuable as the community develops additional land for residential or commercial use.

Based on the information provided by the applicant, the Parks & Recreation Department recommends that this application be denied because it is not consistent with adopted plans and would not serve the public's interest.

- The ROW does not currently serve the public's interest because it is not convenient (no parking) or accessible. While the driveway will not solve the parking problem, it will allow better access to the parcel, which is in the public's interest.
- Kelly and I are 20yr residents of Juneau and have raised our four children in the same house since moving to town. We are blessed and excited to be able to purchase and renovate the house at 12005 Glacier Hwy. It will be our new home that we plan to live in for the next 20 years. We chose this house for the location and the Auke Bay revitalization plan that the CBJ has set forth. The "new" house will be a vast improvement over the old one and can be seen as evidence that Auke Bay is being revitalized and people actually believe in the plan. I believe that granting this easement is in the spirit of this revitalization plan and will improve access to the beach over the steep and dangerous terrain that currently exists.
- We request that you approve our request for permanent easement over the CBJ ROW and have included supporting documentation to this packet.

To: Parks & Recreation Advisory Committee

From: James and Kelly Parise
12005 Glacier Hwy, Juneau, AK 99801

Date: July 6, 2021

RE: Easement Request through ROW

My wife and I, through PEAK Construction applied for a permanent easement across an existing Right of Way to construct a driveway to our property adjacent to the ROW. We purchased the home in January and hired PEAK construction to complete a major renovation of the current home including the entire interior/exterior of the structure. One major improvement we would like to complete is a driveway/parking pad on our property to alleviate street parking and give us access to our house that is not safely available currently. We have an existing street level "garage" on stilts that is unsafe to park in and dilapidated. With the addition of the new retaining wall installed by the Alaska DOT in 2016, pulling out of the existing parking structure (the wooden ramp where we currently park) is hazardous because the line sight for us, our children and oncoming traffic is compromised and unsafe. Also, when we park on the existing small wooden ramp, the car blocks the sidewalk to pedestrians and forces them into the oncoming traffic that is also subject to the limited and unsafe sight line along Glacier Hwy.

After speaking to City Staff and the Parks Department Advisory Board, the following issues will be addressed to improve the current ROW and give better access to the public than is currently in place.

- The current ROW is steep, dangerous terrain with no parking and very limited access to the beach. The driveway, as designed will improve access by leveling the steep entrance to the land. It will be much easier for the public to enter the parcel and they will have unfettered access to the corridor. The driveway will be built to preserve and protect the scenic corridor and public access.
- The driveway will be cleared and maintained by us at no cost to the city. This ensures access during the winter months that is not currently available to the public.
- The edge of the driveway, through the ROW, will have a footpath matching the driveway construction, which we will pay to have installed, from the driveway to natural grade to allow for much better access than is currently available.
- The current "garage" and wooden parking pad will be blocked with a railing so parking is not longer available. The "garage", if it remains, will be stabilized and visually improved to be used as storage.

Please see supporting documents attached

1. **Project**
2. **Location**
3. **Project Description**
4. **Project Schedule**

5. **Project Budget**
6. **Project Risks**
7. **Project Stakeholders**

8. **Project Deliverables**
9. **Project Metrics**
10. **Project Summary**

EXCEEDING & BUILT BY CONTRACTOR UNDER OTHER PROJECTS

11. **Project Conclusion**
12. **Project Appendix**

13. **Project Contact**
14. **Project Date**
15. **Project Version**

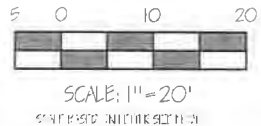
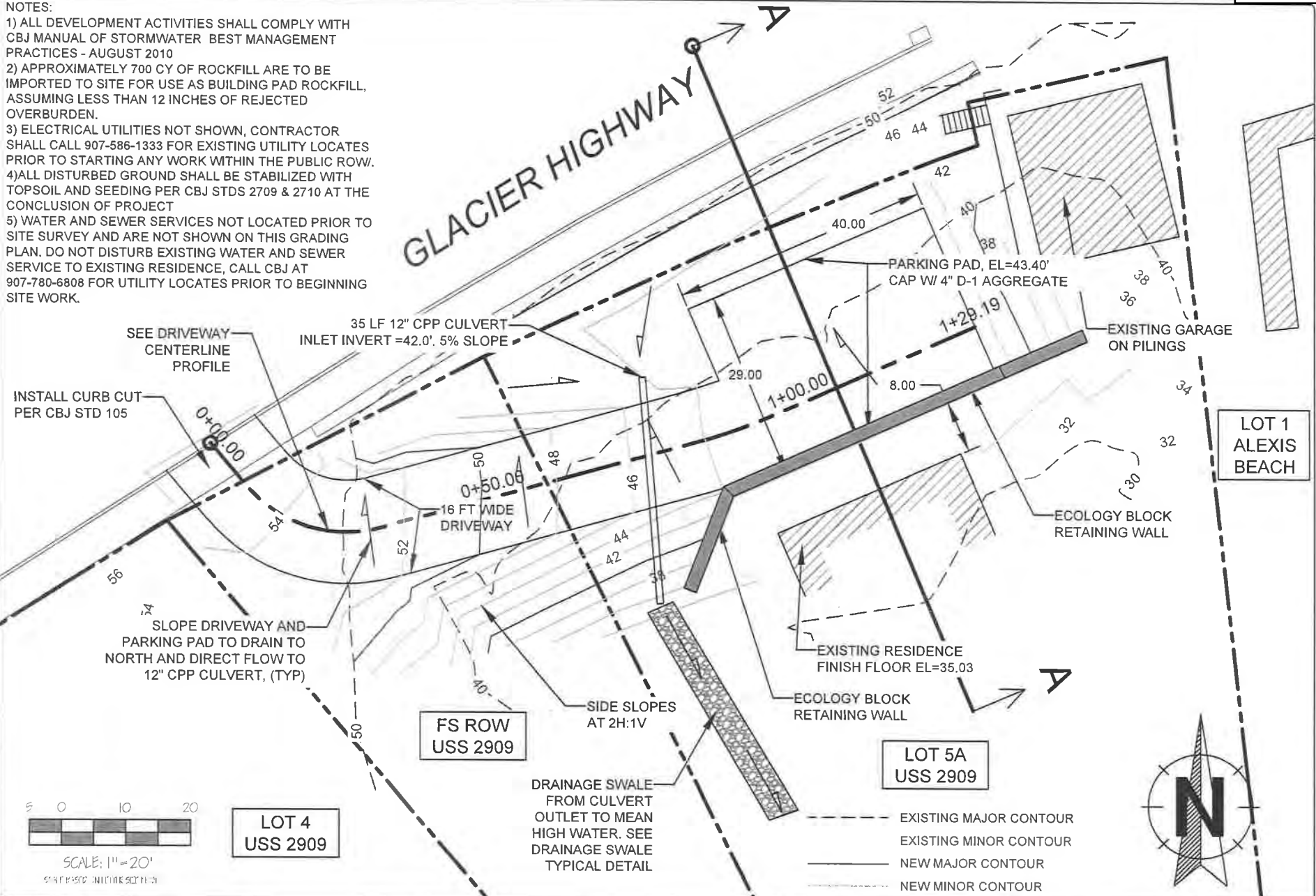






- NOTES:
- 1) ALL DEVELOPMENT ACTIVITIES SHALL COMPLY WITH CBJ MANUAL OF STORMWATER BEST MANAGEMENT PRACTICES - AUGUST 2010
 - 2) APPROXIMATELY 700 CY OF ROCKFILL ARE TO BE IMPORTED TO SITE FOR USE AS BUILDING PAD ROCKFILL, ASSUMING LESS THAN 12 INCHES OF REJECTED OVERBURDEN.
 - 3) ELECTRICAL UTILITIES NOT SHOWN, CONTRACTOR SHALL CALL 907-586-1333 FOR EXISTING UTILITY LOCATES PRIOR TO STARTING ANY WORK WITHIN THE PUBLIC ROW.
 - 4) ALL DISTURBED GROUND SHALL BE STABILIZED WITH TOPSOIL AND SEEDING PER CBJ STDS 2709 & 2710 AT THE CONCLUSION OF PROJECT
 - 5) WATER AND SEWER SERVICES NOT LOCATED PRIOR TO SITE SURVEY AND ARE NOT SHOWN ON THIS GRADING PLAN. DO NOT DISTURB EXISTING WATER AND SEWER SERVICE TO EXISTING RESIDENCE, CALL CBJ AT 907-780-6808 FOR UTILITY LOCATES PRIOR TO BEGINNING SITE WORK.

GLACIER HIGHWAY



LOT 4
USS 2909

LOT 5A
USS 2909

LOT 1
ALEXIS
BEACH



- - - - - EXISTING MAJOR CONTOUR
- - - - - EXISTING MINOR CONTOUR
- NEW MAJOR CONTOUR
- NEW MINOR CONTOUR



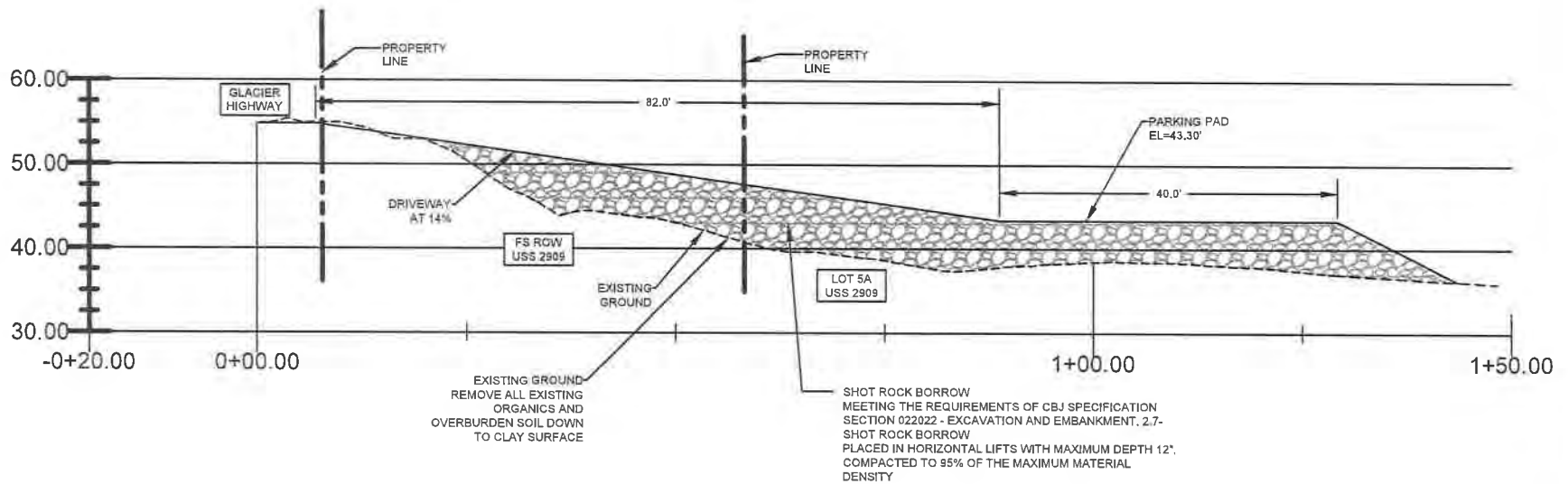
Gabriel Hayden, P.E.
hayden@katabatic.com
(402) 866 9479

Grading Plan

Lot 5 A, USS 2909
12005 Glacier Highway
Juneau, AK 99801

Site Plan

DRAWN:
3/31/2021
SHEET #
1/5



**DRIVEWAY CENTERLINE
PROFILE**



SCALE: 1" = 20'
SHEET CENTERLINE SET 11/21



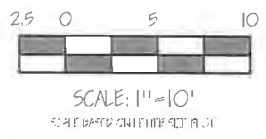
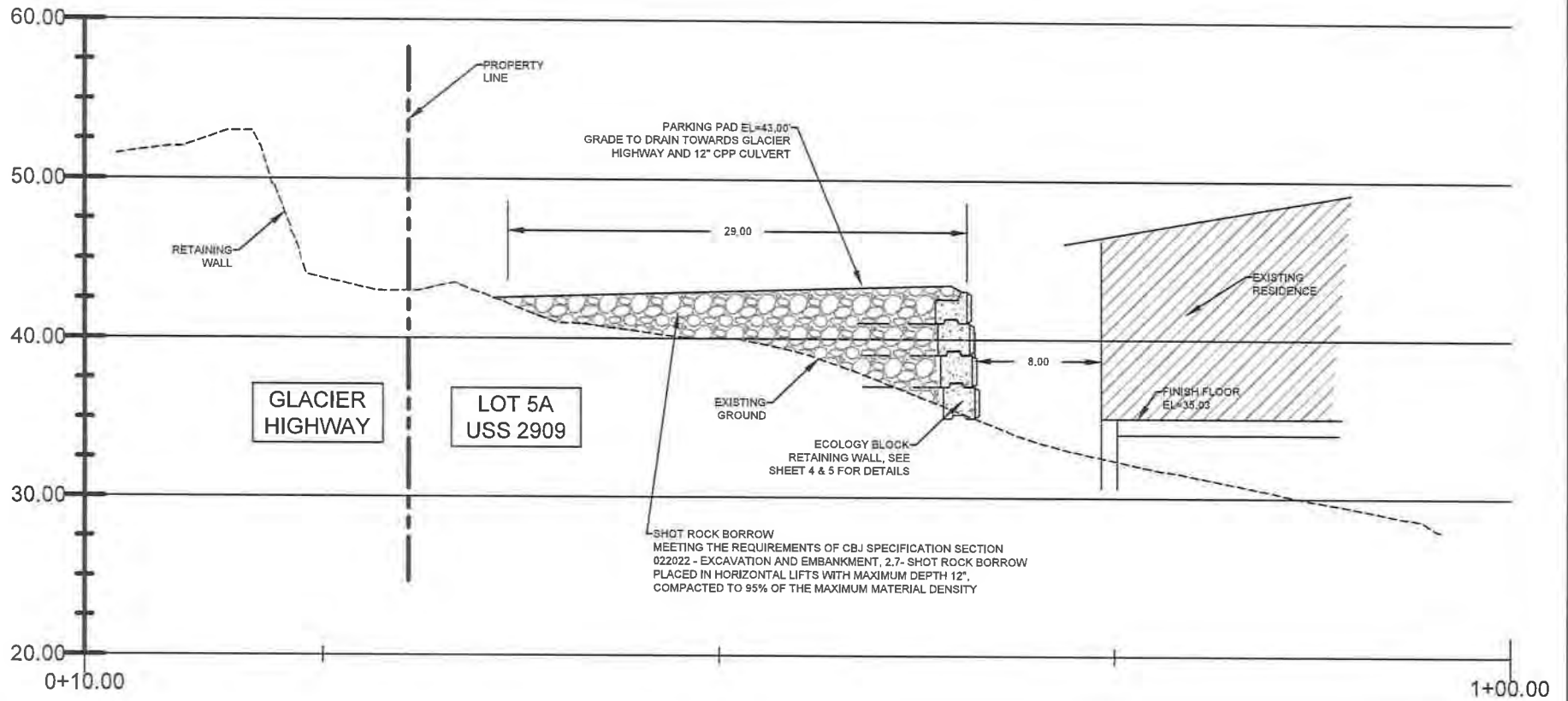
Gabriel Hayden, P.E.
hayden@katabatic.com
(907) 886-4479

Grading Plan

Lot 5 A, USS 2909
12005 Glacier Highway
Juneau, AK 99801

Driveway Profile

DRAWN:
3.31.2021
SHEET #
2/5



SECTION A-A



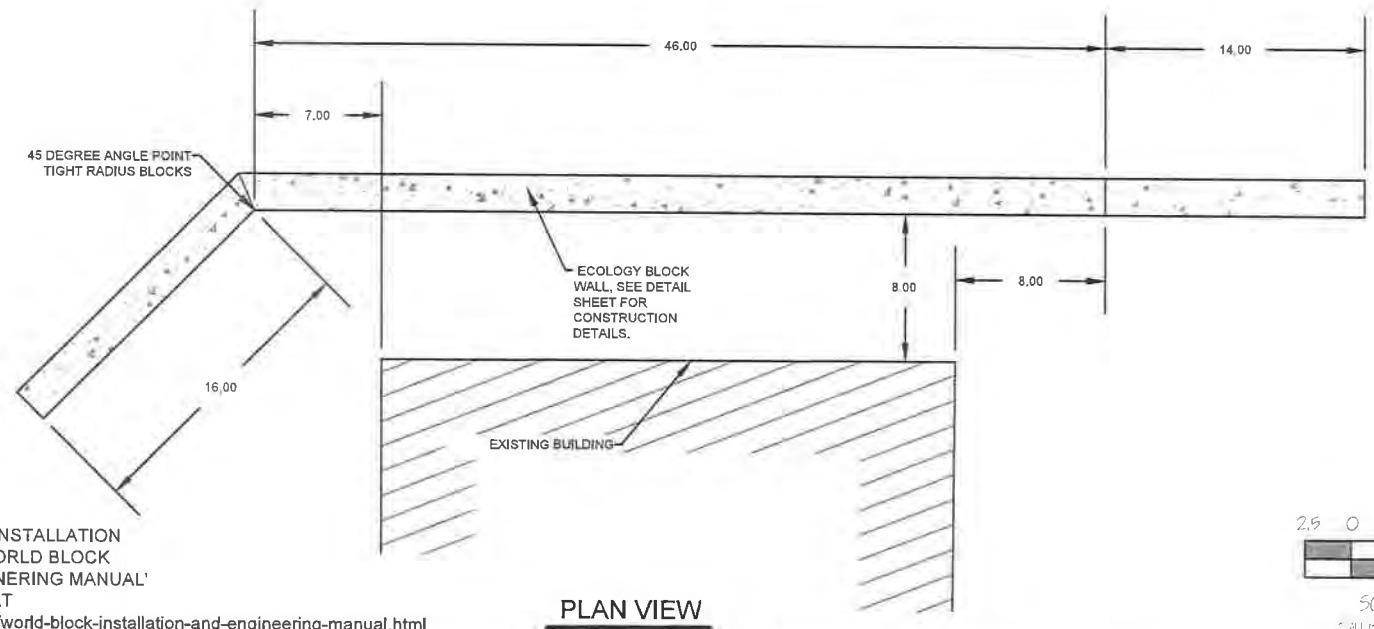
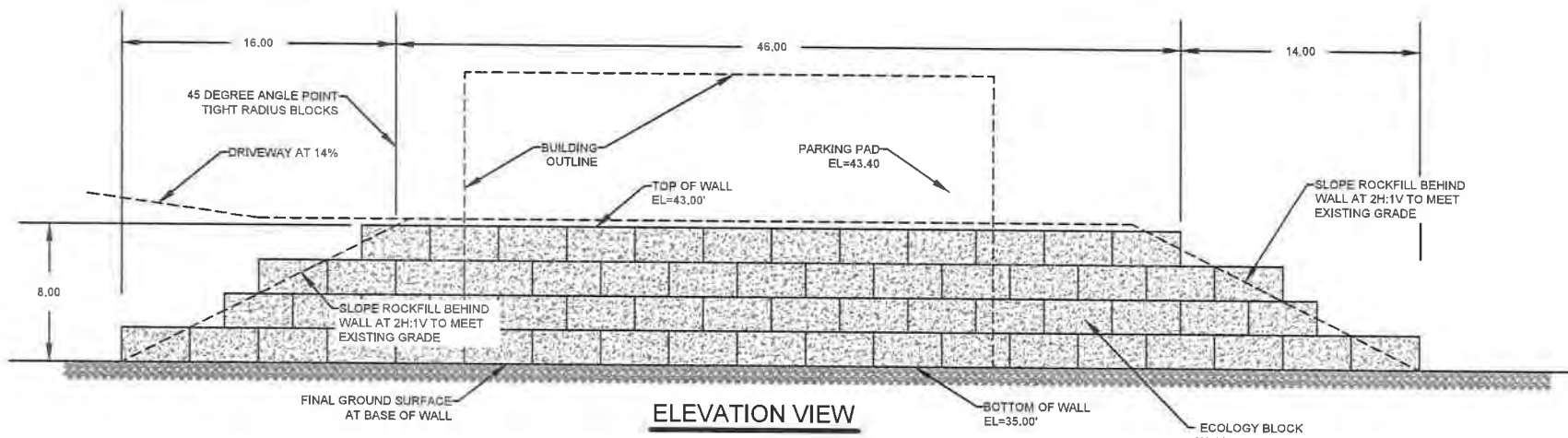
Gabriel Hayden, P.E.
hayden@katabaticeng.com
(907) 866-4479

Grading Plan

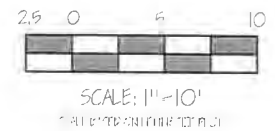
Lot 5 A, USS 2909
12005 Glacier Highway
Juneau, AK 99801

Section A-A

DRAWN:
3/31/2021
SHEET #
3/5



NOTES:
 1) INSTALL BLOCKS PER INSTALLATION GUIDELINES GIVEN IN 'WORLD BLOCK INSTALLATION AND ENGINEERING MANUAL' DOCUMENT. AVAILABLE AT <https://www.worldblock.com/world-block-installation-and-engineering-manual.html>



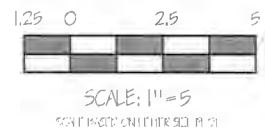
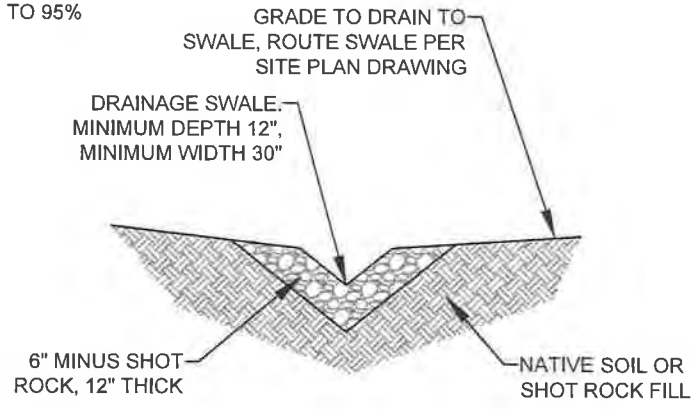
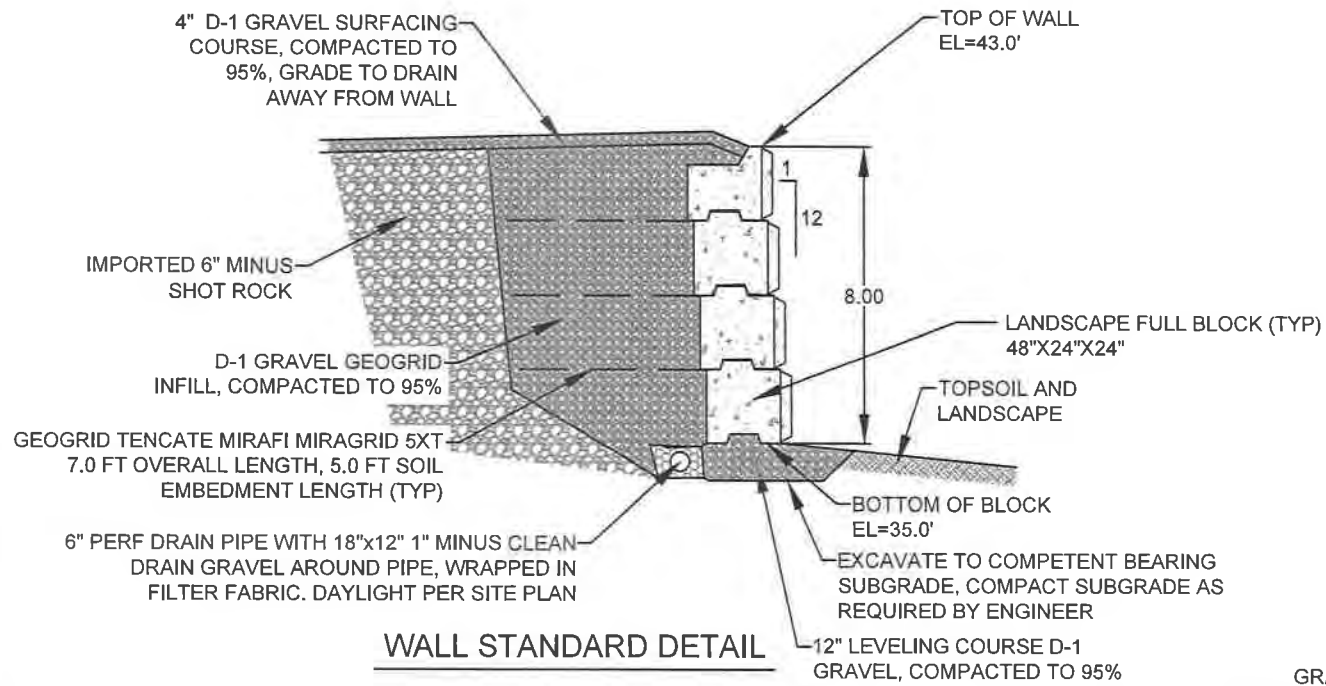
Gabriel Hayden, P.E.
 hayden@katabatic.com
 (402) 566-9449

Grading Plan

Lot 5 A, USS 2909
 12005 Glacier Highway
 Juneau, AK 99801

Retaining Wall
 Elevation & Plan

DRAWN:
 3/31/2021
 SHEET #
 4/5



NOTES:
 1) INSTALL BLOCKS PER INSTALLATION GUIDELINES GIVEN IN 'WORLD BLOCK INSTALLATION AND ENGINEERING MANUAL' DOCUMENT. AVAILABLE AT <https://www.worldblock.com/world-block-installation-and-engineering-manual.html>



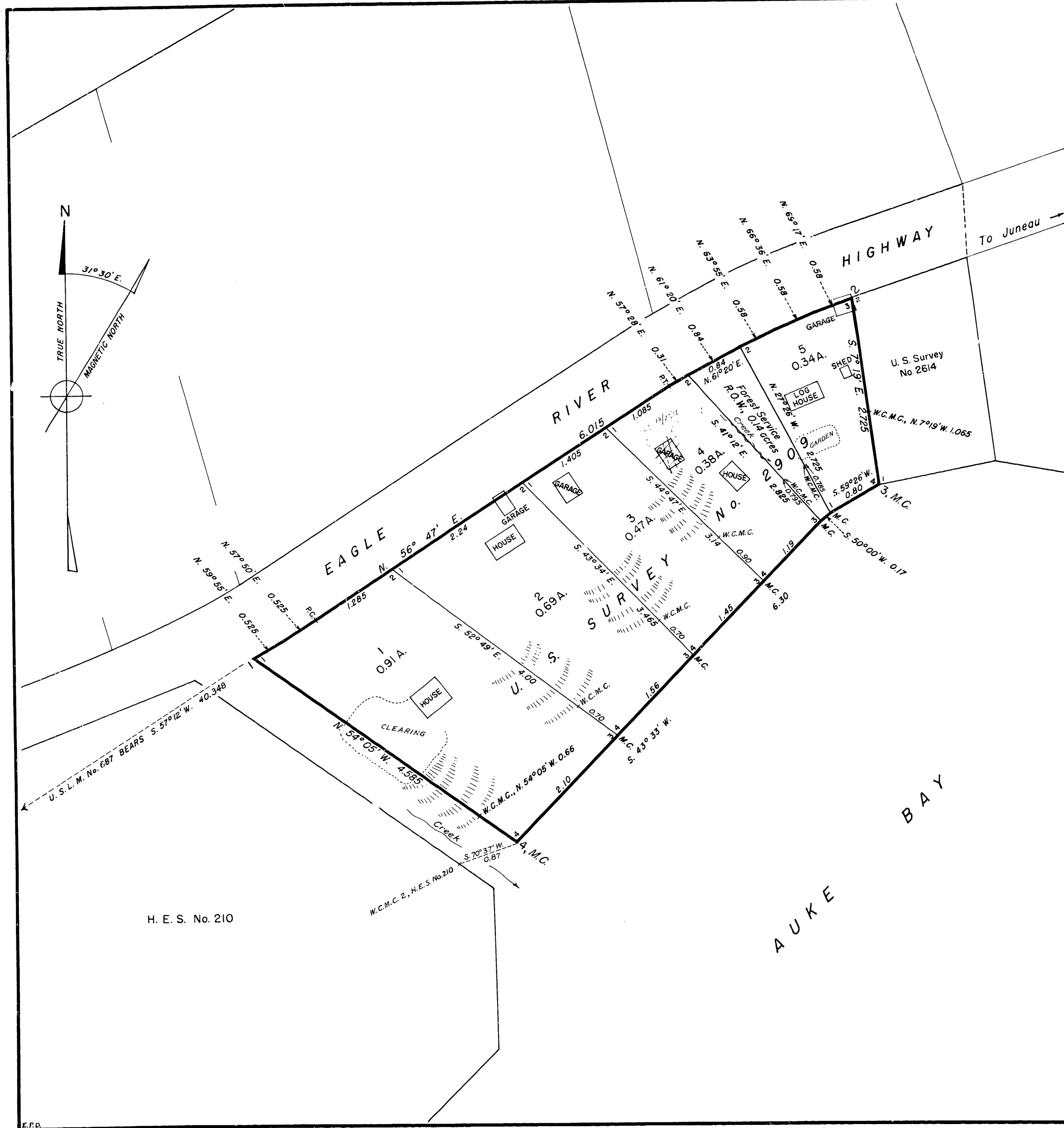
Gabriel Hayden, P.E.
 hayden@katabatic.com
 (505) 866-1419

Grading Plan

Lot 5 A, USS 2909
 12005 Glacier Highway
 Juneau, AK 99801

Details

DRAWN:
 3/31/2021
 SHEET #
 5/5

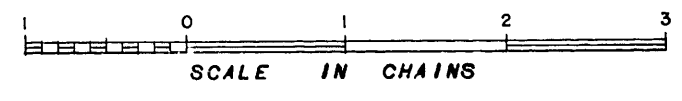


U. S. SURVEY
 No. 2909, ALASKA

TRIANGLE GROUP 3 OF HOMESITES
 EMBRACING
 Lots 1 to 5 inclusive, and 1 Forest Service R.O.W.

SITUATED
 ON THE NORTHERLY SHORE OF AUKE BAY, ON THE
 SOUTHERLY SIDE OF THE EAGLE RIVER HIGHWAY APPROX-
 IMATELY 13 MILES FROM JUNEAU

AREA: 2.93 ACRES
 LATITUDE 58°23'13"N., LONGITUDE 134°39'11"W.
 AT CORNER NO. 1



SURVEYED BY
 JOHN M. SHORT, CADASTRAL ENGINEER,
 APRIL 5 TO 8, 1949

UNDER SPECIAL INSTRUCTIONS DATED
 FEBRUARY 2, 1949 AND APPROVED BY
 THE BUREAU OF LAND MANAGEMENT
 FEBRUARY 16, 1949

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 WASHINGTON, D. C., MARCH 20, 1951

THIS PLAT IS STRICTLY CONFORMABLE TO
 THE APPROVED FIELD NOTES, AND THE SURVEY, HAVING
 BEEN CORRECTLY EXECUTED IN ACCORDANCE WITH THE
 REQUIREMENTS OF LAW AND THE REGULATIONS OF THIS
 BUREAU, IS HEREBY ACCEPTED.

FOR THE DIRECTOR
William F. Richards
 CHIEF, BRANCH OF SURVEYS

H. E. S. No. 210

cc

A
L
A
S
K
A

2016 - 002435 - 0

Section J, Item 3.

Recording District 101 Juneau
05/26/2016 02:00 PM Page 1 of 2



WHEN RECORDED RETURN TO:

Name Penny L. Miller
Address PO Box 20490
City State, Zip Juneau, Alaska 99802

Escrow Number

QUIT CLAIM DEED

The Grantor, Honsinger Family Limited Partnership, whose mailing address is PO Box 20490, Juneau, AK, 99802, for and in consideration of \$10.00 dollars, conveys and quit claims to Penny L. Miller & Larry B. Miller, the Grantees, whose mailing address is PO Box 20490, Juneau, AK, 99802, the following described real estate, situated in the Juneau Recording District, First Judicial District, State of Alaska, together with all after acquired title of the grantor therein:

Parcel No. 1:

That certain tract of land described in a tideland patent, Patent No. 257, executed and delivered to Honsinger Family Limited Partnership, known as ATS 478:

Beginning at Corner 1, a point identical with Corner 4, Lot 4, U.S.S. No. 2909; thence S 31°59' E, 124.81 feet to Corner 2; thence N 45°13' E, 91.30 feet to Corner 3; thence N 37°57'05" W, 124.88 feet to Corner 4, a point identical with Corner 3 of said Lot 4 thence along line 3-4 of said lot 4, S 43°33' W, 78.54 feet to Corner 1, the point of beginning. This tract contains 0.239 acres more or less within the City and Borough of Juneau, Juneau Recording District of Alaska.

Parcel No. 2:

Lot 4 of the Triangle Group 3 of Homesites of the land embraced in U. S. Survey No. 2909 situated on the northerly shore of Auke Bay on the southerly side of Eagle River Highway, approximately 13 miles from Juneau, Alaska, containing 0.3 acre according to the official plat of the survey of said land on file in the Bureau of Land Management, subject to the reservations contained in the patent thereto on file and of record in the office of the U.S. Commissioner and Ex-Officio Recorder for the Juneau Recording District, recorded in Vol 47 of Deeds at pages 266 and 267.

Parcel No. 3:

All of the grantors' right, title and estate, lien and interest in and to that certain application and special use permit, if any, dated May 18, 1959, issued to Fred L. Birch by the United States Department of Commerce, Bureau of Public Roads, Juneau Serial No. 2-4-186, dated May 18, 1959;

All of the grantors' right, title, estate, lien and interest in and that certain application and special use permit, if any, dated June 14, 1957, issued to Fred L. Birch by the United States Department of Commerce, Bureau of Public Roads, Juneau Serial No. 2-F-133;

The two Special Use Permits and the Right-of-Way Permit apply to access roads serving the above described real property.

Together with, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

SUBJECT, however, to all reservations, restrictions and easements contained in patent or otherwise of record.

DATED this 2nd of May, 2016.

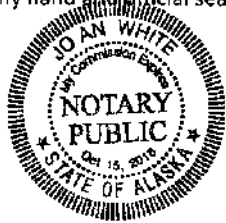
GRANTOR: Honsinger Family Limited Partnership

Penny L. Miller
Penny L. Miller, General Partner

STATE OF ALASKA)
) ss,
First Judicial District)

THIS IS TO ~~CERTIFY~~ ^{ack} that on this 26th day of May, 2016, before me the undersigned Notary Public, personally appeared Penny L. Miller, known to me and to me known to be the individual described in and who executed the foregoing instrument and she acknowledged to me that she signed the same freely and voluntarily for the uses and purposes therein set forth.

WITNESS my hand and official seal.



Joan White
Notary Public in and for Alaska
My commission expires: 10-15-2016

We are now accepting payments online for case agreements and mining claims bills! To make a payment by credit card or from your bank account, click here.

Results - Case File Abstract

Summary

File: ADL 24304

| | | |
|---|--|--------------------------------------|
| Customer: 000138551 | HONSINGER, FRED S P.O. BOX 490 JUNEAU AK 99801 | DNR Unit: 200 LAND MANAGEMENT |
| Case Type: 582 PRIVATE EASEMENT | | |
| File Location: ST STORAGE | | |
| Case Status: 80 CLOSED | | Status Date: 08/02/1982 |
| Total Acres: 0.140 | | Date Initiated: 08/03/1964 |
| Office of Primary Responsibility: LSE LAND-SOUTHEAST REG | | |
| Last Transaction Date: 07/03/2008 | Case Subtype: 8705 NON EXCLUSIVE ROW | |
| Last Transaction: ARC ARCHIVED | | |

Land Records

Meridian: C Township: 040S Range: 065E Section: 22 Section Acres: 1

Case Actions

| | | |
|--|-----------|-------------------|
| 08-03-1964 APPLICATION RECEIVED | | |
| 03-25-1965 ISSUED | | |
| STATUS 23 | 23 | EASEMENT CREATED |
| 11-20-1979 ASSIGNMENT APPROVED | | |
| RELATION - NEW A | 10 | OWNER |
| RELATION - OLD A | 10 | OWNER |
| ASSIGNEE A | 138551 | HONSINGER, FRED S |
| ASSIGNOR A | 130029 | BIRCH, FRED L |
| 08-02-1982 CLOSED | | |
| STATUS 45 | 45 | CLOSED |
| LAND CONVEYED TO CITY | | |
| 01-02-2003 STATUS CODE STANDARDIZED | | |
| STATUS CODE | 80 | CLOSED |
| ***** STATUS CODE STANDARDIZATION ***** | | |
| STATUS CODE CHANGED BY BATCH UPDATE | | |
| 07-03-2008 ARCHIVED | | |
| BOX NUMBER | 619 | |
| FILE LOCATION | ST | STORAGE |
| BAR CODE NUMBER | 08-413619 | |

Legal Description

METES AND BOUNDS

We are now accepting payments online for case agreements and mining claims bills! To make a payment by credit card or from your bank account, click here.

Results - Case File Detail

Summary

File: ADL 24304

| | | |
|---|--|---|
| Customer: 000138551 | HONSINGER, FRED S P.O. BOX 490 JUNEAU AK 99801 | |
| Case Type: 582 PRIVATE EASEMENT | | DNR Unit: 200 LAND MANAGEMENT |
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| Case Status: 80 CLOSED | | Status Date: 08/02/1982 |
| Total Acres: 0.140 | | Date Initiated: 08/03/1964 |
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Land Records

Meridian: C Township: 040S Range: 065E Section: 22 Section Acres: 1

Case Actions

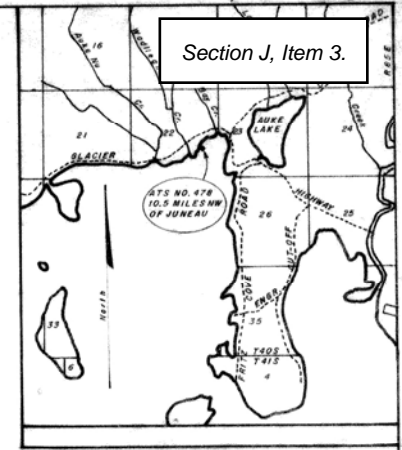
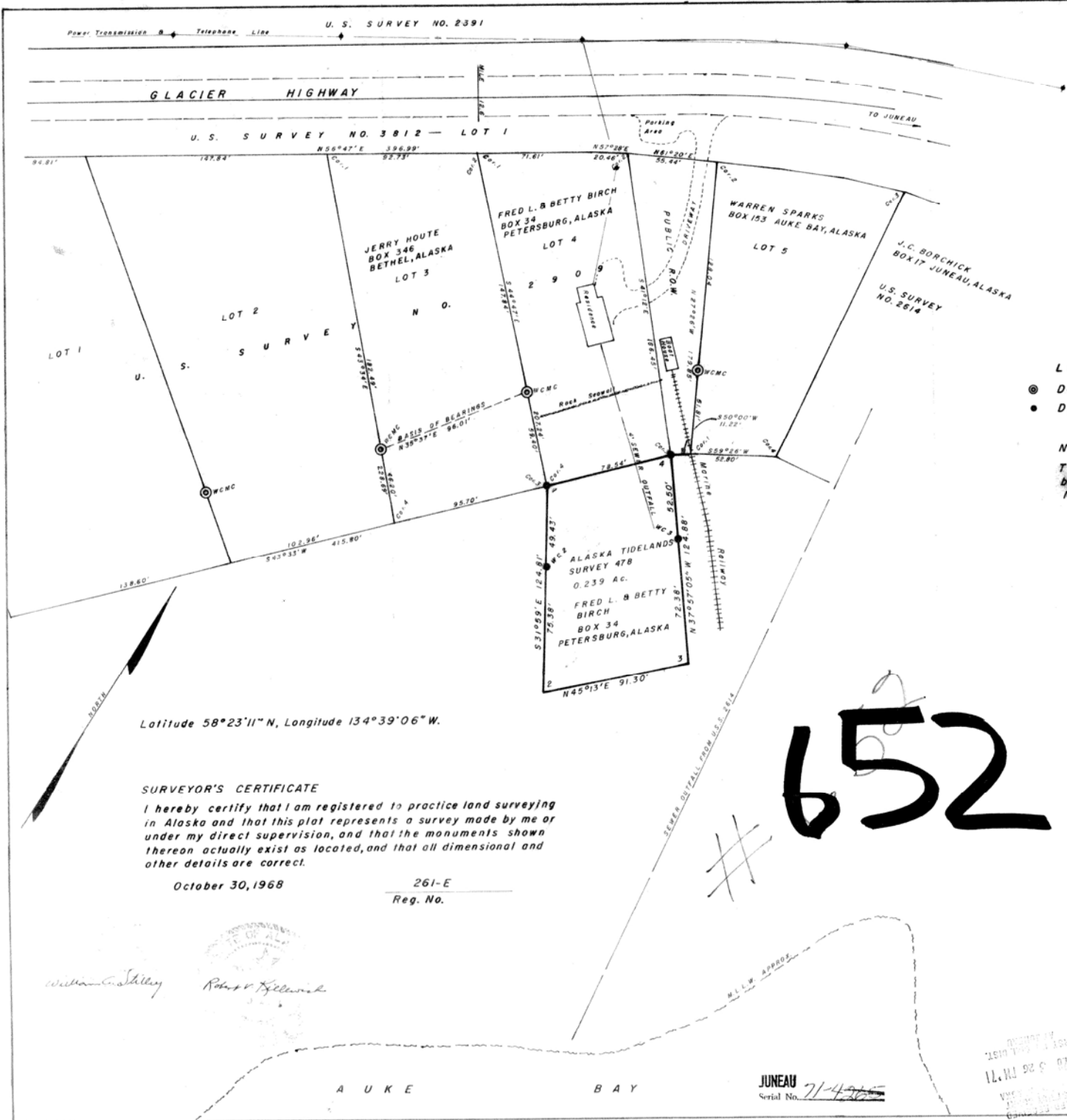
| | | |
|--|----------------------|--------------------------|
| Transaction: <i>INITIATE</i> INITIATE CASE | | |
| Transaction Date: 08-03-1964 | Time: 154659 | SubSystem ID: CAS |
| Input Date: 12-19-1989 | User: NRSCRPA | Terminal: NJB2 |
| STATUS DATE | 08-03-1964 | |
| LOCATION FROM | SEDOLD | SEDO LAND SECTION |
| LOCATION TO | SEDOLD | SEDO LAND SECTION |
| CASE STATUS | 11 | APPLICATION |
| OFFICE PRI RESP | LSE | LAND-SOUTHEAST REG |
| SPECIAL CODE | 8705 | NON EXCLUSIVE ROW |
| CUSTOMER NUMBER | 000130029 | BIRCH,FRED L |
| UNIT CODE | 200 | LAND MANAGEMENT |
| RELATIONSHIP CODE | 10 | OWNER |
| TOTAL ACRES | .140000 | |
| C040S065E22Acres: 001 | | |
| Transaction: <i>APR</i> APPLICATION RECEIVED | | |
| Transaction Date: 08-03-1964 | Time: 154717 | SubSystem ID: CAS |
| Input Date: 12-19-1989 | User: NRSCRPA | Terminal: NJB2 |
| Transaction: <i>ADDTEXT</i> CHANGE LEGAL TEXT | | |
| Transaction Date: 08-03-1964 | Time: 154730 | SubSystem ID: CAS |
| Input Date: 12-19-1989 | User: NRSCRPA | Terminal: NJB2 |
| Transaction: <i>IS</i> ISSUED | | |
| Transaction Date: 03-25-1965 | Time: 154759 | SubSystem ID: CAS |
| Input Date: 12-19-1989 | User: NRSCRPA | Terminal: NJB2 |
| STATUS 23 | 23 | EASEMENT CREATED |

| | | |
|--|----------------------|--------------------------|
| Transaction: ASGN ASSIGNMENT APPROVED | | |
| Transaction Date: 11-20-1979 | Time: 154915 | SubSystem ID: CAS |
| Input Date: 12-19-1989 | User: NRSCRPA | Terminal: NJB2 |
| RELATION - NEW A | 10 | OWNER |
| RELATION - OLD A | 10 | OWNER |
| ASSIGNEE A | 138551 | HONSINGER, FRED S |
| ASSIGNOR A | 130029 | BIRCH, FRED L |
| Transaction: CL CLOSED | | |
| Transaction Date: 08-02-1982 | Time: 155015 | SubSystem ID: CAS |
| Input Date: 12-19-1989 | User: NRSCRPA | Terminal: NJB2 |
| STATUS 45 | 45 | CLOSED |
| <i>LAND CONVEYED TO CITY</i> | | |
| Transaction: LOCRECVD FILE LOCATION UPDATE RECEIVED | | |
| Transaction Date: 09-12-1996 | Time: 122911 | SubSystem ID: CAS |
| Input Date: 09-12-1996 | User: NRSCCLU | Terminal: X21L |
| LOCATION RECVD AT | LWMCLS | LWM CONT ADM CLOSED |
| Transaction: CDESTAND STATUS CODE STANDARDIZED | | |
| Transaction Date: 01-02-2003 | Time: 24941 | SubSystem ID: CAS |
| Input Date: 01-02-2003 | User: BATCH | Terminal: X246 |
| STATUS CODE | 80 | CLOSED |
| <i>***** STATUS CODE STANDARDIZATION *****</i> | | |
| <i>STATUS CODE CHANGED BY BATCH UPDATE</i> | | |
| Transaction: ARC ARCHIVED | | |
| Transaction Date: 07-03-2008 | Time: 93016 | SubSystem ID: CAS |
| Input Date: 07-03-2008 | User: NRSCCJC | Terminal: X4YH |
| BOX NUMBER | 619 | |
| FILE LOCATION | ST | STORAGE |
| BAR CODE NUMBER | 08-413619 | |

Legal Description

METES AND BOUNDS

Section J, Item 3.



LEGEND

- Denotes B. L. M. Brass Monument Recovered this Survey
- Denotes Brass Monument Set this Survey

NOTE

The basis of bearings for this survey were derived between W.C.M. 4, lot 3 and W.C.M. 4, lot 4 computed as N 35°37'E

DESCRIPTION, ALASKA TIDELANDS SURVEY NO. 478.

Beginning at Corner 1, a point identical with Corner 4, Lot 4, U.S.S. No. 2909; thence S 31°50'E, 124.81 feet to corner 2; thence N45°13'E, 91.30 feet to corner 3; thence N 37°57'05"W, 124.88 feet to corner 4, a point identical with corner 3 of said lot 4 thence along line 3-4 of said lot 4, S43°33'N, 78.54 feet to corner 1, the point of beginning.

This tract contains 0.239 acres, more or less.

- BEARING OBJECTS, FOR MEMORANDUM, A.T.S. 478
- Cor. 1 - 1. N 40°04'W, 44.9' s.w. end rock sea wall.
 - 2. N 21°53'E, S6.7' 1 1/2" steel pipe, 1" above ground
 - 3. S 78°33'W, 15.3' highest point on 1 1/2 c.y. boulder.
 - W.C. 2 - 1. N 21°42'W, 136.0' s.w. corner residence.
 - 2. S 54°45'N, 49.5' steel pin 4" above ground.
 - 3. N 12°00'W, 114.2' " " on rock on seawall.
 - W.C. 3 - 1. N 2003'E, 26.2', spike in x-brace in track.
 - 2. N 46°02'E, 32.2' high point on 2 C.F. boulder.
 - Cor. 4 - 1. S 77°23'W, 83.0' spike in tree.
 - 2. N 39°17'W, 45.3' N.E. end rock sea wall.
 - 3. S 12°53'W " " on sewer pipe.

REVISED 11/3/71 TO SHOW BOUNDARY CHANGES
 DATE OF PLAT PREPARATION: JUNE 24-25, 1968

| | |
|--|---------------------------------------|
| DATE OF SURVEY: | NAME OF SURVEYOR: |
| Beginning APRIL 25, 1968 | Wyllie, Killewick, Van Deren & Hazard |
| Ending APRIL 26, 1968 | Engineers - Surveyors |
| | Juneau, Alaska |
| STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF LANDS ANCHORAGE, ALASKA | |
| ALASKA TIDELANDS SURVEY NO. 478 LOCATED WITHIN PROTRACTED SEC. 22, T40S, R65E, CRM | |
| DRAWN BY: | APPROVAL RECOMMENDED: |
| W. C. S. | Chief Engineering Engineer |
| DATE APPROVED: | APPROVED: |
| | Director of |
| SCALE: | CHECKED: |
| 1" = 40' | FILE NO. 471 |

652

SURVEYOR'S CERTIFICATE
 I hereby certify that I am registered to practice land surveying in Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments shown thereon actually exist as located, and that all dimensional and other details are correct.

October 30, 1968

261-E
 Reg. No.

William C. Shiley
Robert Killewick

A U K E B A Y

JUNEAU
 Serial No. 71-478

We are now accepting payments online for case agreements and mining claims bills! To make a payment by credit card or from your bank account, click here.

Results - Case File Abstract

Summary

File: ATS 478

| | | |
|--|--|-----------------------------------|
| Customer: 000179559 | KILLEWICH, ROBERT V PO BOX 130 JUNEAU AK 99802 | DNR Unit: 300 SURVEY |
| Case Type: 316 AK TIDELAND SURVEY | | Status Date: 12/26/1971 |
| File Location: CSS CADASTRAL SURVEY SEC | | Date Initiated: 12/22/1971 |
| Case Status: 96 PLAT FILED/APPROVED | | |
| Total Acres: 0.240 | | |
| Office of Primary Responsibility: LSU LAND-SURVEY | | |
| Last Transaction Date: 12/31/2002 | | |
| Last Transaction: CDESTAND STATUS CODE STANDARDIZED | | |

Land Records

Meridian: C **Township:** 040S **Range:** 065E **Section:** 22 **Section Acres:** 0

Case Actions

| | | |
|--|-----------|--------------------|
| 12-22-1971 SURVEY INITIATED | | |
| ADL # | 24000 | |
| 12-22-1971 FIRST PLAT SUBMITTAL REVIEWED | | |
| STATUS 71 | 71 | PLAT REVIEWED |
| 12-26-1971 PLAT FILED | | |
| STATUS 96 | 96 | PLAT FILED |
| RECORDING DISTRICT | R101 | Juneau |
| RECORDER'S FILE NO | 652 | |
| 04-09-1986 CONVERTED FROM SURVEY TRACKING AND MONITORING SYST | | |
| 08-02-1986 CASEFILE CUSTOMER DOCUMENTED | | |
| CUSTOMER NUMBER | 000179559 | KILLEWICH,ROBERT V |
| UNIT CODE | 300 | SURVEY |
| RELATIONSHIP CODE | 22 | SURVEYOR |
| <i>THIS TRANSACTION WAS GENERATED BY THE CONVERSION TO THE NEW CUSTOMER SYSTEM TO DOCUMENT THE UNIT AND RELATIONSHIP CODES</i> | | |
| 12-31-2002 STATUS CODE STANDARDIZED | | |
| STATUS CODE | 54 | PLAT REVIEWED |
| <i>***** STATUS CODE STANDARDIZATION *****</i> | | |
| <i>STATUS CODE CHANGED BY BATCH UPDATE</i> | | |

Legal Description

No legal description found.

We are now accepting payments online for case agreements and mining claims bills! To make a payment by credit card or from your bank account, click here.

Results - Case File Detail

Summary

File: ATS 478

| | | |
|--|--|-----------------------------------|
| Customer: 000179559 | KILLEWICH, ROBERT V PO BOX 130 JUNEAU AK 99802 | |
| Case Type: 316 AK TIDELAND SURVEY | | DNR Unit: 300 SURVEY |
| File Location: CSS CADASTRAL SURVEY SEC | | |
| Case Status: 96 PLAT FILED/APPROVED | | Status Date: 12/26/1971 |
| Total Acres: 0.240 | | Date Initiated: 12/22/1971 |
| Office of Primary Responsibility: LSU LAND-SURVEY | | |
| Last Transaction Date: 12/31/2002 | | |
| Last Transaction: CDESTAND STATUS CODE STANDARDIZED | | |

Land Records

Meridian: C **Township:** 040S **Range:** 065E **Section:** 22 **Section Acres:** 0

Case Actions

| | | |
|---|---------------------|--------------------------|
| Transaction: <i>INITIATE</i> BATCH CASE INITIATE | | |
| Transaction Date: 12-22-1971 | Time: 192344 | SubSystem ID: CAS |
| Input Date: 04-09-1986 | User: BATCH | Terminal: CONV |
| STATUS DATE | 12-22-1971 | |
| LOCATION FROM | CSS | CADASTRAL SURVEY SEC |
| LOCATION TO | CSS | CADASTRAL SURVEY SEC |
| CASE STATUS | 71 | PLAT REVIEWED |
| OFFICE PRI RESP | LSU | LAND-SURVEY |
| CUSTOMER NUMBER | 179559 | |
| TOTAL ACRES | .240000 | |
| C040S065E22 | | |
| Transaction: <i>S/</i> SURVEY INITIATED | | |
| Transaction Date: 12-22-1971 | Time: 230001 | SubSystem ID: CAS |
| Input Date: 04-10-1986 | User: BATCH | Terminal: CONV |
| ADL # | 24000 | |
| Transaction: <i>FPRV</i> FIRST PLAT SUBMITTAL REVIEWED | | |
| Transaction Date: 12-22-1971 | Time: 230002 | SubSystem ID: CAS |
| Input Date: 04-10-1986 | User: BATCH | Terminal: CONV |
| STATUS 71 | 71 | PLAT REVIEWED |
| Transaction: <i>PF</i> PLAT FILED | | |
| Transaction Date: 12-26-1971 | Time: 141737 | SubSystem ID: CAS |
| Input Date: 02-27-2014 | User: BATCH | Terminal: X129 |
| STATUS 96 | 96 | PLAT FILED |
| RECORDING DISTRICT | R101 | Juneau |

| | | |
|--|---------------------|--------------------------|
| RECORDER'S FILE NO | 652 | |
| Transaction: CONV CONVERTED FROM SURVEY TRACKING AND MONITORING SYST | | |
| Transaction Date: 04-09-1986 | Time: 192345 | SubSystem ID: CAS |
| Input Date: 04-09-1986 | User: BATCH | Terminal: CONV |
| Transaction: CFCD CASEFILE CUSTOMER DOCUMENTED | | |
| Transaction Date: 08-02-1986 | Time: 100 | SubSystem ID: CAS |
| Input Date: 08-02-1986 | User: BATCH | Terminal: CONV |
| CUSTOMER NUMBER | 000179559 | KILLEWICH,ROBERT V |
| UNIT CODE | 300 | SURVEY |
| RELATIONSHIP CODE | 22 | SURVEYOR |
| <i>THIS TRANSACTION WAS GENERATED BY THE CONVERSION TO THE NEW CUSTOMER SYSTEM TO DOCUMENT THE UNIT AND RELATIONSHIP CODES</i> | | |
| Transaction: CDESTAND STATUS CODE STANDARDIZED | | |
| Transaction Date: 12-31-2002 | Time: 70721 | SubSystem ID: CAS |
| Input Date: 12-31-2002 | User: BATCH | Terminal: X246 |
| STATUS CODE | 54 | PLAT REVIEWED |
| <i>***** STATUS CODE STANDARDIZATION *****</i> | | |
| <i>STATUS CODE CHANGED BY BATCH UPDATE</i> | | |

Legal Description

No legal description found.

Section J, Item 3.

APPLICATION FOR RIGHT-OF-WAY PERMIT

E-12 ✓
F-095-2(6)

U.S. 2909
ROW lot

Date: July 18, 1979

The undersigned Department of Transportation & Public Facilities residing at
P.O. Box 3-1000, Juneau, Alaska 99811 hereby applies

to the Director of the Division of Lands, Department of Natural Resources, for
right-of-Way variable feet in width and variable feet in length located in
section 22, Township 40 S., Range 65 E., C.R. Meridian,
containing an area of 0.131 acres as shown on the plat attached hereto in triplicate
copies, for the purpose of constructing and maintaining thereon & drainage
facilities for private, public, ~~transportation~~, yearlong use (strike inappli-
cable words).

State briefly the standards of construction of proposed improvements:

AASHO Standards for Federal Aid Highways

to be constructed Construction to begin within 3 months
to be completed 9/30/80

If this application is approved, I agree to construct and maintain the
improvements authorized in a workmanlike manner, to keep the area in a neat and sani-
tary condition; if said right-of-way is to be constructed across leased lands, I agree
to reimburse the lessee for all damages to crops and improvements, to the extent of the
fair market value thereof, which may be damaged or destroyed as the result of the con-
struction of said right-of-way, and to comply with all the laws, rules and regulations
pertaining thereto; and provided further that upon termination or relocation of the
right-of-way for which application is herein made, I agree to remove or relocate the
improvements and restore the area without cost to the State and to the satisfaction of
the Director.

ALASKA DIV. OF LANDS

DEC 03 1979

John L. Jordan
John L. Jordan
Right of Way and
Land Acquisition Agent

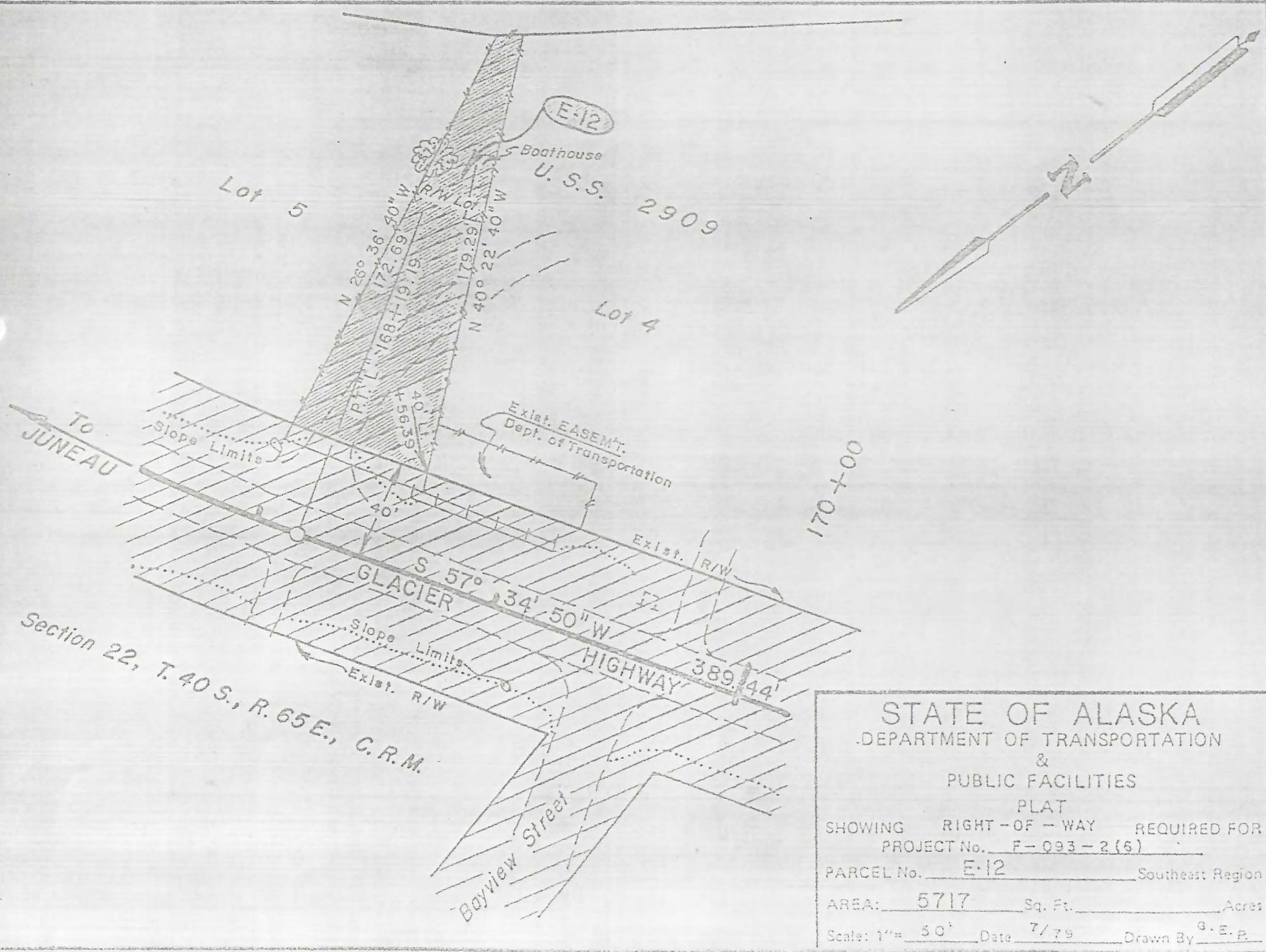
RECEIVED

(Instructions for preparation of plat: Attach triplicate copies of letter-size plat,
show centerline and boundaries of right-of-way, show ties from centerline to establish
monuments and section corners, show conflicts with other rights-of-way, if any, scale
1" to 8" per mile, type of survey.)

LS 12-26-79

C-41

407



STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 &
 PUBLIC FACILITIES
 PLAT
 SHOWING RIGHT-OF-WAY REQUIRED FOR
 PROJECT No. F-093-2(6)
 PARCEL No. E-12 Southeast Region
 AREA: 5717 Sq. Ft. _____ Acres
 Scale: 1" = 50' Date 7/79 Drawn By G. E. P.

To JUNEAU
Slope Limits
Section 22, T. 40 S., R. 65 E., G. R. M.

Attachment F - 1981 ADL 100939 DOT Drainage Facilities

TO SIMPLIFY LAS REPORTING. NO AFFECT ON MANAGEMENT IS INTENDED.

Legal Description

WITHIN R.O.W. LOT, U.S. SURVEY 2909, PROTRACTED SECTION 22, TOWNSHIP 40 SOUTH, RANGE 65 EAST, COPPER RIVER MERIDIAN AND INDICATED AS PARCEL E-12, PROJECT F-093-2(6) ON ATTACHED PLAT. THIS PERMIT IS SUBSERVIENT TO ADL #24304 ISSUED PERMIT TO FRED S. AND LENORE HONSINGER.

State of Alaska



Patent

No. 6163

Know All Men By These Presents that the State of Alaska, in consideration of the sum of TEN AND NO/100----- DOLLARS

lawful money of the United States, and other good and valuable considerations, now paid, the receipt whereof is hereby acknowledged, does hereby grant to _____

CITY AND BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

and to its successors and assigns, all that real property situated in the Borough of City and Borough of Juneau, State of Alaska, and described as follows:

U.S. SURVEY NO. 2909, ALASKA

FOREST SERVICE RIGHT-OF-WAY LOT, containing 0.14 acres.
Excluding the Glacier Highway Right-of-Way (Alaska Project No. F-095-2(6), Right-of-Way Permit ADL 100939).
Subject to Right-of-Way Permit ADL 24304.

ACCORDING TO U.S. SURVEY NO. 2909, ALASKA, TRIANGLE GROUP 3 OF HOMESITES EMBRACING LOTS 1 TO 5 INCLUSIVE, AND 1 FOREST SERVICE R.O.W., ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C., ON MARCH 20, 1951.

Subject to a maximum 50 foot wide easement pursuant to A.S. 38.05.127(a)(2) for access from the Glacier Highway Right-of-Way to the line of mean high water of Auke Bay. The reservation for access along Auke Bay is waived.

U.S. SURVEY NO. 2515, ALASKA

FOREST SERVICE RIGHT-OF-WAY LOT, containing 0.03 acres.
Excluding the Fritz Cove Road Right-of-Way (Alaska Project No. S-0970(2), Parcel No. 31, Right-of-Way Permit ADL 21891).
Subject to Right-of-Way Permit No. ADL 51426.

ACCORDING TO THE PLAT OF U.S. SURVEY NO. 2515 OF THE FRITZ COVE GROUP OF HOMESITES EMBRACING LOTS 17 AND 18 AND F.S.R.O.W., ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE IN WASHINGTON, D.C., ON APRIL 17, 1943.

Subject to a maximum 50 foot wide easement pursuant to A.S. 38.05.127(a)(2) for access from the Fritz Cove Road Right-of-Way to the line of mean high water of Auke Bay.

U.S. SURVEY NO. 2670, ALASKA

FOREST SERVICE RIGHT-OF-WAY LOT, containing 0.38 acres.
Excluding the Fritz Cove Road Right-of-Way (Alaska Project No. S-0970(2), Parcel No. 11, Right-of-Way Permit ADL 21900).

ACCORDING TO U.S. SURVEY NO. 2670, ALASKA, FRITZ COVE GROUP OF HOMESITES EMBRACING LOTS 3C, 4, 5, 6 AND ONE R.O.W., ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C., ON JULY 7, 1948.

Subject to a maximum 50 foot wide easement pursuant to A.S. 38.05.127(a)(2) for access from the Fritz Cove Road Right-of-Way to the line of mean high water of Auke Bay.

U.S. SURVEY NO. 3817, ALASKA

LOT 2, containing 0.58 acres.

ACCORDING TO U.S. SURVEY NO. 3817, ALASKA, EMBRACING LOTS 1 AND 2, ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C., ON OCTOBER 12, 1962.

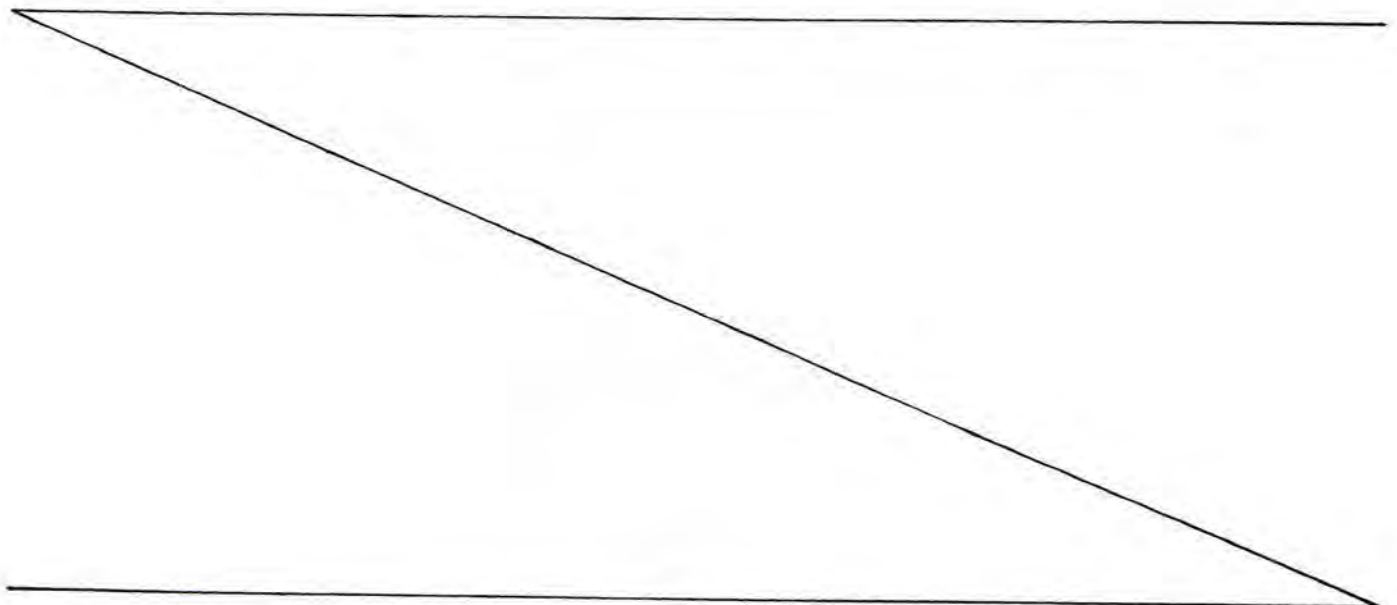
Pursuant to A.S. 38.05.127(a)(2) reservation of an easement for public access is retained 50 feet upland from the line of mean high water along Auke Bay.

CONTAINING AN AGGREGATE OF 1.13 ACRES, MORE OR LESS.

Subject to valid existing trails, roads and easements.

The Grantee may manage all easements pursuant to A.S. 38.05.127(a)(2) stated above, including but not limited to authorizing the placement of improvements within the easements, the expansion, relocation or reduction of the easement widths stated above to not less than 10 feet, or other modification of the easements as long as the purpose of the easements is not substantially impaired and the need of the public for the easements is met.

Net chargeable acreage under A.S. 29.18.201 is 1.07 acres.



Vol. LXII
Page 63
ADL No. 101081
Patent No. 6163

- Sec. 18 U.S.S. 3056, Lot DD (U.S. Pat. #1226913)
- Subject to:
 Right-of-Way for Federal Aid Highway under 23 USC Sec. 317;
 ADL #42541, Water Right, J. Frank Field;
 ADL #55160, Water Right, Frank & Judith Mayer.
- Sec. 19 U.S.S. 3054, Lot 18A (U.S. Pat. #1226913) 0.73 acres ±
- Subject to:
 A061617, Right-of-Way, 44LD-513;
 Right-of-Way ACS Cable Pole;
 Right-of-Way for Federal Aid Highway under 23 USC Sec. 317.
- U.S.S. 3054, Lot 25A (U.S. Pat. #1226913) 0.32 acres ±
- Subject to:
 Right-of-Way for Federal Aid Highway under 23 USC Sec. 317.
- U.S.S. 3055, Lot 3A (U.S. Pat. #1226913) 0.14 acres ±
- Subject to:
 Right-of-Way for Federal Aid Highway under 23 USC Sec. 317.
- U.S.S. 3266, Lot 28 (U.S. Pat. #1226913) 3.82 acres ±
- Subject to:
 Right-of-Way ACS Cable Pole;
 Right-of-Way for Federal Aid Highway under USC Sec. 317.
- U.S.S. 3266, Lot 29 (U.S. Pat. #1226913) 3.20 acres ±
- Subject to:
 Right-of-Way ACS Cable Pole;
 Right-of-Way for Federal Aid Highway under 23 USC Sec. 317.
- Sec. 21 U.S.S. 2389, Lot A-1 (U.S. Pat. #1235056) 2.41 acres ±
- Subject to:
 Right-of-Way for Material Site under 23 USC Sec. 317.
- Sec. 22 U.S.S. 3812, excluding the Glacier Highway, 44LD-513 (U.S. Pat. #1233779) .36 acres ±
- Subject to:
 Platted Easements.
- U.S.S. 2909, Forest Service R.O.W. Lot .014 acres ±
- Subject to:
 ADL #100939, Right-of-Way, DOT/PF (F-095-2(6));
 ADL #24304, Right-of-Way, Fred S. Honsinger;
 A reservation 50' wide for access to and along public or navigable waters along Auke Bay.

Presented by: Lands Committee
Introduced: 10/07/85
Drafted by: Lands Committee

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 85-76am

AN ORDINANCE PRESERVING CERTAIN MUNICIPAL LAND FOR THE JUNEAU OPEN SPACE AND PARK SYSTEM.

WHEREAS, the establishment of a municipal open space and park system would permit the more efficient and effective management and use of land classified for such purposes, and

WHEREAS, in accordance with CBJ 53.09, the Planning Commission has previously classified as "public use" those lands included in the list attached hereto as Appendix 1 and the maps attached hereto as Appendix 2, and

WHEREAS, such lands appear to be well suited for inclusion in an open space and park system, and

WHEREAS, the Planning Commission has reviewed and concurs with the objectives of this ordinance;

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

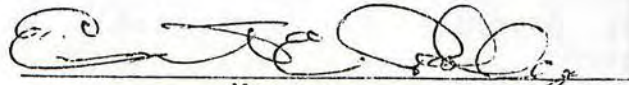
* Section 1. Classification. This ordinance is a non-code ordinance.

* Section 2. Preservation of Land. (a) Those parcels of land listed in Appendix 1 and depicted in Appendix 2 are preserved from all other uses for the purpose of inclusion in the Juneau Open Space and Park System; provided, however, waterlines, utilities, access, roads, easements and similar incidental uses may be allowed, and provided further that appropriate present uses and adequate future space for major right-of-way alignments shall be maintained in those parcels designated in Appendix 1 as 0412B and 0520A.

(b) The manager or his designee, upon a finding that circumstances so warrant, may by regulation issued pursuant

to CBJ 67.01.045 subject any of the aforesaid parcels to the application of CBJ 67.01, and such action shall be regarded as a dedication for the purposes of CBJ 67.01.030.

Adopted this 3rd day of March, 1986.



Mayor

Attest:



Clerk

PARK AND OPEN SPACE STATISTICAL SHEETS

| General Location | CBJ Parcel Number | Property Description | Approx. Acreage | Classification | Comprehensive Plan Designation | Legal Description |
|------------------------|-------------------|--------------------------------|-----------------|------------------------------------|--------------------------------|--|
| Auke Nu Cove | 0202 | Indian Cove Island | 1.54 | Public Use - Waterfront Recreation | Open Space | Lot 2, USS 3810 |
| | 0203 | Indian Point Shoreline | 24.02 | Public Use - Open Space Preserve | Existing Park | Lots 3 and 4, USS 3811 |
| Auke Bay | 0301 | Auke Bay Shoreline Access | .36 | Public Use - Beach Access | Urban Low Density Residential | Fraction of USS 3812 |
| | 0302 | Auke Bay Shoreline Access | .14 | Public Use - Beach Access | Beach Access | ROW, USS 2909 |
| | 0305 | Spaulding Trailhead & Corridor | 1.39 | Public Use - Trail Access | Trail Corridor | Lot 1, USS 2391 |
| Auke Lake | 0400A | Spaulding Trail Corridor | 4.10 | Public Use - | Trail Corridor | Fraction of Lot 3, USS 3820, 50 feet each side of Spaulding Trail centerline |
| | 0400B | Auke Lake Shoreline | 1.50 | Public Use - | Urban Low Density Residential | Fraction of Lot 3, USS 3820 south of Back Loop Road |
| West Mendenhall Valley | 0404 | Auke Lake Access | .67 | Public Use - | Urban Low Density Residential | Lot 1, Tract A, USS 2392 |

* Future road corridor will cross this parcel.

NOTE: Greenbelts for stream corridors are measured from HWL.

EXCERPT

Presented by: The Manager
Introduced: 07/08/96
Drafted by: J.R.C.

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 96-26

An Ordinance Reestablishing the Juneau Parks System.

WHEREAS, the Assembly by Ordinance 85-76am identified certain parcels of municipal land as preserved from other uses for the purpose of inclusion in the Juneau Open Space and Park System, and

WHEREAS, changes in municipal land holdings, changes in the activities of people who use the park system, and changes in community views of recreation and development all warrant a reassessment of the Open Space and Park System, and

WHEREAS, the Manager has proposed, and the Parks and Recreation Advisory Committee and the Planning Commission have reviewed and approved the list attached hereto as Appendix 1 as establishing the new Juneau Open Space and Park System.

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

Section 1. Classification. This is a noncode ordinance.

Section 2. Management of Land. Those parcels of land listed in Appendix 1 are preserved from other uses for the purpose of inclusion in the Juneau Open Space and Park System; provided, however, that waterlines, utilities, access, roads, docks, launch ramps, easement, and similar incidental uses may be allowed provided further that appropriate present uses and adequate future space for major right-of-way alignments shall be maintained in those parcels designated as 0412B and 0520A.

Section 3. Definitions. For purposes of Appendix 1, the following abbreviations used therein shall have the meanings here ascribed:

“Recreation Service Park” (RSP) means a park that is intended to serve a neighborhood or community-wide population by providing opportunities for intensive active recreation and programmed use, and may also accommodate unprogrammed uses.

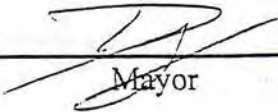
“Natural Area Park” (NAP) means a park designed to serve the entire community by providing open space, access to water, and opportunities for passive and dispersed recreation.

“Conservation Area” (CA) means environmentally valuable land set aside by the Parks and Recreation Department for the protection and management of the natural environment, with recreation as a secondary objective. Conservation Area lands include but are not limited to Class A & B wetlands and anadromous stream corridors.

Section 3. Repeal of Ordinance. Ordinance 85-76am is repealed.

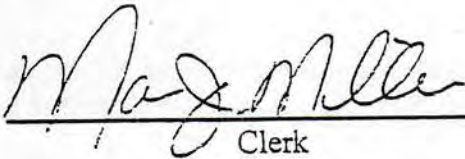
Section 4. Effective Date. This ordinance shall be effective thirty days after its adoption.

Adopted this 15th day of July, 1996.



Mayor

Attest:



Clerk

PARK AND OPEN SPACE STATISTICAL SHEETS

| General Location | CBJ Parcel Number | Property Description | Approx. Acreage | Classification | Comprehensive Plan Designation | Legal Description |
|------------------------|-------------------|--------------------------------|-----------------|------------------------------------|--------------------------------|--|
| Auke Nu Cove | 0202 | Indian Cove Island | 1.54 | Public Use - Waterfront Recreation | Open Space | Lot 2, USS 3810 |
| | 0203 | Indian Point Shoreline | 24.02 | Public Use - Open Space Preserve | Existing Park | Lots 3 and 4, USS 3811 |
| Auke Bay | 0301 | Auke Bay Shoreline Access | .36 | Public Use - Beach Access | Urban Low Density Residential | Fraction of USS 3812 |
| | 0302 | Auke Bay Shoreline Access | .14 | Public Use - Beach Access | Beach Access | ROW, USS 2909 |
| | 0305 | Spaulding Trailhead & Corridor | 1.39 | Public Use - Trail Access | Trail Corridor | Lot 1, USS 2391 |
| Auke Lake | 0400A | Spaulding Trail Corridor | 4.10 | Public Use - | Trail Corridor | Fraction of Lot 3, USS 3820, 50 feet each side of Spaulding Trail centerline |
| | 0400B | Auke Lake Shoreline | 1.50 | Public Use - | Urban Low Density Residential | Fraction of Lot 3, USS 3820 south of Back Loop Road |
| West Mendenhall Valley | 0404 | Auke Lake Access | .67 | Public Use - | Urban Low Density Residential | Lot 1, Tract A, USS 2392 |


* Future road corridor will cross this parcel.

NOTE: Greenbelts for stream corridors are measured from HWL.

EXCERPT

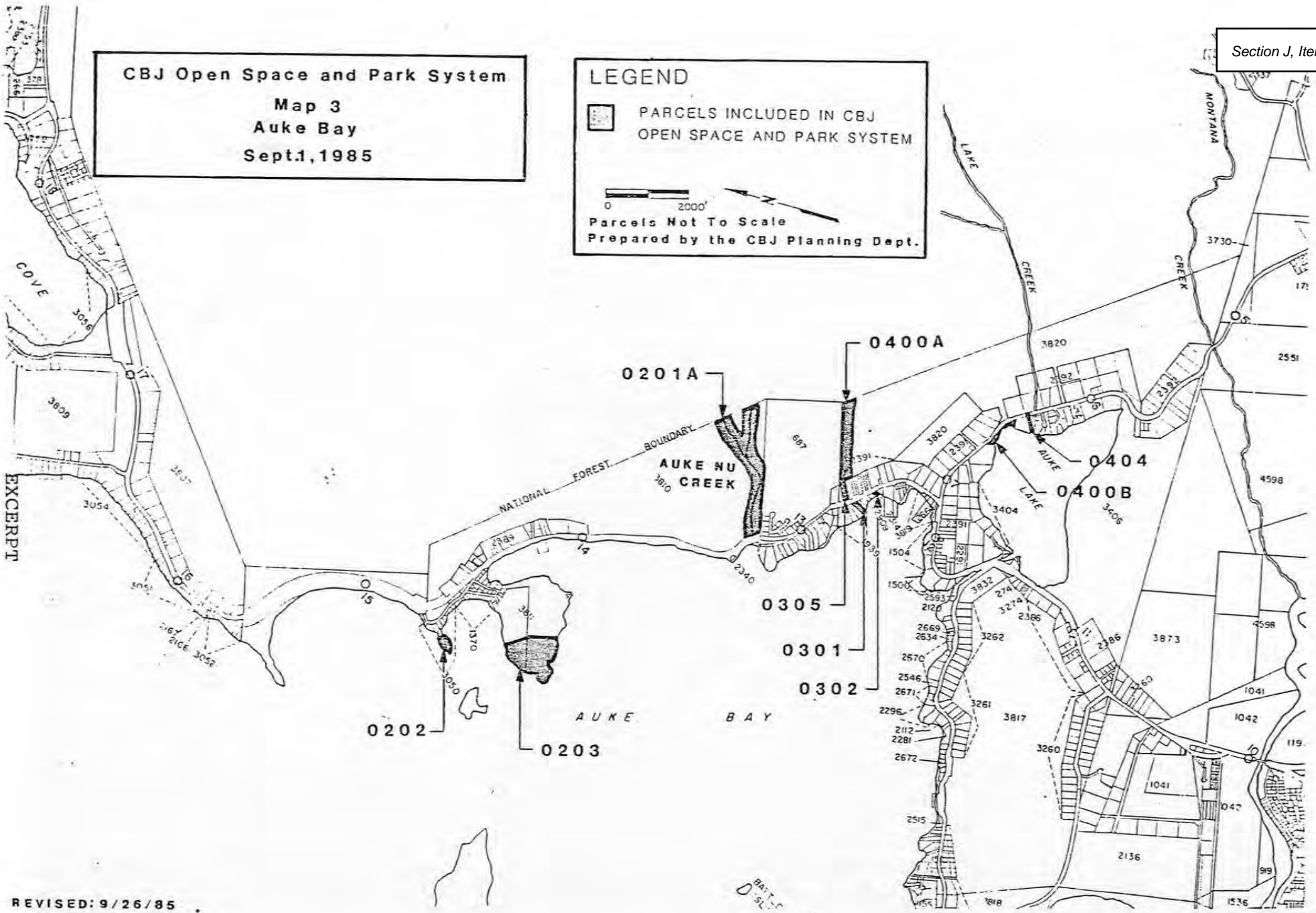
CBJ Open Space and Park System
Map 3
Auke Bay
Sept.1,1985

LEGEND

 PARCELS INCLUDED IN CBJ OPEN SPACE AND PARK SYSTEM

0 2000'

Parcels Not To Scale
Prepared by the CBJ Planning Dept.



Parcel # 0302

Map: # 9 Auke Bay

Acreage: .14 acres

Approximate Width: 35' at road
10' waterfront

Availability of parking: Along the highway during the summer months. During winter there is no public place to park nearby.

Physical Characteristics: Steep slope down from the road There is a small level bench area in the middle of the parcel, and then a slope down to the beach. There is a narrow swath of large trees along the east property line, some of which may be on this parcel. The other part of the lot is grassy. There is a use trail down the side of this lot which veers over onto the vacant lot to the west towards the beach area. The large trees along the property line block the view of the house to the east. The lot to the west is vacant, and the house on the lot next to that sits high on a bluff.

Beach Amenities: At lower tides the beach can be walked to the west. There a views of the docks and Auke Bay harbor.

Other beach access nearby: Auke Bay harbor is approximately .4 miles away. CBJ Parcel # 0301, Auke Nu Beach Access is approximately .2 miles to the east.

Potential for accessibility: None

Public Use: Low

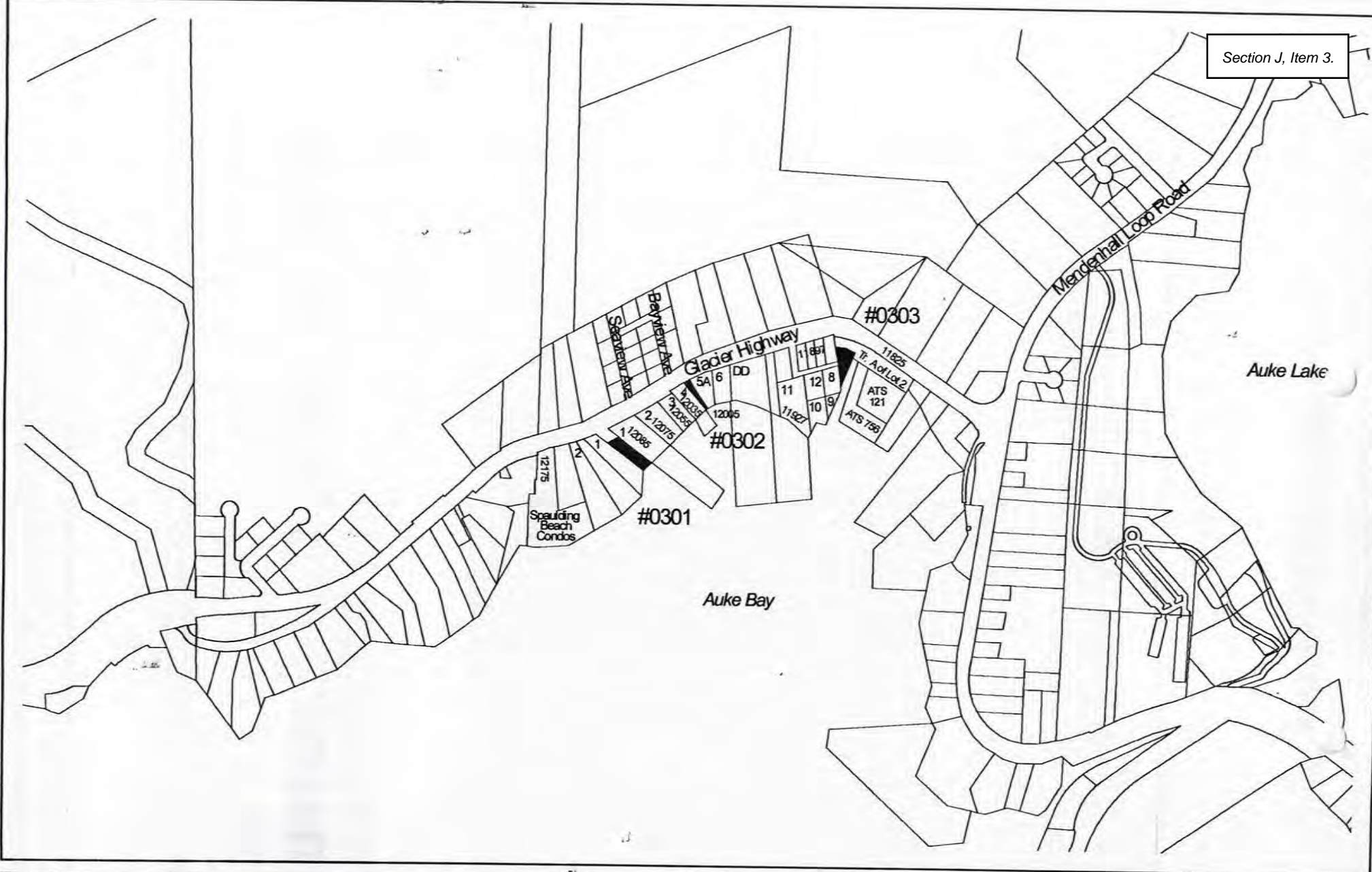
Cost to Improve: Low

Special Conditions: There is a storm drain grate in the roadway immediately adjacent to this lot. There is an underground storm drain system that includes underground culverts and a station about midway through the lot.

Analysis: Access and parking for this parcel are fairly easy most times. There is a trail that is easy to follow that has just been worn down through use. The views are good, as is beach walking at lower tides. There is a lot of upland development in the area and not many beach access areas in the immediate area. There is a storm drain system located on site.

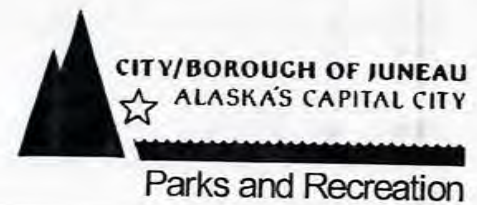
Recommendation: I recommend that the CBJ Parks and Recreation Department retain this parcel as a Natural Area Park.

Action Taken: The CBJ Parks & Recreation Advisory Committee voted to retain parcel on March 17, 1998.



MAP #9
Auke Bay

CBJ Beach Access Parcels





PARKS & RECREATION ADVISORY COMMITTEE

TUESDAY, JUNE 1, 2021 – 5:30 PM

Zoom Webinar

I. Call to Order at 5:32 p.m. – C. Mertl, Chair

Present: Alex Beebe-Giudice, Edric Carrillo, Ron Crenshaw, Kirk Duncan, Emily Haynes, Chris Mertl, Will Muldoon

Absent: Josh Anderson, Makayla Chappell

Staff Present: George Schaaf, Director; Michele Elfers, Deputy Director; Lauren Verrelli, Recreation & Public Services Manager; Dan Bleidorn, Lands Manager; Kristi West, EVC Manager

II. Agenda Changes – None**III. Approval of Meeting Minutes –**

- A.** From May 4, 2021 – W. Muldoon moves to approve minutes; no objection. **Minutes adopted.**

IV. Public Participation on Non-Agenda Items – None**V. New Business –****A. Chair & Liaison Elections**

W. Muldoon moves to elect Chris Mertl as Chair of the PRAC. *Passes unanimously.*

C. Mertl moves to elect Will Muldoon as Co-Chair of the PRAC. *Passes unanimously.*

C. Mertl moves to elect Josh Anderson as 2nd Chair of the PRAC. *Passes unanimously.*

Liaisons: A. Beebe-Giudice, Eaglecrest; W. Muldoon, Aquatics; J. Anderson, YAB; E. Carrillo, JOAAB; C. Mertl, Lands & Park Foundation; K. Duncan, TAAB; R. Crenshaw, Trail Mix

B. Cope Park Easement Application

M. Elfers: In the fall of 2019, there was a landslide that initiated on private property and ended up in Cope Park near the sledding hill. The property owner has been working with our Risk Dept. on how to move forward with stabilizing that slope. There is an easement request the property owner worked on with staff that would allow them to do stabilization work on their property and some CBJ property as needed. Parks & Recreation created a Memorandum of Understanding (MOU) for the work, which has been reviewed by Law and the property owner. This MOU includes site access during construction, consideration for public safety and specific conditions of the park once work is complete. Staff sees the benefit to the public and the department because it will stabilize the slope and prevent future slides into the park.

W. Muldoon: Would CBJ and the property owner split the cost for this work?

M. Elfers: No, the cost is the responsibility of the property.

E. Hayes: It sounds like Parks & Rec is intending to do subsequent authorizations, are you going to be issuing future MOU's? I would recommend adding something about future coordination with CBJ regarding work into the existing MOU.

M. Elfers: This easement allows for additional work later. The MOU was specifically

written for work that is going to happen this summer if approved. If in two years the owners comes back and needs maintenance work, we would work with them.

Helen Clough (Property Owner): We appreciate your approval. The slope is at great risk right now, if we do not move forward with this project. Thank you for your time.

E. Hayes: I move the PRAC recommend that the Assembly approve the request by Helen & Albert Clough to acquire an easement within Cope Park.

Motion passes unanimously.

C. Auke Bay Beach Access Easement Application

G. Schaaf: Peak Construction has submitted an application for a permanent easement to construct a driveway on a Beach Access parcel in Auke Bay. We did receive some additional information from the applicant today a couple minutes before close of business. This was emailed out to you all. The information we received from the applicant today states a new purpose and need for the project, which is different from what their original application contained. From staffs perspective, this doesn't change our recommendation that this is not in the best interest for the public and is not consistent with the Parks & Rec Master Plan.

W. Muldoon: I am concerned about the public beach access piece of this request.

M. Schaaf: The information we received from the applicant did not really address public access to the shoreline, which is the chief concern of ours. This parcel was dedicated by the Assembly 30 years ago to maintain public access to the shoreline. The impact of granting a permanent easement that covers the entire road frontage of this parcel is not explored in their proposal. As our community develops in the future, these type of beach access points for the public will be more important and we will be seeing these access points developed more fully in the future.

R. Crenshaw: I wouldn't mind this request being delayed until the property owners can show that the public parking and access would not be diminished from what it is now.

A. Beebe-Giudice: Mr. Schaaf you mentioned that in the future this area might be improved to enhance the existing informal access that this parcel provides to the beach. Could you give more details on improvements, what that would look like and when would these happen?

G. Schaaf: The Department does not have a definitive timeline on when improvements to this particular parcel would happen. I do know that this is not currently in our Capital Improvement Plan, which has a five-year horizon.

A. Beebe-Giudice: At what point does public comment come into play here since this would drastically change the area.

G. Schaaf: This is an opportunity for public comment here at the PRAC. This easement proposal will go to the Lands Committee and then to the Assembly. The Department could go out to seek public comment as well.

W. Muldoon: Can there be an explanation about a land disposal versus a permanent easement? A driveway seems like a permanent fixture in my mind.

Dan Bleidorn: Easements are covered under the disposal code. The difference between a sale and an easement would be a full on sale would go to the Assembly by ordinance and an easement would be passed through by a resolution at the Assembly level.

C. Mertl: Maintaining beach access is a high priority and we should avoid disposal because they are a high value to the community. I do not support this because we are

taking away a public parking area that provides access. Is there a way to work with the applicant to create some sort of parking pad on the waterside of the driveway and a set of stairs that actually gives public access to the water?

Dan Bleidorn: The board could put in conditions on this easement stating that they would be in favor with certain conditions such as providing parking and making access more accessible.

Jim Parise (Applicant): Thank you for letting me speak. I wanted to clarify that the parking pad in the pictures provided is actually private property and the CBJ land is currently blocked by a retaining wall. There really is not any access except steep dangerous terrain. In addition, within 300 yards in either direction there is other public access or parking. This is our dream home because we are moving onto the water and the reason we picked this spot is the revitalization plan for Auke Bay. Our improvements would create beach access for this area since there currently really is not any access.

W. Muldoon: Do you think it is feasible or unfeasible to look more towards leasing versus an easement?

Jim Parise: An easement is better because then we do not have to worry every five years whether or not we're going to get our lease renewed.

E. Hayes: You had noted this easement, if constructed, would actually provide more access to the waterfront property but that is not clear in your drawings.

Jim Parise: What we would be doing is improving the land to get to my land so that anybody can walk across it. Would not be enough room to have public parking though.

A. Beebe-Giudice: Can we get clarification on the existing garage? The easement request is for a driveway, is this the only solution for the parking problem on your property is this easement? What about demoing the current garage and creating something that works for you there not on parkland?

Jim Parise: This is what we have come up with so far since our desire is to drive up to the house and not have to access it by stairs, especially as we age.

C. Mertl: I would like to see if the Department can find common ground and see if this is something the Department wants to pursue.

G. Schaaf: Staff had very little time to work on this and have already absorbed a significant amount of staff time reviewing the limited information we had.

K. Duncan: We should not rush into anything. The applicant needs to address all the concerns they heard tonight, present it to staff, refine the proposal, and then bring it back to PRAC.

R. Crenshaw: I support what Mr. Duncan suggested. We take no action on this tonight and refer to the applicant and staff to bring back a more definitive proposal.

D. Memorial Bench Policy

M. Elfers: This policy has been more-or-less in effect for many, many years since we get a lot of request for memorial benches. We see this policy as having a public benefit for people who would like to learn how to recognize and remember a person, which also provides a very nice public value in areas where we might not have resources to install a bench. The individual is required to pay all the costs of purchasing, shipping and installing the bench.

W. Muldoon: I move the PRAC recommend that the Department adopt Policy No. 700-

001 Memorial Benches.

Motion passes unanimously.

E. Juneau Capitol Fund Grant

M. Elfers: The Department has been working towards a Capital School Park reconstruction project for many years. Work includes major repairs to the retaining wall, old play equipment, drainage issues, accessibility issues and more. We have been building funding through sales tax and temporary sales tax and most recently, voters passed bond funding last fall. The park is situated within the capital complex where the Juneau Park Foundation (JPF) recognized that Capital School Park is an important facility within the capitol and serves legislative staff. The JPF approached the Juneau Community Foundation (JCF) about their Juneau Capitol Fund to request a consideration of funding towards the park and some improvements including lighting, turfed area, etc. that would not have been able to afford under the sales tax and bond funding. The Juneau Capitol Fund committee has approved up to \$550,000 donation, which is based on engineer’s estimates for the project. The next step is for the PRAC to recommend the appropriation of these funds.

W. Muldoon: I’m wondering why we’re prioritizing safety lighting for this park when we didn’t prioritize it in other parks?

M. Elfers: This additional funding is available for Capital School Park since it is linked to the Capitol Fund. Originally, we had not prioritized lighting with the funding we had but with this opportunity for additional funding through the grant we can get lighting which will help with any bad/criminal behavior in the area.

R. Crenshaw: I would like to endorse this plan it is fabulous. Do you have any plans for the cottonwood tree?

M. Elfers: Yes, we know this is a loved tree but it will be removed as part of the project since it has grown up against the retaining wall that has to be replaced.

C. Mertl: Is there an expectation for an increase in construction costs due to COVID? I’m hoping the \$500K from the JCF doesn’t have to be used for the high construction costs now but actually goes towards the improvement discussed tonight.

M. Elfers: Escalating construction costs are a concern and we will have to see what the bids are. Engineering’s estimates are not intended to be the minimum, they’re intended to be a little high so we’re not surprised when higher bids come in.

W. Muldoon: I move the PRAC recommend that the Assembly accept up to \$550,000 from the Juneau Capitol Fund, a fund of the Juneau Community Foundation, and appropriate these funds to the Capital School Park Capital Improvement Project.

Motion passes unanimously.

VI. Unfinished Business – None

VII. Information Items –

A. EVC and Amalga Meadows Update

K. West: From the beginning, ABAK reached out to offer tours out of Kayak Beach and then JIRP reached out to use the lower level of the facility as their headquarters in town. Then most recently, SAIL reached out to open back up the challenge course, which is happening this summer. Trail Mix has been a great partnership, building and updating

our trails, which include the Horse Tram trail, the new trail to the Amalga Cabin and improvements to challenge course trail. It has been so heartwarming for me to see the support of the community, their respect and care that everyone has done to continue celebrating different events, and still abide by the COVID mandates. We had 92 rentals in FY21, which is amazing.

VIII. Committee, Liaison, and Board Member Reports

- A. Chair Report**—None
- B. Liaison to the Assembly Report**— Finished the budget; AGB is receiving full funding for renovation. Passed a fireworks ordinance. Working on clarifying liaison rules.
- C. Liaison Reports**—
 - Aquatics – W. Muldoon: AGB got full funding for renovations to move forward starting in 2022.
 - YAB – J. Anderson: None.
 - Eaglecrest – None.
 - Jensen-Olson Arboretum— E. Carrillo: Working on devils club mitigation.
 - Lands – C. Mertl: Talked about Montana Creek Master Plan and ORV working group.
 - Park Foundation— C. Mertl: None.
 - Treadwell Arena Board – K. Duncan: Presented annual report to HRC.
 - Trail Mix— R. Crenshaw: None.
 - 1% for Art— J. Anderson: None.
- Other Member Business** – None.

Adjournment – 7:40 p.m. Having no other business before the board.

Respectfully submitted by Lauren Verrelli, Recreation & Public Services Manager, 9/28/21

| Timestamp | Should the City & Borough of Juneau grant a permanent easement across a 0.14-acre public Beach Access to allow an adjacent property owner to build a new driveway? | Comments: | First and last name: | Email address: | Residence location: |
|------------------|--|---|---------------------------|------------------------------|---------------------|
| 2021/08/18 11:47 | Yes | | Arthur Drown | arthur.drown@juneau.org | Douglas |
| 2021/08/18 11:47 | Yes | | Sara Murray | saracrearick@gmail.com | Downtown |
| 2021/08/18 11:55 | Yes | | Jeff Hedges | jthedges76@gmail.com | Douglas |
| 2021/08/18 12:08 | Yes | | Michelle Brown | akga157@gmail.com | Out the road |
| 2021/08/18 12:20 | No | According to Ordinance No. 85-76am, PRESERVING CERTAIN MUNICIPAL LAND FOR THE JUNEAU OPEN SPACE AND PARK SYSTEM, this land was protected so that the general public can access public land, including shorelines, islands, etc. I fear that granting a permanent easement would unlock this possibility for more land owners and slowly remove access to public spaces. The reason many of us choose to live in Juneau is for free, easy, and equitable access to beautiful spaces such as our shorelines. Projects like this make public land access less accessible, even with the addition of the public use path proposed. | Kaitlyn Conway | kaitlynconway0123@gmail.com | Downtown |
| 2021/08/18 1:22 | No | The City should maintain complete and unfettered ownership of all their dedicated park lands for the long term benefit of the public. By granting a PERMANENT easement for a driveway across these park lands, the current Assembly will be severely limiting future options for public use (or development) of this parkland parcel. The proposed driveway location will occupy the parcel's only easily accessible entry point from Glacier Hwy as half the parcel's Hwy frontage is occupied by a ADOT retaining wall and concrete traffic barrier wall. The proposed driveway easement access point between the end of the wall and the NW corner of the parcel corner is the only "flat" area suitable for construction of a dedicated P&R "trailhead", and the only place the city could construct public off-street parking on the parcel's Glacier Hwy frontage. By dedicating the proposed driveway easement CBJ will lose options for future access improvements. | Alan Steffert | Asteffert@gmail.com | Douglas |
| 2021/08/18 3:25 | No | And the reason he can't use his own land is? It looks like he can do it on his own property. Do we not have a street view of this to see why he can't build on his own land? | Melinda Campbell | Mybella_13@msn.com | Lemon Creek |
| 2021/08/18 3:53 | No | Why are they asking for more space when they could keep it all on their already owned property? Seems wrong to be asking for more of this stolen land ðŸ™ˆ | Kaasgiteen Jalynn Gregory | jalylnakins@gmail.com | Auke Bay |
| 2021/08/18 4:11 | Yes | | David Miller | millerdavem@gmail.com | Valley |
| 2021/08/18 4:41 | No | Allowing neighbors to buy the few slices of public access to the beach/water is a slippery slope. I wouldn't have any problem if it wasn't already so limited or if the city was expanding access, but I don't see that happening. I feel for the owner, but this would be a bad precedent. | Kevin Siwicke | kswicke@gmail.com | Lemon Creek |
| 2021/08/18 4:47 | Yes | Let the man do his thang | Rex Paden | jsphpaden21@gmail.com | Auke Bay |
| 2021/08/18 5:45 | No | | AshLee Peterson | Ashleeann1015@hotmail.com | Valley |
| 2021/08/18 5:45 | No | | Josh Campbell | Josh_campbell386@hotmail.com | Valley |
| 2021/08/18 5:51 | Yes | | Karla Bush | kgbush@gmail.com | Douglas |
| 2021/08/18 6:16 | No | | | Jonheifetz@yahoo.com | Douglas |
| 2021/08/18 6:22 | No | This needs to be reserved for public access to the beach. | Marrisa Peterson | Marrisapeterson@yahoo.com | Valley |
| 2021/08/18 6:38 | No | There needs to be parking constructed at the location to accommodate the vehicles of people using this location to access Auke lake. The granting of this access will forever have there be no parking available at this location. There are more and more people using this location and the parking along glacier Hwy is not adequate or safe. | Anonymous Juneau resident | Anonymous Juneau resident | Auke Bay |
| 2021/08/18 7:38 | Yes | There is not enough parking, so it infringes on the bike path and side walk. It will be much safer for the home owners and people driving in from out the road on that busy stretch of highway, especially when the homeowners have to back out into traffic. | Mary Frances Griggs | maryfgriggs@hotmail.com | Auke Bay |
| 2021/08/18 7:47 | No | If this application is granted, I would recommend a requirement to mark the pedestrian footpath as "Public Beach Access" at the highway and at the beach. I've seen multiple cases (in Juneau and elsewhere) where residents of adjacent properties try to obscure, block, or otherwise impede the public from using access easements as intended. This proposed easement would eliminate any reasonable possibility for parking near the beach access. It would be a shame if it turned into one beachfront property owner taking away public access from the majority. | Tom Wilson | Tomtom69@yahoo.com | Auke Bay |
| 2021/08/18 7:47 | No | | Nicolle Garmon | nikkigarmon1@gmail.com | Valley |
| 2021/08/18 7:58 | No | If granted it will set precedence for water front land owners to block public access as has happened in California and Hawaii. Do not go down this road please. | Patricia Jouppi | Pjouppi.art@gmail.com | Valley |
| 2021/08/18 8:15 | No | Public access has great present and future value and should not be given up. As Auke Bay is more densely developed (per the Auke Bay Plan) this access will have even greater value. The trail/easement approach does not serve public purpose in the long-term. | Karla Hart | karlahart@gmail.com | Valley |
| 2021/08/18 8:43 | No | I believe the original protection put in place in 1986 is still a good standard. Public access is critical in Juneau to individuals wanting to recreate. | Sarah Rauchenstein | Skatrauch@gmail.com | Valley |

| | | | | | |
|-------------------|-----|--|----------------------|--------------------------------|--------------|
| 2021/08/18 8:59: | Yes | Safety and value. Plus additional income for the city in a time Of need. Also should increase the value of the property thereby increasing the property tax long term. | Robert Griggs | brucegriggs@hotmail.com | Auke Bay |
| 2021/08/18 9:17: | No | Why would we give up an access point to the beach? | Robert Marville | rmarville@hotmail.com | Valley |
| 2021/08/18 9:59: | Yes | | Erica | ericax235@gmail.com | Valley |
| 2021/08/18 10:03: | No | | Monica Hinson-Wilson | mhinsonwilson@gmail.com | Valley |
| 2021/08/18 10:24: | Yes | | Mari Meiners | Mkdyson@gci.net | Douglas |
| 2021/08/18 10:28: | No | | Randy Host | host_randy@yahoo.com | Lemon Creek |
| 2021/08/18 10:32: | No | | Patricia Lamson | P.lamson@lsw-family.us | Valley |
| 2021/08/18 11:04: | No | This sale would limit future public access, I am opposed because of that reason. Road/driveway needs to be accessible by public, not just footpath. | Monika Kunat | Mkumat@gmail.com | Douglas |
| 2021/08/19 5:46: | No | The plans should not be approved as is. Having access for vehicles to enter the parcel in the future for parking is in the publics best interest for access. An improved plan might include shared access that allows the proposed driveway split to the owners property as well as public vehicular access to the property that could one day be developed to public parking. This would satisfy both needs, albeit with an overall reduced parking lot footprint. | James Marks | J.t.marks0@gmail.com | Auke Bay |
| 2021/08/19 7:15: | Yes | | Greg Anderson | Gregorama99@hotmail.com | Out the road |
| 2021/08/19 10:03: | Yes | | Rachel Kelly | rachelangelinekelly@gmail.com | Valley |
| 2021/08/19 10:22: | No | Deny public beach access for a private driveway? No way! | Jon pond | Jpgkak@gmail.com | Downtown |
| 2021/08/19 10:34: | Yes | As long as public beach access is guaranteed, I see no problem with letting them use a piece of public land to improve their property. The city can benefit from the sale and the public can continue to access that part of Auke Bay. | Morgan Stonecipher | morgan.d.stonecipher@gmail.com | Douglas |
| 2021/08/19 11:11: | No | Since your request for comments gives no reasoning for why the application is made, I cannot support it. Why can't the applicant just install a driveway on their own property? Is that impossible? If so, why? Is the purpose of their application only to save them money? What value are public comments when such fundamental information is omitted? | Wayne Coogan | wdc@cooganalaska.com | Auke Bay |
| 2021/08/19 2:39: | No | | Bobby | Porter | Valley |
| 2021/08/19 2:40: | No | | Ticket Seslar | Seslar@gci.net | Douglas |
| 2021/08/19 5:37: | Yes | There will be better access to beach than currently, and CBJ currently doesn't have funds to do it themselves. | Catherine Sayre | | Downtown |
| 2021/08/20 9:25: | No | Public property is becoming less and less in Juneau. The way the design looks to me, this might give the property owner rights over the access as it would sit on his property. I believe when the access was provided for the public, they were correct in there thinking and it should stay that way. The homeowner already has access to his home and garage and the idea that he needs public property for another access isn't 100% necessary but rather a perk. Please leave it the way it is. | Christopher Wingo | chrisdingo@gmail.com | Douglas |
| 2021/08/21 3:27: | No | It is hard to tell from the drawing if there is a drastic problem with the site that forces someone with significant street frontage to have to grab additional street frontage to make a driveway. The properties on either side of the residence have driveways that go straight from the roadway to the house so what is the reason for this long driveway? The person bought the property knowing the terrain and the constraints of the site so denying the easement should not be an unanticipated and devastating outcome. Granting the easement means the public has to walk up the private driveway to get to the beach access, which is confusing and a barrier to going to that beach access. The location of the proposed public path squashed over to the side farthest from the residence and what looks like a privacy wall makes me wonder if part of the design is to move the public as far from the residence as possible. Lastly, I am having a hard time comparing the drawing in the application to the photo. In the photo it appears that the residence is smaller and further from the street and beach access. Is that an old photo and the house is much larger or is the drawing not to scale giving a false impression of the site? | Carole Bookless | sealettuce-1@yahoo.com | Douglas |
| 2021/08/21 3:40: | No | The owner can do the driveway on their own property. Granting this access will degrade the CBJ parcel to nearly being unusable under normal circumstances. I agree with P&R that access to the parcel will be severely limited. Please do not grant this request. | Jim Preston | jim.preston49@gmail.com | Auke Bay |
| 2021/08/21 6:16: | No | Put the land up for Auction. | Marciano Duran | mduran@acsalaska.net | Valley |
| 2021/08/21 6:52: | Yes | | Linda Blefgen | lindablefgen@gmail.com | Auke Bay |
| 2021/08/21 6:54: | Yes | I approve of this, but would recommend that this not set a precedent for future applicants. | Scott McPherson | Dsmac@ak.net | Auke Bay |
| 2021/08/21 7:12: | No | It appears that the applicants already have a driveway with a garage so I don't see any need to acquire CBJ land that offers tideland access for Juneau and it's residence. This CBJ property presently provides tideland access and may provide additional valuable needs in the future for the residence of Juneau. | Larry Holland | elsaholl79@hotmail.com | Auke Bay |
| 2021/08/23 2:06: | Yes | Grant permission ,steep lot not good for access. Get that lot on the tax rolls. Path will still provide access. | George Fisher | glmfisher@gmail.com | Auke Bay |
| 2021/08/23 8:08: | No | Why 16&C™ not 8 for just driveway. Concerned future commercial development with increased tourism and cruise ships currently occurring in Auke Bay | Gale Good | galegood3@gmail.com | Auke Bay |
| 2021/08/23 2:46: | Yes | | Mitch Falk | bullwinkies1@gci.net | Auke Bay |

| | | | | | |
|-------------------|-----|--|-------------------------|------------------------------|--------------|
| 2021/08/24 8:18: | Yes | This is a win/win for everyone. The city gives up a tiny bit of land and gets a path to the beach that would probably never be built with city funding. I live in Auke Bay and these kind of improvements need to be made. I do not know the family, but why deny them the ability to use their own property? | Kathleen Samalon | ksamalon@yahoo.com | Auke Bay |
| 2021/08/24 11:21: | No | | Kimberly Klein | kimberly.klein@wsialaska.com | Valley |
| 2021/08/25 9:38: | Yes | | George Reifenstein | reifentak@cloud.com | Auke Bay |
| 2021/08/25 11:50: | Yes | I would like to know where would parking be for individuals that would use the foot path? | Ashley Aemmer | aemmerad@gmail.com | Auke Bay |
| 2021/08/25 3:00: | No | | rebecca charles | beccy01@tbom.com | Auke Bay |
| 2021/08/25 3:39: | No | I am opposed to decreasing public beach access that has been preserved since 1986. This private driveway does not conserve, or protect natural resources utilized by the public within the jurisdiction of the CBJ. I am opposed to the granting of a permanent easement across 0.14 acre of public beach access to allow an adjacent property owner to build a new driveway. | Jerry Medina | akpescador@gci.net | Auke Bay |
| 2021/08/25 5:58: | Yes | CBJ should sell them the entire parcel. Nobody ever uses it for beach access and it has no other potential use. | Craig Loken | craigloken@ak.net | Auke Bay |
| 2021/08/25 7:49: | Yes | | Therese Elliott-Harvey | pensalaska@gmail.com | Auke Bay |
| 2021/08/26 2:58: | Yes | | PEGGY CHANDLER | chandlerpeggy@aol.com | Auke Bay |
| 2021/08/26 8:48: | No | Public access is prized especially to waterfront locations. As Auke Bay (my neighborhood) expands, this access becomes more important than ever. Please preserve it for everyone. | Laurie Craig | Lauriecraig@gmail.com | Auke Bay |
| 2021/08/26 9:20: | Yes | This seems like a reasonable accommodation to benefit the property owner that should not adversely impact the city's land. This is land the city hasn't done anything with and it seems like the state's recent improvements to Glacier Highway in that spot may have adversely impacted the property owner's existing garage. | Kevin | kevinhenderson56@gmail.com | Auke Bay |
| 2021/08/26 2:27: | No | The likelihood that CBJ will actually develop this access is extremely low. For this reason the CBJ should instead sell the entire parcel or portions thereof to either of the adjacent landowners rather than granting an easement to just one of the adjacent landowners that will diminish the value of the whole parcel. Let the landowner who wants the easement buy the road side portion where they have requested an easement. That sale should be contingent on the concurrent sale of the remaining beachside portion to one of the two adjacent landowners. Not only will this bring in immediate revenue, it will put the entire parcel back on the property tax roles. Thanks for the opportunity to comment. | Tom Williams | tcw-ak@gci.net | Auke Bay |
| 2021/08/26 10:04: | No | Public Access to the beach is highly valued and in very limited supply. The adjacent property owner should use their own land to access their property and not take away public beach access with a driveway on public land. This public beach access may be improved in the future with parking and better public access. The adjacent owner's driveway would impede this. | Theresa Svancara | tjsvancara@hotmail.com | Auke Bay |
| 2021/08/27 11:07: | Yes | I live in Auke Bay and am the neighbor of the property owner. This states that in 1986 Parks & Rec set aside this space to allow access. However, there currently is no access to the beach via the CBJ property. The city hasn't developed this land to allow public access for 35 years and I don't expect they will fund this project in the foreseeable future. The proposed driveway would not impeded anyone from accessing the beach (as there is no current access point). With the owners proposal to add a foot path a footpath to improve access, this seems to be a win-win for the owner and the community. | Adam Dordea | Adamdordea@gmail.com | Auke Bay |
| 2021/08/27 1:01: | Yes | | Steve Strickler | drstrickler@gmail.com | Auke Bay |
| 2021/08/27 1:36: | No | Why give away free land to land owners? It doesn't make any sense | Abby | Bowman | Douglas |
| | No | | Zoe | Bollingz@gmail.com | Valley |
| 2021/08/28 1:58: | No | Because this easement would block future public access to the waterfront and property owners already have highway access on their own property. | Dan Palicka | danpalicka@hotmail.com | Out the road |
| 2021/08/28 9:29: | Yes | | Eric W. Cole | ericw.cole@hotmail.com | Douglas |
| 2021/08/29 9:19: | No | Public access should be increased not sold off to private ownership, | Mike and Astrid Bethers | mikebethers@gmail.com | Out the road |
| 2021/08/29 11:58: | No | The homeowners have sufficient land to have a driveway developed on their property rather than buying some of the set aside land. This sale/easement would limit what could happen with this public property in future. The proposed path is insufficient. They have to pay like the rest of us to have a driveway on their property. | Nicole whitesides | Netheridge1978@gmail.com | Valley |
| 2021/08/29 6:40: | No | I am opposed to the granting of this easement because the proposed 5' wide access would limit public parking and maintenance access in the future. | Alice Taff | alictaff@gmail.com | Auke Bay |
| 2021/08/30 9:31: | No | The Assembly in 1986 decided to preserved this property for the enjoyment of public beach access in Auke Bay. As described by this announcement, the message is clear. We should all respect the current distribution of lands. | Schery Umanzor | scheryur@gmail.com | Auke Bay |
| 2021/08/30 12:30: | No | I think the city should retain waterfront for public use. Its not apparent from either shore or road that this area is for public access because it is not brushed or marked. I driveway would further discourage access. I think CBJ should do some grooming and brushwork and add signage so that people could enjoy this area of the waterfront. It would be great for shore fishing or small craft launch. | Frances Schrup | Francieland@hotmail.com | Auke Bay |
| 2021/08/30 1:12: | Yes | | Kris | tona | Douglas |
| 2021/08/30 3:47: | Yes | | Stephen Drake | drakeslanding@gci.net | Auke Bay |

| | | | | | |
|-------------------|-----|---|---------------|-------------------------|----------|
| 2021/08/31 8:34: | No | CBJ should maintain the current preservation of this land as public beach access to Auke Bay and not allow a permanent easement through this tract for private use ingress/egress. Public accesses are very limited in Auke Bay and once a permanent easement is granted this public access will no longer be available for use with exception of a 5' wide path that overlaps with the requested permanent ingress/egress easement. The granting of a permanent easement for the benefit a of residential driveway is not in the best interests of the community of Juneau as future plans for using this dedicated historic public beach access for public parking or other waterfront land uses would be lost. | Mark Pusich | markpusich@pdceng.com | Auke Bay |
| 2021/08/31 10:48: | Yes | I am hoping that the path actually leads to some usable beach for the public. | Ron flint | Ron@nuggetoutfitter.com | Auke Bay |
| 2021/09/01 9:23: | No | | Micki Minsch | mickiminsch@gmail.com | Auke Bay |
| 2021/09/01 12:44: | No | Granting a permanent easement is essentially giving away very valuable public access in Auke Bay. There is very little public access and the community would benefit from greater public access. People are often coming into our private driveways looking for beach access. If the City were to grant this permanent easement it would limit options for creating good access for the public. It is not in the public's best interest to tie up valuable public access in an area where there is such limited access already, for the benefit of one property owner. Also, I think the lot is zoned commercial which means that even if the intent is to use for private use now, it could be used commercially for benefit of paying customers instead of the general public. So those who didn't have the means would be limited. | Karen Forrest | kforrest@gci.net | Auke Bay |
| 2021/09/01 1:24: | Yes | Howdy! While at first glance it looks like this should be denied, when one actually goes to the site and looks at the requestor's lot and situation this should be approved as proposed. Additionally, it should be noted that CBJ Lands and Resources parcel (Tax ID 4B2801020130) would be better suited to general public access than this parcel (TAX ID 4B2801020070). Rob Roys 315 W 11th | | Robroys@gmail.com | Downtown |
| 2021/09/01 3:52: | No | I am opposed to granting a permanent easement for this purpose. I'm concerned that by giving this easement, it would prevent any future development of the area by CBJ. For example, there would be no place to put a parking spot. Rather than passing public land over to private individuals, I would encourage CBJ to consider marking public right of ways better, and perhaps making a map of public right of ways available online. People are hesitant to go clambering around without a well identified right of away. | Brita Bishop | britab@ak.net | Valley |

**MEMORANDUM OF AGREEMENT
BETWEEN OWNER AND
THE CITY AND BOROUGH OF JUNEAU**

PARTIES

This Memorandum of Agreement (“MOA”) is between Jim Parise, property owner at 12005 Glacier Highway Lot 5A, USS 2909, Juneau, Alaska 99801 (“Property owner”) and the City and Borough of Juneau (“CBJ”).

PURPOSE

Property owner requires access to CBJ Property, specifically portions of Park managed property, USS 2909 FS ROW, for the purpose of constructing a temporary access to their property for improvement to their home.

MEMORANDUM OF AGREEMENT

Property Owner agrees as follows:

1. Property Owner will primarily control the work. Property owner is not considered to be an agent or employee of the CBJ for any purpose, and any contractors retained to perform the work on behalf of property owner are not entitled to any benefits that CBJ provides for CBJ employees. Property Owner is not a contractor of the CBJ and nothing in this agreement shall be construed as creating a contractual relationship regarding the temporary access construction.
2. The work is shown on the attached Site Plan dated 3/31/21. No additional work on Park property will be allowed unless permission is granted in writing by CBJ.
3. All work associated with the temporary access construction will be carried out in a professional and prudent manner by licensed and bonded contractors.
4. Property Owner is solely responsible to obtain all federal, state, or local permits required to perform the scope of work subject to this MOA.
5. Property Owner or their designee shall communicate with the Parks and Landscape Maintenance supervisor and provide updates on the project upon request.
6. Provide a project timeline and any updates to that timeline to the CBJ’s designee. Property Owner will provide notice to the CBJ no less than 48 hours before commencing work.
7. Property Owner acknowledges and agrees that the CBJ Property is a park open to public use and it is of critical importance that the scope of work be completed in a timely and safe manner. Property Owner represents they have sufficient resources to complete the scope of work prior to commencing construction.
8. Property Owner shall manage construction traffic and public access safely and install fencing as needed to prevent public from accessing the construction area if it is not safe for pedestrian use. Pedestrian access from the road through the park property must be maintained at all times.
9. Property Owner or their contractors may not use other areas of the park outside of the temporary access project area for storage of materials or equipment with the exception of soil material removed from the park property. Soil may be stored on park property

during construction if it is to be used for revegetation. If invasive plants are found in the material, all the organic material shall be removed and disposed of and new imported soil free of invasive plant material shall be used for revegetation.

- 10. Property Owner will remove all material placed as part of the temporary access construction at the conclusion of the project. Property Owner will revegetate the slope and all disturbed construction areas subject to the scope of work with topsoil and native vegetation including grass. The grass seed mix shall be 50-75% Red Fescue, 25-45% Deschampsia cespitosa and 5% annual rye. Other types of native plants shall be approved by CBJ. A thick, healthy mat of grass with 80% coverage is required by September 1, 2022. If this coverage is not obtained, Property owner will be required to revegetate and obtain this standard in the following season.
- 11. Property Owner will install appropriate BMP's during construction to manage stormwater and prevent drainage or sediment accumulation from entering the park area.
- 12. Project work may begin as soon as this agreement is signed and 48 hours notice is given to CBJ. Project work and site restoration including seeding shall be complete by June 1, 2022. Plant establishment shall be complete by September 1, 2022

The CBJ agrees as follows:

- 13. The CBJ will maintain communication with Property Owner in a timely and reasonable manner regarding this MOA and scope of work.

Additionally, the Parties agree as follows:

Property Rights: This MOA does not create any new or additional property rights for Property Owner. This MOA does not create an easement for Property Owner.

Notices: The CBJ's primary representative for this agreement shall be the Parks and Landscape Supervisor. The Deputy Director of Parks and Recreation shall be an alternate representative. The Property Owner's primary representative for this agreement shall be Jim Parise. Any reliance on a communication with a person other than that listed below is at the party's own risk.

- 1. The contact for the CBJ is: Colby Shibley, Parks and Landscape Supervisor, (907) 364-2800, Colby.Shibley@juneau.org. The alternate contact is Michele Elfers, Deputy Director of Parks and Recreation, (907)364-2390, Michele.Elfers@juneau.org.
- 2. The contact for OWNER is: Jim Parise, parisejim@gmail.com, 907-209-4975. The alternate contact during construction is Seth Cayce, seth@peakconstruction-inc.com, 907-321-7792.

Termination: The CBJ may, by prior written notice, terminate this MOA, in whole or in part, if it deems the Property Owner are in material breach of the MOA or if the scope of work is performed in a manner that creates an unreasonable hazard.

Property Owner Insurance Requirements: Property Owner, or any contractor Property Owner retains for the scope of work contemplated for this project or for ongoing maintenance of the project area, shall maintain the following insurance coverage:

1. **Commercial General Liability Insurance.** Commercial General Liability Insurance in an amount it deems reasonably sufficient to cover any suit that may be brought against the Contractor. This amount must be at least \$1,000,000 per occurrence, and \$2,000,000 aggregate. **This insurance policy is to contain, or be endorsed to contain, additional insured status for the CBJ, its officers, officials, employees, and volunteers.**

2. **Workers Compensation Insurance.** If required by Alaska Statute (*see* Alaska Statute 23.30), Property Owner shall ensure that any Contractor must maintain Workers Compensation Insurance to protect the Contractor from any claims or damages for any bodily or personal injury or death which may arise from services performed under this contract. This requirement applies to the Contractor's firm, the Contractor's subcontractors and assignees, and anyone directly or indirectly employed to perform work under this contract. The Contractor must notify the City as well as the State Division of Workers Compensation immediately when changes in the Contractor's business operation affect the Contractor's insurance status. Statutory limits apply to Workers Compensation Insurance. The policy must include employer's liability coverage of \$100,000 per injury and illness, and \$500,000 policy limits. **If the Contractor is exempt from Alaska Statutory Requirements, the Contractor must provide written confirmation of this status in order for the CBJ to waive this requirement.**

3. **Comprehensive Automobile Liability Insurance.** The coverage shall include all owned, hired, and non-owned vehicles \$1,000,000 combined single limit coverage.

Indemnification: Property Owner agrees to defend, indemnify, and hold harmless CBJ, its employees, volunteers, consultants, and insurers, with respect to any action, claim, or lawsuit arising out of or related to the Property Owner's performance of the scope of work subject to this MOA, without limitation as to the amount of fees, and without limitation as to any damages, cost or expense resulting from settlement, judgment, or verdict, and includes the award of any attorneys' fees even if in excess of Alaska Civil Rule 82. This indemnification agreement applies to the fullest extent permitted by law and is in full force and effect whenever and wherever any action, claim, or lawsuit is initiated, filed, or otherwise brought against CBJ relating to this MOA. The obligations of OWNER arise immediately upon actual or constructive notice of any action, claim, or lawsuit. CBJ shall notify OWNER in a timely manner of the need for indemnification, but such notice is not a condition precedent to OWNER's obligations and is waived where OWNER has actual notice.

Choice of Law: The Superior Court for the State of Alaska, First Judicial District at Juneau, Alaska shall be the exclusive jurisdiction for any action of any kind and any nature arising out of or related to this MOA. Venue for trial in any action shall be in Juneau, Alaska. The laws of the State of Alaska shall govern the rights and obligations of the parties.

Severability: If a court of competent jurisdiction renders any part of this MOA invalid or unenforceable, that part will be severed and the remainder of this MOA will continue in full force and effect.

Waiver: Failure or delay by the CBJ to exercise a right or power under this MOA will not be a waiver of the right or power. For a waiver of a right or power to be effective, it must be in a writing signed by the CBJ. An effective waiver of a right or power will not be construed as either a future or continuing waiver of that same right or power, or the waiver of any other right or power.

Agreement. All parties mutually agree to the terms of this MOA.

This Memorandum of Agreement is entered into as of the date signed by the Director of Parks and Recreation below.

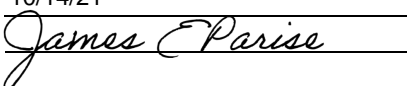
CBJ, Parks & Recreation:

Date: 10/14/2021

By: 
George Schaaf, Director

Property Owner:

Date: 10/14/21

By: 
James E. Parise

NOTES:

- 1) ALL DEVELOPMENT ACTIVITIES SHALL COMPLY WITH CBJ MANUAL OF STORMWATER BEST MANAGEMENT PRACTICES - AUGUST 2010
- 2) APPROXIMATELY 700 CY OF ROCKFILL ARE TO BE IMPORTED TO SITE FOR USE AS BUILDING PAD ROCKFILL, ASSUMING LESS THAN 12 INCHES OF REJECTED OVERBURDEN.
- 3) ELECTRICAL UTILITIES NOT SHOWN, CONTRACTOR SHALL CALL 907-586-1333 FOR EXISTING UTILITY LOCATES PRIOR TO STARTING ANY WORK WITHIN THE PUBLIC ROW/.
- 4) ALL DISTURBED GROUND SHALL BE STABILIZED WITH TOPSOIL AND SEEDING PER CBJ STDS 2709 & 2710 AT THE CONCLUSION OF PROJECT
- 5) WATER AND SEWER SERVICES NOT LOCATED PRIOR TO SITE SURVEY AND ARE NOT SHOWN ON THIS GRADING PLAN. DO NOT DISTURB EXISTING WATER AND SEWER SERVICE TO EXISTING RESIDENCE, CALL CBJ AT ~~907-780-6808~~ FOR UTILITY LOCATES PRIOR TO BEGINNING SITE WORK.

586-1333

SEE DRIVEWAY CENTERLINE PROFILE

INSTALL CURB CUT PER CBJ STD 105

Need to follow ADOT Driveway Permit Requirements

GLACIER HIGHWAY

35 LF 12" CPP CULVERT
INLET INVERT =42.0', 5% SLOPE

PARKING PAD, EL=43.40'
CAP W/ 4" D-1 AGGREGATE

EXISTING GARAGE ON PILINGS

SLOPE DRIVEWAY AND PARKING PAD TO DRAIN TO NORTH AND DIRECT FLOW TO 12" CPP CULVERT, (TYP)

FS ROW
USS 2909

SIDE SLOPES AT 2H:1V

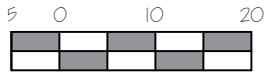
EXISTING RESIDENCE
FINISH FLOOR EL=35.03

ECOLOGY BLOCK
RETAINING WALL

LOT 5A
USS 2909

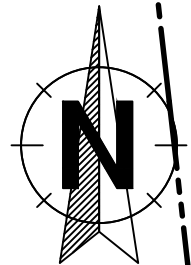
LOT 4
USS 2909

DRAINAGE SWALE FROM CULVERT
OUTLET TO MEAN HIGH WATER. SEE DRAINAGE SWALE TYPICAL DETAIL



SCALE: 1" = 20'
SCALE BASED ON LETTER SIZE PLOT

- - - - - EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- NEW MAJOR CONTOUR
- NEW MINOR CONTOUR



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(503) 866-5579

Grading Plan

Lot 5 A, USS 2909
12005 Glacier Highway
Juneau, AK 99801

Site Plan

DRAWN:
3/31/2021
SHEET
1/ 506



PARKS & RECREATION ADVISORY COMM
MEETING AGENDA
TUESDAY, APRIL 5, 2022
5:30 P.M.
ZOOM WEBINAR

Section J, Item 3.

This meeting will take place virtually via **Zoom Webinar**. To join the Zoom Webinar, go to <https://juneau.zoom.us/j/94184441385> or call: 1 253-215-8782. **Webinar ID: 941 8444 1385**. Members of the public wishing to provide public comment during the meeting can do so by clicking the “Raise Hand” button (online Zoom Webinar) or press *9 (telephone).

| Agenda Item | Presenter | Action Requested |
|--|---|--|
| I. Call to Order | C. Mertl | |
| II. Approval of Agenda Agenda Changes | C. Mertl | <i>If no changes:</i> Motion to approve |
| III. Approval of Minutes | | |
| IV. Public Participation on Non-Agenda Items | C. Mertl | |
| V. New Business Urban & Community Forestry Program Kaxdigoowu Trail Rehabilitation Auke Lake Temporary Closure 35 Mile ORV Riding Park | Liz Graham AK-DOT&PF G. Schaaf M. Elfers | None None Recommendation Recommendation |
| VI. Unfinished Business Disposal of Park Land (Parcel No. 4B2801020070) | G. Schaaf | Recommendation |
| VII. Staff Reports | | |
| VIII. Committee, Liaison, and Board Member Reports Chair Report Liaison to the Assembly Board Member Liaisons Other Board Member Business | C. Mertl Alicia Hughes-Skandijs Liaisons All | |
| IX. Adjournment | C. Mertl | |

Attachment N - 2022-04-05 PRAC Agenda

Auke Lake is a navigable lake that is regulated by both the State of Alaska and CBJ. The Alaska Dept. of Natural Resources has reviewed the closure and provided a Letter of No Objection.

SUGGESTED MOTION:

The Parks & Recreation Advisory Committee recommends that the Assembly adopt the ordinance temporarily closing Auke Lake during the IRONMAN Alaska triathlon.

D. 35-Mile ORV Riding Park – Presented by M. Elfers [Page 14]

The Parks and Recreation Department has been working with an informal group of off road vehicle enthusiasts to plan for riding opportunities in Juneau since 2019. Using past CBJ studies and evaluations of various sites around the community, the group has identified the 35 mile CBJ property as a potential location for a riding park. An initial concept layout has been developed for the riding park and includes a secure entry with a kids training area, a loop trail, mud bog area, and cross country area. Staff is in initial talks with the Juneau Off-Road Association (JORA) to take the lead as the community non-profit organization on the planning of the park.

SUGGESTED MOTION:

The Parks and Recreation Advisory Committee recommends that the Assembly support the manager to negotiate an agreement with JORA to permit, design, construct, operate and maintain an off road vehicle riding park at 35 mile.

UNFINISHED BUSINESS

A. Disposal of Park Land – Requested by CBJ Lands & Resources [Page 15-21]

James Parise previously applied for an easement to construct a driveway across CBJ land dedicated as a Natural Area Park in Auke Bay (Parcel No. 4B2801020070). For a number of reasons, the Departments of Law and Community Development determined that it is not possible to grant an easement. To accommodate Mr. Parise’s renovation project, the Parks & Recreation Department provided Mr. Parise with a Memorandum of Agreement allowing temporary access across the park to facilitate a home renovation project. Mr. Parise has now applied to purchase the entire CBJ parcel; this application is included in the packet for tonight’s meeting.

According to the Juneau Comprehensive Plan, it is the policy of CBJ to “hold lands in the public trust, and to dispose of certain lands for private use when disposal serves the public interest” (Policy No. 17.2). The Plan goes on to state:

“To the greatest extent practicable, retain shoreline and riparian lands in public ownership. However, where disposal of such lands is deemed by the Assembly to be appropriate, ensure the provision of public access to the shoreline and water including provision of adequate trail head or boat launch areas, and retention of a public access easement along beaches” (Development Guideline 17.2 – DG1).

This parcel holds significant value because it provides public access to Auke Bay. While the Department has no plans or funding to develop this access in the immediate future, this access will become more important in the future as Auke Bay continues to grow. The Department also appreciates the applicant’s desire to improve access to their private property. Given the unique

circumstances of this particular situation, the Department does not oppose disposing of the parcel if public access to the water is maintained through a permanent easement that runs with the land. I also recommend that, if the park is sold, any proceeds deposited in the Lands Fund be used to acquire additional park land in the future.

SUGGESTED MOTION:

The Parks & Recreation Advisory Committee recommends that the Assembly dispose of the Beach Access parcel adjacent to 12005 Glacier Hwy. (Parcel No. 4B2801020070), provided that CBJ retain a permanent easement across the property to maintain public access to Auke Bay.

The Committee also recommends that any proceeds from the sale of the property to acquire park land in the future.

STAFF REPORTS

None.

**ASSEMBLY STANDING COMMITTEE
LANDS, HOUSING & ECONOMIC DEVELOPMENT COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

April 11, 2022, 5:00 PM.

Assembly Chambers & Zoom Webinar

5:00pm: Assembly Lands Housing and Economic Development Committee

<https://juneau.zoom.us/j/94215342992> or 1-253-215-8782 Webinar ID: 942 1534 2992

AGENDA

I. CALL TO ORDER

II. LAND ACKNOWLEDGEMENT

III. ROLL CALL

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES

A. March 07, 2022 Draft Minutes

VI. AGENDA TOPICS

A. Parise Request to Purchase City Property

B. Ordinance 2022-23 An Ordinance Temporarily Closing Auke Lake for the 2022 IRONMAN Alaska Triathlon and Providing a Penalty.

Juneau is set to host the first IRONMAN Alaska triathlon on August 7, 2022, with 1,500 race participants. The race's swimming course consists of a 2.4-mile loop around Auke Lake, which is normally open to motorized vessels each day during the summer and other public uses. This ordinance would temporarily close Auke Lake to motorized vessels and other public uses on August 6-7, 2022 to minimize user conflicts related to the race.

C. 35 Mile ORV Riding Park

D. Draft Travel Juneau MOA for Lands, Housing, and Economic Development Committee Review

VII.COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

VIIISTANDING COMMITTEE TOPIC

A. 2022 LHED Committee Goals

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Michelle Hale, Chair of the Assembly Lands Housing and Economic Development Committee

FROM: Dan Bleidorn, Lands and Resources Manager *Daniel Bleidorn*

SUBJECT: Parise Request to Purchase City Property

DATE: April 8, 2022

The Lands and Resources Division received an application to purchase City Property from James Parise, the owner of 12005 Glacier Highway who recently purchased the property in its current condition. The City property is managed by the Parks Department, and the 2016 Land Management Plan states that this property is to be retained for public access to the shoreline and as a stream corridor. The property is 0.14 acres with road frontage on Glacier Highway and was granted to the City by the State in 1982. The City has ownership of many similar properties that provide neighborhood access to the shoreline throughout the Borough all of which are designated as "retain". One thing that makes this



property unique is that prior to CBJ ownership the parcel was undeveloped ROW. When the CBJ received ownership, it was not as ROW, but as a land parcel.

In 2021, the City received a request from PEAK Construction for an easement across this property. Parks staff recommended denial of the easement to the Parks and Recreation Advisory Committee (PRAC) stating that this is not in the best interest for the public and is not consistent with the Parks & Rec Master Plan. The PRAC requested that City staff work with the applicant and bring forward a more definitive proposal rather than accept staff's recommendation of denial. Parks, CDD, Lands, and the City Attorney determined that an easement was problematic

for following the Land Use Code, and that a disposal and lot consolidation would be more conforming with Code. As a condition of the sale, the City can plat a public access and utility easement from Glacier Highway to the shoreline in order to retain public access, thus complying with the Land Management Plan.

The new application was reviewed by the PRAC on April 5, 2022, and they passed a motion, 3 to 2, recommending against the disposal of this property. City code states, "the proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals." If the LHEDC determines to continue to evaluate this property for disposal or easement it may be beneficial to have the CDD weigh in on the proposal to insure that the proposed direction conforms to the Land Use Code.

Staff request that the Lands, Housing and Economic Development Committee forward this to CDD to review the disposal/easement application prior to the LHED providing direction on if to proceed.

Attachments:

1. James and Kelly Parise RE Easement Request through ROW
2. Parise Application
3. City Code 53.09.260 Negotiated sales, leases, and exchanges
4. Ordinance 87-76am An Ordinance Preserving Certain Municipal Land for the Juneau Open Space and Park System.
5. Minutes from the 06-01-21 PRAC meeting

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

April 11, 2022, 5:00 P.M.

- I. CALL TO ORDER**
- II. LAND ACKNOWLEDGEMENT**
- III. ROLL CALL** - Chair Hale called the meeting to order at 5:05 pm.
Members Present: Chair Michelle Hale, Greg Smith, Wade Bryson, Wáahlaal Gíidaak
Members Absent: none
Liaisons Present: Chris Mertl, Parks and Recreation; Mandy Cole, Planning Commission
Liaisons Absent: Lacey Derr, Docks and Harbors
Staff Present: Dan Bleidorn, Lands Manager; Jill Maclean, CDD Director; Michele Elfers, Parks & Recreation Deputy Director; Di Cathcart, Deputy City Clerk
- IV. APPROVAL OF AGENDA** – The agenda was approved as presented.
- V. APPROVAL OF MINUTES** – March 7, 2022 Draft Minutes were approved as presented.
- VI. AGENDA TOPICS**

A. Parise Request to Purchase City Property

Mr. Bleidorn discussed this topic. Mr. Bryson asked if any area of this property is designed to encourage public use. Mr. Bleidorn replied that there is no direct or manicured access to the shoreline. This property was acquired from the State.

Mr. Smith asked if CDD reviewed this before it went to the PRAC and what type of information would we expect from CDD. Mr. Bleidorn replied that the PRAC is the first step and CDD would be involved after initial support to work with the original proposer. Chair Hale noted that we do not have a positive proposal from the PRAC to move this forward, they didn't recommend this proposal and moved that this property was to be retained.

Mr. Mertl commented that he's available as a resource. PRAC spent a fair bit of time talking about this last week and denied it. Back in 2021 Parks and Recreation did send out postcards mailers to the neighborhood and 60 of those that responded said that there should not be an easement granted, this was when the original proposal was for an easement, not for a purchase. The other thing that I want to follow up on is that the department is seeing more applications to purchase parkland and if you look at policy we're supposed to hold lands in public trust and dispose certain lands for private use when disposal serves the public interest. One of the main reasons why we did deny the purchase of the property, keeping in mind that it is part of the larger Auke Bay neighborhood plan, is that there are limited public access points to the waterfront.

Mr. Bryson asked how we can help this citizen correct their driveway problem. Mr. Bleidorn replied that this is a complex question. A few years ago the State DOT worked with the previous owner when they redid the highway. The DOT paid them for the land they needed to fix the property and work on the right-a-way, similar to what they did with the city in Auke Bay. In theory that payment could have gone to correct the driveway access. We're in a situation now where there's some type of non-conforming issue, or a driveway access safety issue, and it is next to vacant city property, which is vacant city open space park property. We want to be careful with the disposal of this property. Since this application has come forward we've heard from the adjacent neighbor because that property just sold and they may be

interesting in trying to acquire part of this property, if the Assembly decides to move forward from it. There's a very similar waterfront access out at Tee Harbor where, if this moves forward, I wouldn't be surprised if we have an application for that as well. When we talk about disposing of property, we should consider the long term effects and the precedent that it could set. I think the answer to your question is I'm not certain that Park property should be the go-to way to resolve driveway accesses from adjacent property owners. That being said, if the Assembly chooses to work with this applicant and dispose of this property, we can go through the process. It's difficult for staff to recommend in favor when the adopted plans recommend against.

Mr. Smith asked that Ms. Maclean speak on the non-confirming issues. Ms. Maclean commented that she's not certain whether it is non-conforming without conducting a non-conforming situation review. Mr. Bleidorn did mention that the previous owner was reimbursed by the DOT, they laid out the improvements that they made to Glacier Highway out there, they would have to meet code and federal highway standards to do so and use the funding that they do to complete that work. I would imagine and trust that that work was done to code. As far as being non-compliant, I can't say, but what I can say is that the access that they have today would most likely be legal, because it existed previously. Where CDD and the land use code runs into trouble is that access for a lot is to be through your frontage, which is what exists today. If they were granted an easement from the other property I don't know that we could legally permit that through the land use code. Right now, with the information I have available it's either to not grant the easement, sell the land, which is against PRAC's recommendation and may not meet the adopted plans, or allow the situation to remain as is, which is the condition in which the current owners purchased the property. I don't see a good way forward with the easement itself. Mr. Smith asked about the backup documents were for an easement and this is now for a disposal and should we consider different things between these two. Ms. Maclean commented that the applicant was wondering if this would be possible and looking at the code for the easement itself I kept running into the roadblock that this needed to be frontage. This initially started as an easement, as that was thought of as the easiest way forward and when that didn't pan out the applicant pivoted to try and purchase the property.

Chair Hale commented to Mr. Bryson's question about what the applicant can do. One question from a PRAC member was why the applicant can't rebuild the garage so that it's a usable garage. Ms. Hale understands that that is a possibility in this situation. Chair Hale did drive by the location and noted that the garage appears to be on pilings because the land is steep, which can be workable toward a solution.

Chair Hale noted there was two options; forward this to CDD to review and come back to the LHED committee or retain the property, which would stop the process. Mr. Bleidorn requested that the committee approach CDD to confirm the proposals meet the land use code.

Planning Commissioner Cole noted that the CBJ comp plan clearly advises against this type of disposal. While still having sympathy for the property owner, this issue is more about the City disposing of lands that don't meet the criteria in the comp plan, which has implications across the community.

Mr. Bryson asked if it would be possible to grant a small easement in the corner of this land if we are not able to dispose of it to allow this individual to make a correction to their driveway. Mr. Bleidorn replied that that is how we got started with this, granting an easement and retaining ownership for its intended purposes and then we started to hit roadblocks on allowing access with adjacent property. If this is the direction we want to go then want to make sure we are following city code.

Wáahlaal Gíidaak commented that she is leaning toward the idea that this would create a dangerous precedence with these requests and asked if the city grant that offers the ability for people to build an apartment would apply in this situation if they did want to rebuild their garage. Ms. Maclean replied that the accessory apartment grant is specifically to create accessory apartment units and it's about \$6,000, which this garage work would exceed that amount. But the grant is just strictly to build an accessory apartment. Wáahlaal Gíidaak followed up and noted her question wasn't for the applicant to use that grant to build a garage but if he wanted to build an apartment on top of a new garage then he could possibly access this grant. Ms. Maclean confirmed.

Mr. Smith comment on the lack of access now, are there plans from the city to provide that access. Mr. Bleidorn replied that no, this is a DOT right-a-way and we are a neighbor to this property. Mr. Smith replied that he understands this has been marked as retained as parkland access to the beach. Mr. Bleidorn confirmed that it is part of the open space city property and is listed as retained in the land management plan for shoreline access, a street border and the city only has a few dozen of them. Mr. Smith asked if there was some way that the city could require a condition on this lot to provide access to the waterfront if this land were to be disposed of and would this be part of CDD review. Mr. Bleidorn replied that if the assembly gives the approval to negotiate the sale of this property then during those negotiations Lands would work with Parks to try and meet their demands for this property to continue to utilize it, which is why an easement would be added to allow access to the shoreline if the property were to be sold. Mr. Smith commented that if the point of this lot is to provide access to the shoreline but there is no shoreline access then the city could potentially work with the property owner and provide shoreline access.

Smith moved that Staff request that the Lands, Housing and Economic Development Committee forward this proposal to CDD to review the disposal/easement application prior to the LHED providing direction on if to proceed.

Wáahlaal Gíidaak objected and spoke to her objection. She felt we are setting a dangerous precedent, we have the recommendation from the PRAC and what this means to continue to shuffle this down the road if the intent is not to pass it and we are just getting people's hopes up that this is something that we would pass and she would like to see this committee stop this now rather than shuffle this along.

Mr. Bryson objected for a comment, he agrees with the comp plan and city staff is required to go by the operating plan, they do not have a choice and must abide by that, whereas the assembly are asked to rule by common sense and sometimes those two things are contradictory. Mr. Smith helped sway his decision by pointing out that we have land that is not in the plans to be used, doesn't have the access it needs, and is not developed. We have a situation where a private individual wants to use this land, add to the tax rolls, and it's the right thing to do to make his driveway safer and the city would maintain the easement on this land. We do follow recommendations and have denied other land requests but in this situation it is the right thing to vote in favor.

Ms. Cole commented that even if CDD determines the legality of this disposal, there may be an adjacent neighbor who would be interested in this land if it were for sale. I imagine the city in consideration of disposing of this land was careful with public interest, if the land was up for grabs there may be additional steps rather than going to the original proposer. Mr. Bleidorn commented that staff has had 2 phone calls about this property, one from the neighbor and about access points out at Tee Harbor.

Mr. Smith commented that he hopes this is something that CDD would consider and made this motion to give CDD a chance to look at this and could it have another public use, such as room for parking.

Mr. Mertl commented that there is limited public access at Auke Bay. This sliver of land is important and part of the Auke Bay neighborhood plan and believes there is long term plans for some sort of a sea walk. With a large majority of Auke Bay being in private ownership these access points are critical even though they are not developed now. Same with a future road easement that we may have into a steep terrain. We have been able to put in roads and offer new housing in some of these locations. If we give up this right then there are some concerns. Another point is that Mr. Mertl spoke with P&R director Schaaf last week after the PRAC denied this and confirmed that disposal of parkland is unusual and was concerned that we need to retain parkland for public interest.

Chair Hale commented that this is not a recommendation from staff, but from PRAC that this property to be retained. Having lived previously on a staircase, this is not a unique situation and there are a lot of steep places in Juneau. We have seen a picture of a car parked in front of the garage but not in it, so there is a garage at this location with the possibility that the car not be parked illegally on the sidewalk.

Motion vote: Mr. Bryon – yes, Wáahlaal Gíidaak – no, Mr. Smith – yes, Chair Hale – no

Motion fails 2:2

Chair Hale noted that the failed motion leads to a question that now we need to know what happens to this situation. Mr. Bleidorn replied that this would be a great question for the city attorney office. We could also ask the committee if they want this back with more information or try for another motion or to keep it how it is now.

Mr. Smith commented that we should hear what the options for a motion would be and we should hear from attorney's office. Chair Hale replied that there are two options for motions, one would be to retain, which would mean that the city would retain the property and any further action would stop; and the other motion could be that we move this on to the assembly. Mr. Bleidorn replied that the motions would be to retain the property, work with the original proposer on the disposal of this property or to solicit additional bids. If requested to work with the original proposer this is the first step in a long process, we next go to CDD and would we put a big, red notice signs along the property. At that point we might come back to LHED after PC review and determine that we want to work with both property owners if the other adjacent neighbor was interested.

Wáahlaal Gíidaak moved retain the property and do not seek disposal.

Motion vote: Wáahlaal Gíidaak – yes, Mr. Bryson – no, Mr. Smith – no, Chair Hale – yes

Motion fails 2:2

Mr. Bleidorn suggested to table this topic and have staff meet with applicant one more time to gather more information for the committee.

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

August 1, 2022 7:00 PM

Assembly Chambers/Zoom Webinar

Meeting No. 2022-18 <https://juneau.zoom.us/j/91515424903> or 1-253-215-8782 Webinar
ID: 915 1542 4903

Submitted By:

Duncan Rorie Watt, City and Borough Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. Special Recognition: First Juneau-Based Ukrainian Refugees

B. Instruction for Public Participation

The public may participate in person or via Zoom webinar. Testimony time will be limited by the Mayor based on the number of participants. **Members of the public that want to provide oral testimony via remote participation must notify the Municipal Clerk prior to 4pm the day of the meeting by calling 907-586-5278.** For in-person participation at the meeting, a sign-up sheet will be made available at the back of the Chambers and advance sign-up is not required. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

V. APPROVAL OF MINUTES

A. June 13, 2022 Regular Assembly Meeting 2022-13 DRAFT Minutes

B. June 14, 2022 Special Assembly Meeting 2022-14 DRAFT Minutes

C. June 15, 2022 Special Assembly Meeting 2022-15 DRAFT Minutes

D. June 27, 2022 Special Assembly Meeting 2022-16 DRAFT Minutes

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Committee of the Whole meeting. This ordinance would appropriate \$25,000 for the Assembly and appointed officials to advocate for this proposition and educate the public of the merits of construction of a new city hall prior to the October election.

Whether or not to authorize the construction of a new city hall is an important long-term decision for the community. In accordance with AS 15.13.145, this ordinance will allow staff to properly and accurately convey information to the public and will allow staff to participate in debates regarding the merits of the proposal.

Absent municipal participation in this important public decision, voters are likely to not have access to the facts or best arguments in favor of the proposal for a new City Hall.

The Systemic Racism Review Committee reviewed this request at the July 12, 2022 meeting and forwarded it to the full Assembly for public hearing.

The City Manager recommends the Assembly adopt this ordinance.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

A. Hardship and Senior Citizen/Disabled Veteran/Non-Profit Late-Filed Real Property Tax Exemption Applications

There are ten property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider each request separately and determine whether the property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

B. Regulation 20 CBJAC 40.520 Class A Endorsement Taxi Rate Change

The Commercial Passenger Vehicle (CPV) regulations provide for Class A endorsement (taxi rates and fees). The proposed regulations provide for an increase in the two discrete rates, the flag drop and the mileage rate. The flag drop rate would increase from \$3.40 to \$4.00 and the mileage rate would increase from \$0.22 per one-tenth mile to \$0.25 per one-twelfth mile. The proposed regulations would also eliminate two discrete additional fees, the \$1.00 Airport to and from fee and \$1.50 Cruise Ship Dock fee. Finally, the proposed regulations would replace the existing language describing the taxi cleaning fee, but would not change this rate.

The Manager recommends the Assembly adopt this regulation.

C. Parise Request to Purchase City Property

D. L3Harris Request to Lease City Property at the JPD Station for Communications Equipment

In June 2022, the City Manager received an application from L3Harris to lease space at the Juneau Police Station located at 6255 Alaway Avenue. The CBJ has a signed MOA with the Federal

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Mayor Beth Weldon and the Juneau Assembly
FROM: Dan Bleidorn, Lands and Resources Manager *Daniel Bleidorn*
SUBJECT: Parise Request to Purchase City Property
DATE: July 25, 2022

In May 2021 the Lands Office received an application to purchase City Property from James Parise, the owner of 12005 Glacier Highway. The City property is managed by the Parks Department and the 2016 Land Management Plan states that this property is to be retained for public access to the shoreline and as a stream corridor. The property is 0.14 acres with road frontage on Glacier Highway and was granted to the City by the State in 1982. In 1985 this property was included in Ordinance 89-76am which preserved certain municipal land for the Juneau open space and park system.

The City has ownership of many similar properties that provide neighborhood access to the shoreline throughout the Borough all of which are designated as "retain" in the Land Management Plan. One thing that makes this property unique is that prior to CBJ ownership the parcel was undeveloped ROW. When the CBJ received ownership, it was not as ROW, but as a land parcel.

In 2021, the City received a request from PEAK Construction for an easement across this property. Parks staff recommended denial of the easement to the Parks and Recreation Advisory Committee (PRAC) stating that this is not in the best interest for the public and is not consistent with the Parks & Rec Master Plan. At the June 6, 2021 meeting the PRAC requested that City staff work with the applicant and bring forward a more definitive proposal rather than accept staff's recommendation of denial.

Parks, CDD, Lands, and the City Attorney 's Office staff determined that an easement was problematic for following the Land Use Code, and that a disposal and lot consolidation would be more conforming with Code. As a condition of the sale, the City can plat a public access and utility easement from Glacier Highway to the shoreline in order to retain public access, thus complying with the Land Management Plan and accomplishing the direction from the PRAC. The new application was reviewed by the PRAC on April 5, 2022, and the PRAC passed a motion, 3 to 2, recommending against the disposal of this property.

The LHEDC reviewed this application at the April 4, 2022 meeting. At this meeting Assembly member Smith moved that the Lands, Housing and Economic Development Committee forward this proposal to CDD to review the disposal/easement application prior to the LHED providing direction on if to proceed. This motion failed 2:2. Assembly member Wáahlaal Gíidaak moved to retain the property and not seek disposal. This motion also failed 2:2. Prior to this meeting the neighbor on the opposite side of this City property called and said they have some interested in this property but never filled out an application or provided any additional detail.

City code 53.09.260 states, "the proposal shall be reviewed by the Assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals."

In accordance with 53.09.260 the Assembly has three options for processing this applicant:

Option 1: Retain this property for public use

Option 2: Enter into direct negotiates with the applicant

Option 3: Solicit additional proposals from other interested Parties

This issue needs to be brought to resolution, the LHED was unable to move a recommendation to the Assembly. The applicant, staff and the neighborhood need direction. The Assembly can provide direction tonight or refer the matter to Committee. No action by the Assembly will result in Option 1 – the property will be retained for public use.



From: [Beth McEwen](#)
To: [Directors Plus: Borough Assembly](#)
Subject: 8/1/22 Assembly Meeting Action Recap
Date: Tuesday, August 2, 2022 4:30:59 PM
Attachments: [2022-08-01 Notice of Adoption.pdf](#)
[2022-08-22 Notice of Public Hearing.pdf](#)
[image004.png](#)

Good afternoon everyone!

Below is a quick recap of the action taken at last night’s Assembly meeting. The Agenda/packet is linked online at <https://juneau.org/assembly/assembly-minutes-and-agendas>

Please see the attached Notice of Adoption and Notice of Public Hearing for additional details.

IV. Special Order of Business: the Assembly welcomed Juneau’s first Ukrainian refugees: Iryna Hyrnchenko (mother), Ivan Hyrnchenko (son)

VIII. Consent Agenda: The Consent Agenda was adopted by unanimous consent with no changes (See attached Notice of Public Hearing for Ordinances that were introduced and set for public hearing at the 8/22 Assembly meeting.)

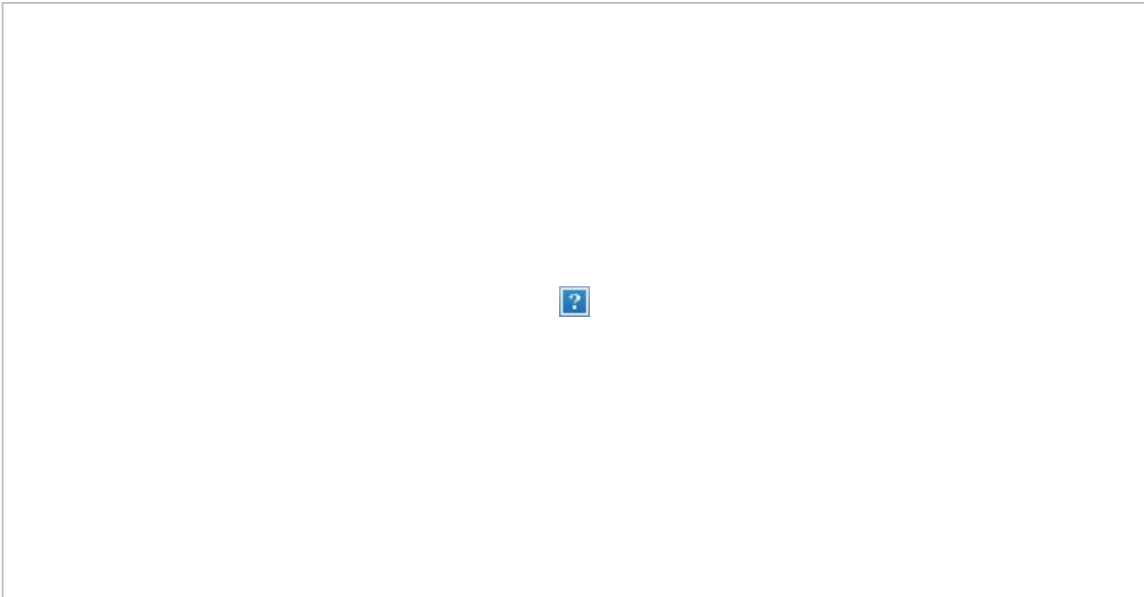
IX. Ordinances up for Public Hearing: See attached Notice of Adoption. Please note the following Ordinances **did NOT** pass:

Item G. Ordinance 2022-06(b)(C) *An Ordinance Appropriating \$25,000 to the Manager to Publicly Oppose the Repeal of Mandatory Real Estate Price Disclosure; Funding Provided by General Funds.*

Item H. Ordinance 2022-06(b)(D) *An Ordinance Appropriating \$25,000 to the Manager to Publicly Support a General Obligation Bond for the Construction and Equipment of a New City Hall; Funding Provided by General Funds.*

XI. New Business:

A. The Assembly passed a motion to accept the Hardship & Senior Citizen/Disabled Veteran Late-Filed Real Property Tax Exemption appeals for the following individuals and referred them to the assessor’s office for processing. (They did not take action on the application from The Glory Hall.



New Business cont...

B. Regulation 20 CBJAC 40.520 Class A Endorsement Taxi Rate Change – The Assembly passed a motion adopting these regulations

C. Parise Request to Purchase City Property – The Assembly passed a motion to enter into negotiations with the original proposer in accordance with Option 2 found in the memo on

D. LHarris Request to Lease City Property at JPD Station for Communications Equipment – The Assembly passed a motion in support of working with the original proposer per CBJ 53.09.260.

E. Goldstein Improvement Company appeals for 110 Seward Street (2022-AA01) and 122 Front Street (2022-AA02) – The Assembly passed a motion to accept these two appeals for hearing the jurisdictional issues only and to appoint a Hearing Officer if a good one could be located. (No other appeals were addressed with that motion)

XII. Staff Reports

A. Telephone Hill – This one had lots of discussion and a motion was passed to use a “soft landing” approach with this property. At this time, the State Dept. of Transportation and the Dept. of Natural Resources still have ownership and custody of the property.

XV. Labor Negotiations

A. The Assembly convened in Executive to discuss labor negotiations.

The Assembly meeting finished at 10:46p.m. and anyone wishing to access a copy of it can go to our CBJ YouTube at <https://www.youtube.com/channel/UCbc37ygtIn7MdladV92kaQ>

Clerk's Note: I will be working with our ballot programmers this week and next to determine the placement of questions and size (letter, legal, or larger) of the Oct. 4, 2022 election ballot and once we determine the layout, I will be able to provide "Proposition Numbers" for each of the questions on the ballot.

Beth McEwen, MMC
CBJ Municipal Clerk/Election Official * 155 S. Seward Street, Juneau, AK 99801
907-586-5278 ext. 4175 desk phone
Beth.McEwen@juneau.org * www.juneau.org



PUBLIC RECORDS LAW DISCLOSURE: This email, including any attachments, may be subject to disclosure under the law.



Assessor's Database

Current Owner

JAMES E PARISE II & KELLY C PARISE
9017 NINNIS DR, JUNEAU AK 99801

Parcel #: 4B2801020060 ([Map](#))

Prev. Owner: JAMES E SMITH

Use Code: Residential

No. of Units: 001

Garage: Yes

City Water: Yes

Exempt Land: 0

Address: 12005 GLACIER HWY

Site Value: \$386500.00

Exempt: No Data

Year Built: 1950

Garage Area: 000480

City Sewer: Yes

Exempt Building: 0

Legal Desc. 1: USS 2909 LT 5A

Building PV: \$291000.00

Zoning: Waterfront - Commercial

Lot Size: 14948.00

Exempt Total: 0

Legal Desc. 2:

Total PV: \$677500.00

Tax Year: 2022

Gross Liv. Area: 001748 sqft

Last Trans: 20210224

Road/No Road: Routed

Search the Database

Search the database using the search box below. The field accepts any search parameter (owner's name, address, parcel number, year built, etc.).

4-2-173-100-105-2909

Permit No. _____
Date _____

GREATER JUNEAU BOROUGH

APPLICATION FOR ZONING PERMIT

Application is hereby made for a permit for use of the land described below in conformance with Ordinance No. 64-18, Sections 49.20.010 through 49.25.070, inclusive.

Location of Property:

Juneau _____ Douglas _____ Outside incorporated limits X

Property Description:

Lot No. 5, U.S.S. No. 2909
Lot No. _____ Block No. _____ Addition _____
Address Auke Bay, Alaska

Size of Structure: 784 sq. ft; Lot Coverage 5.3 %

Setbacks:

Front 0'-0" Rt. side line 0'-0"
Rear NA Lft. side line NA

Note: see attached plat

Use: Office space with parking garage and rental apartment

Name of Owner: David L. Peterson
Address: Box 37, Auke Bay, Alaska

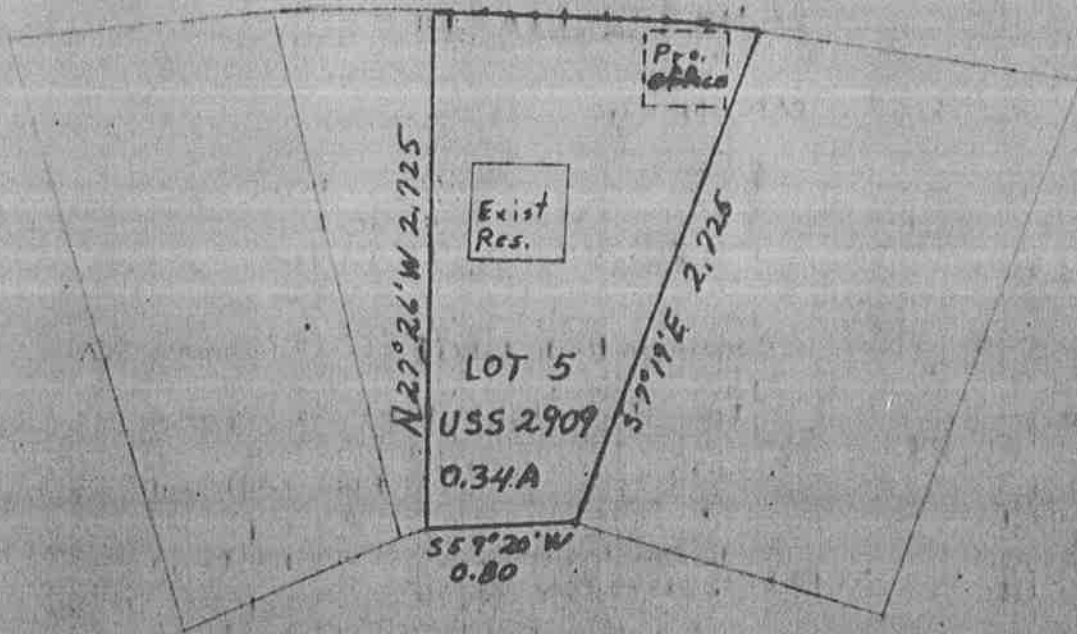
Application made by: David L. Peterson *David L. Peterson*
Address: Box 37, Auke Bay, Alaska

Zoning Action:

Approved ✓ Denied _____ Date May 24, 1965

Comments: _____

GLACIER HWY



AUKE BAY

Proposed Office Bldg
for
David L. Peterson
PLOT PLAN

Scale: 1" = 1 chain
Drawn: 5/65 DLP

Reference: USS2902 Triangle/Sec. 3

1992-1029 01079

WASTEWATER DISPOSAL

The Alaska Department of Conservation has reviewed plans for this subdivision's wastewater disposal, and approves this subdivision for platting.

R. F. H. EMT 7-2-92
Name and Title of Alaska Department of Environmental Conservation Approving Official

CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plat of subdivision with free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted:

Dated: 7/6 1992
Gary P. McCollon Juanita M. McCollon
 Owners

Witness
Maryn R. McDowell
 Notary Public

NOTARY ACKNOWLEDGMENT

United States of America)
) ss.
 State of Alaska)

This is to certify that on this 2nd day of July 1992, before the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, appeared Gary P. McCollon, Juanita M. McCollon to me known to me to be the persons described in and who executed the foregoing instrument, and acknowledged to me that they signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate first above written.
Maryn R. McDowell STATE OF ALASKA
 Notary Public for Alaska OFFICIAL SEAL
 My Commission Expires: 2/1/95 Maryn R. McDowell NOTARY PUBLIC

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

I hereby certify that the plat shown hereon has been found to comply with Title 4 Community Development Regulations and Title 49 of the Code of the City and Borough of Juneau and is approved by the City and Borough of Juneau Department of Community Development for recording in the office of the Juneau Recording District, Juneau, Alaska.

DATED 7/6 1992
Murray R. Wash
 Director
 City and Borough of Juneau
 Department of Community Development

This plat accurately reflects a change in the right of way line for Lot 5, U.S. Survey 2909, as deeded to Gary P. and Juanita M. McCollon by the Alaska Department of Transportation.

John S. Jordan 7-1-92
 J. Jordan, Chief S.E. Right of Way Date

TYPICAL MONUMENT

5" x 5" S.O.W.
 LOT 5A
 U.S.S. 2909
 1992

1 1/2" ALUMINUM CAP
 ON 5/8" x 3/4" REBAR

SURVEYOR'S CERTIFICATE

I hereby certify that I am a professional Land Surveyor registered in the State of Alaska, and that this plat represents the survey made by me or under my direct supervision, that the accuracy of the survey is within the limits required by Title 4 Community Development Regulations and Title 49 of the Code of the City and Borough of Juneau, that all dimensions and relative bearings are correct and that monuments are set in place and noted upon this plat as presented.

Robert J. Hangerford
 Robert J. Hangerford LS-5453

VICINITY MAP
USC B.G.S. QUAD JUNEAU B-2

GENERAL NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY WAS THE LINE OF SIGHT BETWEEN THE RECOVERED GENERAL LAND OFFICE MONUMENTS FOR WMC 4 LOT 5 U.S.S. 2909 AND WMC 1 LOT 5 U.S.S. 2909 WITH A RECORD BEARING OF S 50°01'08" W
2. WHERE RECORD SURVEY COURSES DIFFER FROM FIELD MEASURED AND/OR COMPUTED COURSES, THE RECORD SURVEY COURSE IS SHOWN IN PARENTHESES
3. THE RECORD MEANDER LINE WAS ESTABLISHED USING ADJUSTED BEARINGS FOR THE SMOLETT LINES AND RECORD DISTANCES FROM THE RECOVERED WMC MONUMENTS.

| LINE TABLE | | | | | |
|------------|---------------|----------|------------|----------|--------------------|
| LINE | BEARING | DISTANCE | BEARING | DISTANCE | NOTE |
| 1 | N 64°00'22" E | 38.28' | N 63°50' E | 38.28' | |
| 2 | N 69°17'08" E | 38.28' | N 69°05' E | 38.28' | |
| 3 | N 69°22'33" E | 6.89' | N 69°17' E | 38.28' | |
| 4 | N 13°59'04" W | 6.75' | | | NEW PROPERTY LINE |
| 5 | N 26°05'05" E | 31.54' | | | NEW PROPERTY LINE |
| 6 | S 7°25'36" E | 3.18' | | | NEW PROPERTY LINE |
| 7 | N 69°22'33" E | 31.39' | N 69°17' E | 38.28' | ABANDONED LOT LINE |
| 8 | | | | | |
| 9 | | | | | |
| 10 | | | | | |

LEGEND

- ⊕ FOUND GLO MONUMENT
- ⊕ RECORD GLO MONUMENT, REPLACED THIS SURVEY.
- SECONDARY MONUMENT SET THIS SURVEY

92-28

RECORDED - ELECTRONIC

DATE: 7-19-92
 TIME: 9:56 A.M.
 PREPARED BY: JT 36
 APPROVED: 155 2502878
JULIANA 27-9201

STAMP

A REPLAT OF
 LOT 5 U.S. SURVEY 2909

LOT 5A U.S. SURVEY 2909
 CITY AND BOROUGH OF JUNEAU
 JUNEAU, ALASKA

OWNED: rjh DRAWN: drl DATE: 5/8/92
 SURVEYOR: R. HANGERFORD SHEET: 1 OF 1 SCALE: 1"=50'

U.S.S. 2909, Lot 5A

Juneau Plat 92-28

COMMISSIONER'S QUITCLAIM DEED

THE GRANTOR: State of Alaska, Department of Transportation and Public Facilities, P.O. Box 240369, Douglas, AK 99824-0369, in consideration of Ten and No/100 (\$10.00) Dollars and other valuable considerations

conveys and quitclaims to; Gary P. McCallon and Juanita M. McCallon (husband and wife) whose address is: P.O. Box 210162 Auke Bay, Alaska 99821

All interest which it has, if any, and all interest it may hereinafter acquire in the following described real estate located in the State of Alaska, excepting any utility easements, to wit:

All that part of the following described tract of land:

Beginning at corner 3, Lot 5, U.S. Survey 2909, the true point and place of beginning, Juneau Recording District, thence N. 7° 25' 36" W. for a distance of 3.18 feet, along the extension of line 4-3, Lot 5, U.S. Survey 2909, thence S. 76° 00' 55" W. for a distance of 31.54 feet, thence S. 13° 59' 04" E. for a distance of 6.79 feet to a point on the existing lot line of Lot 5, U.S. Survey 2909, thence N. 69° 22' 33" E. for a distance of 31.39 feet along said lot line to the true point and place of beginning. Containing 155.6 square feet more or less, Juneau Recording District, First Judicial District, State of Alaska,

which lies within the right of way lines of Alaska Project No. F-093-2(6)

L.D. No. 296000-92-08

said parcel containing 155.6 sq. ft. more or less; in addition to existing right of way, is hereby conveyed by the State of Alaska, Department of Transportation and Public Facilities.

Dated this 8th day of MAY, 1992.

State of Alaska, Department of Transportation and Public Facilities

BY: [Signature]
Southeast Regional Director of Transportation and Public Facilities

ACKNOWLEDGEMENT

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

BE IT REMEMBERED THAT on this 8th day of MAY, 1992, before me, the undersigned, a notary public of the State of Alaska, personally appeared NATHAN W. SCRIBNER, Southeast Regional Director of Transportation and Public Facilities, known to me to be the identical person who executed the foregoing instrument and he acknowledged to me that he executed the same for and on the behalf of the State of Alaska, Department of Transportation and Public Facilities, with full authority so to do, and for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



[Signature]
Notary Public

My Commission Expires: 11/14/92



Application Date

Section J, Item 3.

BUILDING PERMIT APPLICATION

NOTE: THIS IS NOT A BUILDING PERMIT

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspections, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Case No: **BLD20210328**

Case Description: Grading permit to add retaining wall

Site Address: **12005 GLACIER HWY**Check No. of Existing Dwelling Units:

Parcel No: 4B2801020060

No. of New Dwelling Units:

Legal Description: USS 2909 LT 5A

No. of Removed Dwelling Units:

Applicant : PEAK CONSTRUCTION
PO BOX 238
GUSTAVUS AK 99026

e-mail: seth@peakconstruction-inc.com

PRI

321-7792

Owner: JAMES E PARISE II
KELLY C PARISE
12005 GLACIER HWY
JUNEAU AK 99801

Contractor: PEAK CONSTRUCTION
PO BOX 238
GUSTAVUS AK 99026

PH: _____ FAX _____

Valuation for Permit Fee Calculations:

| S.F. | Type | Rate | Amount |
|------------------|------|------|------------|
| | | | 8,000.00 |
| Total Valuation: | | | \$8,000.00 |

Associated Cases:

None.

Parcel Tags:**Notes and Conditions:****Applicant's Signature**

(Owner, Contractor or Authorized Agent)

Date**Staff Acceptance**

I hereby certify that I have read and examined this application and know the same to be true and correct. I further certify that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

Attachment T - 2021 BLD21-328 grading permit application for driveway

Section J, Item 3.

NOTES:

- 1) ALL DEVELOPMENT ACTIVITIES SHALL COMPLY WITH CBJ MANUAL OF STORMWATER BEST MANAGEMENT PRACTICES - AUGUST 2010
- 2) APPROXIMATELY 700 CY OF ROCKFILL ARE TO BE IMPORTED TO SITE FOR USE AS BUILDING PAD ROCKFILL, ASSUMING LESS THAN 12 INCHES OF REJECTED OVERBURDEN.
- 3) ELECTRICAL UTILITIES NOT SHOWN, CONTRACTOR SHALL CALL 907-586-1333 FOR EXISTING UTILITY LOCATES PRIOR TO STARTING ANY WORK WITHIN THE PUBLIC ROW/.
- 4) ALL DISTURBED GROUND SHALL BE STABILIZED WITH TOPSOIL AND SEEDING PER CBJ STDS 2709 & 2710 AT THE CONCLUSION OF PROJECT
- 5) WATER AND SEWER SERVICES NOT LOCATED PRIOR TO SITE SURVEY AND ARE NOT SHOWN ON THIS GRADING PLAN. DO NOT DISTURB EXISTING WATER AND SEWER SERVICE TO EXISTING RESIDENCE, CALL CBJ AT ~~907-780-6808~~ FOR UTILITY LOCATES PRIOR TO BEGINNING SITE WORK.

586-1333

SEE DRIVEWAY CENTERLINE PROFILE

INSTALL CURB CUT PER CBJ STD 105

Need to follow ADOT Driveway Permit Requirements

GLACIER HIGHWAY

35 LF 12" CPP CULVERT
INLET INVERT =42.0', 5% SLOPE

PARKING PAD, EL=43.40'
CAP W/ 4" D-1 AGGREGATE

EXISTING GARAGE ON PILINGS

SLOPE DRIVEWAY AND PARKING PAD TO DRAIN TO NORTH AND DIRECT FLOW TO 12" CPP CULVERT, (TYP)

FS ROW
USS 2909

SIDE SLOPES AT 2H:1V

DRAINAGE SWALE FROM CULVERT OUTLET TO MEAN HIGH WATER. SEE DRAINAGE SWALE TYPICAL DETAIL

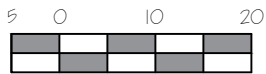
LOT 5A
USS 2909

LOT 1
ALEXIS
BEACH

ECOLOGY BLOCK
RETAINING WALL

EXISTING RESIDENCE
FINISH FLOOR EL=35.03

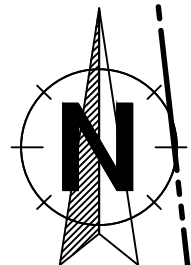
ECOLOGY BLOCK
RETAINING WALL



SCALE: 1" = 20'
SCALE BASED ON LETTER SIZE PLOT

LOT 4
USS 2909

- - - - - EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- NEW MAJOR CONTOUR
- NEW MINOR CONTOUR



Gabriel Hayden, P.E.
hayden@katabaticeng.com
(503) 866-5579

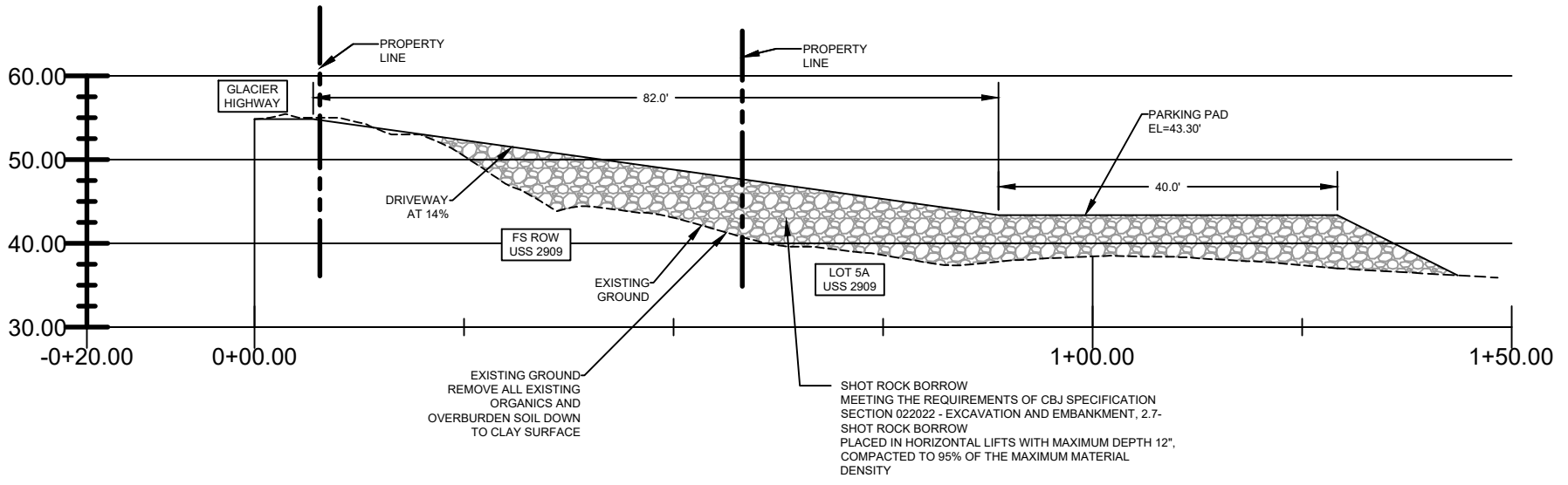
Grading Plan

Lot 5 A, USS 2909
12005 Glacier Highway
Juneau, AK 99801

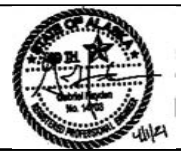
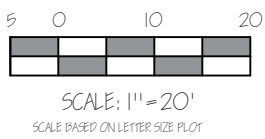
Site Plan

DRAWN:
3/31/2021
SHEET
1/

531



**DRIVEWAY CENTERLINE
PROFILE**



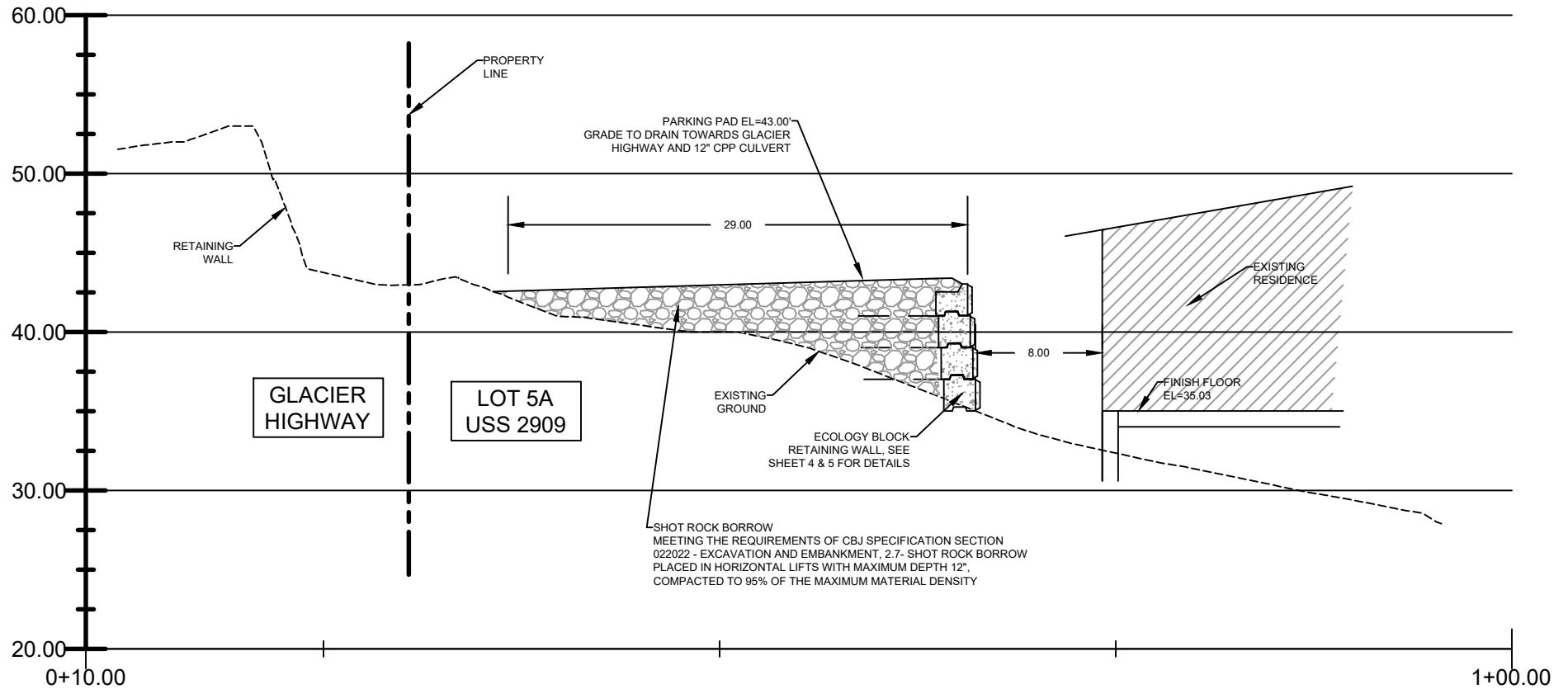
Gabriel Hayden, P.E.
 hayden@katabaticeng.com
 (503) 866-5579

Grading Plan

Lot 5 A, USS 2909
 12005 Glacier Highway
 Juneau, AK 99801

Driveway Profile

DRAWN:
 3/31/2021
 SHEET
 2/ 532



SECTION A-A



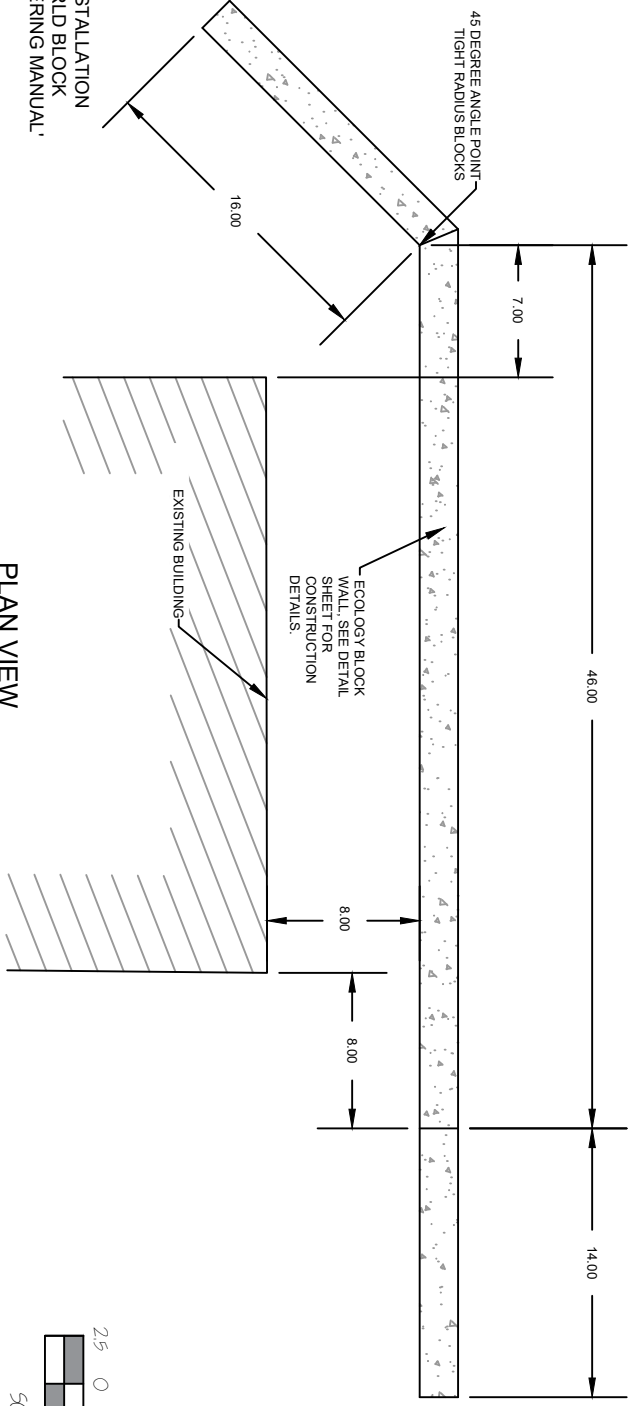
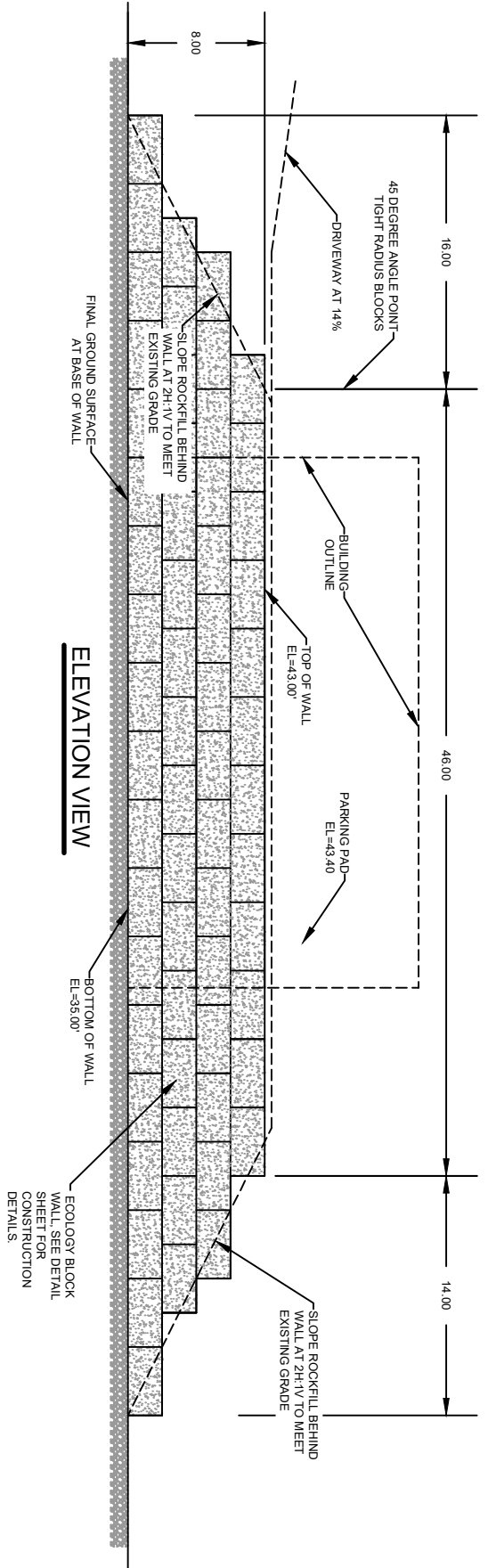
Gabriel Hayden, P.E.
hayden@katabaticeng.com
(503) 866-5579

Grading Plan

Lot 5 A, USS 2909
12005 Glacier Highway
Juneau, AK 99801

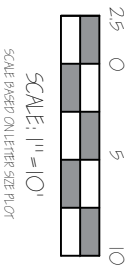
Section A-A

DRAWN:
3/31/2021
SHEET
3/ 533



NOTES:
 1) INSTALL BLOCKS PER INSTALLATION GUIDELINES GIVEN IN 'WORLD BLOCK INSTALLATION AND ENGINEERING MANUAL' DOCUMENT. AVAILABLE AT <https://www.worldblock.com/world-block-installation-and-engineering-manual.html>

PLAN VIEW



Gabriel Haugden, P.E.
 haugden@katabaticeng.com
 (907) 866-5579

Grading Plan

Lot 5 A, US5 2909
 12005 Glacier Highway
 Juneau, AK 99801

Retaining Wall
 Elevation & Plan

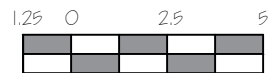
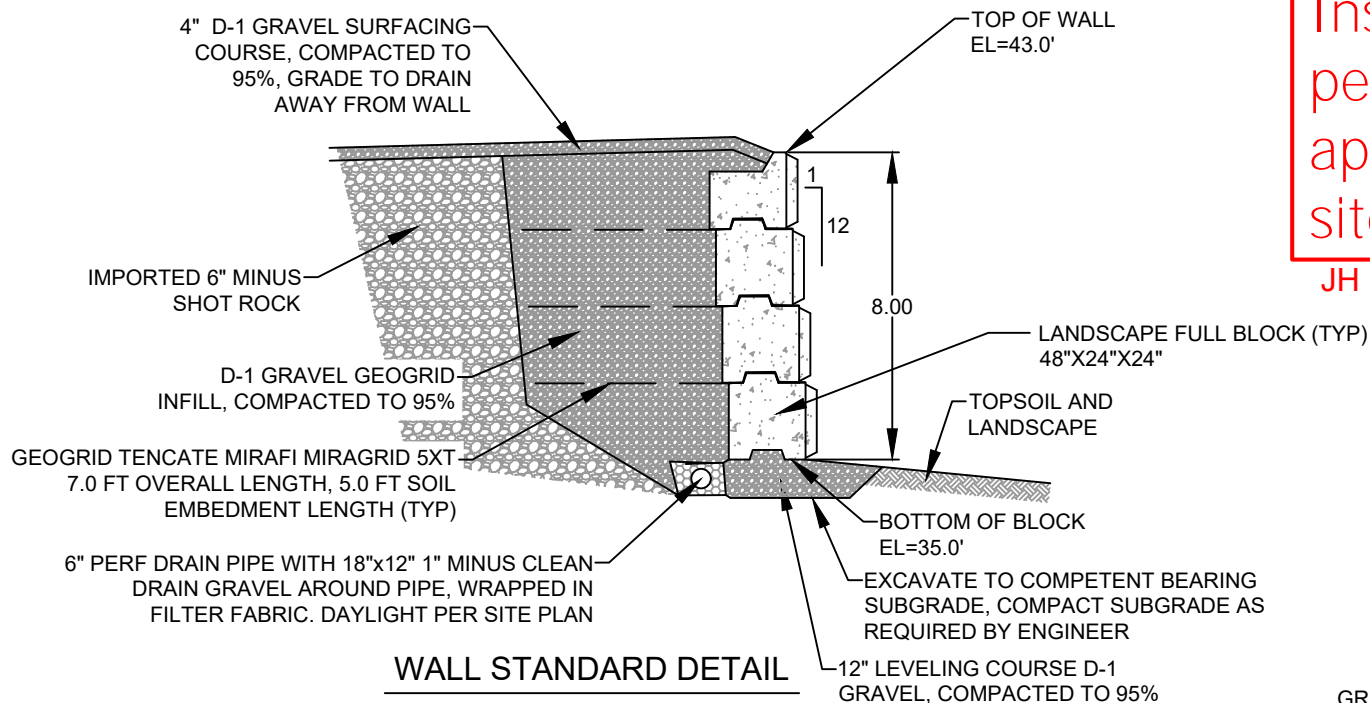
DRAWN:
 3/31/2021
 SHEET #
 4/5

Reviewed for Code Compliance

Inspections will not be performed without CBJ approved plans on site.

JH

06/01/2021



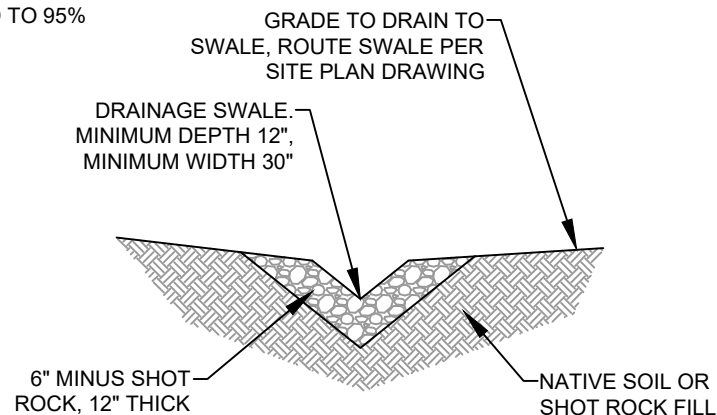
SCALE: 1"=5'

SCALE BASED ON LETTER SIZE PLOT

NOTES:

- 1) INSTALL BLOCKS PER INSTALLATION GUIDELINES GIVEN IN 'WORLD BLOCK INSTALLATION AND ENGINEERING MANUAL' DOCUMENT. AVAILABLE AT

<https://www.worldblock.com/world-block-installation-and-engineering-manual.html>



Gabriel Hayden, P.E.
 hauden@katabaticeng.com
 (503) 866-5579

Grading Plan

Lot 5 A, U55 2909
 12005 Glacier Highway
 Juneau, AK 99801

Details

DRAWN:
 3/31/2021
 SHEET
 5/



BUILDING PERMIT

 Permit No:
 BLD20210569 Section J, Item 3.

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Your special attention is called to the following:

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any of said ordinances.

The granting of this permit does not authorize the violation of any federal, state or local law regulating construction for the violation of the terms of any deed or covenant or any zoning or other regulation.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress and before final inspection.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within one year or if work or construction is suspended or abandoned for a period of one year at any time after work has commenced.

Note: City Ordinances REQUIRE a Final Inspection be approved for every Building Permit.

Inspections

Inspections can be arranged by telephoning **586-1703** or by written or by online form or Email.

The Online Building Inspection Request Form is at: www.juneau.org/community-development/cdd-inspection-request.

Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required.

All inspections must be requested before noon the business day prior. Same day inspections must be requested by calling 586-0770

Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: **12005 GLACIER HWY**

Permit Number: **BLD20210569**

Project Description: **Major remodel**

Issued Date : **10/07/2021**

Parcel No: **4B2801020060**

Parcel Information : **USS 2909 LT 5A**

Setbacks: Zone: WC:
 Front: 10.00 Ft. N Side 1: 10.00 Ft. E
 Rear: 10.00 Ft. S Side 2: 10.00 Ft. W
 Street Side: 10.00 Ft.

Comments:

Owner : **JAMES E PARISE II
 KELLY C PARISE
 9017 NINNIS DR
 JUNEAU AK 99801**

Applicant : **PEAK CONSTRUCTION INC
 5719 CONCRETE WAY
 JUNEAU AK 99801**

| Fee Type | Date | Receipt | Amount Paid |
|----------------------|------------|---------|-------------|
| BLD- Res Plan Review | 08/17/2021 | 10330 | \$762.57 |
| BLD- Bldg Permit Fee | 08/17/2021 | 10330 | \$1,525.14 |
| Total Fees Paid: | | | \$2,287.71 |

Valuation for Permit Fee Calculations:

| S.F. | Type | Rate | Amount |
|------------------|------|------|--------------|
| | | | 240,000.00 |
| Total Valuation: | | | \$240,000.00 |

Project Conditions and Holds:

Approved Fasteners - Fasteners hangars and brackets used on the exterior of the building and or used with pressure-preservative or fire retardant-treated woods shall be listed and approved products for such use.

Approved Plans On Site - CBJ approved plans must be on site and available to the inspector. Inspections will not be performed and additional fees may apply if approved plans are not available to the inspectors.

EGRESS WINDOWS - Verify egress windows.

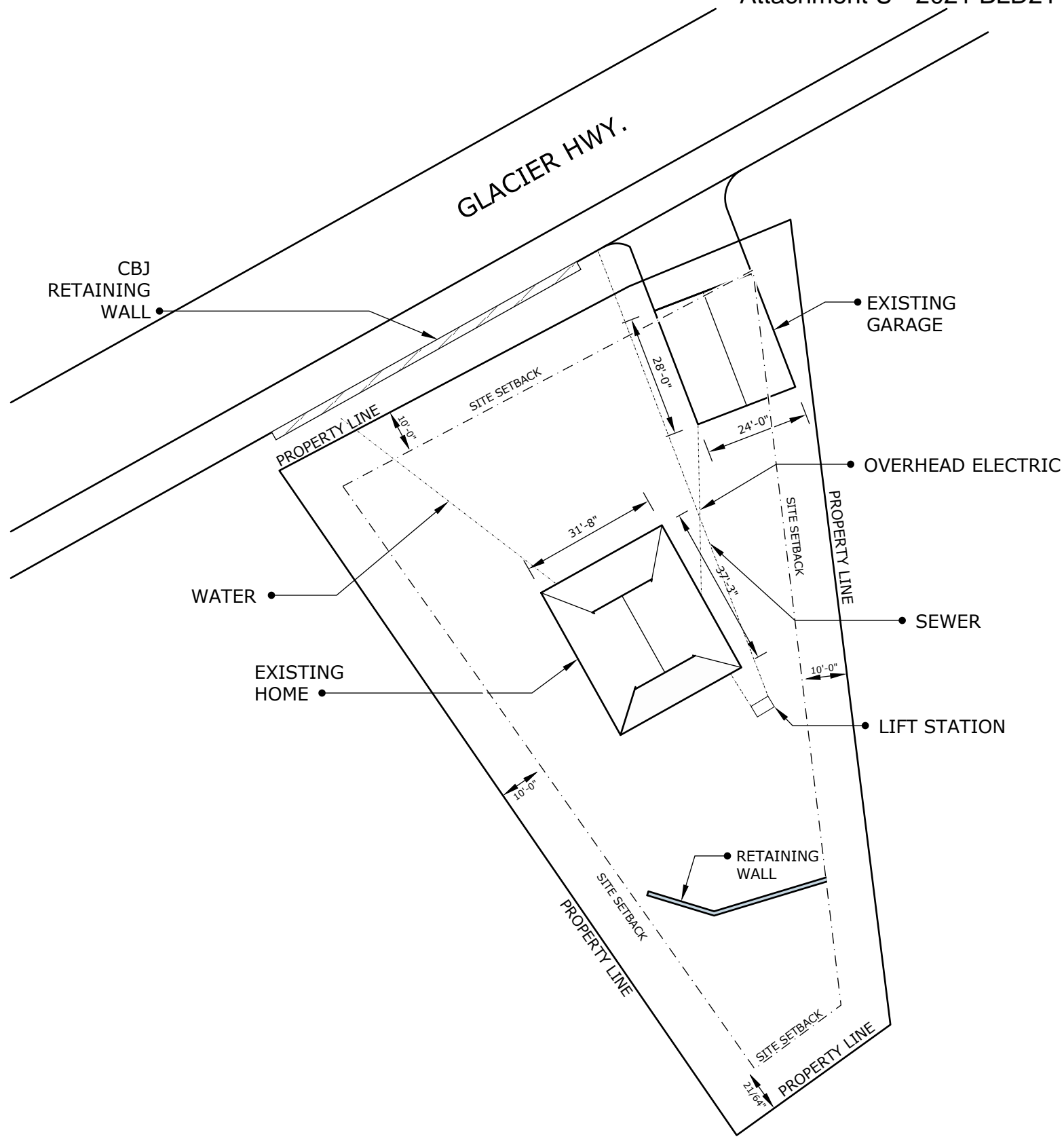
Fuel Burning Appliance Instructions - Listed fuel burning appliances must be installed in accordance with the listed installation and operating instructions provided by the manufacturer. These instructions must be onsite and available to the inspector at time of inspection.

WATER FIXTURE COUNT - 3/4" line approved per Engineer's letter. 3/4"=17wfu, 1/2"=5wfu.

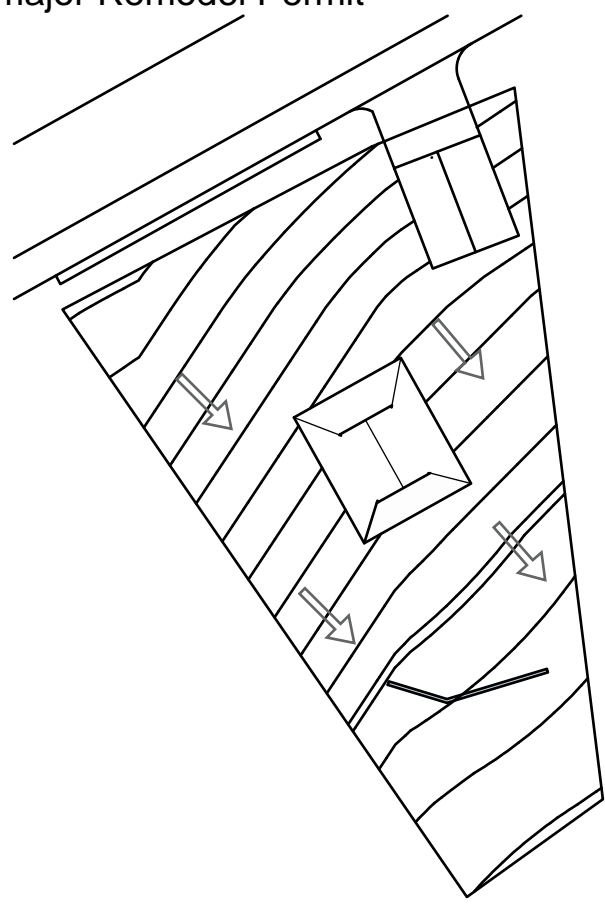
Locking Caps - Refrigerant circuit access ports located outdoors shall be fitted with locking-type tamper-resistant caps or shall be otherwise secured to prevent unauthorized access.

Chimney Clearance - Chimney Clearance: If roof sheathing is replaced at a chimney or chimney flashing is detached, call for inspection to verify proper clearance to combustibles before cover. Alternately a licensed contractor or owner-builder may provide written confirmation stating proper clearances are met.

Shower Anti-scald Valve - Showers and tub-shower combinations shall be provided with a control valve installed at the point of use that conforms to ASSE 1016 or ASME A112.18.1/CSAB125.1.

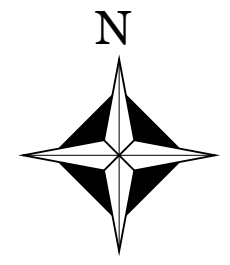


PARISE - SITE PLAN
 scale: 1"=30'
 Site 01



PARISE - GRADING & DRAINAGE
 scale: 1"=50'
 Site 02

PROPERTY INFORMATION:
 TAX ID: 4B2801020060
 LEGAL DESCRIPTION - USS 2909 LT 5A
 ZONING - (WC) WATERFRONT COMMERCIAL
 LOT SQFTG - 14,948



Section J, Item 3.

PO Box 33515
 Juneau, AK 99803
 907.321.7792

PARISE - HOME REMODEL
 12005 N Glacier HWY. Juneau, AK. 99801

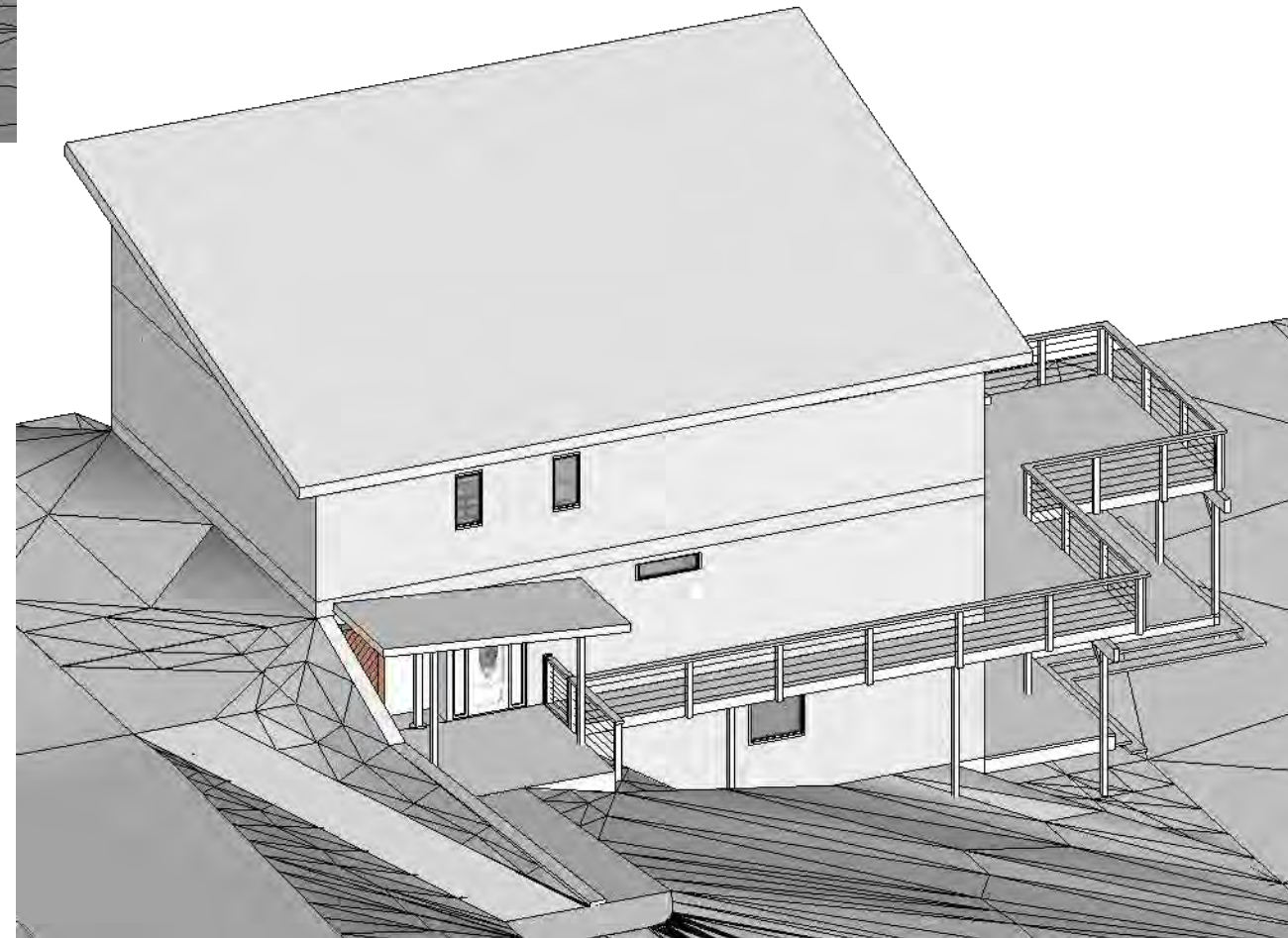
Job# 1206
 DAVID M PETERSON
 March 10, 2021
 March 11, 2021

SHEET
Site- 1



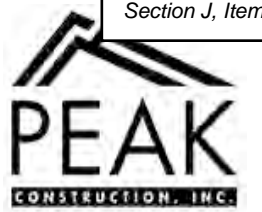
SW PERSPECTIVE
scale: 3/32"=1'

A
1.0



NW PERSPECTIVE
scale: 3/32"=1'

A
1.1



Section J, Item 3.

PO Box 33515
Juneau, AK 99803
907.321.7792

Parise - Remodel

12005 N Glacier HWY. Juneau, AK. 99801

Job#2106

David Matthew Peterson

July 30, 2021

August 4, 2021

SHEET

A- 1



PO Box 33515
Juneau, AK 99803
907.321.7792



Parise - Remodel

12005 N Glacier HWY. Juneau, AK. 99801

Job#2106

David Matthew Peterson

July 30, 2021

August 4, 2021

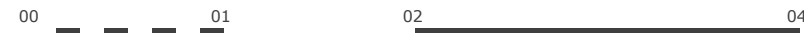
SHEET

A- 5

WEST ELEVATION

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5.0

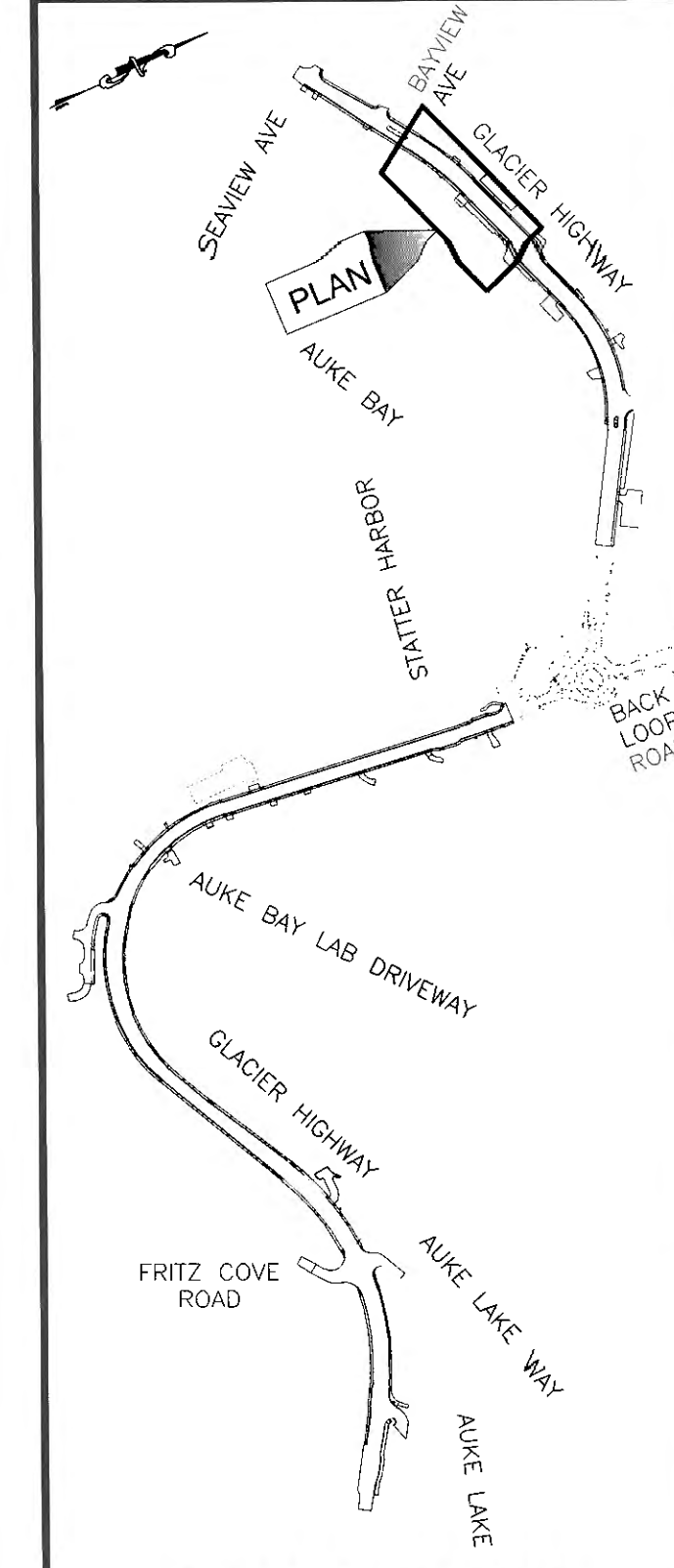


PLANS DEVELOPED BY:
 STANTEC CONSULTING SERVICES, INC.
 725 EAST FIREWEED LANE, SUITE 200
 ANCHORAGE, AK 99503-2245
 907-276-4245
 C.A. #126386

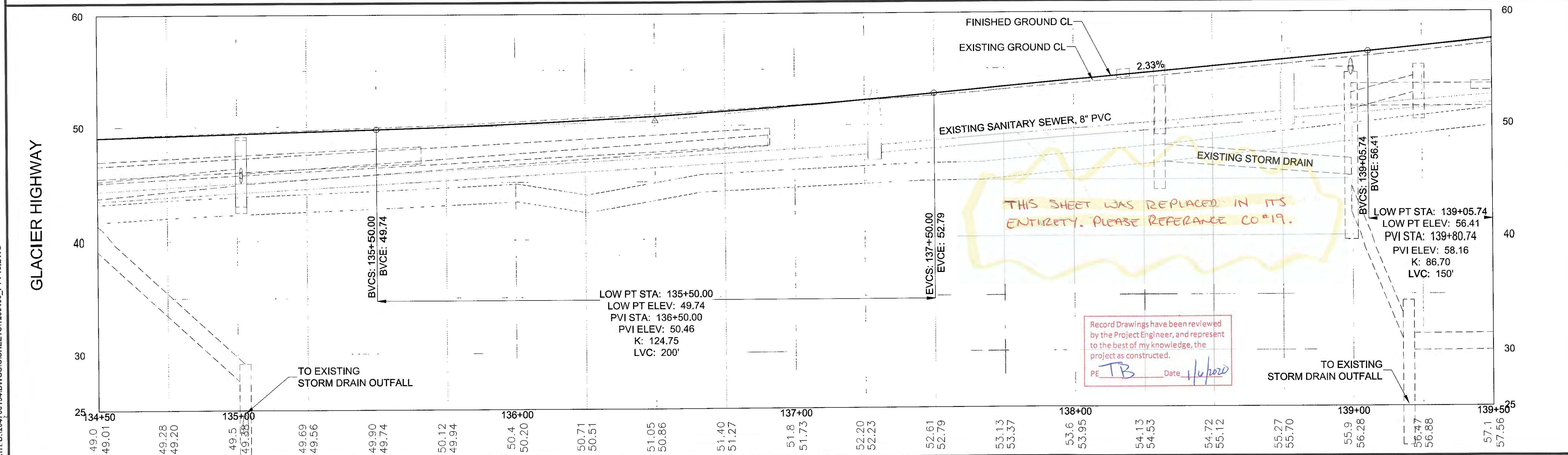
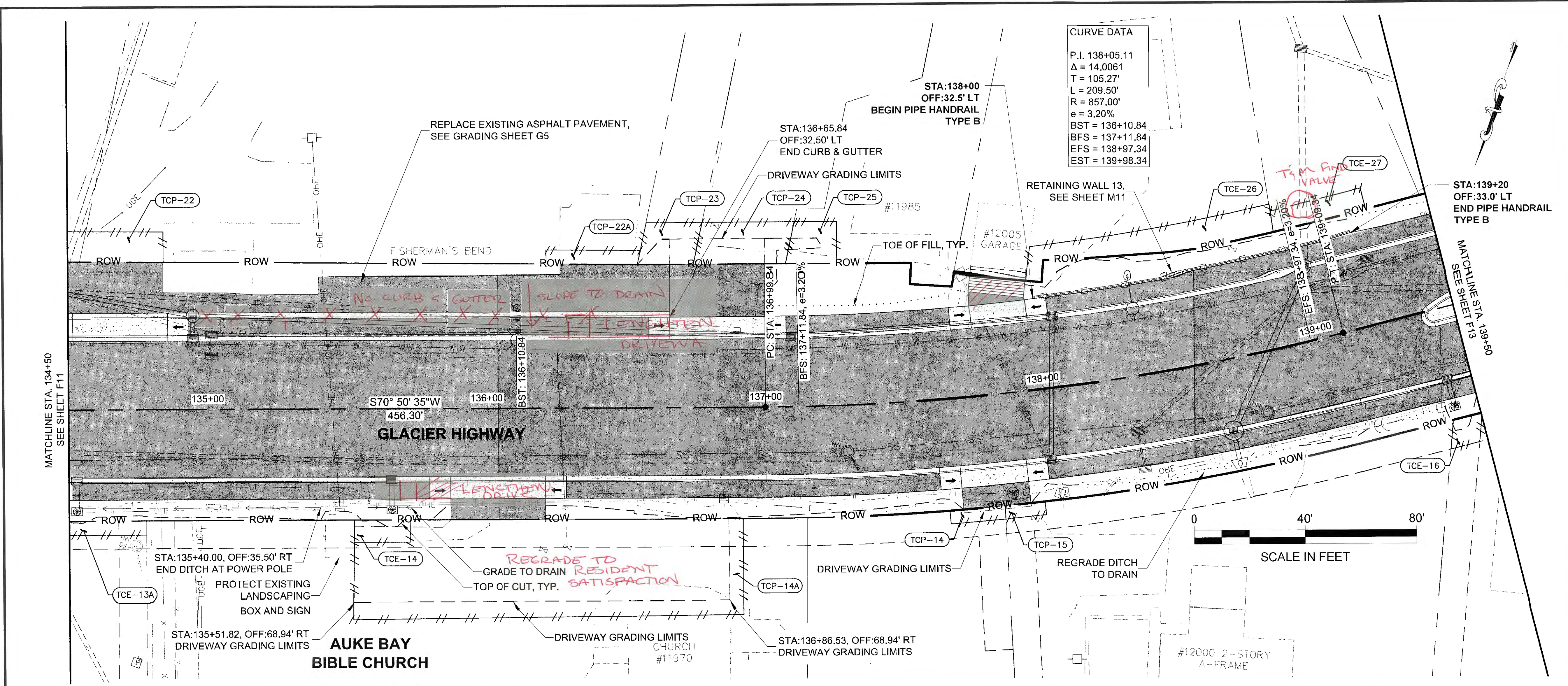
TAB: F12
 ADDENDUM NUMBER
 ATTACHMENT NUMBER

RECORD OF REVISIONS

| No. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |
| | | |



PLAN LEGEND



CHECKED BY: S. KARI



DESIGNED BY: B. PADDOCK
 DRAWN BY: B. PADDOCK

STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHCOST REGION
 GLACIER HIGHWAY RECONSTRUCTION
 FRITZ COVE ROAD TO SEAVIEW AVENUE

GLACIER HIGHWAY PLAN & PROFILE

PROJECT DESIGNATION
0933039/Z684710000

| STATE | YEAR |
|--------|------|
| ALASKA | 2016 |

| SHEET NUMBER | TOTAL SHEETS |
|--------------|--------------|
| F12 | 145 |



AFTER RECORDING, RETURN TO:

James E. Parise II
Kelly C. Parise
12005 Glacier Hwy
Juneau, AK 99801

AETIA 61259

WARRANTY DEED
A.S. 34.15.030

The Grantor, **JAMES E. SMITH, a married person**, whose address is PO Box 1003, Riverton, UT 84065, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, conveys and warrants to **JAMES E. PARISE, II and KELLY C. PARISE, husband and wife, as tenants by the entirety with full right of survivorship**, Grantees, whose mailing address is 12005 Glacier Hwy., Juneau, AK 99801, the following-described real estate:

Lot 5A, U.S. Survey No. 2909, according to Plat No. 92-28, Juneau Recording District, First Judicial District, State of Alaska

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

The Grantor and the Grantor's spouse have used the above described real property as a family home, and said spouse hereby transfers and conveys any interests he may have, if any, as defined in A.S. 34.15.010, in the above-described real property.

WARRANTY DEED
A4350\8688\Warranty Deed

Page 1

DATED this 19 day of Feb, 2021.

GRANTOR:

[Signature]
JAMES E. SMITH

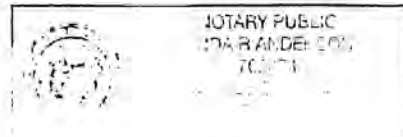
[Signature]
KRISTY SMITH, as to the marital estate only

State of Utah
County of Salt Lake

On this 19 day of February, in the year 2021, before me, Linda R Anderson, a notary public, personally appeared **JAMES E. SMITH and KRISTY SMITH**, proved on the basis of satisfactory evidence to be the persons whose names are subscribed to this instrument, and acknowledged they executed the same.

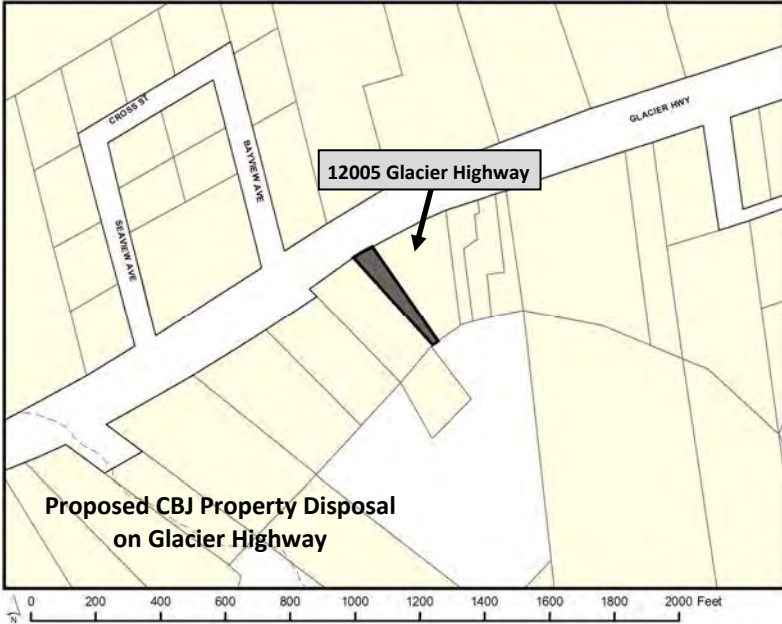
Witness my hand and official seal.

[Signature]
Notary Name Signature



Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **CBJ Property Disposal next to 12005 Glacier Highway in a Waterfront Commercial Zone.**

PROJECT INFORMATION:

Project Information can be found at:
<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **Monday October 17, 2022** at
<https://juneau.org/community-development/planning-commission>
Find hearing results, meeting minutes, and more here, as well.

| | | | |
|--|--|---|---|
| Now through Oct. 3 | Oct. 4 — noon, Oct. 21 | HEARING DATE & TIME: 7:00 pm, Oct. 25, 2022 | Oct. 26 |
| 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/83425441349 and use the Webinar ID: 834 2544 1349 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska. | The results of the hearing will be posted online. |

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4139 ♦
Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward Street, Juneau AK 99801

| |
|--|
| Case No.: PAD2022 0003 |
| Parcel No.: 4B2801020070 |
| CBJ Parcel Viewer: http://epv.juneau.org |



Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00 p.m.
Meeting Date: October 25, 2022

1. USE2022 0013:

- a. Public Comment – Lucid Reverie, received 10-14-2022 (page 2)
- b. Public Comment – Laura Lucas, received 10-17-2022 (page 3-6)
- c. Public Comment – Olivia Sinaiko, received 10-17-2022 (page 7)
- d. Public Comment – C. Kiel Renick, received 10-17-2022 (page 8)
- e. Public Comment – Piper Haney, received 10-19-2022 (page 9)
- f. Public Comment – Sydney Hughes, received 10-19-2022 (page 10)
- g. Public Comment – Margo Waring, received 10-19-2022 (page 11)
- h. Public Comment – Kelsey Dean, received 10-20-2022 (page 12)
- i. Public Comment – Hannah Wilson, received 10-20-2022 (page 13)
- j. Comments from The Glory Hall, received 10-21-2022 (page 14-85)

2. PAD2022 0003:

- a. Public Comment – John Crabill, received 10-17-2022 (page 86)
- b. Public Comment – John Crabill, received 10-19-2022 (page 87-89)
- c. Comments from Murray Walsh & James Parise, received 10-21-2022 (page 90-95)
- d. Public Comment – Karla Hart, received 10-21-2022 (page 96)

October 14, 2021

Dear CBJ CDD Staff,

I've lived and worked in downtown Juneau since the 80's. My grandma used to volunteer at the old visitor kiosk and one of my first summer jobs was at the old Boarding House Bakery. The Glory Hall and former Glory Hole have been a big part of providing services for folks in the area for as long as I can remember.

Today I'm writing in support for the Glory Hall's 247 S. Franklin Street Affordable Housing Downtown project. The Glory Hall's affordable housing efforts come at an important time. I've had friends and colleagues leave town in recent years simply because they couldn't find reasonable housing. Housing is a major problem right now and the city needs to be supporting every effort to open up more affordable housing. Especially this one from a longtime and well trusted community non-profit.

Lack of downtown housing, especially affordable downtown housing has been a topic of discussion for many years, and I am glad to see this step toward decreasing the scope of the problem.

I encourage you to approve this application and to support their efforts to put people into affordable workforce housing.

Pat Race

Lucid Reverie / Alaska Robotics

175 S. Franklin St. Suite 312

Juneau, AK 99801

From: [Laura Lucas](#)
To: [Jennifer Shields](#)
Subject: Re: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Friday, October 21, 2022 10:02:11 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Jennifer

I reread my letter and noticed a typo that unfortunately declares the opposite of what I meant to say. ("apart of the solution" vs "a part of the solution"— what a difference a space can make!)

If you haven't already put the letter in the packets, If you could replace it with below, I would appreciate it.

If you've already done it, no worries, I think my opinion is understood in either case.

Thanks much,

Laura

From: Laura Lucas <laurajlucas88@gmail.com>
Sent: Monday, October 17, 2022 12:06 PM
To: Jennifer Shields <Jennifer.Shields@juneau.org>

Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project

Dear CBJ Community Development

I am writing in regards to the Glory Hall's application to repurpose the former shelter on South Franklin St into affordable housing units.

The argument presented by CBJ Community Development staff at a recent Planning Commission that the proposed additional apartments would increase density and therefore violate CBJ code struck me as lacking common sense. How can a plan that proposes to create a half dozen or so apartments housing about a dozen people represent an increase in density of a property that once sheltered 40-60 individuals nightly?

In their opposition brief, CDD stated that their denial was based on a "straightforward application of the CBJ code.... [A code] that beyond representing the will of the community provides guidance and places guardrails." As a community member, I would suggest that their interpretation of the Code creates not a guardrail but an unfortunate barrier to the goals of the CBJ Housing Action Plan to reduce downtown's critical housing shortage.

Looking around downtown, I mourn the loss of buildings that once provided housing that now are empty, languishing and deteriorating. (Twentieth Century Theater comes to mind). CBJ's Comprehensive Plan acknowledges this problem of dwelling units that have been vacated by the owner and are being kept off

the market. By The Glory Hall's proposal to convert a portion of their property on South Franklin to affordable housing, they are acting as a community-minded landlord and accordingly become a part of the solution to reducing the housing shortage downtown.

I recognize and applaud CBJ's ongoing effort to increase access to affordable housing such as the use of the Juneau Affordable Housing Fund to fund worthy housing projects. I supported the new City Hall funding proposition because I looked forward to the possibility of returning the CBJ offices in the Marine View Apartments back to their original housing purpose. Obviously, as with the latter failed vote, there will be times when there are setbacks to these efforts. For this reason, I think it's all the more important to recognize that each step towards reaching our goal, however small, should not be ignored.

I urge you to approve the conditional use permit for The Glory Hall's conversion project on South Franklin.

Sincerely,

Laura Lucas

6615 North Douglas Hwy

On Wed, Oct 19, 2022 at 11:28 AM Jennifer Shields <Jennifer.Shields@juneau.org> wrote:

Hi Laura,

Thank you for your email in support of a Conditional Use Permit for the Glory Hall at 247 S. Franklin Street. I will be sure to include it in the written record, and I will present it to the Planning Commission in an "Additional Materials" packet when they review this application on October 25, 2022. In the meantime, please feel free to contact me if you have any other comments or questions.

Sincerely,

Jennifer L. Shields | Planner II

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4139



Fostering excellence in development for this generation and the next.

From: Laura Lucas <laurajlucas88@gmail.com>
Sent: Monday, October 17, 2022 12:06 PM
To: Jennifer Shields <Jennifer.Shields@juneau.org>
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear CBJ Community Development

I am writing in regards to the Glory Hall's application to repurpose the former shelter on South Franklin St into affordable housing units.

The argument presented by CBJ Community Development staff at a recent Planning Commission that the proposed additional apartments would increase density and therefore violate CBJ code struck me as lacking common sense. How can a plan that proposes to create a half dozen or so apartments housing about a dozen people represent an increase in density of a property that once sheltered 40-60 individuals nightly?

In their opposition brief, CDD stated that their denial was based on a "straightforward application of the CBJ code.... [A code] that beyond representing the will of the community provides guidance and places guardrails." As a community member, I would suggest that their interpretation of the Code creates not a guardrail but an unfortunate barrier to the goals of the CBJ Housing Action Plan to reduce downtown's critical housing shortage.

Looking around downtown, I mourn the loss of buildings that once provided housing that now are empty, languishing and deteriorating. (Twentieth Century Theater comes to mind). CBJ's Comprehensive Plan acknowledges this problem of dwelling units that have been vacated by the owner and are being kept off the market. By The Glory Hall's proposal to convert a portion of their property on South Franklin to affordable housing, they are acting as a community-minded landlord and accordingly become apart of the solution to reducing the housing shortage downtown.

I recognize and applaud CBJ's ongoing effort to increase access to affordable housing such as the use of the Juneau Affordable Housing Fund to fund worthy housing projects. I supported the new City Hall funding proposition because I looked forward to the possibility of returning the CBJ offices in the Marine View Apartments back to their original housing purpose. Obviously, as with the latter failed vote, there will be times when there are setbacks to these efforts. For this reason, I think it's all the more important to recognize that each step towards reaching our goal, however small, should not be ignored.

I urge you to approve the conditional use permit for The Glory Hall's conversion project on South Franklin.

Sincerely,

Laura Lucas

6615 North Douglas Hwy

From: [Olivia Salisbury Sinaiko](#)
To: [Jennifer Shields](#)
Cc: [Chloe Papier](#)
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Monday, October 17, 2022 12:59:51 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am a Juneau homeowner who both lives and works downtown. I am writing in whole-hearted support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is in the midst of a housing crisis and people are suffering, and converting this building into 7 units would be a meaningful step towards alleviating that suffering. My hope is that the City will do everything it can to support those who are willing to step forward to help solve the problem, including approving The Glory Hall's application for a conditional use permit. I urge you to approve this project without burdensome conditions.

Thank you,

Olivia Sinaiko

From: [Kiel Renick](#)
To: [Jennifer Shields](#)
Subject: Support for The Glory Hall Affordable Housing project
Date: Monday, October 17, 2022 1:09:07 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Good Afternoon Jennifer,

I'm writing you and the greater CBJ in support of The Glory Hall's plan to develop its former shelter into 7 units of affordable housing.

Juneau is facing a housing crisis at all levels of income, and these 7 housing units could bring folks from houselessness to being housed. That is life changing for those people, and also important for Juneau's overall economy.

Having observed the ongoing debate regarding this issue, I would hope that CBJ can be solution oriented to help the people of Juneau attain needed housing instead of digging in to defend bureaucratic technicality.

Please be helpful in addressing our community needs, especially at this trying time.

Thank you,
C. Kiel Renick
615 Basin Rd.
Juneau AK 99801

From: [Piper Haney](#)
To: [Jennifer Shields](#)
Subject: Glory Hall's Conditional Use Permit
Date: Wednesday, October 19, 2022 8:57:19 AM
Attachments: [Outlook-yaau4cmw.png](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

My name is Piper Haney and I am a mental health clinician for Front Street Clinic that is based at the Glory Hall emergency shelter. I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. Living without stable housing can drastically worsen mental and physical health symptoms and contribute to substance abuse. By creating more affordable housing units in Juneau we have the opportunity to provide community members with stable and affordable housing, one of the basic needs necessary to reach self-sufficiency and improve mental and physical health. I urge you to approve this project without burdensome conditions.

Sincerely,
Piper Haney

Piper Haney, LMSW
Behavioral Health Clinician - Unlicensed
Front Street Clinic/ The Glory Hall
P: 907.364.4429
E-mail: phaney@searhc.org
225 Front Street Ste. 202 | Juneau, AK, 99801



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From: [Sydney Hughes](#)
To: [Jennifer Shields](#)
Cc: cpapier@juneauhfc.org
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Wednesday, October 19, 2022 11:19:13 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

Sincerely,
Sydney Hughes

From: [Margo Waring](#)
To: [Jennifer Shields](#)
Subject: Glory Hall apartments
Date: Wednesday, October 19, 2022 9:05:05 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I am writing to let the Planning Commission know my opinion about efforts to convert the former Glory Hall into seven affordable apartments.

I read in the Juneau Empire that CDD is still opposing 7 new units and has recommended denial of the conditional use permit because it says that the project would increase density of the parcel because the prior residents of the shelter did not have individual cooking, sleeping and bathroom facilities and the residents of the apartment would.

To me, this is silly. The fact is that upwards to 53 people lived in the GH at any one time and CBJ considered it safe for them to be there, sleep, use bathrooms and meals cooked for 53+ everyday. The new units will house up to 14 people which seems a safer number. If the concern is fire protection, perhaps a permit can insist on extra fire extinguishers in each unit. I am sure that prospective tenants will be screened for suitability. And the fact that the apartments are affordable and will accept Section 8 vouchers will make a significant addition to Juneau's supply of this type of rental unit.

I encourage the Planning Commission to look beyond narrow definitions used by CDD and see that this project deserves their support.

By the way, I was a frequent cook at the GH(s) and its kitchens for more than 30 years and am familiar with patrons and staff and feel that everyone will do what they can to make the conversion a success.

Sincerely,
Margo Waring
11380 N. Douglas Hwy
Juneau, AK 99801

From: [Kelsey Dean](#)
To: [Jennifer Shields](#)
Cc: cpapier@juneauhfc.org
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Thursday, October 20, 2022 7:16:20 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

Sincerely,
Kelsey Dean

From: [Hannah Wilson](#)
To: [Jennifer Shields](#)
Cc: cpapier@juneauhfc.org
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Thursday, October 20, 2022 7:16:48 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

Sincerely,

Hannah Wilson

Sent from my iPhone

Mary Alice McKeen
Attorney, Alaska Bar # 8106035
212 West 9th Street
Juneau, Alaska 99801
907-957-6170
ottokeen@gmail.com

BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

| | | |
|----------------------------|---|------------------------------------|
| JUNEAU FIRST HOUSING |) | USE 2022 013: |
| COLLABORATIVE, |) | TGH's Application for a |
| dba THE GLORY HALL (TGH) - |) | Conditional Use Permit to create |
| |) | seven affordable apartments in the |
| Applicant |) | Mixed Use District in |
| |) | Downtown Juneau |

TGH's Application for a CUP to create seven affordable apartments in the Mixed Use District in Downtown Juneau should be granted.

Introduction..... 2

Summary..... 3

Exhibits attached to these Comments 5

Minor correction in application: the first floor will be used as a commercial rental; it may or may not be a restaurant..... 6

Standard of Review..... 6

1. The Glory Hall Building is not located in a severe avalanche area..... 7

2. The Director's finding that this project increases density is clear error and is in no way supported by a preponderance of evidence in the record. 10

A. The issue is whether this project increases density of this parcel; it does not..... 11

B. CDD conceded in the Building Permit Appeal that this Project does not increase density of this parcel; it only argued against a general redefinition of density for all projects..... 15

3. The Director's finding that the proposed development will materially endanger the public health, safety, or welfare is in error and not supported by a preponderance of the evidence..... 17

A. The Director's assertion that this conditional use permit should be denied because TGH did not present evidence beyond what is in CDD's records that TGH complied with the conditions of the 1990 conditional use permit 1990 is error. 17

1. This standard is unreasonable and arbitrary on its face. 18

Mary Alice McKeen
Attorney, Alaska Bar # 8106035
212 West 9th Street
Juneau, Alaska 99801
907-957-6170
ottokeen@gmail.com

BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

| | | |
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| JUNEAU FIRST HOUSING |) | USE 2022 013: |
| COLLABORATIVE, |) | TGH's Application for a |
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TGH's Application for a CUP to create seven affordable apartments in the Mixed Use District in Downtown Juneau should be granted.

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1. This standard is unreasonable and arbitrary on its face. 18

2. This standard contradicts the presumption of regularity that applies to the Planning Commission’s and CDD’s actions that led to the Certificate of Occupancy Permit issued to The Glory Hall on August 14, 1991. 18

3. CDD’s records show that CDD admirably performed its job in 1990 – 1991..... 19

B. The preponderance of evidence does not support the Director’s finding that the conversion of The Glory Hall building to seven small apartments will materially affect public health, safety or welfare..... 20

C. The treefall event on Gastineau Avenue in September 2022 does not support denial of this conditional use permit. 22

D. The conditions hinted at by CDD are not reasonable..... 24

Conclusion 25

Introduction

The Juneau Housing First Collaborative doing business as The Glory Hall (TGH) submits these comments in support of its application for a conditional use permit to create seven affordable rental units in its building located at 247 South Franklin Street. TGH responds to points made by CDD in its Staff Report submitted to Michael LeVine, Chair, Planning Commission on October 17, 2022.¹ TGH will refer to that document as the “CDD Staff Report.” With the CDD Staff Report, CDD Planner submitted 304 pages of attachments, which TGH will cite by Attachment Letter A through Z 2 and sometimes also by page number in the Planning Commission packet.

TGH received the CDD Staff Report on Monday, October 17, 2022, at 5:07 p.m. It was 26 pages and had 304 pages of attachments. Frankly it was a surprise that CDD continued to argue that the conditional use permit should be denied on the grounds of CDD’s conclusion that the project would increase density of the parcel.² This was surprising in light of the arbitrary and absurd results of that position – this building can

¹ CDD Staff Report to Michael LeVine, Chair, Planning Commission by Jennifer Shields, Planner II, through Jill Maclean, CDD Director.
² CDD Staff Report at pages 9- 11.

house over 50 persons a night in several dormitories, seven shared bathrooms, and one large kitchen but cannot house 7 to 14 people because these residents will have their own sleeping, bathroom and cooking facilities -- and in light of CDD's acknowledgment in the Building Permit appeal that *in this case, for this project*, the interpretation of density in the Proposed Decision of the Planning Commission "supports TGH's conversion *and* the intent of CBJ 49.70.300(b)(1), which is to minimize risk to people and property."³ TGH elaborates on this in Point 2 B below. But CDD has put before the Commission *again* the legal issues that were the subject of extensive briefing and legal argument in the Building Permit appeal.

TGH has done its best to respond to the CDD Staff Report in the two and a half days it had to prepare these comments. At the hearing, TGH has only ten minutes to make its opening comments and five minutes for response. TGH hopes that the Commissioners ask questions if any of TGH's argument need clarification or give TGH time to submit additional written comments for any points that require a written response.

Summary

Under CBJ 49.15.330, the Planning Commission has exclusive authority to issue a conditional use permit.⁴ The Planning Commission shall reject the CDD Director's determination regarding a conditional use permit if it finds, by a preponderance of evidence, that the Director's determination was in error. This project is allowed by the Table of Permissible Uses. This parcel is in the Mixed Use District, which has no

³ CDD's Objections to the Proposed Decision at 5 (*italics in original*) (June 8, 2022).

⁴ A Planning Commission's decision may be appealed to the Assembly under Chapter 01.50 of the Municipal Ordinances.

maximum number of dwelling units per acre. This project implements a priority of the Juneau Comprehensive Plan, which recognizes that Juneau has a “housing crisis.”

The Director, however, recommended that the Planning Commission simply deny outright the conditional use permit for these seven affordable rental units. The Director determined that a grant of this permit was prohibited by CBJ 49.70.300(b)(1), which states that “no development . . . within a severe avalanche area shall . . . increase the density of that parcel.” This is error for two reasons. First, the parcel is not in a “severe avalanche area.” The parcel is in a potential avalanche hazard area, based on Map 4, 1987 Hazard Study Maps, which are still the official CBJ maps. The parcel is in a low (negligible) avalanche hazard zone on the more recent Tetra Tech maps.

Second, the project does not increase density of the parcel by any reasonable measure of density. The project does not increase the density of structures: it converts the inside of the building into seven small apartments and does not change the footprint of the building. The project changes the use of the building from housing 43 to 53 people with shared sleeping, cooking, bathroom and living facilities to housing 7 to 14 people in seven small apartments with their own sleeping, cooking, bathroom and living facilities. Finally, the project decreases the maximum number of persons that can occupy the space by 75% because the allowable space per resident of an apartment is much greater than the allowable space per resident of a homeless shelter.

The Director determined that the project would materially endanger the public health, safety or welfare. The Director stated that TGH had not proven that it met the requirements of the conditional use permit it received in 1990 to construct the shelter. This is error. An applicant is entitled to rely on the “presumption of regularity” that a government agency is presumed to have properly discharged its official duties. It would

be a nightmare if every time a property owner wanted a new permit, it had to go back years and show that it, or prior owners, had met the conditions for prior permits. CDD's own records show that TGH met the conditions of the 1990 conditional use permit and CDD issued an Occupancy Permit "certifying at the time of issuance this structure was in compliance with the various ordinances of the City and Borough of Juneau regulating building construction or use [for a Group Shelter]," attached as Exhibit 2.

Furthermore, the City authorized construction and use of the building as a homeless shelter in 1990 and TGH still has a valid conditional use permit for that use. The record does not show by a preponderance of evidence that conversion of the building to seven small apartments would materially endanger the public health, welfare or safety. The conversion does not change the footprint of the building. TGH submitted detailed engineering plans from Stan Tech for the structural changes in the building required for the conversion. The internal agency review of the application yielded no concerns from CBJ Engineering or Building. No neighbors of the building have raised safety concerns. And the public comment, including comments from several downtown business owners, was unanimous in favoring development which would lead to more affordable rental housing and more people living in the Downtown area. The only entity opposed to this project is CDD.

Exhibits attached to these Comments

Exhibit 1: CBJ 49.70.300 – Landslide and avalanche areas (full text of ordinance).

Exhibit 2: Certificate of Occupancy issued for TGH Building "certifying at the time of issuance this structure was in compliance with the various ordinances of the City and Borough of Juneau regulating building construction or use" for a Group Shelter, Attachment N to CDD Staff Report.

Exhibit 3: Sheet 4, 1987 Hazard Study Maps, showing TGH parcel in "potential avalanche area."

Exhibit 4: CDD references in Building Permit Appeal to TGH parcel being located in “a moderate avalanche area.”

Exhibit 5: CBJ 49.25.500, Density: “The maximum number of dwelling units per acre shall be as provided in the following table.” Mixed Use District has no maximum density of dwelling units per acre.

Exhibit 6: Opening Brief of TGH in Building Permit Appeal: sections addressing whether the project would increase density.

Exhibit 7: Reply Brief of TGH in Building Permit Appeal: sections addressing whether the project would increase density.

Exhibit 8: Affidavit of Mariya Lovishchuk re Engineering Firms (June 30, 2022)

Minor correction in application: the first floor will be used as a commercial rental; it may or may not be a restaurant.

The application incorrectly stated the first floor will be used as a restaurant. The first floor has a commercial kitchen. In other parts of the application, TGH stated that the first floor will be used as a commercial rental. It may or may not be used as a restaurant. There are other possible uses, such as, for example, a training space for a nonprofit or tribal organization to train persons for work in the culinary or hospitality fields. If a restaurant, the venture will have some elements of a mission-aligned use, that is a use compatible with the mission of The Glory Hall. The first floor rental will be decided after the apartment conversions are completed or near completion.

Standard of Review

The Planning Commission has exclusive authority to issue a conditional use permit (CUP) under CBJ 49.15.330. The CDD Director reviews the application for a CUP.⁵ The Planning Commission reviews the CDD Director’s and shall adopt the CDD Director’s determination unless it finds, by a preponderance of evidence, that the

⁵ CBJ 49.15.330(d).

determination was in error.⁶ The Planning Commission may also take action based on its independent review of the evidence before it.⁷

1. The Glory Hall Building is not located in a severe avalanche area.

CBJ 49.70.300(b)(1) states:

Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

TGH maintains in the strongest possible terms that this project does not increase density. But this ordinance only applies to development “within a severe avalanche area” and the record shows that this parcel is not in a severe avalanche area. If the parcel is not in a severe avalanche area, this part of the ordinance does not apply to TGH’s request for a conditional use permit.

This parcel is not in a severe avalanche area and CDD admits that this parcel is not in a severe avalanche area. Based on the Hazard Study Map Sheet # 4, attached as Exhibit 3, this property is in a “potential hazard” for Snow Avalanche Hazard Classification. This is equivalent to a “moderate avalanche area.”⁸ Based on the 1987 maps, the Glory Hall parcel is in a severe landside area and that is why in 1989, TGH submitted the R & M analysis of landslide risk and why the Planning Commission required mitigating measures for landslides as part of construction of the building that is

⁶ CBJ 49.15.330(e)(2).

⁷ See CBJ 49.15.330(f) (providing that based on its independent review of the evidence, the Commission may deny or condition a permit if it finds that the development will more probably than not [1] materially endanger the public health or safety, [2] substantially decrease the value of the property or be out of harmony with the neighboring area, [3] lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans).

⁸ CDD Staff Notations in Building Permit Appeal, Exhibit 4 to these Comments.

there today. The recent Tetra Tech maps put the TGH property in a low avalanche hazard designation – not moderate, not severe – which the maps explain mean a return period of greater than 300 years.⁹

Further, the record of the appeal for the Building Permit for this property shows CDD staff as noting “this parcel is located in the moderate avalanche area.”¹⁰

It is also noteworthy that the extensive record of TGH’s application for a conditional use permit in 1990 has no indication that CDD treated this parcel as in the severe avalanche area and as subject to the restriction on development in CBJ 49.70.300(b).¹¹

In fact, CDD admits that this parcel is not in a severe avalanche area. CDD has made the decision on its own to apply the limitation in CBJ 49.70.300(b) to parcels in either a severe avalanche area or a severe landslide area. CDD does this because it concluded that the Assembly use of the term “severe avalanche area” in CBJ 49.70.300(b) was unintentional. The CDD Staff Report states that because CBJ 1987 maps were based in part on 1970 maps that combined landslide and avalanche, “staff believe that the heading of CBJ 49.70.300(b) labeled, ‘Severe Avalanche Areas’ – but not landslide – was not intentional.”¹²

This is an unreasonable interpretation of Assembly intent for numerous reasons:

⁹ Figure 2.4d, <https://juneau.org/community-development/special-projects/landslide-avalanche-assessment>. CDD notes that these maps are for informational purposes at this time.

¹⁰ Exhibit 4 to these Comments.

¹¹ Attachments F – N, CDD Staff Report.

¹² CDD Staff Report at page 16.

- It was not only the heading of CBJ 49.70.300(b) that used the term “severe avalanche area” or “severe avalanche areas.” The Assembly used that term in the heading AND in two places in CBJ 49.70.300(b), as noted below.¹³
- The ordinance shows the Assembly understood that there were both landslide and avalanche areas. It used the term “severe avalanche areas” five times in the entire CBJ 49.70.300 and “landslide areas” six times.¹⁴ It applied some parts of CBJ 49.70.300 to landslide and avalanche areas.
- CBJ 49.70.300(a)(2) specifically states that “Boundaries of potential and severe avalanche areas will be as shown on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1-8, as the same may be amended from time to time by the assembly by ordinance.” There would be no point to that provision if it didn’t matter whether a parcel was in a severe landslide or a severe avalanche area.
- CBJ 49.70.300(a)(2) states the boundaries will be as shown on “sheets 1-8.” It does not say “except for Sheet 4.” It is true that on some sheets, the Assembly adopted composite maps: Sheets 1, 5, 7. But Sheet 4 has separate boundaries and the Assembly adopted that sheet in 1987 and has not amended it. So for the

¹³ (b) *Severe avalanche areas.*

(1) Notwithstanding any other provision, no development or any part of a development, *which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.

(2) No subdivision shall be approved which creates a lot lacking sufficient building space *outside a severe avalanche area.* [emphasis added]

¹⁴ These mentions are noted on Exhibit 1.

purposes where the statute treats avalanche and landslide areas differently, the Assembly adopted maps with separate boundaries. CDD points to statutory provision where the Assembly stated that it was combining for all purposes avalanche and landslide areas together.

The Assembly adopted this language in 1987 and amended the statute in 1990 and in 2006 and left the references to “severe avalanche areas” in place.¹⁵ CDD is rewriting the ordinance and is rewriting it in a way that enlarges the restrictions on property owners. If CDD thinks the Assembly made a mistake, it can work with the City Manger or the Legal Department to request that the Assembly change the ordinance. But it is not CDD’s role to rewrite ordinances and fix mistakes that it thinks the Assembly made.

This parcel is not and never has been in a severe avalanche area. CBJ 49.70.300(b) does not limit the development of TGH property in any way.

2. The Director’s finding that this project increases density is clear error and is in no way supported by a preponderance of evidence in the record.¹⁶

In addition to the fact that the parcel is not in a severe avalanche area, the Director erred by finding that the project increased density. TGH maintains that since the Assembly did not specifically define “density,” the Planning Commission should make a fact-specific determination whether a particular development would increase the density of a parcel by looking at all the facts about a development: whether the development increases structures on the parcel; whether it increases dwelling units, whether it increases the persons occupying the parcel; whether it increases the persons that can

¹⁵ Serial No. 87-49, § 2, 1987; Serial No. 90-03, § 1, 1990; Serial No. 2006-15, § 23, 6-5-2006.

¹⁶ For a more detailed analysis of this issue, TGH’s arguments on this point from the Building Permit Appeal are contained in Exhibits 6 and 7 to these Comments.

legally occupy the premises. The Planning Commission should look at all relevant facts. If it does, this project does not increase density.

CDD states that the Planning Commission can only look at one fact, namely whether the proposed development increases the number of dwelling units, which are residential uses where persons have their own “cooking, living, sleeping and toilet facilities.”¹⁷ This approach is in error. CDD’s interpretation of density was not adopted by the Assembly either in the ordinance itself or as a general definition. CDD’s interpretation leads to unreasonable, arbitrary and absurd results that do not comport with a reasonable construction of Assembly intent in adopting CBJ 49.70.300. It is far more reasonable that the Assembly intended CDD and the Planning Commission to look at all the facts related to a project to determine whether the project would increase the density of a parcel.

A. The issue is whether this project increases density of this parcel; it does not.

The issue is whether this project increases the density of this parcel. The Assembly did not adopt a definition of “density” in CBJ 49.70.300(b). The Assembly did not adopt a definition of “density” in the definition section for Title 49, which is where the Assembly defines terms that it intends to have a common definition throughout Title 49.¹⁸ The Assembly knows how to do this. It has adopted definitions of 402 terms in CBJ 49.80.120 to use throughout Title 49. “Density” is not one of them.

Since the Assembly did not adopt a “one-size-fits-all” definition of density, TGH maintains that the proper interpretation of Assembly intent in CBJ 49.70.300(b) is that

¹⁷ CBJ Staff Report at 8 – 10. This is the definition of “dwelling unit” in CBJ 49.80.120.

¹⁸ CBJ 49.80.120.

CDD would determine whether a project increased density of a parcel by considering all relevant facts about the project including whether the project enlarges or adds a structure to the parcel, whether the project adds dwelling units on the parcel, whether the project increases the number of persons residing or using the parcel and whether the project increases the number of persons that can potentially occupy the building. And any conclusion that the government arrives at regarding whether a project increases density should be reasonable and not produce an absurd result.

This conversion of a homeless shelter to seven small apartments does not increase density by any reasonable measure:

- The building conversion does not add structures or change the footprint of the building.
- The project does not increase the density of people who have or will use the building. The project significantly decreases the occupants of the building. The project changes the use of the building from housing 43 to 53 homeless people for decades, who shared bathroom, sleeping, and cooking facilities, to housing 7 to 14 people in seven small apartments with their own bathroom, sleeping and cooking facilities.
- The project significantly decreases the number of people that can occupy the parcel. A shelter resident in a dormitory has to have 50 gross square feet per person. A resident of an apartment has to have 200 gross square feet per person. The project decreases the maximum allowable occupancy on the parcel by 75%.

Why and how does CDD conclude that this project increases density? CDD defines “density” to mean one and one fact only: whether the project increases the number of dwelling units. Dwelling units are a residential use providing “independent

and complete cooking, living, sleeping and toilet facilities for one family.”¹⁹ CDD states that the homeless shelter had “0” dwelling units and that the project will have “7” dwelling units and therefore the conversion project increases density and is prohibited.

CDD does not provide a reasonable basis for its adoption of an across-the-board definition of density as dwelling units in CBJ 49.70.300(b). The Assembly did NOT adopt it in the ordinance itself or in the general definition section. And CDD’s “one-size-fits-all” definition of density leads to an absurd result. It is a result that does not meet the “red face” test of a plausible or coherent statement of Assembly intent. Why would the Assembly intend to allow development of this property for homeless persons, who share sleeping, cooking and bathroom facilities, to live in a mapped hazard area but not for renters, who have their own sleeping, cooking and bathroom facilities? And why on earth would the Assembly intend this result *precisely because* homeless persons share sleeping, cooking and bathroom facilities and renters do not?

CDD asserts that density in other sections means the number of dwelling units.²⁰ The references to density as meaning dwelling units comes almost exclusively from CBJ 49.25.500, attached as Exhibit 5, and related ordinances. CBJ 49.25.500 specifies density for establishing the “maximum number of dwelling units per acre” by different zoning districts. CBJ 49.25.520 specifies in close-to-excruciating detail how to apply the rules for counting up to the maximum. CBJ 49.60.140, cited in the CDD Staff Report, establishes a “residential density bonus,” for when a developer can exceed the allowable maximum density in CBJ 49.25.500.

¹⁹ CBJ 49.80.120.

²⁰ CDD Staff Report at 8 – 9.

These ordinances provide no support for CDD’s conclusion that the Assembly intended to determine an increase density in CBJ 49.70.300 by the sole fact of whether the project increased dwelling units.

- The Assembly specified unequivocally in CBJ 49.25.500 – 520: count dwelling units to determine density. CBJ 49.25.500 is what an ordinance looks like when the Assembly establishes a standard for density for a particular purpose. The Assembly specified the allowable density for cottage housing development, namely the maximum number of dwellings in a cottage housing development is 12 units, except in a D-10 zoning district the maximum is 14 units.²¹ These are what ordinances look like when the Assembly establishes a maximum density and then exceptions to it. The Assembly did not tell CDD to count dwelling units to determine an increase in density in CBJ 49.70.300(b).
- The density standard for maximum dwelling units in the CBJ code has no applicability to this parcel. This parcel is in a Mixed Use District. The table in CBJ 49.25.500 states there is no maximum for the number of allowable dwelling units.
- CBJ 49.70.300(b) is not a zoning provision. It is a Land Use provision but not a zoning provision. This ordinance is in Chapter 49.70, which is “Specified Area Provisions.”
- The definition of “density” as “dwelling units” in CBJ 49.25.500 – 520 and related ordinances does not lead to arbitrary and absurd results. The definition of “density” as “dwelling units in these ordinances does not undermine Assembly

²¹ CBJ 49.15.760(b)(1) & (2)(establishing maximum number of dwellings in a cottage housing development)

intent because the Assembly adopted that measure of density for determining the maximum density of dwelling units in zoning districts. CDD's adoption of "density" as dwelling units in CBJ 49.70.300(b) leads in this instance to unreasonable and arbitrary results, which are inconsistent with any reasonable statement of Assembly intent.

Despite all the ink spilled in this case, this is not a hard case. TGH agrees that CDD can look at dwelling units as one fact in determining whether a project increases density. But when, as here, there is one large dwelling that housed 43 to 53 persons a night and the new use will house 7 – 14 persons per night and the new uses decreases the potential occupancy by 75%, CDD erred by not looking at other facts. CDD arrived at an absurd, unjust and arbitrary result. And CDD is telling the Planning Commission that it *must* tell this non-profit corporation that it cannot convert its building to seven small apartments because it served the community for over thirty years by operating a homeless shelter in this building. This is clear error. The Planning Commission can look at the actual facts of this project and reach the obvious conclusion that this project does not increase density of this parcel.

B. CDD conceded in the Building Permit Appeal that this Project does not increase density of this parcel; it only argued against a general redefinition of density for all projects.

After oral argument on the appeal on May 24, 2022, the Planning Commission issued a proposed decision on June 1, 2022, and made two findings:

1. CDD acted in error by not incorporating previous engineering work in their analysis under CBJ 49.70.300(a)(5). CBJ Engineering accepted the site specific 1989 R&M Geophysical Hazard Assessment. The assessment established that the Glory Hall was not in a severe hazard zone. The assessment amends the 1987 CBJ hazard maps for this property.

2. The Planning Commission has determined the intent of CBJ 49.70.300 is to provide for the safety of occupants within a structure, regardless of use. As density is not specifically defined in Title 49, according to CBJ 49.20.300, the Planning Commission hereby provides the following interpretation: For the purposes of CBJ 49.70.300(b)(1), the phrase “shall not increase density” shall be interpreted to mean, “shall not increase the total quantity of people in a structure.”

In CDD’s Objections to the Proposed Decision, it is important to note that CDD acknowledged that TGH’s project does not increase the density of this parcel. These are CDD’s words:

Thus, in this case, TGH’s conversion will lead to fewer people living in a designated severe hazard area *even though* this same conversion will increase dwelling units. Thus, in this case, the Proposed Decision’s definition for CBJ 49.70.300(b)(1)’s density supports TGH’s conversion *and* the intent of CBJ 49.70.300(b)(1), which is to minimize risk to people and property.²²

CDD conceded that the Planning Commission’s definition of “density” in the Proposed Decision “supports TGH’s conversion *and* the intent of CBJ 49.70.300(b)(1).” CDD in essence acknowledges that the proposed definition of “density” works for this project.

Read fairly, what CDD objected to in the proposed decision and in the CDD Staff Report is that it did not want a general redefinition of “density” and it did not want a general redefinition of “density” as meaning only “occupancy.”²³ The Planning Commission withdrew the Proposed Decision. The Planning Commission does not need to, and probably should not, adopt a general redefinition of “density” for all projects. And TGH does not advocate that the Planning Commission adopt a definition of

²² CDD’s Objections to the Proposed Decision at page 5 (italics in original).

²³ CDD’s Objections to the Proposed Decision at 3 – 7 and specifically page 3 (“CDD Objects to the Commission’s Finding Density Should Be Defined As Occupancy for CBJ 49.70.300(b)(1) Purposes.”); CDD Staff Report at 9 (“if the Commission renders CBJ 49.70.300(b)(1) to mean occupancy, the Commission will open the door to substantial development within Severe Landslide and Avalanche areas.”)

“density” as meaning only occupancy. This avoids the concerns of CDD that it will have to define “density” as meaning only occupancy.

The Planning Commission can and should state that it will determine density based on all relevant facts about a proposed development. The Planning Commission can easily find that this development does not increase density of this parcel. If there is a dispute, the Planning Commission can and should evaluate whether a future project increases density based on the facts of this future projects.

3. The Director’s finding that the proposed development will materially endanger the public health, safety, or welfare is in error and not supported by a preponderance of the evidence.

A. The Director’s assertion that this conditional use permit should be denied because TGH did not present evidence beyond what is in CDD’s records that TGH complied with the conditions of the 1990 conditional use permit 1990 is error.

CDD Staff Report states: “In 1989, the applicant received Conditional Use Permit approval to operate an Emergency Shelter in a Mapped Hazard Area, based on conditions outlined in a 1989 R & M Engineering Report. **Those conditions have not been confirmed as completed.**”²⁴ The CDD Director’s Report says the same thing, “Those conditions [in the 1989 R & M Engineering Report] have not been confirmed as completed.” CDD is actually suggesting that to receive a conditional use permit in 2022, the applicant must prove affirmatively that it met the conditions that led it to receive a conditional use permit, building permit and Certificate of Occupancy thirty-one years ago.

²⁴ CDD Staff Report at page 2 (emphasis in original).

1. This standard is unreasonable and arbitrary on its face.

It would be a nightmare if every time an applicant wanted a conditional use permit, CDD could require it to prove that CBJ properly issued and enforced prior permits. This permit was issued thirty-one years ago. How long could CDD reach back? The same property owner received the prior CUP and is applying for this. But that is not necessarily the case.

2. This standard contradicts the presumption of regularity that applies to the Planning Commission's and CDD's actions that led to the Certificate of Occupancy Permit issued to The Glory Hall on August 14, 1991.

An applicant is entitled to rely on the “presumption of regularity” for official acts including that CDD in 1990 did its job and ensured compliance with the conditions in the CUP before it issued a Certificate of Occupancy for the Building.²⁵ The preeminent statement of this principle in American law was made by the United States Supreme Court in 1926 in *United States v. Chemical Foundation*:

The presumption of regularity supports the official acts of public officers and, in the absence of clear evidence to the contrary, courts presume that they have properly discharged their official duties.²⁶

The presumption has been applied to government actions in many different situations.²⁷ It enables citizens to rely on the sufficiency of past actions taken by government agencies; saves reviewing bodies time because they do not have to endlessly go back to prior acts to see if the government did its job, unless there is clear reason to

²⁵ Exhibit 2 to these Comments: Certificate of Occupancy (August 14, 1991), issued by Christian T. Roust, Building Official.

²⁶ *United States v. Chem. Found.*, 272 U.S. 1, 14 – 15 (1926).

²⁷ E.g., *Jud. Watch, Inc. v. U.S. Dep't of State*, 282 F. Supp. 3d 338, 345 (D.D.C. 2017) (“[a]gencies are entitled to a presumption that they complied with the obligation to disclose reasonably segregable material” under the Freedom of Information Act) (citations and punctuation omitted); *Bold All. v. U.S. Dep't of the Interior*, 572 F. Supp. 3d 943, 947 (D. Mont. 2020) (“The government's designation of an administrative record is entitled to a presumption of completeness.”).

think it did not; reduces the possibility of a government agency selectively asking only certain applicants to dig back twenty, in this case, thirty-one years, to prove something that the same government agency said an applicant had already complied with.

3. CDD's records show that CDD admirably performed its job in 1990 – 1991.

The Planning Commission approved a conditional use permit on January 23, 1990, for construction of The Glory Hole Building subject to the following condition:

For the new building the developer shall include R & M Engineer's construction recommendations listed in the project's hazard analysis report.²⁸

R & M Engineers concluded that the "potential for mass wasting is minimal," particularly if its recommendations were followed:

1. Machine grade the entire surface upslope of the existing concrete retaining wall to a relatively uniform slope angle (Shallow terracing may be more aesthetically pleasing.)
2. Found the deck support footing at least 4' below the slope surface as measured on the slope's low side. Footings may be designed for a soil bearing value of 1,500 PSF.
3. Relocate the fuel oil tank so it does not bear against the upslope slide of the retaining wall.
4. Hydroseed the slop soils exposed by grading and handplant with salmonberry, alder, or other native, hardy plants.
5. Intercept sheet flow water at the upslope property line by excavating a 2" (minimum) depth ditch sloped to drain without eroding the ditch bottom. The ditch should discharge into a conduit leading to the municipal storm drain system.²⁹

²⁸ Attachment F to CDD Staff Report, Notice of Decision, Letter from David Goade, Planner II to The Glory Hole (Jan. 26, 1990).

²⁹ R & M Engineering Report at page 2 (December 28, 1989), Attachment F to CDD Staff Report.

CDD then issued a building permit to construct the new building and the building permit incorporated the conditions.³⁰ CDD records show that two engineering firms – R & M Engineering and Wilson Engineering – were involved in monitoring the demolition of the old building and the construction of the new building.³¹ The Certificate of Occupancy issued by a fine prior building official, Christian (Chris) T. Roust on August 14, 1991, is attached to these comments as Exhibit 1. The Certificate of Occupancy states: “ *This certificate issued pursuant to the requirements of Section 306 of the Uniform Building Code, as amended, certifying that at the time of issuance this structure was in compliance with the various ordinances of the City & Borough of Juneau regulating building construction or use for the building.*” These were all records within CDD’s custody and control.

B. The preponderance of evidence does not support the Director’s finding that the conversion of The Glory Hall building to seven small apartments will materially affect public health, safety or welfare.

The Director found that the project will materially endanger the public health, safety or welfare.³² This is a serious finding to make about a project. It is not supported by the record.

First, to deny a conditional use permit, the finding that the Director or the Commission must make is that proposed development “will materially endanger the

³⁰ Attachment K to CDD Staff Report, Building Permit (May 3, 1990). The copy is a little blurry but the bottom half says “Project Permit” then lists “Conditional” and lists the conditions. There was also a separate demolition permit for removal of the old building. Attachment J to CDD Staff Report.

³¹ Attachment K to CDD Staff Report: *see, e.g.*, Letter from R & M to CBJ (May 14, 1990)(discussions with Coogan Construction re vibration from sheet pile installation); Wilson Engineering Compaction Report (May 30, 1990); Letter from Lars Gregovich, PE, Wilson Engineering to John Egan, Glory Hole Director (Dec. 12, 1990)(“To the best of my ability and knowledge, all work which we inspected confirmed to the approved plans and specifications for this job.”)

³² CDD Staff Report at 25.

public health or safety.”³³ Although the Director made a finding of “yes,” the explanation of the finding was as follows: “There is evidence to suggest that the requested multi-family dwelling, in a Mapped Severe Landslide and Avalanche Hazard area, will materially endanger the public health or safety.”³⁴ The Director must weigh the evidence and conclude how the preponderance of evidence supports that finding and explain the basis for that conclusion. Simply saying there is “evidence to suggest” does not meet the statutory standard.

Second, the CDD Staff Report and the Director’s Report rely on what it termed the failure by TGH to prove that CDD did its job in 1990 – 1991. As discussed above, this is not valid “evidence.” This Commission can presume, and the CDD records bear it out, that this applicant received a conditional use permit with conditions “necessary to mitigate external adverse impacts,” as required by CBJ 49.15.330(a). The possibility of landslides and mass wasting was analyzed and the Commission put conditions to address any risk and CDD issued a Certificate of Occupancy that all requirements in CBJ ordinances had been met.

Third, TGH is not seeking a conditional use permit to construct this building but only to convert it. The building was deemed safe to construct in 1991. The building still has a conditional use permit and a certificate of occupancy that allows it to operate as a shelter. If the building is safe to house homeless persons, it should be presumed safe to house renters. The only change made by the conditional use permit is conversion of the building into seven small apartments. And for this work, TGH submitted detailed

³³ CBJ 49.15.330(d)(5)(A)(Director’s determination); CBJ 49.15.330(f)(1)(Commission determination).

³⁴ CDD Staff Report at 25.

operating plans from Stan Tech Engineering.³⁵ The plans were 35% drawings and cost \$35,000. The plans show load bearing walls and other data that is necessary for the conversion. What evidence is CDD relying on to show that the *conversion* of this building to seven small apartments will materially affect public health and safety?

Fourth, the internal review of this project by other CBJ agencies yielded no concern from CBJ Engineering or Building and an affirmative comment from Fire that there are no issues with this project.³⁶

Fifth, unlike many housing projects, this project has elicited no concern from any neighbors – residential or business. The comments have been uniformly in favor of this proposed development. The only entity opposed to this project is CDD.

C. The treefall event on Gastineau Avenue in September 2022 does not support denial of this conditional use permit.

CDD points to the treefall event on Gastineau Avenue last month and puts in pictures of the event.³⁷ This, of course, was extremely unfortunate for the property owners involved but it does not support denial of this conditional use permit.

First, it was a tree fall event rather than primarily a mudslide. TGH bases this on the pictures themselves and on public comments reported by CBJ officials:

Juneau, Alaska (KINY) - Drone footage is revealing that the slide on Gastineau Avenue was more of a treefall than a large mudslide.

That's according to the CBJ's Tom Mattice. He spoke to News of the North on Wednesday.

³⁵ Stan Tech Engineering Plans, Attachment A to CDD Staff Report, pages 43 – 66 of Planning Commission packet.

³⁶ CDD Staff Report at page 22.

³⁷ CDD Staff Report at 21.

"What's really interesting is it's really more of a treefall event than it was a mudslide," Mattice said. "As we started looking at the drone footage yesterday, and started to look at the debris, we have we have a tremendously large tree that fell and it took out a whole bunch of other small trees. The amount of mud is actually pretty minimal. It's amazing how much more of a treefall than it is than the actual mudslides, like we're traditionally used to."³⁸

The Glory Hall Building has no trees upslope from it. In fact, upslope of The Glory Hall is a garden for which TGH received a permit from CDD.³⁹

Second, this does not change the statutory framework for what a property owner can do on this parcel. The ordinance (CBJ 49.70.300(b)) prevents development in a severe avalanche area and only if it increases density. This parcel is neither in a severe avalanche area and does not increase density.

Third, to construct the building, R & M Engineering analyzed the slope angle and soil and concluded "that the potential for damage from mass wasting in minimal," particularly if its recommendations were implemented, which they were.⁴⁰

Fourth, CDD does not point to anything specific that shows the building is still not safe for occupancy except to point to "subsequent upslope development, including the reconstruction of Gastineau Avenue and associated drainage improvements above the site."⁴¹ Any upslope development is approved by the City. In particular, the reconstruction of Gastineau was a significant project undertaken by the City. It is unreasonable to require a private landowner to get an engineering study to analyze whether this large City project adversely affected its property. Will every property owner

³⁸ <https://www.kinyradio.com/news/news-of-the-north/mattice-gastineau-avenue-slide-more-likely-a-large-treefall-rather-than-mudslide/>

³⁹ CHLOE: IS THERE A REFERENCE TO THIS ON THE CDD Staff Report? What page?

⁴⁰ R & M Engineering Report (December 28, 1989), Attachment F to CDD Staff Report, pages 101 - 107 of Planning Commission Packet.

⁴¹ CDD Staff Report at page 17.

on South Franklin and any “mapped hazard area” who wants to develop its property have to hire an engineer to prove that the City’s Gastineau Reconstruction project did not affect its property?

Finally, 43 – 53 people a night have lived there and could live there again under the conditional use permit that still applies to this property. TGH is completely willing to provide engineering plans to show that conversion of this building to seven small apartments will not adversely affect the structural integrity of the building. This is the engineering analysis that should be required and that TGH has complied with.

D. The conditions hinted at by CDD are not reasonable.

CDD did not recommend any conditions but simply recommended that the Planning Commission deny the conditional use permit. But it has hinted at some conditions:

- As a condition to receive a permit in 2022, TGH should show in 2022 that it met the conditions when it received its 1990 conditional use permit: this is unreasonable and unwarranted for reasons discussed above.
- TGH should get a study that meets the requirements of CBJ 49.70.300(a)(4): TGH is not asking for a change in the boundary lines so this would not be appropriate.
- As part of that idea, TGH must obtain a study by an engineer experienced in avalanche analysis: Exhibit 8 is an affidavit from Mariya Lovishchuk, that she prepared before she started her no-contact sabbatical. Ms. Lovishchuk did a full-court press and made contacts with 10 engineering firms and 4 other

organizations. None of the engineering firms were available to do an analysis but six engineering firms did not have avalanche experience or were otherwise not qualified to perform the work.⁴² The only engineering firm with avalanche experience that at that time was willing to consider the work was Tetra Tech, but they could not perform an analysis because it needed permission from CBJ because CBJ was Tetra Tech's prior client and CBJ would not give permission for Tetra Tech to perform the analysis for TGH. A requirement for an engineer with avalanche experience is unnecessary because the parcel is not in a severe avalanche zone, the parcel has no history of avalanches, it will likely be impossible to find such an engineer.

- Applicant should prove that CBJ's Gastineau Reconstruction Project did affect its property: as discussed above, this is a completely unreasonable suggestion by CDD for an obligation to be placed on a private landowner as a condition for developing their property.

Conclusion

It is not reasonable to interpret the Assembly intent in adopting AS 49.70.300 in 1987 to undermine efforts to create new housing, especially new rental housing, on South Franklin Street. CDD's radical new approach would have prevented the numerous buildings that housed people: the Glory Hall shelter itself; the numerous buildings owned by companies that have commercial establishments on the first floor and work

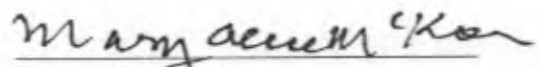
⁴² Mark Pusich with PDC Engineers; Don Larson; two more local engineering firms; StanTech Engineers; Shannon & Wilson Engineering. Alan Jones was conflicted out due his work on the Tetra Tech and also the scope of the project exceeded his ability.

force housing on the second floor, the Strasbaugh Apartments on Gastineau Avenue, and the Channel View Apartments on Gastineau Street.

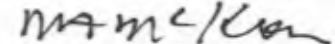
Title 49 has several purposes. One is to “recognize the economic value of land and encourage its proper and beneficial use.” Every action by CDD and then the Planning Commission must take that into account. CDD’s recommendation to deny this CUP means that TGH can operate a shelter on this parcel or try to rent the three floors for retail and office space, for which there is a glut on the market so the upstairs floors will likely be at least partly vacant.

With the CBJ’s blessing, this building has been authorized to house homeless persons since TGH received its Occupancy Certificate in 1991. TGH believes that the “proper and beneficial use” of this building is to continue to house persons but now in seven units of permanent affordable rental housing to the housing stock of Juneau. It is well within the Planning Commission’s authority to grant a conditional use permit for this beneficial project. Every unit matters.

Dated: 10-21-2022


Mary Alice McKeen
Attorney for The Glory Hall

I certify that on October 21, 2022, I served this document on the following persons: Jennifer.Shields@juneau.org; Sherri.Layne@juneau.org; Chelsea.Wallace@juneau.org.


Mary Alice McKeen

49.70.300 ^① Landslide and avalanche areas.
 M W W W W M W W

(a) Generally.

- (1) Development in all ^② landslide and avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches.
 M W W W W M W W
- (2) Boundaries of potential and ^① severe avalanche areas will be as shown on the ^③ landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1-8, as the same may be amended ^{M W W W W} from time to time by the assembly by ordinance.
- (3) Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling ^④ within landslide or avalanche areas shall require a conditional use permit.
 M W W W W M W W
- (4) If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, ^⑤ the department shall proceed accordingly.
 M W W W W M W W
- (5) ^⑥ The commission may require mitigating measures certified as effective by a professional engineer for development in ^② landslide and avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density.

(b) Severe avalanche areas. ^③

- (1) ^④ Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.
- (2) No subdivision shall be approved which creates a lot lacking sufficient building space outside a ^⑤ severe avalanche area.

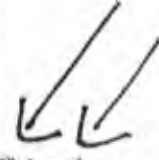
(c) *Warning and disclaimer of liability.* Avalanches and landslides may occur outside hazard areas in excess of engineering expectations. The location and severity of the event may be increased by manmade or natural causes. This article does not imply that land outside of designated hazard areas, or uses permitted within such areas, will be free from danger or damage. This article shall not create liability on the part of the City and Borough of Juneau or any officer or employee thereof for any damages that result from reliance of this article or any administrative decision lawfully made under this article.

(Serial No. 87-49, § 2, 1987; Serial No. 90-03, § 1, 1990; Serial No. 2006-15, § 23, 6-5-2006)

*KEY:
* SEVERE AVALANCHE AREA = ———, ⑤ MENTIONS.
* LANDSLIDE AREA = M W W W W, ⑥ MENTIONS.

Certificate of Occupancy

City & Borough of Juneau, Alaska



This Certificate issued pursuant to the requirements of Section 306 of the Uniform Building Code, as amended, certifying that at the time of issuance this structure was in compliance with the various ordinances of the City & Borough of Juneau regulating building construction or use for the following:

Use Classification GROUP SHELTER Bldg. Permit No. 4775.01

Occupancy Group R-1-A-3 Construction Type V-lhr.

Owner of Building Christian Juneau Cooperative Owner Address P.O. Box 186 Juneau, AK 99801

Building Address 247 S. Franklin St.

Legal Description of Building Lot Tract M, Lot 2

TOWNSITE OF JUNEAU

File No. 1-C07-0-BOM-001-0

CRoust
Christian T. Roust
Building Official

Date August 14, 1991

Post this Certificate and all identified attachments in a conspicuous place.

Page 165
IN PACKET

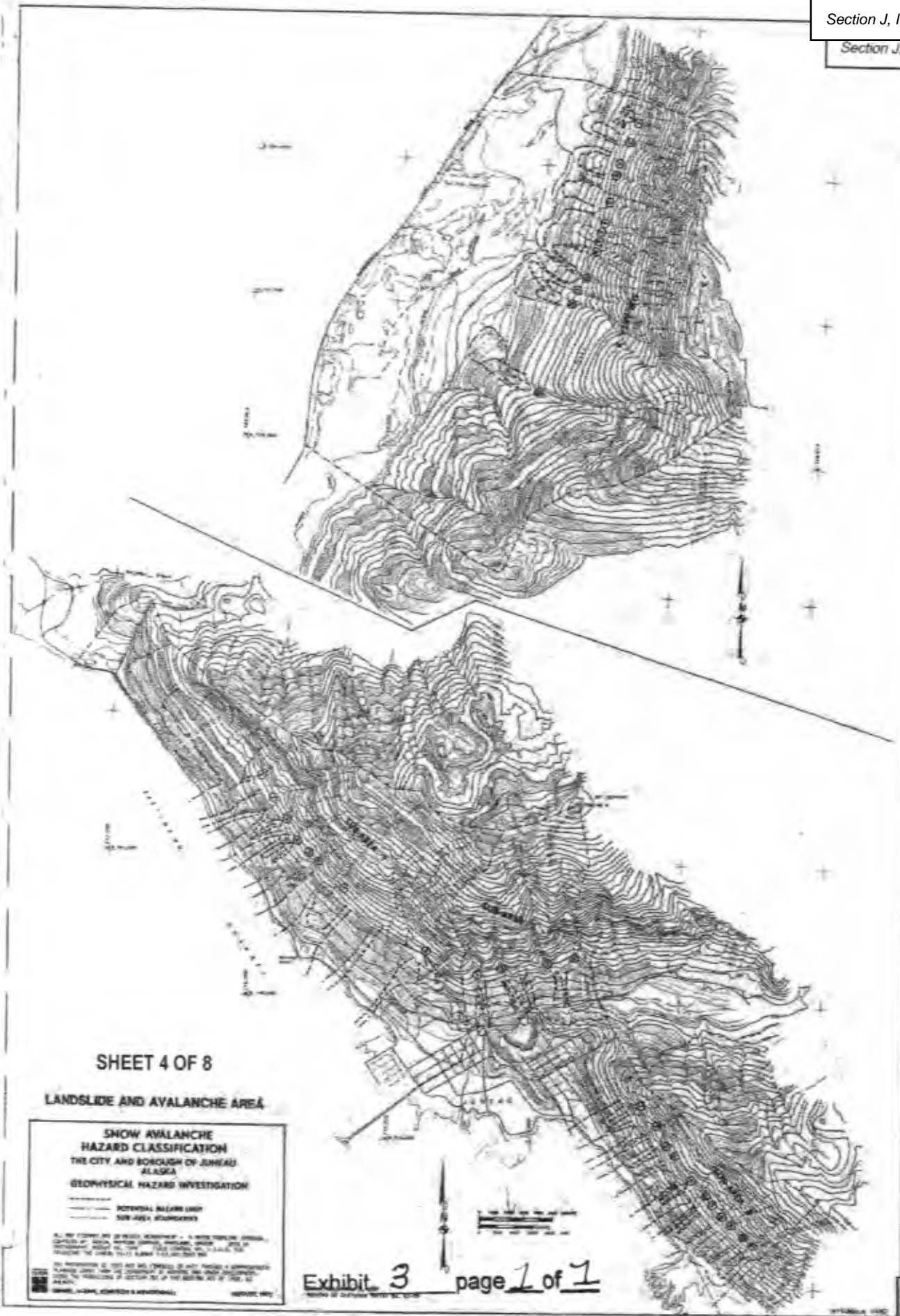


Exhibit 3 page 1 of 1

Attachment W - 1987 Hazard Study Map Sheets 1, 4, 5, 7

Planning Commission Packet - p. 254

BUILDING PERMIT APPLICATION

NOTE: THIS IS NOT A BUILDING PERMIT

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspections, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Case No: **BLD20210765**

| | |
|---|---|
| Case Description: Convert emergency shelter and soup kitchen into 7 apartments | |
| Site Address: 241 S FRANKLIN ST | Check No. of Existing Dwelling Units: 0 |
| Parcel No: 1C070B0M0010 | No. of New Dwelling Units: 7 |
| Legal Description: JUNEAU TOWNSITE BL M LT 2 FR | No. of Removed Dwelling Units: 0 |

| | |
|--|--|
| Applicant : JUNEAU COOPERATIVE CHRISTIAN MINISTRY DBA THE GLORY HALL 247 S FRANKLIN ST JUNEAU AK 99801 | e-mail: brucecdenton@gmail.com e-mail: lovishchuk.mariya@gmail.com |
| | CEL 907-723-2259 PRI 907-957-2885 |

| | |
|---|---|
| Owner: JUNEAU COOP CHRISTIAN MINISTRY PO BOX 021997 JUNEAU AK 99802-1997 | Contractor: CARVER CONSTRUCTION LLC PO BOX 240475 DOUGLAS AK 99824 |
| PH: _____ FAX: _____ | |

Valuation for Permit Fee Calculations:

| <u>S.F.</u> <u>Type</u> | <u>Rate</u> | <u>Amount</u> |
|-------------------------|-------------|-----------------------|
| | | 1,100,000.00 |
| Total Valuation: | | \$1,100,000.00 |

Associated Cases:
None

Parcel Tags:
This parcel is located within the Downtown Historic District.

This parcel is located in the moderate avalanche area and severe landslide area. 9/28/2009 JLW

Glory Hole Remodel 1990

Notes and Conditions:
Waiting for payment

| | | |
|---|-------------|-------------------------|
| Applicant's Signature (Owner, Contractor or Authorized Agent) | Date | Staff Acceptance |
|---|-------------|-------------------------|

I hereby certify that I have read and examined this application and know the same to be true and correct. I further certify that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

Exhibit 4 page 1 of 2

JUNEAU PERMIT CENTER - 230 S. Franklin Street - 4th Floor, Marine View Center - Mail: 155 S. Seward Street, Juneau, AK 99801
 Phone: 586-0770 - FAX: 586-3355 - Inspection Requests: 586-1743 - Email: permits@ci.juneau.ak.us
 Record, APL2021-0006 - 241 S. Franklin St. The Glory Hall

Page 37 of 169
 COD application filed out for TSH Building Permit
 11-23-2021

3/4/2022

Case No: **BLD20210765**

Site Address: 241 S FRANKLIN ST

Parcel No: 1C070B0M0010

Desc: Convert emergency shelter and soup kitchen into 7 apartments

| | |
|--|-----------------------------------|
| Commercial _____ REPI _____ | New Dwelling Units: <u>7</u> |
| FCC Code: <u>437</u> | Existing Dwelling Units: <u>0</u> |
| Type of Construction: _____ | Occupancy Class: <u>R-2</u> |
| Sprinkler Substitute for Type A Construction: YES NO | |
| Sprinkler System: FULL PARTIAL NONE | Required: YES NO |
| Alarm System: FULL PARTIAL NONE | Required: YES NO |
| Code Edition: _____ | Code Review by: _____ Date: _____ |

Valuation for Permit Fee Calculations:

| S.F. | Type | Rate | Amount |
|------------------|------|------|-----------------------|
| | | | 1,100,000.00 |
| Total Valuation: | | | \$1,100,000.00 |

| <p>LAND USE</p> <p>ZONE/UNITS MU / 0</p> <p>WETLAND _____</p> <p>FLOOD ELEV. <u>23.00</u></p> <p>FIRM ZONE <u>X</u></p> <p>FIRM MAP _____</p> <p>LOT SIZE <u>3,196 SF</u></p> <p style="padding-left: 20px;"><u>0.1 ACRES</u></p> <p>SETBACKS</p> <p>Front <u>0</u></p> <p>Rear <u>0</u></p> <p>Side <u>0</u></p> <p>Other _____</p> <p>PARKING</p> <p>ANADROMOUS _____</p> <p>EAGLES NEST _____</p> <p>Coverage <u>Permissible/Conditional</u></p> <p>HEIGHT _____</p> <p>VEGETATION <u>Permissible/Accessory</u></p> <p>HAZARD _____</p> | <p>ENGINEERING/PUB WORKS</p> <p>Dwelling Units: _____</p> <p>CITY WATER:</p> <p>Permit #: _____</p> <p>Use: _____</p> <p>Assessment: _____</p> <p>Service Size: _____</p> <p>Line Size: _____</p> <p>Meter Size: _____</p> <p>CITY SEWER:</p> <p>Permit #: _____</p> <p>Use: _____</p> <p>Assessment: _____</p> <p>Fixture Units: _____</p> | <p>PLAN REVIEW APPROVALS</p> <table border="0"> <thead> <tr> <th></th> <th>Initials</th> <th>Date</th> </tr> </thead> <tbody> <tr><td>Fire</td><td>_____</td><td>_____</td></tr> <tr><td>Zoning</td><td>_____</td><td>_____</td></tr> <tr><td>Engineering</td><td>_____</td><td>_____</td></tr> <tr><td>Water</td><td>_____</td><td>_____</td></tr> <tr><td>Sewer</td><td>_____</td><td>_____</td></tr> <tr><td>Architectural</td><td>_____</td><td>_____</td></tr> <tr><td>Structural</td><td>_____</td><td>_____</td></tr> <tr><td>Plumbing</td><td>_____</td><td>_____</td></tr> <tr><td>Mechanical</td><td>_____</td><td>_____</td></tr> <tr><td>Electrical</td><td>_____</td><td>_____</td></tr> <tr><td>Access</td><td>_____</td><td>_____</td></tr> <tr><td>Spcl Insp Form</td><td>_____</td><td>_____</td></tr> </tbody> </table> <p style="text-align: center;">APPROVED FOR ISSUANCE</p> <p style="text-align: center;">Signature _____</p> <p style="text-align: center;">Date _____</p> | | Initials | Date | Fire | _____ | _____ | Zoning | _____ | _____ | Engineering | _____ | _____ | Water | _____ | _____ | Sewer | _____ | _____ | Architectural | _____ | _____ | Structural | _____ | _____ | Plumbing | _____ | _____ | Mechanical | _____ | _____ | Electrical | _____ | _____ | Access | _____ | _____ | Spcl Insp Form | _____ | _____ | <p>PERMIT ISSUANCE FEES</p> <table border="0"> <tr><td>Grading Plan Review Fee</td><td>\$ _____</td></tr> <tr><td>Adjusted Plan Review Fee</td><td>\$ _____</td></tr> <tr><td>Fast Track Fee</td><td>\$ _____</td></tr> <tr><td>Early Start Fee</td><td>\$ _____</td></tr> <tr><td>Building Permit Fee</td><td>\$ _____</td></tr> <tr><td>Water Assessment Fee</td><td>\$ _____</td></tr> <tr><td>Sewer Assessment Fee</td><td>\$ _____</td></tr> <tr><td>Sewer Inspection Fee</td><td>\$ _____</td></tr> <tr><td>Grading Permit Fee</td><td>\$ _____</td></tr> <tr><td>Driveway Permit Fee</td><td>\$ _____</td></tr> <tr><td>Bond for _____</td><td>\$ _____</td></tr> <tr><td>Other _____</td><td>\$ _____</td></tr> <tr><td>Total Issuance Fees</td><td>\$ _____</td></tr> </table> <p>PERMIT ISSUANCE PAYMENTS</p> <table border="0"> <thead> <tr> <th>Date</th> <th>Receipt</th> <th>Check</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td><td>_____</td><td>\$ _____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td><td>\$ _____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td><td>\$ _____</td></tr> </tbody> </table> | Grading Plan Review Fee | \$ _____ | Adjusted Plan Review Fee | \$ _____ | Fast Track Fee | \$ _____ | Early Start Fee | \$ _____ | Building Permit Fee | \$ _____ | Water Assessment Fee | \$ _____ | Sewer Assessment Fee | \$ _____ | Sewer Inspection Fee | \$ _____ | Grading Permit Fee | \$ _____ | Driveway Permit Fee | \$ _____ | Bond for _____ | \$ _____ | Other _____ | \$ _____ | Total Issuance Fees | \$ _____ | Date | Receipt | Check | Amount | _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ | \$ _____ |
|---|--|---|----------|----------|------|------|-------|-------|--------|-------|-------|-------------|-------|-------|-------|-------|-------|-------|-------|-------|---------------|-------|-------|------------|-------|-------|----------|-------|-------|------------|-------|-------|------------|-------|-------|--------|-------|-------|----------------|-------|-------|--|-------------------------|----------|--------------------------|----------|----------------|----------|-----------------|----------|---------------------|----------|----------------------|----------|----------------------|----------|----------------------|----------|--------------------|----------|---------------------|----------|----------------|----------|-------------|----------|----------------------------|----------|------|---------|-------|--------|-------|-------|-------|----------|-------|-------|-------|----------|-------|-------|-------|----------|
| | Initials | Date | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fire | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Zoning | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Engineering | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sewer | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Architectural | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Structural | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plumbing | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mechanical | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Electrical | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Access | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Spcl Insp Form | _____ | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grading Plan Review Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adjusted Plan Review Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fast Track Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Early Start Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Building Permit Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water Assessment Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sewer Assessment Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sewer Inspection Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grading Permit Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Driveway Permit Fee | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bond for _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Issuance Fees | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date | Receipt | Check | Amount | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ | _____ | _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ | _____ | _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ | _____ | _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Parcel Tags:</p> <p>This parcel is located within the Downtown Historic District.</p> <p><u>This parcel is located in the moderate avalanche area and severe landslide area. 9/28/2009 JLW</u> ↙</p> <p>Glory Hole Remodel 1990</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>CONDITIONS AND HOLDS ON PERMIT: (Continued on back of sheet)</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Exhibit 4 page 2 of 2

Record, APL2021 0006 - 247 S. Franklin St./The Glory Hall

Page 60 of 169

Staff Review of Building Permit Application.
3-4-2022

The maximum number of dwelling units allowed per acre shall be as provided in the following table:

| Zoning District | <u>Maximum Dwelling Units/Acre</u> |
|-----------------|---|
| RR | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-1 | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-3 | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-5 | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-10 | 10 units per acre |
| D-10 SF | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-15 | 15 units per acre |
| D-18 | 18 units per acre |
| MU | No maximum density ← |
| MU2 | 80 units per acre |
| MU3 | 30 units per acre |
| NC | 15 units per acre |
| LC | 30 units per acre |

Exhibit 5 page 1 of 2

| | |
|----|-------------------|
| GC | 50 units per acre |
| WC | 18 units per acre |

(Serial No. 87-49, § 2, 1987; Serial No. 98-02, § 2, 1998; Serial No. 98-09, § 6, 1998; Serial No. 2007-39, § 10, 6-25-2007; Serial No. 2010-22, § 4, 7-19-2010; Serial No. 2012-24, § 4, 5-14-2012, eff. 6-14-2012; Serial No. 2021-35(am), § 6, 2-7-2022, eff. 3-10-2022)

Exhibit 5 page 2 of 2

Mary Alice McKeen
Attorney, Alaska Bar # 8106035
212 West 9th Street
Juneau, Alaska 99801
907-957-6170
ottokeen@gmail.com

BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

JUNEAU COOPERATIVE CHRISTIAN)
MINISTRY, dba THE GLORY HALL,)
)
Appellant,)
)
vs.)
)
CBJ COMMUNITY DEVELOPMENT,)
)
Appellee.)

APL2021-06
Appeal of:
BLD2021-0765
CDD Director's Decision dated
December 1, 2021

selected portions
Opening Brief of The Glory Hall (TGH) - as marked,
April 2, 2022

Opening Brief of The Glory Hall (TGH) -
[corrected]

Summary of Basis for Appeal and Reasons to Grant the Building Permit to TGH..... 2 ✓

Issues on Appeal..... 3 ✓

Juneau's Housing Crisis and Assembly Response 4

Statement of Facts..... 6

Statement of Proceedings 8

Standard of Review 10

The Planning Commission should grant a building permit for this excellent project that is allowed by the Table of Permissible Uses and that will bring seven rental units of affordable housing to Downtown Juneau. 11

1. The project does not increase the density of this parcel within the meaning of CBJ 49.70.300(b)(1); the project significantly decreases density of the parcel. 11 ✓

 A. The project does not increase the density of this parcel based on structures: there was one building when it was a shelter and there will be one building if the building is converted into seven small apartments. 12 ✓

 B. The project decreases density of this parcel based on usage by people: 43 - 53 persons were regularly housed in the Shelter and 7 - 14 persons will be housed in seven small apartments. 12 ✓

Exhibit 6 page 1 of 15

- CDD’s Decision did not explain why it defined “density” of a parcel as “the number of dwelling units” on a parcel when CDD’s definition of “density” is not in any CBJ ordinance or any authority cited by CDD.
- CDD’s Decision did not address TGH’s arguments that the project decreases density on the parcel based on how many people would be using the parcel under the new use, namely a maximum of 14 persons in seven small apartments.
- CDD’s definition of “density” is mechanistic and bureaucratic, namely count the number of dwelling units before and after a project without considering any other facts about the project.
- CDD’s definition of “density” precluded it from examining the specifics of this project and precluded it from recognizing an unusual situation, such as here, namely a project dividing one large building that housed 43 to 53 persons into seven small rental units that will house 7 – 14 persons.
- CDD’s definition of “density” attributes an intent to the Assembly to allow housing for homeless persons in an emergency shelter for over 30 years on this parcel but to prevent housing for renters on the same parcel.
- CDD’s definition of “density” is inconsistent with Juneau’s Comprehensive Plan and the CBJ Housing Action Plan because it prevents this much needed project of seven modest but nicely remodeled small apartments in the Downtown core.

Issues on Appeal

1. Under CBJ 49.70.300(b)(1), a development may not occur on a parcel in a severe avalanche area, as designated on 1987 CBJ Hazard Maps, if the development would “increase the density of that parcel.” When used as an emergency shelter, the Glory Hall Building housed 43 – 53 people per night and had 100 people there during the day. Under the proposed development, the Glory Hall former building will house a maximum of 14 people in 7 small apartments. Did CDD err when it denied a building permit for this project on the grounds that the project increased the density of this parcel?
2. Assuming for the sake of argument that CDD’s definition of density is correct, TGH maintained before CDD that the Glory Hall Building, when used as a shelter, had seven distinct areas with basic facilities for independent and complete cooking, living, sleeping and toilet

The Planning Commission should grant a building permit for this excellent project that is allowed by the Table of Permissible Uses and that will bring seven rental units of affordable housing to Downtown Juneau.

1. The project does not increase the density of this parcel within the meaning of CBJ 49.70.300(b)(1); the project significantly decreases density of the parcel.

CBJ 49.70.300(b)(1) states “no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel.” The issue before the Planning Commission is the interpretation of the term “density” and whether the building permit was correctly denied on the grounds that the project would “increase the density of [this] parcel.”

The Assembly did not prohibit all development in a parcel located in a severe avalanche area on the 1987 CBJ hazard maps. The Assembly prevented development only if it would “increase the density” of the parcel. CBJ 49.70.300 itself does not define “density.” The definition section in Title 49, with its hundreds of definitions, does not define “density.”²⁷ The International Building Code of 2012 does not define “density.”²⁸

Since there is no preset definition of “density” in the ordinance, the Planning Commission must interpret “density” and “increase density” based on the text of the ordinance construed in light of the purpose of the ordinance and related ordinances and Assembly actions.

Words in an ordinance should be interpreted according to their common meaning unless it is a technical term that has acquired a specific technical meaning.²⁹ The common understanding of “density” is something like the definition in Collins English Dictionary, which defines density as “the extent to which something is filled or covered with people or things.”³⁰

²⁷ CBJ 49.80.120.

²⁸ Chapter 2, Definitions, International Building Code, 2012 Ed.

²⁹ AS 01.10.040(a)(statutes).

³⁰ <https://www.collinsdictionary.com/us/dictionary/english/density>

If this project increased density of this parcel, it would have to increase the extent to which this parcel is filled with people or things. It does not. The project does not increase the number of big "things" on this parcel, that is, structures or buildings. The project significantly decreases the number of people residing on the parcel. The project decreases the number of people that can occupy the parcel.

A. The project does not increase the density of this parcel based on structures: there was one building when it was a shelter and there will be one building if the building is converted into seven small apartments.

The project does *not* increase the extent to which this parcel is filled with people or things. As for things that would be relevant in the context of a building permit, the project does not increase the buildings and structures on the parcel. There is one building now and there will be one building on this parcel after the project is completed. The project does not even change the footprint of the building.

B. The project decreases density of this parcel based on usage by people: 43 – 53 persons were regularly housed in the Shelter and 7 - 14 persons will be housed in seven small apartments.

As for people, the project decreases, rather than increases, the density of this parcel, as measured by the people living there and using the parcel. When the Glory Hall was used as a shelter, it provided housing for 43 – 53 persons who slept there at night. It provided space during the day for 100 persons – Shelter residents and other people – in the large room on the ground floor known as the "Day Room." After the proposed development, the building will house between 7 to 14 persons in seven small apartments. The first floor will be a mission-aligned commercial space. The density of persons using this parcel is going from 43 – 53 persons, who were Shelter residents, to 7 – 14 persons, who are paying renters. This project

Exhibit 6 page 5 of 15

dramatically decreases the density of the number of persons using this parcel and therefore the number of persons who are exposed to whatever risk of avalanche exists on this parcel.

C. The project decreases density of the parcel based on occupancy: under the new use of seven small apartments, fewer occupants and more space per occupant.

If density is measured by how crowded the occupants of the space may be, the project decreases density by that measure. The project decreases the density of this parcel based on the maximum number of persons that can occupy the space as set forth in the International Building Code.³¹ Table 1004.1.2 has an “Occupant Load Factor” for spaces within a building. It is attached as Exhibit 1 to this Brief with the relevant spaces marked.

For the second and third floor of the Glory Hall Building:

- Old use: when used as a shelter, there were three dormitories on the third floor and two dormitories on the second floor.³²
- For dormitory space, each occupant must have at least 50 gross square feet per person.
- New use: if this space can be converted to seven small apartments, each occupant in a residential space must have 200 gross square feet per person.
- Change: Under the new use, each occupant is guaranteed four times more space than each occupant under the old use: 50 square feet increased to 200 square feet.

For the ground floor (1st floor) of the Glory Hall Building:

- Old use: when used as a shelter, there was a large day room on the ground floor with movable tables and chairs where people sat during the day.

³¹ International Building Code, 2012 Edition. All references to the IBC are to the 2012 Edition.

³² TGH submitted the Glory Hall’s existing floor plan to CDD. [R. 6- 8] TGH also let the City know there were sleeping spaces in addition to the five dormitories, namely a bedroom for folks with medical issues and an apartment (where night staff or a live-in staff person – the Glory Hall has had both – slept) [R. 170].

- For this use, each occupant must have at least 15 net square feet.
- New use: if the project is approved, this space will be a commercial space.
- Each occupant in a mercantile space that is not a basement or grade floor area must have at least 60 square feet.
- Change: Under the new use, each occupant has a minimum of four times more space than each occupant under the old use: 15 square feet increased to 60 square feet.

This Table lays out the same information:

Table 1: Comparison of Occupant Load Factors in Glory Hall Building as Currently Configured and Glory Hall Building if Project Goes Forward

| | Occupant Load Factor for Space in Table 1004.1.2 | Occupant Load Factor for Space in Table 1004.1.2 | Occupant Load Factor for Space in Table 1004.1.2 |
|---|--|---|---|
| Glory Hall Building as currently configured | Dormitory spaces on 2d and 3d floor: one occupant per 50 gross sq. ft. | Day Room on 1st floor: Assembly without fixed seats; unconcentrated (tables & chairs): one occupant per 15 net sq. ft. | Kitchen, commercial: one occupant per 200 gross sq. ft. |
| Glory Hall Building if project goes forward | Residential space – 7 small apartments: one occupant per 200 gross sq. ft. | Mercantile space on first floor: one occupant per 60 gross sq. ft. | Kitchen, commercial: one occupant per 200 gross sq. ft. |
| Change in Occupant Load under new use | Occupant Load: new use gives each occupant at least four times more space than the old use. | Occupant Load: new use gives each occupant at least four times more space than the old use. | Occupant Load: no change |

Source: Table 1004.1.2, IBC, Maximum Floor Area Allowances per Occupant [Exhibit I to this Brief]

By this measure, the project significantly decreases density because the minimum space per occupant under the new uses is four times greater – 400% greater -- than the minimum space per occupant in the old use. This is reasonable. If a person is living in something represented as a residential space, the building code guarantees them more space than a person who is sleeping in a dormitory. If a person goes into a commercial retail establishment, the building code guarantees them more space than a person in an assembly room with tables and chairs. But

Exhibit 6 page 7 of 15

what is unreasonable is for CDD to say that the project increases density when, by this objective measure in the IBC, the project decreases density. Under the new use, fewer occupants, more space per occupant.

D. TGH's interpretation furthers the purpose of CBJ 49.70.300(b).

TGH's interpretation of density furthers the purpose of CBJ 49.70.300(b). It is worth repeating that, with this ordinance, the Assembly did not prevent all development of property within a severe avalanche area on the 1987 CBJ Hazard Area maps. The Assembly balanced the goal of encouraging property owners to develop and improve their property in this area with the goal of minimizing the risk of loss of life and property from an avalanche. The balance it struck was that property owners in a severe avalanche zone could develop their property as long as the development did not increase density of the parcel. If the development did not increase density, the Assembly wanted it to happen. The Assembly did not mandate stagnation of all properties mapped within a severe avalanche area.

The project will significantly decrease the number of people who use this property. It will go from emergency housing for 43 to 53 people to rental housing for 7 to 14 people. The project will significantly decrease the number of people that can occupy the property based on the IBC requirements for minimum space, discussed in the prior section. The project improves the property *and* exposes *fewer* people to whatever risk of avalanche exists on this parcel. Therefore it makes no sense to say that CBJ 49.70.300(b) should be interpreted to prevent this major improvement that a downtown owner wants to make to a major downtown building.

E. TGH's interpretation of CBJ 49.70.300(b) furthers the Comprehensive Plan and the Juneau Housing Action Plan.

This requires little explanation. As discussed earlier, in the Comprehensive Plan and the CBJ Housing Action Plan, the Assembly has made it a high priority to try to come to terms with

the longstanding critical housing shortage in Juneau.³³ The Glory Hall’s interpretation of CBJ 49.70.300(b) furthers the goals of the Comprehensive Plan and the CBJ Housing Action Plan because it allows the construction of seven new affordable rental units in Juneau. This may seem small and unimportant but the Comprehensive Plan concluded that every single habitable dwelling in our community is needed: “Unless and until the community achieves a healthy vacancy rate, all habitable dwellings are valued and needed and uninhabitable units should be rehabilitated or replaced.”³⁴ And it would mean the world to the 7 to 14 persons who would gain affordable housing in seven modest apartments also known as dwelling units in Downtown Juneau.³⁵ But ironically it is precisely *because* The Glory Hall seeks to put “dwelling units” in the old Glory Hall Building that CDD denied this building permit.

2. CDD’s interpretation of CBJ 49.70.300(b) is clear error.

A. CDD’s definition of “density” as equal to “the number of dwelling units” is not found in the text of this ordinance, any other CBJ ordinance or any authority cited by CDD.

To have it before us, the text of the ordinance at issue, CBJ 49.70.300(b)(1), states in full:

Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

CDD denied a building permit in a one-paragraph decision:

Please accept this email as an official denial of your request to convert the old Glory Hall shelter into 7 apartments. According to the CBJ adopted hazard maps the Glory Hall is located in a sever [sic] avalanche zone. *Increasing the number of dwelling units is prohibited by code in this hazard zone.* The code language is below for your reference [CBJ 49.70.300]. Please feel free to contact me via

³³ See “Juneau’s Housing Crisis and Assembly Response” at pages 4 -6 *supra*.

³⁴ Juneau Comprehensive Plan at p. 32.

³⁵ It will probably be much less than 14 because most of the efficiencies will probably not have two people living in them.

email if you have any questions about the code, this denial or your option moving forward. [emphasis added] [R. 106]

It did not explain this in its decision but CDD's step were these. It said that the emergency shelter had "0" dwelling units; this project would create "7" small apartments or dwelling units; "7" is greater than "0", so permit denied. [R. 37, R. 90]

TGH's immediate reaction to CDD's assertion that "Increasing the number of dwelling units is prohibited by code in this hazard zone" was that CBJ 49.70.300(b) does *not* prohibit increasing the number of dwelling units in this hazard zone. You can look at the text above. It does not have the words "dwelling units" in it. CBJ 49.70.300(b) does prohibit some development in a severe avalanche area, as defined by CBJ 1987 Hazard Maps, but *only* if the development would "increase the density of that parcel."

CDD *interpreted* the word "density" to mean "dwelling units." CDD's Decision did that *sub silentio*. CDD did not explain that is what it was doing. CDD did not explain why it was doing that. CDD did not provide any authority for defining "density" to mean "dwelling units." And it was under an obligation to do that: both to provide an explanation to the property owner and to this body as the appeal agency. This by itself is grounds to set aside CDD's Decision.³⁶

CDD's definition of "density on a parcel" to mean "the number of dwelling units on a parcel" is not in the ordinance itself. CDD's definition is not in the definition section of Title 49.³⁷ CDD did not provide any authority for its definition of "density" as equal to "dwelling units."

³⁶ CBJ 01.50.070(a)(2) provides that the appeal agency may set aside the decision being appealed if the decision "is not supported by adequate written findings or the findings fail to inform the appeal agency or the hearing officer of the basis upon which the decision appealed from was made; . . ."

³⁷ CBJ 49.80.120. Title 49 has no definition of density.

It is true that Title 49 defines “dwelling units.”³⁸ But the question is why CDD interpreted density in CBJ 49.70.300(b) to mean the same as the number of dwelling units on a parcel.

Despite being asked [R. 97], it gave no answer.

B. CDD’s “dwelling unit” interpretation of CBJ 49.70.300(b) frustrates the Mixed Use District, the Comprehensive Plan and the CBJ Housing Action Plan.

CDD interprets CBJ 49.70.300(b) to prevent this project because this project will create seven small apartments or “dwelling units” in a building that used to be an emergency shelter and the emergency shelter, according to CDD, should be treated as having no dwelling units. This interpretation is inconsistent with the purpose of the Mixed Use District, where this parcel is located. By ordinance, the Mixed Use District “reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.”³⁹ But CDD’s interpretation means this building cannot contain any residential dwelling units.

CDD’s interpretation undermines a high priority of the Assembly as formally expressed in the Juneau Comprehensive Plan and the CBJ Housing Acting Plan because it prevents this large downtown building from being converted to seven units of affordable rental housing, even though the property owner has detailed engineering and architectural plans to do this and the project is allowed within the Table of Permissible Uses.

CBJ 49.05.100 specifies six purposes of Title 49, the Land Use Code. One purpose is to “recognize the economic value of land and encourage its proper and beneficial use.”⁴⁰ TGH believes that the “proper and beneficial use” of this property – that has housed people since at

³⁸ CBJ 49.80.120 defines “dwelling unit” as “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.”

³⁹ CBJ 49.25.220.

⁴⁰ CBJ 49.05.100(6).

least 1990 – is to continue to house people. What use does CDD say is the “proper and beneficial use” of this large 4500 square foot building? Only an emergency shelter? A vacant building? An unimproved building? Retail on the first floor but vacant second and third floors like other downtown buildings? Under CDD’s interpretation, anything *but* housing because, under CDD’s interpretation, the owner of this building cannot put any “dwelling units “ in this building *because* it used to be an emergency shelter. That is perverse in light of this parcel’s location in the Mixed Use District and the Assembly’s strenuous efforts to encourage affordable “dwelling units” through the Borough and especially in the Downtown core.

C. CDD’s interpretation of “density” is unreasonable and arbitrary.

CDD’s interpretation of “density” results in it finding and concluding that a conversion of 1 large dwelling that housed 43 to 53 people into seven small apartments that will house 7 to 14 people actually increases the density of this parcel! On its face, this is an unreasonable finding and an unreasonable conclusion.

CDD’s interpretation of “density” resulted in it finding and concluding that the downtown emergency shelter had “0,” as in zero, dwelling units. [R. 37, R. 70] This treats the downtown shelter as having no one living there. This is unreasonable.

CDD’s interpretation of “density” took no account of the definition of dwelling in the Title 49: “dwelling means a building or portion thereof, used exclusively for human habitation.” Putting aside our argument that the downtown shelter did have seven spaces that qualify as seven dwelling units, the downtown shelter was a “dwelling.” Whatever category you want to put the shelter in, it had people dwelling there for 30 years and CDD should take that into account in its definition of “density.”

CDD's interpretation of CBJ 49.70.300 leads to an unreasonable conclusion, namely that the Assembly intended to allow homeless persons who slept in dormitories to live in this building for over 30 years but intended to prevent renters from living in this building because renters have individual dwelling units. In denying this building permit to remodel the building into seven small apartments, CDD is saying the building was okay for homeless persons but not okay for renters. This is unreasonable and has the effect of devaluing homeless persons as a category and the 43 to 53 homeless persons who regularly were housed at the downtown shelter.

D. CDD's interpretation of its authority under CBJ 49.70.300(b) is a policy error and an abuse of discretion.

CDD's interpretation of "increase density" in CBJ 49.70.300(b) is that the Assembly intended to adopt a mechanistic, cookie cutter approach to whether a project would "increase density:" namely count the dwelling units before the project, count the dwelling units after the project, and if the number goes up, deny the building permit. This is a policy error and an abuse of discretion because it denies CDD any discretion to look at the particulars of the project.

TGH provided CDD with detailed architectural and engineering plans of the proposed renovation. TGH provided CDD with information on the number of persons that lived at the Glory Hall Building, when it was used as a shelter, and the number of persons that would live there, if the building was converted to seven small apartments. [R. 91] CDD acknowledged this information. [R. 89 – 90]. In denying the building permit, CDD did not consider any of that relevant. All that was relevant to CDD was CDD's conclusion that the Glory Hall Emergency Shelter contained "0" dwelling units and that Glory Hall Building after the remodel would contain "7" dwelling units. Once it checked those boxes, it denied the permit. [R. 37, R. 106]

This was error. First and foremost, the Assembly did not tell CDD to do that. It did not tell CDD to count dwelling units and deny a permit if the project increased dwelling units. It

told CDD to evaluate whether a development increased the density of the parcel. It is far more reasonable to conclude that the Assembly wanted CDD to do a project-specific evaluation of this request for a building permit. It is certainly reasonable to conclude that the Assembly wanted CDD to consider information about the number of dwelling units but it is unreasonable to conclude that the Assembly wanted CDD to consider *only* that information. It is far more reasonable to conclude that the Assembly gave CDD the discretion to take into account what is probably an unusual situation, namely one very large dwelling providing emergency housing for 43 – 53 people converting to seven small units of rental housing for housing 7 –14 people.

CDD did not look at the facts of this specific situation when it denied a building permit for this project. But the Planning Commission can and should. Based on the specific facts of this project, TGH believes that the Planning Commission will easily conclude that this project does not increase the density of this parcel and should receive a building permit so the project can go forward – full speed ahead!

E. CDD’s denial of this building permit may have relied on irrelevant factors and inaccurate assumptions.

CDD’s interpretation of “increase density” may have relied on irrelevant factors. TGH refers the Commission to an email in the record with comments by Allison Eddins, the CDD Planner, who issued the CDD Decision in this case on behalf of Jill Maclean, CDD Director. In an email to the CBJ Fire Marshal about this permit application, Ms. Eddins states that Ms. Maclean “is mostly concerned with the political issues around the draft hazard maps. The Starr Hill and Highlands neighborhood don’t want the maps adopted and the Assembly almost certainly won’t adopt the maps without amending the existing regulations.” After that, Ms. Eddins wrote: “Plus, it doesn’t look very good for CBJ to be encouraging housing in mapped

Exhibit 6 page 14 of 15

hazard areas.” [R. 75] These factors were not mentioned in CDD’s one-paragraph decision. [R. 106]

As for the draft hazard maps, there are political issues, to be sure, around adopting the draft hazard maps but the question of whether this project increases the density of this parcel is separate from whether this parcel should be in a severe avalanche area and whether the designation, city-wide, for hazard areas should be changed.⁴¹

As for whether “it doesn’t look very good for CBJ to be encouraging housing in mapped hazard areas,” it is hard to unpack that one. The Assembly most definitely has encouraged development of housing in Downtown Juneau and part of Downtown Juneau is in a severe avalanche area, as that is described on the 1987 hazard maps. It is an unwarranted assumption that the controversy over the maps should be taken by CDD as a reason to discourage housing generally in mapped areas. To the extent that the Assembly has discouraged housing development in a severe avalanche area, it is only development that increases density within the meaning of CBJ 49.70.300(b)(1).

3. In the alternative, the project will not increase density because the Glory Hall Building, when used as an emergency shelter, had seven dwelling units within it.

As soon as Ms. Lovishchuk received the pre-conference report, she informed CDD that she believed there were seven dwelling units within the Glory Hall building: one apartment, three dormitories, one bedroom for folks with mobility issues and two overflow dorms. [R. 170] CDD did NOT address this issue in its decision and did not ask Ms. Lovishchuk for any further

⁴¹ As noted, on the Tetra Tech maps, this parcel is not in the severe or moderate avalanche hazard zone. It is in a low hazard zone. Figure 2.4, Tetra Tech, Downtown Juneau Landslide and Avalanche Assessment (May 28, 2021) (Issued for Review) available on CDD website: <https://juneau.org/community-development/special-projects/landslide-avalanche-assessment>.

Exhibit 6 page 15 of 15

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BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

JUNEAU COOPERATIVE CHRISTIAN)
MINISTRY, dba THE GLORY HALL,)
)
Appellant,)
)
vs.)
)
CBJ COMMUNITY DEVELOPMENT,)
)
Appellee.)

APL2021-06
Appeal of:
BLD2021-0765
CDD Director's Decision dated
December 1, 2021

Reply Brief of The Glory Hall (TGH) - *Selected portions,
as marked,
May 12, 2022*

Introduction.....

Undisputed facts..... 3

Ordinance to be interpreted: CBJ 49.70.300(b)..... 4

TGH's interpretation and CDD's interpretation of CBJ 49.70.300(b): how to determine whether a development would "increase the density of that parcel." 5

1. At page 7 of its Opposition Brief, CDD finally provides the authority that it argues supports its interpretation of CBJ 49.70.300(b) that "increase the density of that parcel" means "increase the dwelling units on that parcel." 7

2. CDD's interpretation that "density" in CBJ 49.70.300(b) means "the number of dwelling units" is not supported by substantial evidence, is an abuse of discretion, and is arbitrary and unreasonable. 10

 A. CDD does not show that the Assembly intended to define "density" as "dwelling units" in CBJ 49.70.300(b). 11

 1) The Assembly did not define "density" as meaning only "dwelling units" in CBJ 49.70.300(b). 11

 2) The Assembly did not adopt a global or general definition of density applicable throughout Title 49, the Land Use Code. 11

 3) The Assembly did not incorporate the definition of "density" in CBJ 49.25.500 - 520 into CBJ 49.70.300(b). 12

Exhibit 7 page 1 of 2

4) The use of "dwelling units" to measure density in Chapter 49.25, Zoning Districts, provides no support for CDD's interpretation of density in CBJ 49.70.300(b)..... 12

5) TGH is not confused; TGH simply disagrees with CDD on what facts are relevant to determine whether a project increases the density of a parcel in CBJ 49.70.300(b). 14

B. CDD's definition of "density" as "dwelling units" is contradicted by the text of CBJ 49.70.300(b) because the addition of bedrooms in a dwelling unit increases the density of the parcel even though the addition of bedrooms in a dwelling unit would not increase the number of dwelling units..... 16

C. CDD's definition of density undermines the purpose of CBJ 49.70.300(b). 17

D. CDD's interpretation of density leads to a profoundly unreasonable and arbitrary result: the property owner cannot convert its building to seven units of affordable housing because the prior use of the building was an emergency shelter where people shared kitchen and bathroom facilities..... 18

E. CDD's definition of density is inconsistent with purpose of Title 49 to achieve the objectives of the Comprehensive Plan..... 19

F. CDD does not address that its interpretation of density undermines the purpose of Title 49 "[t]o recognize the economic value of land and encourage its proper and beneficial use." 2

3. TGH's interpretation of CBJ 49.70.300(b) is proper: CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project significantly decreases the number of persons residing on the parcel..... 21

4. CDD has opened the door to evidence that TGH cannot obtain a site-specific study showing that the parcel is located outside of a severe avalanche zone..... 24

Conclusion 26

Introduction

The Juneau Cooperative Christian Ministry dba The Glory Hall appeals the denial of a building permit to convert the second and third floors of the former emergency shelter at 247 South Franklin Street, which housed between 43 – 53 persons, into seven small rental units of affordable housing, which would house between 7- 14 persons.¹ CDD denied the permit because CDD said the project would "increase the density" of the parcel within the meaning of CBJ

¹ TGH noticed a mistake in its Opening Brief at page 6. Under the project, the second floor will have two efficiency apartments and the third floor will have four efficiency apartments (*not three*) and one one-bedroom apartment. The project will provide six efficiency apartments and one one-bedroom.

49.70.300(b). Under that ordinance, this project may not occur if it would “increase the density” of the parcel.

TGH maintains that CDD wrongly denied the permit because the project does not “increase the density” of the parcel within the meaning of that ordinance and because the undisputed facts in the record show that the project decreases the density of the parcel.

If the Planning Commission concludes that the project does not increase the density of the parcel within the meaning of CBJ 49.70.300(b), there is no dispute that CDD wrongly denied the building permit and the Planning Commission should grant it.

Undisputed facts

The undisputed facts include these facts:

- The Glory Hall Building at 247 South Franklin has been in use as an emergency shelter since 1990. [R. 116 – 118]
- When the Glory Hall Building was used as an emergency shelter, it provided housing to 43 to 53 homeless persons and about 100 persons would use the Day Room on the ground floor. [TGH Opening Brief at 6]
- Under the proposed use, 7 – 14 renters would reside in the building. [R. 4, 71]
- Under the proposed use, the number of people residing in the building would decrease from 43 – 53 persons to 7 – 14 persons with 14 being a hard maximum.²
- When the Glory Hall Building was used as an emergency shelter, each occupant in a dormitory space had to have 50 gross square feet per person. [TGH Opening Brief at 13 – 15 & Exhibit to Brief with IBC Table 1004.1.2]
- Under the proposed use, each occupant in a residential space must have 200 gross square feet per person. [same]
- Under the proposed use, the maximum allowable occupancy on the parcel decreases by 75% over the prior use. [same]

² The number of residents would likely not be 14 because most efficiencies would have one, not two, persons, although two persons would be allowed.

- The former emergency shelter was “a dwelling,” as that term is defined in Title 49, namely “a building or portion thereof, used exclusively for human habitation.” [CBJ 49.80.120]
- The former emergency shelter was not a “dwelling unit,” and did not contain any dwelling units, as that term is defined in Title 49, namely “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.” [CBJ 49.80.120]³
- The former emergency shelter was a residential occupancy and the specific type of residential occupancy was a “congregate living facility,” as defined by the IBC, namely, “a building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.” [CDD Opposition Brief at 9 – 10]
- The Glory Hall Building is located in MU, Mixed Use Zoning District. [R. 33]
- The Glory Hall Building is in an area designated as a severe avalanche area based on low resolution hazard maps adopted by CBJ in 1987. These maps were based on data created in the 1970’s. [TGH Opening Brief at 7]

Ordinance to be interpreted: CBJ 49.70.300(b)

CBJ 49.70.300(b) *Severe avalanche areas.*

(1) Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.* [emphasis added]

This statute is ambiguous. It states no development may “increase the density of that parcel” but it does not define density. The parties to the appeal have different interpretations of that phrase.

The key principle in interpreting an ordinance is adopting an interpretation that carries out the intent of the legislative body that adopted it, in this case, CBJ Assembly. The Planning

³ The IBC has a slightly different definition in Section 202: a “dwelling unit” is “[a] single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.” We accept that the former emergency shelter did not have dwelling units under the Title 49 definition *and* the IBC definition. TGH withdraws the appeal point that the former emergency shelter was a “dwelling unit” or had “dwelling units” as defined by Title 49 or the IBC. TGH Opening Brief at 3 – 4, 22 – 23.

Commission uses the same principles to determine Assembly intent as a court: "Interpretation of a statute is a question of law to which we apply our independent judgment; we interpret the statute according to reason, practicality, and common sense, considering the meaning of the statute's language, its legislative history, and its purpose."⁴ An ordinance should be construed in accord with what the leading text on statutory construction calls the "golden rule of statutory interpretation." The golden rule of statutory construction is "when one of several possible interpretations of an ambiguous statute produces an unreasonable result, that interpretation should be rejected in favor of another which produces a reasonable result."⁵ The Assembly is presumed to have intended reasonable results consistent with the purpose of the ordinance that it adopted.

TGH's interpretation and CDD's interpretation of CBJ 49.70.300(b): how to determine whether a development would "increase the density of that parcel."

The Planning Commission has the responsibility to interpret provisions of Title 49, the Land Use Code.⁶ The Planning Commission makes an independent judgment on the meaning of the ordinance. The Planning Commission has before it two interpretations of CBJ 49.70.300(b)(1), which is part of Title 49.

TGH's interpretation of CBJ 49.70.300(b) is that CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project increases buildings on the parcel, whether the project increases dwelling units on the parcel, whether the project increases the number of persons residing on the parcel and whether the

⁴ *Daggett v. Feeney*, 397 P. 3d 297, 304 (Alaska 2017) quoting *Adamson v. Municipality of Anchorage*, 333 P. 3d 5, 11 (Alaska 2014). To date, neither party has cited any legislative history of the ordinances involved in this appeal.

⁵ N. Singer & S. Singer, *Sutherland Statutes and Statutory Construction* § 45.12 at 103 – 106 (7th ed, rev. April 2014).

⁶ CBJ 49.20.300.

project increases the number of persons that can potentially occupy the buildings on the parcel. TGH interprets the purpose of CBJ 49.70.300(b) as preventing development which subjects more people to whatever risk of avalanche exists on the parcel and allowing development which does not subject more people to the risk of avalanche and certainly allowing the development when, as here, the project subjects significantly less people to whatever risk of avalanche exists on the parcel.

CDD’s interpretation of CBJ 49.70.300(b) is that “density of a parcel” means “the number of dwelling units on a parcel.” Under CDD’s interpretation, the only relevant fact in determining whether a development would increase density of the parcel is the number of “dwelling units” – units with “independent and complete cooking, living, sleeping and toilet facilities for one family”⁷ – on the parcel before the development and the number of dwelling units after the development. If the number of “dwelling units” goes up, CDD states that the property owner cannot undertake the development, unless the property owner obtains a study that the parcel is outside a severe avalanche area.⁸ CDD attributes to the Assembly the intent to prevent development that would increase the number of individual cooking, living, sleeping and toilet facilities on parcels in severe avalanche areas, irrespective of whether the development would increase or, as here, significantly decrease the number of persons exposed to whatever risk of avalanche exists on the parcel.

⁷ CBJ 49.80.120 (definition of “dwelling unit” in Title 49).

⁸ CBJ 49.70.300(a)(4).

2. CDD’s interpretation that “density” in CBJ 49.70.300(b) means “the number of dwelling units” is not supported by substantial evidence, is an abuse of discretion, and is arbitrary and unreasonable.

This appeal concerns the proper interpretation of CBJ 49.70.300(b)(1):

Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

CDD’s stated position is that “density” is equal to “the number of dwelling units.”¹⁴

CDD is reading CBJ 49.70.300(b) as if it were written this way:

Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, ~~increase the density of that parcel~~ *increase the number of dwelling units on that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

That fact, alone, is a red flag: CDD is in effect crossing out the words used by the Assembly and using different ones. That fact suggests that CDD is rewriting the ordinance rather than interpreting it. But in its Opposition Brief, CDD defends its “interpretation” by saying that in the CBJ code, “density is measured by dwelling units.”¹⁵ CDD asserts that “this definition of density [as dwelling units] comes directly from CBJ code.”¹⁶ CDD asserts, “As shown by CBJ 49.25.500-520, density is measured in dwelling units.”¹⁷ CDD’s assertions and interpretation do not withstand scrutiny.

¹⁴ CDD Opposition Brief at 7, 16 – 17.

¹⁵ CDD Opposition Brief at 7.

¹⁶ Opposition Brief at 15.

¹⁷ Opposition Brief at 15 – 16.

A. CDD does not show that the Assembly intended to define “density” as “dwelling units” in CBJ 49.70.300(b).

1) The Assembly did not define “density” as meaning only “dwelling units” in CBJ 49.70.300(b).

To state the obvious, the Assembly did not say in CBJ 49.70.300(b), “no development . . . shall increase the number of dwelling units on that parcel.” It said, “no development . . . shall increase the density on that parcel.” As CBJ 49.25.500 – 520 shows, when the Assembly wants to direct CDD to count dwelling units and take action based on that calculation – in those ordinances it is to enforce the maximum number of dwelling units per acre – the Assembly does that explicitly. The fact that the Assembly did not do that in CBJ 49.70.300(b) is strong evidence that it did not intend to do that.

2) The Assembly did not adopt a global or general definition of density applicable throughout Title 49, the Land Use Code.

When the Assembly wants to adopt a definition of a term that is to be used across the Title 49, it does that in CBJ 49.80.120, the definition section of Title 49. CBJ 49.80.120 begins with this statement: “The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.” Title 49 is divided into 17 chapters. The Assembly is not reluctant to define terms that are to be used across different chapters of Title 49. The Assembly has defined hundreds of terms in CBJ 49.80.120.

The Assembly, however, did *not* adopt a global definition of “density” for Title 49.¹⁸ The IBC of 2012 does not contain a general definition of density.¹⁹ So when CDD categorically asserts that “the Code” defines density as dwelling units, that is not true. The Code has no

¹⁸ CBJ 49.80.120(definition section).

¹⁹ Section 202 (definition section) of IBC of 2012.

general definition of density. If, as CDD claims, the Assembly really wanted “density” to be defined throughout Title 49 as “dwelling units,” that definition would be in the general definition section for Title 49.²⁰ But it is not there.

3) The Assembly did not incorporate the definition of “density” in CBJ 49.25.500 – 520 into CBJ 49.70.300(b).

In CBJ 49.70.300(b), the Assembly did not incorporate by reference the definition of “density” in CBJ 49.25.500 – 520. Thus, the Assembly had many ways it could have adopted CDD’s definition of density for CBJ 49.70.300(b) but it did not. The Assembly did not do it explicitly in the ordinance. The Assembly did not do it by way of a global definition. The Assembly did not do it by incorporating by reference the measure of density in CBJ 49.25.500 – 520.

4) The use of “dwelling units” to measure density in Chapter 49.25, Zoning Districts, provides no support for CDD’s interpretation of density in CBJ 49.70.300(b)

CDD repeatedly asserts that density is measured by dwelling units “in CBJ code.”²¹ CDD asserts: “That density is measured in dwelling units is repeatedly and reliably shown in Code.”²² CDD repeats like a mantra: “CDD’s decision is supported by substantial evidence – CBJ code.”²³ CDD never specifies what it means by “CBJ Code” but it is Title 49, the Land Use Code. Title 49 is vast. It is organized into 17 chapters and each chapter has many ordinances. So although CDD says density is measured by dwelling units in “the Code,” to understand what

²⁰ CBJ 49.80.120.

²¹ CDD Opposition Brief at 7, 8.

²² CDD Opposition Brief at 8, citing CBJ 49.25.510(a)-(c) and CBJ 49.25.520.

²³ CDD Opposition Brief at 13. CDD repeats these exact words or very similar ones at pages 15, 16 and 17 of its brief.

that could possibly mean, you have to look at what specific provisions of "the Code" that CDD cites to support its assertions.

CDD cites CBJ 49.25.500 – 520, which are in Chapter 49.25 of Title 49.²⁴ Chapter 49.25 is Zoning Districts. CBJ 49.25.500 provides the basic rule: "The maximum number of dwelling units allowed per acre shall be provided in the following table," and then follows a table with the "maximum dwelling units/acre" in each of 15 zoning districts in Juneau. So for example, in D-10, there is allowed "10 units per acre." But in D-18, there is allowed "18 units per acre." CDD is absolutely correct that CBJ 49.25.510 - CBJ 49.25.520 provides detailed rules for how to determine density in this context. CDD is correct that these ordinances establish how to determine whether a developer has exceeded the maximum allowable dwelling units per acre and address questions such as how to count duplexes, how to deal with accessory apartments, and how to count single-room occupancies with private facilities.²⁵ CDD states, "For density calculations, single-room occupancies with private facilities count as one-half of a dwelling unit," and correctly cites CBJ 49.25.510(j)(2) for that statement.²⁶

What CDD shows is not that "density" is determined by "dwelling units" throughout "the Code." What CDD shows is that "density" is determined by dwelling units throughout Chapter 49.25, Zoning Districts. Again, it is simply not true that "the Code" has a general definition of density or a general approach to measuring density.

²⁴ CDD Opposition Brief at 7 – 8 & 16. The only other citation CBJ provides to support its claim that "the Code" defines density as dwelling units is CBJ 49.60.140. CDD Opposition Brief at page 16 note 62. This ordinance is closely related to the Chapter 49.25 provisions because it provides a "residential density bonus" and specifies when "the allowable density of dwelling units per acre" specified in CBJ 49.500 – 520 may be increased by ten percent.

²⁵ CBJ 49.25.510(d)(1)(duplexes), CBJ 49.25.510(k)(an extremely detailed section on accessory apartments), CBJ 49.25.510(j)(2)(single room occupancies with private facilities).

²⁶ CDD Opposition Brief at page 8 & note 31.

The density determinations in Chapter 49.25 are fundamentally different from the density determination in CBJ 49.70.300(b):

- The Assembly specified unequivocally in CBJ 49.25.500 – 520: count dwelling units to determine density. The Assembly did not tell CDD to count dwelling units to determine density in CBJ 49.70.300(b).
- The purpose of CBJ 49.25.500 – 520 is to establish clear-cut rules for the use of property. The purpose of CBJ 49.70.300(b) is to limit development that might increase danger to people.
- CBJ 49.70.300(b) is not a zoning provision. It is a Land Use provision but not a zoning provision. This ordinance is in Chapter 49.70, which is “Specified Area Provisions.”
- The definition of “density” as “dwelling units” in CBJ 49.25.500 – 520 does not lead to unreasonable and arbitrary results, does not undermine the objectives of the Comprehensive Plan and the Housing Action Plan, and does not undermine the purpose of Title 19 “[t]o recognize the economic value of land and encourage its proper and beneficial use.” But all these consequences flow when CDD chooses to define “density” as “dwelling units” and engrafts the definition of density in CBJ 49.25.500 – 520 onto the ordinance in this appeal, CBJ 49.70.300(b).²⁷

5) TGH is not confused; TGH simply disagrees with CDD on what facts are relevant to determine whether a project increases the density of a parcel in CBJ 49.70.300(b).

CDD states that the applicant is confused and befuddled and does not understand the difference between “occupancy” and “density,” despite CDD “repeatedly” attempting to explain these terms to the applicant.²⁸ In fact, CDD has found the applicant so confused that CDD

²⁷ See Points 2 D, E & F at pages 18 - 21 *infra*.
²⁸ CDD Opposition Brief at 11, 13.

believes this shows that TGH “is not a credible source on code interpretation or risk assessment.”²⁹

The applicant understands that CDD believes the definition of “density” in CBJ 49.70.300(b) should be exclusively defined by the number of dwelling units. The applicant disagrees that is the only fact to be considered in determining density of a parcel in this ordinance.

As for occupancy, the applicant understands occupancy and believes it did a credible job explaining the occupancy provisions in IBC Table 1004.1.2 in its Opening Brief.³⁰ CDD did not disagree with the fact that under the proposed use of the building as seven small apartments, each occupant has 400% more space than the occupants under the prior use of the building as an emergency shelter.

CDD and TGH disagree on whether these facts are relevant to decide whether to deny TGH a building permit on the grounds that the project increases density of the parcel. TGH thinks the occupancy numbers are relevant because they are objective standards that are attached to the space and provide relevant data to evaluate whether the development will expose more or less people to whatever risk of avalanche exists on the parcel. CDD thinks they are irrelevant because all it needs to know is how many “dwelling units,” as defined by Title 49, were on the parcel before the development and how many “dwelling units,” as defined by Title 49, will be on the parcel after the development.

To support its contention that “occupancy” is irrelevant to TGH’s building permit application, CDD refers to several ordinances in Title 49 that use the word “occupancy:” one about off-street parking spaces, one about recreational vehicles and park occupancy, and two

²⁹ CDD Opposition Brief at 13 note 49.

³⁰ TGH Opening Brief at 13 – 15 & Exhibit to Brief, IBC Table 1004.1.2.

about calculating the maximum allowable number of dwelling units per acre in CBJ 49.25.500 – 520, the ordinances just discussed.³¹ Each of those ordinances have a specific context and problem they sought to address. CDD does not show how they are relevant to determining the Assembly intent regarding “density” in this code provision, CBJ 49.70.300(b), as applied to this building permit request. CDD does not show that they support its interpretation of CBJ 49.70.300(b) that it is irrelevant whether the proposed development results in a use which decreases the number of persons that will occupy and that can occupy this parcel.

B. CDD’s definition of “density” as “dwelling units” is contradicted by the text of CBJ 49.70.300(b) because the addition of bedrooms in a dwelling unit increases the density of the parcel even though the addition of bedrooms in a dwelling unit would not increase the number of dwelling units.

CDD’s definition of “density” as dwelling units is contradicted by the text of CBJ 49.70.300(b). The ordinance states that “no development or any part of a development, which is within a severe avalanche area shall, *by the addition of bedrooms*, conversions of buildings, or otherwise, increase the density of that parcel.” (emphasis added). By the clear terms of the ordinance, the addition of bedrooms to a dwelling unit or other structure is an action that can increase the density of that parcel. A dwelling unit is “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.”³² A dwelling unit does not have a specified number of bedrooms. The addition of bedrooms to a dwelling unit does not increase the number of dwelling units but it does increase the density of the parcel.

³¹ CDD Opposition Brief at 8 & notes 28 - 31: CBJ 49.40.200(2)(off-street parking); CBJ 49.65.460 (park occupancy and recreational vehicles); CBJ 49.80.120 (defining “single-room occupancy with private facilities” and “single-room occupancy with shared facilities”); CBJ 49.25.510(j)(2)(for density calculations of maximum units per acre, single-room occupancies with private facilities count as one-half of a dwelling unit).

³² CBJ 49.80.120.

Exhibit 7 page 13 of 21

This is significant for two reasons. One, it shows that the Assembly did not intend that an increase or decrease in dwelling units is the sole criterion for whether a project increases density because with the addition of bedrooms to a dwelling unit, density increases but the number of dwelling units does not. Two, it shows that the Assembly was concerned with whether a development would increase the number of persons exposed to whatever avalanche risk exists on a parcel because, with the addition of bedrooms, the number of persons potentially exposed to an avalanche risk would increase but the number of dwelling units would not.

C. CDD's definition of density undermines the purpose of CBJ 49.70.300(b).

TGH maintains that the purpose of CBJ 49.70.300(b) is to prevent development which puts more people at risk of whatever avalanche risk exists on the parcel and to allow development which does not. This project, as a matter of undisputed fact, puts less people at that risk than the prior use of the property. CDD's interpretation prevents a development that puts less people at risk and therefore frustrates the purpose of CBJ 49.70.300(b).

Every interpretation of an ordinance has a purpose implicit in the interpretation. CDD's interpretation of density is that it is irrelevant that TGH's proposed development both improves the property significantly *and* exposes significantly less people to whatever risk exists on this parcel compared to the prior use. CDD says the only relevant fact is whether the development puts more stoves, refrigerators and toilet facilities, the things that make up an individual dwelling unit, at risk. This is an unreasonable interpretation of the purpose of this ordinance.

D. CDD’s interpretation of density leads to a profoundly unreasonable and arbitrary result: the property owner cannot convert its building to seven units of affordable housing because the prior use of the building was an emergency shelter where people shared kitchen and bathroom facilities.

In analyzing the results of CDD’s interpretation, the key thing to remember is that a dwelling unit is a residential use “providing independent and complete cooking, living, sleeping and toilet facilities for one family.”³³ CDD’s interpretation of “density” in CBJ 49.70.300(b) as meaning “dwelling units” produces profoundly unreasonable and arbitrary results that are incompatible with any reasonable conception of Assembly intent or statutory purpose.

The result of CDD’s interpretation is that the property owner can house 43 – 53 people on this property in an emergency shelter but not 7 – 14 people, far fewer people, in seven small apartments. On its face, that would seem unreasonable even if that was the only fact known to the Planning Commission.

But what is profoundly unreasonable is the reason *why* CDD states that the property owner cannot do that. CDD has denied this property owner a building permit to convert its building into seven small apartments, where the residents will have individual facilities, because the building used to be an emergency shelter, which meant the residents shared kitchen and bathroom facilities, which meant they did not have “independent and complete cooking, living sleeping and toilet facilities,” which meant, according to CDD, that they were not living in a dwelling unit, and which meant, according to CDD, that the property owner would be denied a building permit to convert the former emergency shelter into seven small apartments.

It is convoluted. And it is the consequence of CDD choosing to define “density” as “dwelling units.” It is not obvious at first but the cardinal sin in CDD’s approach to this situation is choosing a definition of “density” that results in characterizing the former emergency shelter

³³ CBJ 49.20.180.

Exhibit 7 page 5 of 21

as a “zero” and characterizing it as a “zero” because the residents – homeless persons – shared facilities and did not have their own “independent and complete cooking, living, sleeping and toilet facilities.”

The bottom line is that, unless CDD’s decision is reversed, this property owner cannot convert this building into seven affordable apartments because the prior residents were homeless persons who shared bathroom and kitchen facilities.

This is profoundly arbitrary and unreasonable. There is no reasonable basis for saying this result is consistent with Assembly intent. There is no basis for CDD to say that the Assembly intended to prevent converting this building into seven badly needed modest affordable rental housing units because the building provided emergency housing in the past where residents had to share kitchen and bathroom facilities.

E. CDD’s definition of density is inconsistent with purpose of Title 49 to achieve the objectives of the Comprehensive Plan.

The first purpose of Title 49, or the Code as it is referred to by CDD, is “[t]o achieve the goals and objectives, and implement the policies of the Juneau Comprehensive Plan.”³⁴ The Comprehensive Plan is properly viewed as part of the Code. The Juneau Housing Action Plan is properly viewed as part of Title 49.

In evaluating competing interpretation of CBJ 49.70.300(b), if one interpretation furthers the Comprehensive Plan and the Juneau Housing Action Plan and one does not, that is a reason to chose the one that furthers the Comprehensive Plan and the Housing Action Plan. Juneau faces a housing crisis. This is not a theoretical statement. It means that people cannot find places to live or rent, especially lower income folks.

³⁴ CBJ 49.05.100(1).

CDD’s actions here undermine both the Comprehensive Plan and the Housing Action Plan. The Comprehensive Plan states: “Unless and until the community achieves a healthy vacancy rate, all habitable dwellings are valued and needed and uninhabitable units should be rehabilitated or replaced.”³⁵ CDD is preventing seven units of badly needed affordable rental housing in downtown Juneau.

CDD states: “While CDD appreciates the importance of increasing housing, these plans do not excuse compliance with CBJ code – especially those code provisions concerning public safety.”³⁶ CDD’s denial of the building permit was not based on safety. CDD denied the building permit because it defined “density” as dwelling units and because it concluded this project increased density. As discussed, this means that CDD denied the building permit because the prior use was an emergency shelter where people shared kitchen and bathroom facilities, that is, they did not have individual dwelling units.

CDD also states that denying TGH a building permit to convert this building into seven small affordable rental units is no loss to the housing stock of Juneau because it never was part of Juneau’s housing stock. CDD states that its action “insures 247 South Franklin Street will not be ‘housing stock’ unless and until it is shown to be sufficiently safe.”³⁷ The Glory Hall Shelter at 247 South Franklin Street is part of Juneau’s “housing stock.” For 30 years, homeless people lived there safely. Forty-three to fifty-three people a night lived there. It would be a tremendous loss to Juneau if this landmark of Juneau’s care and compassion cannot continue to house people. This relates to the next problem with CDD’s interpretation of CBJ 49.70.300(b).

³⁵ Juneau Comprehensive Plan at p. 32.

³⁶ CDD Opposition Brief at 13.

³⁷ CDD Opposition Brief at 15.

F. CDD does not address that its interpretation of density undermines the purpose of Title 49 “[t]o recognize the economic value of land and encourage its proper and beneficial use.”³⁸

CDD’s interpretation of “density” means that this property can be used to operate a homeless shelter, because that is not a dwelling unit, but it cannot be used to provide rental housing, because they are dwelling units. But the property owner believes, and CBJ actions to implement the Comprehensive Plan and the Housing Action Plan suggest that the City agrees, that the need in downtown Juneau is for affordable rental housing. If that is foreclosed to this property owner, it will be foreclosed to any subsequent owners of this property. Therefore, the options for this prime real estate in downtown Juneau – that has housed persons for over 30 years – is to be used as a homeless shelter, a vacant or partly vacant building, or commercial rentals, if tenants can be found.

TGH’s interpretation of density avoids these results and should be adopted by the Planning Commission. TGH’s interpretation allows the property to be used for its “proper and beneficial use,” which is rental housing.

3. TGH’s interpretation of CBJ 49.70.300(b) is proper: CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project significantly decreases the number of persons residing on the parcel.

TGH’s interpretation of CBJ 49.70.300(b) is that CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project increases buildings on the parcel, whether the project increases dwelling units on the parcel, whether the project increases the number of persons residing on the parcel and whether the project increases the number of persons that can potentially occupy the buildings on the parcel. TGH interprets the purpose of CBJ 49.70.300(b) as preventing development which

³⁸ CBJ 49.05.100(6); TGH Opening Brief at 18 – 19.

subjects more people to whatever avalanche risk exists on the parcel and allowing development which does not subject more people to the risk of avalanche and certainly allowing development where, as here, the undisputed fact is that the project subjects significantly less people to the risk of avalanche: 43 – 53 residents under the prior use versus 7 – 14 residents under the proposed use.

TGH's interpretation is the proper interpretation of CBJ 49.70.300(b) for close to innumerable reasons. This is a partial list:

- TGH does not rewrite the ordinance and substitute “increase the number of dwelling units” on the parcel for “increase the density of the parcel” when the Assembly chose “density,” a more general term.
- TGH does not take the measure of density from one part of the code – the zoning district provisions in Chapter 49.25 – and transplant that measure to CBJ 49.70.300(b) when the Assembly could have done that but did not.
- TGH's interpretation takes into account the actual, undisputed, facts, namely that this project decreases significantly the number of persons who will be residing on this parcel and who can reside on this parcel.
- TGH's interpretation does not stop a project that demonstrably decreases the persons exposed to whatever avalanche risk exists on this parcel while simultaneously telling the property owner that the permit is being denied to protect persons from avalanche risk.
- TGH's interpretation treats the former emergency shelter as part of the “housing stock” and worthy to be preserved as part of Juneau's housing stock by being turned into seven small apartments.
- TGH's interpretation does not deny this landowner the right to convert its building into seven small apartments, which will house 7 – 14 persons, on the unreasonable and

arbitrary grounds that the prior use was an emergency shelter, which housed 43 – 53 persons.

- TGH’s interpretation does not deny this property owner the right to convert its building into seven small apartments, which will house 7 – 14 persons, on the unreasonable and arbitrary grounds that the residents of the prior emergency shelter shared bathroom and kitchen facilities and did not have their own “independent and complete cooking, living, sleeping and toilet facilities for one family.”³⁹
- TGH’s interpretation allows this landowner to use the property in a way that is allowed by the Table of Permissible Uses, a use which is presumptively allowed.
- TGH’s interpretation allows this landowner to use this property for rental housing, a use which is encouraged in the Mixed Use District.⁴⁰
- TGH’s interpretation allows this property owner to take private action which furthers the goal of the Comprehensive Plan and the Housing Action Plan, namely providing seven units of affordable rental housing, which is desperately needed in light of Juneau’s Housing Crisis.
- TGH’s interpretation is not influenced by “political issues around the draft hazard maps,” [R. 75] which are irrelevant to whether the project would increase density.⁴¹
- TGH’s interpretation is not influenced by the political perception that “it doesn’t look very good for CBJ to be encouraging housing in mapped hazard areas” when the grant or denial of this building permit should not be influenced by what “looks very good” or

³⁹ CBJ 49.80.120 (definition of “dwelling unit” in Title 49).

⁴⁰ CBJ 49.2.220(a).

⁴¹ [R. 75] is an email from CBJ Planner Allison Eddins to Dan Jager and Edward Quinto (Nov. 17, 2021). Ms. Eddins signed the CDD Decision under appeal, which is identified in the record as the “official permit denial.” [R. 106]

what doesn't. [R. 75] This property is in an area currently mapped as a severe avalanche area and this property owner should be able to build seven small apartments unless this development would "increase the density of this parcel," as that term is properly defined.

4. CDD has opened the door to evidence that TGH cannot obtain a site-specific study showing that the parcel is located outside of a severe avalanche zone.

"Under [Alaska] case law, a party may open the door to evidence on a subject by putting that subject at issue in the case."⁴² The Court in *Worthy v. State* found that the State had "interjected" an issue into the case and therefore opened the door to evidence on that issue.⁴³ A party may open the door through argument of counsel.⁴⁴ As Justice Fabe observed in *Worthy*, "[I]t is not unusual for a party to render the previously excluded evidence relevant and admissible by some action of its own during trial."⁴⁵ The same principles should apply in an administrative hearing.

Before briefing, TGH asked to supplement the record with material including documentation showing that Ms. Lovishchuk contacted six engineering firms and Bill Glude, Alaska's premier avalanche scientist, to try to submit a study to show that the subject parcel is outside the severe avalanche area.⁴⁶ TGH did not think a study is necessary because a study is only necessary if the project increases density. But in the interests of getting the building conversion underway as soon as possible, Ms. Lovishchuk tried unsuccessfully to locate an

⁴² *Loncar v. Gray*, 28 P. 3d 928, 932 (Alaska 2001).
⁴³ *Worthy v. State*, 999 P. 2d 771, 775 (Alaska 2000)
⁴⁴ *Harned v. Dura Corp.*, 665 P. 2d 5, 7 – 10 (Alaska 1983).
⁴⁵ 999 P. 2d at 777 (Fabe, J., dissenting).
⁴⁶ Motion to Supplement Record (March 18, 2022); Memorandum in Support (March 18, 2022); Submission of Material Sought to be Supplemented to Record on Appeal with Exhibits 1 - 6 (March 18, 2022). Exhibit 2 is the email between TGH and the City regarding this subject. Exhibit 2 at page 11 contains a list of six engineers that Ms. Lovishchuk had contacted as of March 2, 2022 and that was provided to CDD. Exhibit 4 is Ms. Lovishchuk's statements about her contact with Mr. Glude. Exhibit 5 is Mr. Glude's resume, which summarizes his work with Alaska Avalanche Specialists, LLC, from 1990 to the present. Exhibit 6 is Mr. Glude's statement concerning the project.

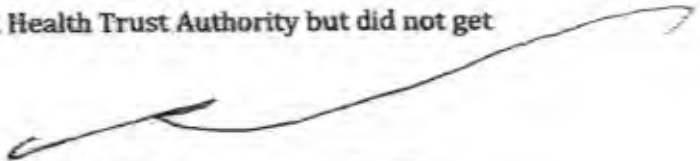
BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU
AFFIDAVIT OF MARIYA LOVISHCHUK RE ENGINEERING FIRMS

Mariya Lovischuk, being duly sworn, states:

1. I am the executive director of the Juneau Housing First Collaborative dba the Glory Hall, formerly Juneau Cooperative Christian Ministry dba the Glory Hall
2. I reached out to the following engineering firms to perform an engineering study to speed up making improvements to the 247 S. Franklin Street building.
 - I contacted and PND Engineers. PND Engineers stated that the R&M report TGH presented to CDD is all that is needed, that asking for more information is an incorrect way for CDD to proceed, and that the building permit should be issued based on R&M report presented. In a follow-up contact by our attorney with PND, they stated unequivocally that they would not conduct a study for this project.
 - I contacted J Mark Pusich with PDC Engineers. Mr. Pusich indicated that his firm does not have expertise in avalanche analysis and that he could not think of anyone else locally who does.
 - I contacted Don Larsen, an Civil Engineer. Mr. Larsen indicated that he would love to help but does not have expertise in avalanche analysis.
 - I reached out to two more local engineering firms who did not wish to engage with the project because they are concerned about working on an issue which to them appeared to be contentious with CDD and because they did not have expertise in avalanche analysis.
 - I contacted StanTech Engineers. They did not have avalanche expertise.
 - I contacted Shannon and Wilson Engineering. They also did not have avalanche expertise to proceed.
 - I contacted TetraTech because they had expertise in avalanche hazard determinations. TetraTech was willing to work with TGH but needed permission from CBJ to do so because CBJ was the initial client. CBJ declined to provide such permission.

Exhibit 8 page 1 of 2

- I contacted StanTec again and Stantec reached out to engineers internally as well as throughout the State. There was no one available/qualified to perform the work.
- I reached out to Agnew Beck, a firm that specializes in non-profit development projects and asked for recommendations for a qualified civil engineer. Agnew Beck recommended that Arete LLC and CWR Engineering group. After a lengthy conversation with both Arete and CWR, no one had required qualification/ability to work on a project of this scope.
- To help with the project Arete LLC, reached out to Dave Hamre, a foremost expert on Alaskan avalanche hazards. Even though Dave is a foremost avalanche expert, just as in case of Bill Glued, Dave did not meet the CDD required qualification because he is not an engineer. Dave referred TGH to Chris Wilbur and Alan Jones.
- I reached out to Chris Wilbur. Mr. Wilbur's workload does not allow him to assist with the project.
- I reached out to Alan Jones, who also worked on the TetraTech studies. Mr. Jones was not able to assist due to his prior contact with the City and also because of the project scope.
- I reached to Alaska Housing and Finance Corporation to inquire if they know of any engineers who might be able to help and while we discussed the housing crisis, the merits and the need for the project, the conversation did not yield any engineers.
- Similarly, I reached out to Alaska Mental Health Trust Authority but did not get results.



Mariya Lovishuk

Subscribed and sworn to or affirmed before me by Mariya Lovishchuk on the 30 day of June, 2022, at Juneau, Alaska.

Teal R. Goodsell
 Notary Public, State of Alaska
 My commission expires 12/03/2025

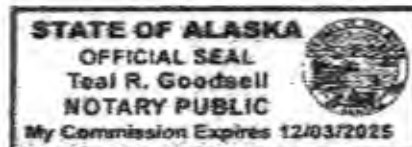


Exhibit 8 page 2 of 2

From: John Crabill <johncrabill@icloud.com>
Sent: Monday, October 17, 2022 1:45 PM
To: PC_Comments
Cc: Dan Bleidorn; Joseph Meyers; Jill Maclean
Subject: Case 2022-0003

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,
My name is John Crabill and I am the owner of parcel 4B2801020080 currently held in the operating entity of Great View LLC.
It was brought to my attention on Friday, October 14th, 2022 that a sign has been posted on the adjacent property. The sign posted had a notice of hearing dated October 25th concerning parcel 4B2881020070 , case #2022-0003, disposal of CBJ property.
It is my opinion that property in question should be sold to Great View, LLC as it has historically been deeded a ROW easement with special use permits granted from the city of Juneau and state of Alaska.

Thank you,
John Crabill
253-732-1772

Sent from my iPhone

From: John Crabill <johncrabill@icloud.com>
Sent: Wednesday, October 19, 2022 3:09 PM
To: PC_Comments
Cc: JG Construction
Subject: Fwd: PAD22-03 CBJ Land Disposal request from Parise

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To whom it may concern:
I wanted to forward this email chain because as the land owner adjacent to the land disposal request I never received proper notification of the hearing on October 25th 2022 until my contractor Jon Geary informed me via text on October 14th, 2022

Thank you,
John Crabill

Sent from my iPhone

Begin forwarded message:

From: Jennifer Shields <Jennifer.Shields@juneau.org>
Date: October 19, 2022 at 11:48:29 AM PDT
To: johncrabill@icloud.com
Cc: jgconstruction@live.com, Scott Ciambor <Scott.Ciambor@juneau.org>, Jill Maclean <Jill.Maclean@juneau.org>, Dan Bleidorn <Dan.Bleidorn@juneau.org>, Roxie Duckworth <Roxie.Duckworth@juneau.org>
Subject: PAD22-03 CBJ Land Disposal request from Parise

Good morning Mr. Crabill,

Thank you for your email regarding CBJ land disposal request PAD2022-0003 made by Jim Parise. A few things to note:

Public Comments

At this point, since the Staff Report is complete and posted for this case, we can't amend it and it will need to move forward with the Planning Commission. However, **I will include your email comment in an "Additional Materials" packet that will be given to the Planning Commission later this week.** I'm also including your contractor, Jon Geary, on this email. He had reached out to others regarding the project and they forwarded his email to me (see below). The last day for written comments is October 21, 2022 at Noon.

Great View LLC Lot 4

The Staff Report does mention that special permits were granted to Great View LLC's Lot 4 on page 5: *"It appears that from 1957 to 1964, the owner of the property to the west (now vacant Lot 4) was granted two Special Use Permits and Right-of-Way Permit #24304 for access roads through the FS ROW (Attachment C). In 1965, Permit #24304 was transferred to the new owner of Lot 4, Mr. Fred Honsinger (Attachment D)."*

In my research for the project, I wasn't able to find an actual Deed or clear drawing of what special area the special use permits cover for Lot 4, so if you have that information it would be helpful.

Final Decision

The Planning Commission will be giving a recommendation on the land disposal to the **Assembly for a final decision**. If the Assembly's final decision is to dispose of the property, Dan Bleidorn at the Lands Department would be handling the disposal process (appraisal, who to dispose to, etc.).

Planning Commission Hearing

The Hearing before the Planning Commission is scheduled for October 25, 2022. It will be a "hybrid" meeting, meaning the public may attend either in person or via Zoom. **The Staff Report packet can be found [HERE](#)**. The Zoom information for the meeting is as follows:

When: Oct 25, 2022 07:00 PM Alaska

Topic: Regular Planning Commission

Please click the link below to join the webinar:

<https://juneau.zoom.us/j/83425441349>

Or dial: +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 215 8782 or +1 360 209 5623 or +1 386 347 5053 or +1 564 217 2000 or +1 646 931 3860 or +1 929 436 2866 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or 888 475 4499 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 834 2544 1349

I hope that this information is helpful. Please feel free to contact me if you have any other comments or questions.

Sincerely,

Jennifer L. Shields | Planner II
[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4139



Fostering excellence in development for this generation and the next.

-----Original Message-----
From: John Crabill <johncrabill@icloud.com>
Sent: Monday, October 17, 2022 1:45 PM
To: PC_Comments <PC_Comments@juneau.org>
Cc: Dan Bleidorn <Dan.Bleidorn@juneau.org>; Joseph Meyers <Joseph.Meyers@juneau.org>; Jill Maclean <Jill.Maclean@juneau.org>
Subject: Case 2022-0003

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,
 My name is John Crabill and I am the owner of parcel 4B2801020080 currently held in the operating entity of Great View LLC.
 It was brought to my attention on Friday, October 14th, 2022 that a sign has been posted on the adjacent property. The sign posted had a notice of hearing dated October 25th concerning parcel 4B2881020070 , case #2022-0003, disposal of CBJ property.
 It is my opinion that property in question should be sold to Great View, LLC as it has historically been deeded a ROW easement with special use permits granted from the city of Juneau and state of Alaska.

Thank you,
 John Crabill
 253-732-1772

Sent from my iPhone

From: JG Construction LLC <jgconstruction@live.com>
 Sent: Friday, October 14, 2022 11:03 AM
 To: dan.bleidon@juneau.org; Jill Maclean <Jill.Maclean@juneau.org>; Katie Koester <Katie.Koester@juneau.org>
 Subject: 12005glacier Hey

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,
 Quick question, who would I speak with in regards to (public notice sign for land disposal) at 12005 glacier Hwy? I'm the contractor for folks that purchased the neighboring property. They have deeded access over the cbj parcel in question. Please see attached.
 They are looking at building this summer. In past to speaking with neighbors they had understanding that if there was a sale of property it would be split between the two land owners. Which they would like to purchase all of it to keep green zone. Also not sure how so many trees got cut down in the ROW as well. They were planning on planting new ones.
 There are already a bunch of cars going on road out front of lot so our plans are to build accordingly but cars driving up and down beside will be quite a nuisance (lights shining through bedroom windows etc). We have received no notice of this and I just so happened to drive by this morning and could barely see the sign and turned around to read.
 Owners of neighboring property are from Washington and will be out of town at the date stated on sign and are as you can imagine concerned.
 Please advise
 Respectfully
 Jon Geary



2974 Foster Ave., Juneau, AK 99801
907-723-8444

October 21, 2022

Mr. Michael LeVine and the CBJ Planning Commission
c/o CBJ Community Development Department
155 South Seward St.
Juneau, Alaska 99801

RE: PAD22-03 CBJ Land Disposal request from Parise

Greetings Chair LeVine and Commission Members:

It should be no surprise that we are stunned and disappointed in CDD’s recommendation for denial of this application. Even more stinging is the reason that this application is in front of you is because Director Maclean asked us to make this application. In mid-2021, we initiated an effort to use the city land next to our property for a new driveway to replace the existing, very dangerous, means of vehicle access to the home at 12005 Glacier Highway. We wanted a permanent easement but Director Maclean said this was not possible. This issue is addressed at length below. The Director said an expansion of the property to extend the front lot line was the only way to accommodate the new driveway plan.

This matter was addressed by the Assembly earlier this year. They directed that city staff negotiate with us to facilitate the new driveway either with a land sale or easement. But staff would only bring forward the land sale option. We tried to bring the issue to the Planning Commission through the appeal option and the code interpretation route but the Director would not accept either application, so now we have to bring the matter to you as commentary on the pending sale application.

We assert that Director Maclean has applied a provision in the Land Use Code – that is meant to guide how lots and subdivisions are to be designed – to an entirely unrelated matter and that she has done so incorrectly. The code section is CBJ 49.35.250(b) and it was applied to a post-platting proposal to re-locate a driveway from the frontage to enter the existing lot from the side.

Background

The existing residence is well below street level, situated to maximize the benefit of its shoreline location. Vehicular access is very limited and consists of an unattached street-level garage that fronts directly on the ROW. The garage is untrustworthy to park cars in, so the cars are parked on the small wooden ramp leading to it with the cars partially blocking the sidewalk. There is no driveway or other off-street parking. Backing out to leave is even more dangerous because the highway begins to curve just before oncoming traffic enters the blocked sightline caused by the DOT retaining wall. It is dangerous for my family and oncoming traffic.

In mid-2021, we began an effort to develop a new approach to providing vehicular access and obtained permission to build a temporary driveway that begins on the adjacent CBJ-owned parcel. The new driveway starts at the ROW and turns to enter the our property from the side. See Reference A, attached. This permission was obtained through CBJ Parks, which manages the parcel, and CBJ Lands and Resources (L&R). This permission was temporary so that we could start work on the driveway and other improvements to the property and the residence.

The Director’s Interpretation

We set about to settle the access issue on a permanent basis and were told, rather inadvertently, that a permanent access across the side property line would not be allowed. This was in a quote from CDD that appeared in an e-mail from the CBJ’s L&R Director, Dan Bleidorn dated August 30, 2021 (Reference B, available on request.):

CDD supports a temporary easement across the CBJ property (parcel ID 4B2801020070) for the reconstruction of the existing access at 12005 Glacier Hwy. CDD does not support a permanent easement to serve as permanent access to 12005 Glacier Hwy. As the property has access

through the lot’s frontage currently, allowing the lot to change to the adjacent (CBI) lot, may make the lot nonconforming and isn’t supported by the land use code. Further, 49.35.250 also addresses access through the frontage, and not through adjacent properties.¹

We initiated an e-mail exchange chain with Director Maclean in December to see if there was a way to clear this up, and at one point in the chain my consultant, Murray Walsh, gave his analysis of her interpretation, saying this (Reference C, available on request.):

The operative part says: “all lots must satisfy the minimum frontage requirement and have direct and practical access to the right-of-way through the frontage.” But, this is one of the requirements for *lot and subdivision design*. This is not a prohibition of providing driveway access by alternate means or route. Try this out with Law if you would. Again, the rule is in place to make sure the lot has direct access via the front side and the subject lot does, but the language does not prevent alternatives by insisting that actual access be only through the front lot line.

The exchange ended on February 24, 2022 when the Director suggested we seek to purchase the city land, add it to our parcel, and thus extend the front property line. We considered appealing the determination at that time but we decided to pursue the acquisition route instead and did so. The pursuit was challenging. The prospect drew some negative attention from the PRAC and the Assembly Lands Committee but it was clear members on both bodies wanted to see a positive outcome for Mr. Parise.

The matter was finally presented to the full Assembly on August 1, 2022. Walsh wrote a letter (Reference D. available on request) to the Assembly for consideration at their meeting. That letter sets forth the basis for disagreeing with the Director’s view of how 49.35.250(b) applies in this situation and also asked that the Assembly allow us to proceed with both options, sale outright or a permanent easement.

The Assembly did indeed hear the matter on August 1, and *gave authority to enter into direct negotiations with the applicant to enable the driveway by sale or easement*.

¹ Emphasis by this writer. See page 4 for a discussion of the significance of the emphasized fragment.

The Assembly did not make a separate finding as to the appropriateness of the Director’s stance on the access matter but it certainly seemed clear that the Assembly is willing to accept access across the side property line or it would not have authorized the easement option. On the strength of this, we sent a request to the Director to re-consider her position. That request, and her re-determination, dated August 11, 2022 is Reference E, available on request. She refused to alter her stance in the matter.

The Argument

CBJ 49.35.250(b) is part of a section of the Land Use Code that gives instructions for how to design subdivisions. The relevant part of the section specifies as follows:

...all lots must satisfy the minimum frontage requirement and have direct and practical access to the right-of-way through the frontage.

Again, this is an instruction for how to lay out lots in a subdivision. It is not a requirement that all lots **MUST** have driveway access across **ONLY** the front lot line. The subject lot does indeed have direct access to the right-of-way and maybe it was *practical* in 1950 but it surely is not practical now and had not been for decades. Nobody at the CBJ has disagreed with this assertion.

Regulators are sometimes faced with situations that their codes do not address. This is such a situation. We are not proposing a new subdivision. We are trying to deal with defects in an existing subdivision. Nowhere in the code is there a set of instructions or limitations on how to deal with a lot that was legally platted at the time of its creation but now needs an alternative access solution.

The regulator should not take a rule that is used for one purpose and apply it to a situation that is not related to the purpose for which the rule was created. Nor should the regulator assume that the code will always supply guidance on a matter if you just look for it hard enough. Again, in this instance, the code gives no guidance.

Also in such an instance as this, the parties involved can only use their experience, common sense, and sense of community service to resolve a problem. All parties agree that the current vehicular access for 12005 Glacier Highway is a problem for the homeowner and the public. All parties agree that access to the side is the best option for solving the problem.

Finally, let me repeat a snippet of the CDD message quoted in Mr. Bleidorn’s e-mail:

...allowing the lot to change to the adjacent (CBJ) lot, may make the lot nonconforming and isn’t supported by the land use code. (Emphasis mine.)

The underlined phrase seems to suggest that any development activity must have some form of permission expressed in the Land Use Code. In other words, the assertion seems to be “If it not in the code, you can’t do it.” This is not the way law works in America. The more correct approach is to say: “You can do whatever you want *unless* the code says not or puts limits on it.”

Matter Pending and Relief Requested

We tried to bring this easement vs. sale issue to the Commission earlier so it could be resolved before action on PAD 22-03 but Director Maclean would not allow it. We decided to proceed but the denial recommendation has forced us to bring it back up so that the Commission has the whole picture.

We note that the reason for the denial recommendation is the assertion that the land sale does not conform with various plans adopted by the city. We think the project to build a safe driveway does conform with city policy overall and that the Commission should do what it can to enable this driveway to become permanent.

We are not sure what the most efficient way to proceed might be. One approach could be to declare that the Director was wrong to apply CBJ 49.35.250(b) as she did and ask PAD 22-03 to be re-submitted with both the sale and easement options.

If the Commission needs more time or a different process to decide on the easement option, then please tell us what we can do to facilitate such a process.

If the Commission wants to take time to develop alternative findings so that a positive recommendation can go forward to the Assembly, we would be glad to assist.

Finally, please know that we appreciate the time and attention you are giving to this matter. Our only goal is to establish a permanent driveway. We believed at the outset that an easement would be easier to achieve and we still do but if an outright sale is the only way, then please help us make it so.

We thank you for your attention and consideration.

Respectfully Submitted:

Murray Walsh
James Parise

Reference A: a drawing of the proposed driveway, attached in CDD Packet

Reference B: e-mail exchange between Bleidorn and Parise*

Reference C: e-mail exchange between Maclean and Walsh 12/21-2/22*

Reference D: WPDS letter to Assembly*

Reference E: e-mail exchange between Maclean and Walsh 8/3/22-8/11/22*

Reference Items B, C, D, and E are available on request.

From: Karla Hart <karlahart@gmail.com>
Sent: Friday, October 21, 2022 11:50 AM
To: PC_Comments
Subject: PAD2022 0003: A CBJ Property Disposal next to 12005 Glacier Highway

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Planning Commission,

I am writing in support of the staff recommendation to NOT dispose of the public beach right of way (PAD2022 0003: A CBJ Property Disposal next to 12005 Glacier Highway). I commented the same at some point in writing to someone in the city in response to a public notice, perhaps a year ago. And, I was involved in developing the Auke Bay Plan.

This right of way may not be developed and used for public beach access at this time; however, as development proceeds in Auke Bay, it one day will be, if we maintain ownership. I reference the beach access purchased and developed by SEALtrust on North Douglas at great cost. Buying land from private ownership in the future will be a much greater barrier than keeping it now.

The value to the public in the future far exceeds any money that the city will get today.

Also, the precedent of disposing of these “unused” public beach right of ways is very bad. Look at Seattle and many other location where beachfront is owned by people who can afford and others are excluded from many areas. While Juneau has lots of public beachfront, neighborhood access is extremely valuable and should absolutely be preserved.

Regards,

Karla Hart



MEMORANDUM

DATE: September 26, 2022
TO: CBJ Boards and Commissions
FROM: Katie Koester, Engineering and Public Works Director
THROUGH: CBJ Public Works and Facilities Committee
SUBJECT: DRAFT FY2024 Legislative Capital Priority List

The purpose of this memo is to provide information on the FY 2024 City and Borough of Juneau Legislative Capital Priorities process and solicit the input of CBJ boards and commissions in the process. It is important to note that Legislative Capital Priorities are not a funding request, it is a way to articulate larger or more complicated funding needs to the Legislature, the federal delegation, and the public. This is not a comprehensive list. Rather it represents the CBJ Assembly large scale priorities for a given year. The 6-year CIP is still the principal vehicle for capital budget planning and funding.

The state legislative delegation deadline for submitting CBJ capital priorities to the Alaska State Legislature is February 1 of 2023. Last year, CBJ put together a list with input from 7 different boards and commissions. However, as the list has gained traction, there has been increased interest from many of the 40 CBJ boards and commissions to have an opportunity to weigh in. Because of this, PWFC initiated the Legislative Capital Priority list earlier this cycle to give boards and commissions a full 2 months to provide input.

CBJ boards and commissions are being invited to nominate a project that the Committee would like to see on the list and/or provide input on project priorities. This information, in conjunction with inputs from other CBJ boards and commissions, will be used by the Assembly to amend and reprioritize the list.

Guidelines and recommendations for input:

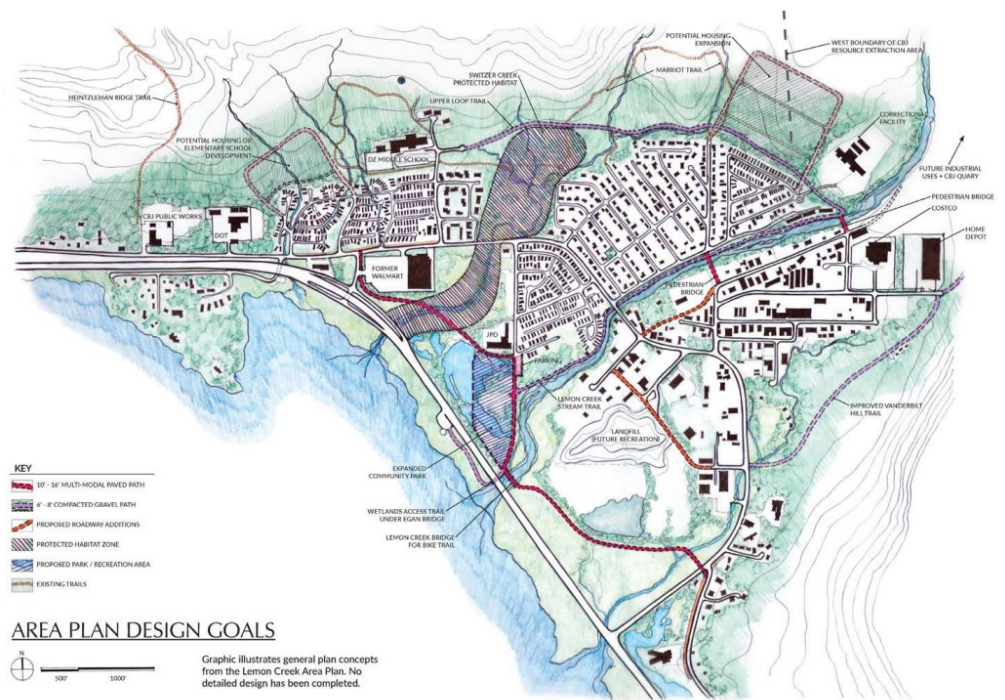
- A prioritized list is only useful if there is the discipline to keep in manageable and relevant. Please keep that in mind when making your recommendations.
- Please limit your recommendations to nominating your top two projects. This will make your input more actionable for the Assembly.
- If your body would like to propose a new project, please use the Legislative Priorities Project Nomination form provided.
- To be eligible a project needs to provide a capital asset with a life of more than 20 years and have a total project cost over \$1 million (review the appendix of the draft list, 'Everything you wanted to know about the CBJ Legislative Capital Priorities' for more information).

- Comments should be addressed to the Assembly and are due to Katie.koester@juneau.org no later than December 1, 2022

Recommendations will be forwarded to the full Assembly for consideration no later than January 2023. See the schedule included in the draft FY 2024 Legislative Capital Priorities for more information. Thank you for your time and participation in this important planning process.

ENC:

City and Borough of Juneau DRAFT FY2024 Legislative Capital Priorities
City and Borough of Juneau Legislative Capital Priorities Project Nomination Form



Credit: MRV Architects (2017) Area Plan Design Goals, February 4, 2017

City & Borough of Juneau

Legislative Capital Priorities FY2024

9.30.22 DRAFT (un-adopted)





TABLE OF CONTENTS

Introduction: Page 3

Legislative Priorities Development Schedule: Page 4

Legislative Priority List

Individual Project Details: Pages 6-23

APENDIX

Everything you wanted to know about the Legislative Priority List: Page 24

CBJ lists, plans and priorities graphic: Page 25

DRAFT

Will be updated after adoption of list.

January 31, 2022

To The Honorable State and Federal Delegation:

This document presents the City and Borough of Juneau's Fiscal Year 2023 Legislative Capital Priority List. The Legislative priority list provides information on long range capital projects identified as priorities for the community of Juneau. Descriptions of projects include cost and schedule information, a designation of who will be responsible for operating and maintaining the infrastructure, and what goals the project is advancing.

The projects included in the Legislative Priority List were compiled over many months with input from CBJ Boards and Commissions. The Legislative Priorities will be used to inform requests to State Legislature, Federal Delegation and granting agencies.

It is the intent of the City and Borough of Juneau to update the Legislative Priority list annually to ensure the long-range capital improvement planning stays current, as well as to determine annual legislative priorities and assist with budget development. Please don't hesitate to reach out with any questions

Sincerely,



Rorie Watt
City Manager

DRAFT

Will be updated after adoption of list.

City and Borough of Juneau
FY2024 LEGISLATIVE CAPITAL PRIORITIES DEVELOPMENT SCHEDULE

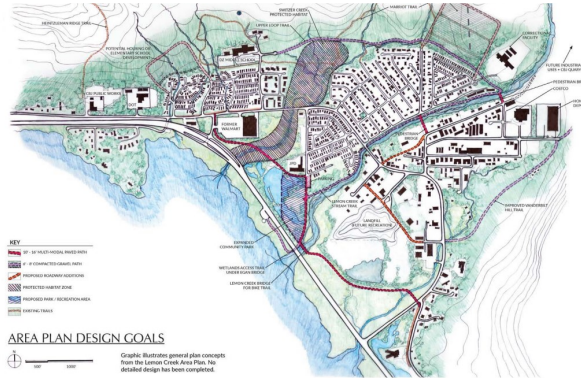
| ACTION | TIME FRAME |
|--|---|
| PWFC approval of schedule & process | September 26, 2022 |
| Issue solicitation for input from CBJ Advisory Boards and Commissions with clear instructions, including on how to propose new projects. | October, 2022 |
| Input for new draft requested by | December 1, 2022 |
| | |
| Presentations to Boards and Commissions | |
| | Planning Commission Introduction October 25, 2022; Planning Commission Final Approval November 8, 2022 |
| | Systemic Racism Review Committee 1 st Review: November 22, 2022 |
| Administrative review and compilation | December 1- 9, 2022 |
| SRRC 2 nd Review (with board/commission input and new projects) | December 13, 2022 |
| PWFC for review | December 19, 2022 |
| Homework: Assembly ranks priorities | Due December 29, 2022 |
| Finance Committee | January 4, 2022 |
| Assembly Adoption (COW) | January 23, 2023 |
| CAPGIS Deadline | February 1, 2023 |
| Distribution of Priorities | February |
| | |

Adopted FY2023 Legislative Capital Priority List

| Rank | Project Name: | Purpose: | Amount: | Goal: | Page # |
|------|--|---|------------|--|--------|
| 1 | Lemon Creek Multimodal Path | Design, Permitting, Property | \$2M | Advance Long-term Goal of a New Non-Motorized Route | 6 |
| 2 | Second Channel Crossing | Economic Impact Analysis and/or PEL Study | \$7M | Economic Development | 7 |
| 3 | Pederson Hill Development | Development | \$3M | Increase housing and development opportunities | 8 |
| 4 | New City Hall | Partial Funding | \$5M | Reduce CBJ Operating Cost, Free up/create housing | 9 |
| 5 | Shore Power at Dock 16B | Final design and construction | \$25M | Reduce emissions, improve air quality and economic development. | 10 |
| 6 | Capital Civic Center | Partial Funding | \$5M/\$30M | Support Convention and Visitor Economy | 11 |
| 7 | West Douglas Extension | Future Development | \$3M | Long Term Development Support | 12 |
| 8 | Eaglecrest Expansion and Summer Operations Development | Phase one construction of new Gondola | \$6.5M | Economic development/tourism diversification. | 13 |
| 9 | Telephone Hill | Site work | \$2M | Prepare for Redevelopment | 14 |
| 10 | North State Office Building Parking | Partial Funding | \$5M | State/legislative Parking, Auke District infill Development | 15 |
| 11 | Mendenhall River Community School Renovation | Major Renovation | \$21M | Renovate to facilitate delivery of high quality education | 16 |
| 12 | Marie Drake Renovation | Major Renovation | \$31M | Renovate to facilitate delivery of high quality education | 17 |
| 13 | Aurora Harbor Phase III | Design, Permitting | \$250K | Replace critical infrastructure and support maritime economy | 18 |
| 14 | Auke Bay New Breakwater | Match Potential Federal Funding | \$5M | Increase Moorage and Renovate old Economic Development | 19 |
| 15 | North Douglas Boat Ramp Expansion | Planning, research, permitting | \$250K | Improve safety and expand boating access and transportation | 20 |
| 16 | Waterfront Juneau Douglas City Museum | Partial Funding | \$1M | Reduce CBJ Operating Cost, Expand Capital Campus | 21 |
| 17 | Trail Maintenance and Development | Improve trail network in CBJ | \$5M | Support health and wellness with local non-profits for trail community connection. | 22 |
| 18 | Auke Bay Seawalk | Design, Permitting, Property | \$250K | Improve Non-Motorized Route | 23 |

DRAFT

Will be updated after adoption of list



LEMON CREEK MULTIMODAL PATH

AMOUNT REQUESTED: \$8M

AMOUNT SECURED: \$250,000; \$1.5M pending voter approval of Special 1% Sales Tax

TOTAL PROJECT COST: \$10M

PROJECT DESCRIPTION & UPDATE:

The requested funding would construct a multimodal path in Lemon Creek that connects residents to schools, shopping, jobs and services. CBJ is pursuing a Reconnecting Communities grant for FY23 that will include robust public engagement, route selection and preliminary design. Sales tax funding going before the voters in October of 2022 will allow for further design of the project as well as potential match for construction grant opportunities. The potential route will to extend from Glacier Highway at Vanderbilt Hill, across wetlands, then extend parallel to Egan to reach the Lemon Creek area.

PUBLIC PROCESS:

Project has been identified as a priority by the 2017 Lemon Creek Plan adopted into the Comprehensive Plan.

TIMELINE:

CBJ is applying for a Reconnecting Communities Planning Grant in October of 2022. Public outreach and alternatives analysis will begin in 2023. Once full funding is secured, 18-24 months for design and construction.

WHO WILL MAINTAIN AND OPERATE? TBD

GOAL OF PROJECT: Advance Long term goal of a new non- motorized route.



Photo Credit: Juneau Empire

JUNEAU NORTH DOUGLAS CROSSING

AMOUNT REQUESTED: \$13M

AMOUNT SECURED: \$2M for PEL; \$250,000 CBJ; \$7M pending approval

TOTAL PROJECT COST: \$100M-\$200M (depending on alternative)

PROJECT DESCRIPTION & UPDATE: A second crossing from Juneau to Douglas Island has been a priority for the community since the early 80s. An alternate access to the heavily populated Douglas Island will increase safety; if the only bridge now were to fail residents would be stranded and emergency services would be limited. It will reduce transportation times and open up new land to development.

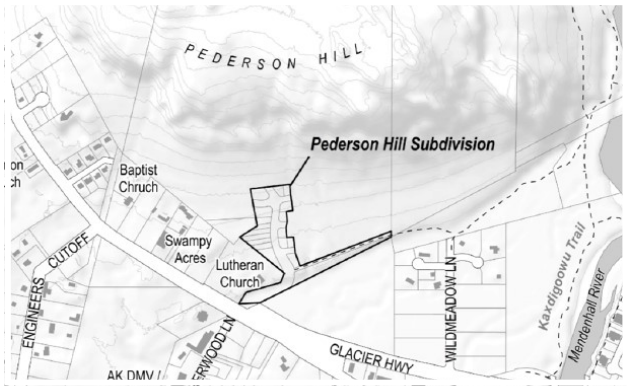
If approved, \$7M currently in the Senate Transportation will be used to build on the economic analysis and environmental work underway through the Planning and Environmental Linkages (PEL) Study to perform a robust cost benefit analysis, select a preferred alternative, and complete the environmental analysis to National Environmental Policy Act (NEPA) standards. Funding is being requested to bring the project to 100% design and bid ready for Federal Highway Funding under the Infrastructure Investment and Jobs Act.

PUBLIC PROCESS: Through the PEL process ADOT, under the stewardship of DOWL engineering, has engaged in multiple stakeholder and public meetings to identify both public sentiment on the project and potential alternatives. The most recent listening session was held in North Douglas September 26th to incorporate local neighborhood feedback.

TIMELINE: The PEL study is expected to be complete by spring of 2023. Building on the work of the PEL, NEPA should take 12-18 months. This will put the project in a excellent place to apply for a RAISE or INFRA grant in the 2024 funding cycle.

WHO WILL MAINTAIN AND OPERATE? State of Alaska.

GOAL OF PROJECT: Community safety and economic development.



PEDERSON HILL HOUSING DEVELOPMENT

AMOUNT REQUESTED: \$3M

AMOUNT SECURED: 2.3 Million

TOTAL PROJECT COST: \$10M

PROJECT DESCRIPTION & UPDATE:

The requested funding would provide for the construction of street lighting, water and waste water lines, streets and sidewalks for Phase 1B of Pederson Hill Subdivision development.

PUBLIC PROCESS: The 86 lot preliminary plat was approved by the Planning Commission in October of 2017. The first phase was completed in 2019. There will be an opportunity for public comment to the Planning Commission during the final plat approval process and an opportunity to comment to the Assembly during the land disposal process. Once a final plat is approved the disposal of municipal land will be authorized by the Assembly through the adoption of an ordinance which sets the terms and conditions of the sale.

TIMELINE:

Once funding is secured, design can be complete within 9 months from start and construction complete within 28 months from start.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Increase housing.



NEW CITY HALL

AMOUNT REQUESTED:

TOTAL PROJECT COST: \$42.3M

AMOUNT SECURED: \$6.3M

PROJECT DESCRIPTION & UPDATE: This project will relocate City Hall to a new location on CBJ land in the Aak’w Village District at 450 Whittier. The new facility will consolidate city employees, eliminate the cost of rental office space for over two-thirds of CBJ downtown employees, and eliminate the use of the current aging, undersized city hall facility. The elimination of leased space will reduce CBJ operating expense by \$820,000 a year and free up rental space for conversion to much needed downtown housing. A space needs analysis in 2019 determined CBJ needs 46,000 square feet for modest offices and public meeting space.

PUBLIC PROCESS: A conceptual design and economic feasibility analysis was performed in 2018. A winter of 2021 online survey showed that 76% of almost 1400 respondents were supportive of a new city hall. The feedback from the survey has been used to design a public process with a selection of a preferred alternative in April 2022 and a public vote on a bond proposition for funding scheduled for October 2022.

TIMELINE: Site selection and conceptual design complete Summer of 2022; design 11/2022-11/2024; bid construction end of 2023; 18 month construction schedule puts project completion in fall of 2025.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Consolidate CBJ offices, reduce CBJ operating cost in the

DRAFT

Will be updated after OCT election.



SHORE POWER AT DOCK 16B

AMOUNT REQUESTED: \$22.5M

TOTAL PROJECT COST: \$25M

PROJECT DESCRIPTION & UPDATE: The project would provide the final design and construct the electrical infrastructure (substation, load tap changer transformer, feeder cables, etc.) and shore power infrastructure (submarine cables, power connection floats, cable positioning devices) at the two CBJ-owned cruise ship docks. The electrical infrastructure could also service ground transportation as it transitions to electric vehicles.

The project benefits the community by improving air quality and reducing noise pollution from cruise ships that connect to shore power while hoteling in port, and by upgrading the electrical infrastructure at Juneau's waterfront. The elimination of ship GHG emissions furthers the community's climate action goals of switching from fossil fuels to renewable hydropower as well as enables the cruise lines to better meet their sustainability goals. The project benefits the tourism sector of the community.

TIMELINE: CBJ has appropriated \$2.64M in FY2023 to this project. Docks & Harbor applied for a FY22 RAISE grant which was unsuccessful. Grant results for the FY22 Port Infrastructure Development Program (PIDP) have not yet been released. Docks & Harbors will pursue other grant opportunities under the Inflation Reduction Act as appropriate. Construction phase to be completed by 5/2027.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Reduce emissions, improve air quality and economic development.



CAPITAL CIVIC CENTER

AMOUNT REQUESTED: Federal Delegation—\$30M; State of Alaska—\$5M

AMOUNT SECURED: CBJ- \$2M design; \$7M upgrades to centennial hall; \$10M commitment from CLIA for MPFs

TOTAL PROJECT COST: \$65M

PROJECT DESCRIPTION: This project will construct a new and renovated convention and performance center in Juneau Alaska. This project expands the current Centennial Hall and merges a new performing arts center with an expanded convention center to support the convention and visitor economy.

PUBLIC PROCESS: Conceptual studies of convention center elements (Centennial Hall) were performed in June of 2019 with several public meetings and upgrades to the ballroom will be complete in 2023. The performing arts campus (new JACC) also received public input throughout the development of design for a stand alone facility. Merging the two facilities into a large, single, facility was presented to the Assembly by stakeholder organizations in 2020. The Assembly funded conceptual design to build on previous design work and in late 2021 appropriated \$2m to bring the project to 65% design. NorthWind, JYW, and Hacker Architects have teamed up to provide design services and have worked with stakeholders to consolidate space and find design efficiencies.

TIMELINE: Once funding is secured, 3-3.5 year design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Support convention, arts and visitor economy.



WEST DOUGLAS EXTENSION

AMOUNT REQUESTED: \$4M

TOTAL PROJECT COST: \$5M

PROJECT DESCRIPTION:

This project will continue construction of the gravel surface pioneer road from near the current end of the Douglas Highway to Hilda Point. The road will promote development, increase opportunities for recreational access to public lands, and enable closer access to new growth development areas that are identified in the CBJ Comprehensive Plan. Road access will assist land owners in their on-the-ground investigations required for formulating future development plans.

PUBLIC PROCESS:

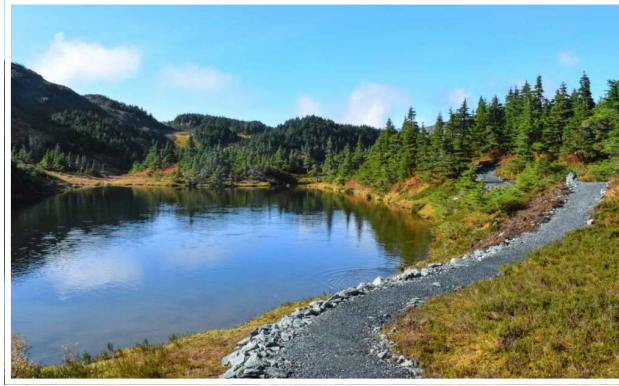
West Douglas Roadway corridor alignment has been approved by Assembly and Planning Commission. This project has been identified as priority 'New Growth Area' by CBJ Comprehensive Plan and West Douglas Conceptual Plan.

TIMELINE:

Once funding is secured, 18-24 month design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Support long-term development.



EAGLECREST EXPANSION AND SUMMER OPERATIONS DEVELOPMENT

AMOUNT REQUESTED: \$0

AMOUNT SECURED: CBJ—\$2.5M; working on revenue sharing agreement for remaining costs

TOTAL PROJECT COST: \$12.5M

PROJECT DESCRIPTION & UPDATE:

Eaglecrest has been working on plans to expand operations into the summer season since early 2019 to create new visitor experiences for cruise and independent travelers. In 2021, CBJ purchased a used gondola to open up additional mountain attractions to visitors and facilitate mountain bike activities. The Gondola is on site and installation is scheduled to begin next construction season once full funding is secured. This project is supported by the Juneau Economic Plan, the Southeast Conference Comprehensive Economic Development Strategy, Juneau Economic Development Council, and Travel Juneau.

PUBLIC PROCESS:

Extensive community engagement took place directly prior to the onset of the COVID 19 Pandemic in the summer of 2019 with over 20 public outreach meetings, work sessions, and online public surveys. In 2021, there was extensive public debate on the purchase of a used gondola to advance Eaglecrest long term summer operations goals. The Eaglecrest Summer Operations Task Force is tasked with continuing development of that vision.

TIMELINE: Update pending.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Simulate regional economic development through diversification of the summer tourism economy and expansion of the winter visitor industry.



TELEPHONE HILL RE-DEVELOPMENT

AMOUNT REQUESTED: \$2M

AMOUNT SECURED: \$100,000

TOTAL PROJECT COST: unknown

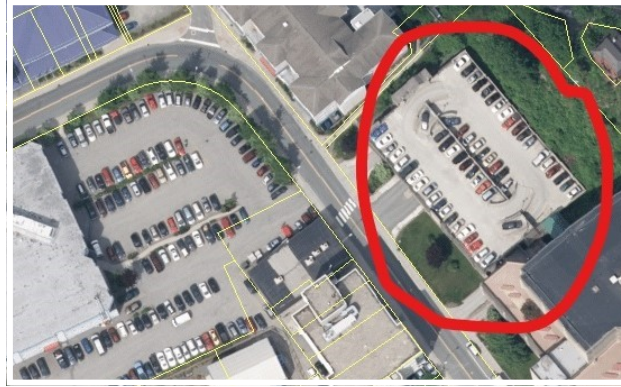
PROJECT DESCRIPTION: Surveying costs, hazardous materials study, removal of hazardous materials and environment cleanup, demolition of existing structures, a redevelopment study and site preparation and re-subdivision.

PUBLIC PROCESS: In 2020, CBJ applied to acquire the Telephone Hill properties from the State of Alaska. In June 2022, the Legislature directed the Department of Natural Resources to convey Telephone Hill to CBJ at no cost (HB349). In August 2022 the CBJ Assembly adopted a resolution accepting Telephone Hill at no cost from the State of Alaska. In September, the Assembly appropriated \$100,000 to the Manager for the Telephone Hill Redevelopment CIP.

TIMELINE: CBJ ownership in January of 2023 with implementation beginning as soon as funds are available.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Redevelop over 3 acres of property in downtown Juneau for the best and highest use.



NORTH STATE OFFICE BUILDING PARKING

AMOUNT REQUESTED: \$30M

AMOUNT SECURED: \$5M in FY2023 State Capital Budget; \$5M request in 1%

TOTAL PROJECT COST: \$40M

PROJECT DESCRIPTION:

This parking garage provides parking for the State just North of the State Office Building. The current garage is old and in need of major repairs. Building a garage with greater capacity would expand parking for state employees, the Legislature, and the Aak'w Village District freeing up current parking lots for development and infill. This project would be 7 stories, creating a total of 466 parking spaces, with a total net increase of 323 new parking spaces.

PUBLIC PROCESS: Designated as Legislative Priority in 2021 & 2022.

TIMELINE:

Once funding is secured, 18-24 month design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? TBD

GOAL OF PROJECT: State/legislative parking, Aak'w Village District infill development.



MENDENHALL RIVER COMMUNITY SCHOOL RENOVATION

AMOUNT REQUESTED: \$21M

TOTAL PROJECT COST: \$21M

PROJECT DESCRIPTION:

Mendenhall River Community School is a 58,000 sq. ft. structure built in 1983. This construction would replace “end of life cycle” issues including electrical, plumbing, exterior envelop and sidewalks. A crucial need is the dining space; currently the gym is used for dining which limits the ability to comply with recent physical activity legislation. Board specifications call for a separate dining space. This will benefit the families of Juneau.

PUBLIC PROCESS:

This project is currently listed in the Juneau School District’s 6-year Construction-in-Process that has been submitted to the State of Alaska, Department of Education and Early Development.

TIMELINE:

Once funding is secured, 3 year design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ/JSD

GOAL OF PROJECT: Efficiently renovate a facility to deliver high quality education to Juneau students.



MARIE DRAKE RENOVATION

AMOUNT REQUESTED: \$31M

TOTAL PROJECT COST: \$31M

PROJECT DESCRIPTION & UPDATE:

Marie Drake School was originally construction in 1965. It was used as a middle school until 1994. Since then, the facility has housed multiple school district programs, serving an essential function during overcrowding at Juneau Douglas (JD) High School several years ago. The facility is wedged between 2 existing schools: Harborview Elementary and JD High School. The land area is limited because the building footprint takes up over half of the site. Adjacent playgrounds and open spaces provide limited opportunities for shared use.

PUBLIC PROCESS:

This project is currently listed in the Juneau School District's 6-year Construction-In-Process that has been submitted to the State of Alaska, Department of Education and Early Development.

TIMELINE:

Once funding is secured, 3 year design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ/JSD

GOAL OF PROJECT: Efficiently renovate and re-align Marie Drake to appropriately support the Yaakoosge Daakahidi High School and Montessori School, as well as other district programs and activities, for the long term.



AURORA HARBOR PHASE 4

AMOUNT REQUESTED: \$1M

AMOUNT SECURED: \$0

TOTAL PROJECT COST: \$7M

PROJECT DESCRIPTION:

Request for funding to continue the reconstruction of the Aurora Harbor Facility. Past work has been divided into segments. This request would continue preliminary design and begin permitting tasks.

PUBLIC PROCESS:

The project has been through a long term planning process with community outreach. It is the 4th phase of the larger reconstruction plans.

TIMELINE:

Once funding is secured, 18-24 month design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Replace critical infrastructure and support maritime economy.



Photo Credit: Cathy Mahnke

AUKE BAY NEW BREAKWATER

AMOUNT REQUESTED: \$5M

AMOUNT SECURED: \$0

TOTAL PROJECT COST: unknown

PROJECT DESCRIPTION:

The requested funding would allow for the preliminary planning and design phases, including permit acquisition. This opens the opportunity for the construction of a new breakwater at the end of the Statter Harbor. The current facility has reached it's useful life and needs to be replaced. The new facility would allow for more moorage and provide economic stimulus to the community. CBJ would be the local sponsor for the US Army Corps of Engineers, who is federally responsible for the feasibility analysis, design and construction of the breakwater. Local match is required under federal law.

PUBLIC PROCESS: Identified as a Legislative Priority for FY2022

TIMELINE:

Once funding is secured, 3 year design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Increase Moorage and recapitalization of aging infrastructure.



NORTH DOUGLAS BOAT RAMP EXPANSION

AMOUNT REQUESTED: \$250,000

TOTAL PROJECT COST: \$20M

PROJECT DESCRIPTION:

Requested funding would accomplish the first steps to expanding the North Douglas Launch Ramp Facility. These include planning, research and permitting to initiate the project.

PUBLIC PROCESS: Docks and Harbors has solicited public input on the concept.

TIMELINE:

Once funding is secured, 18-24 month design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Improve safety and expand boating access & transportation.



WATERFRONT JUNEAU DOUGLAS CITY MUSEUM

AMOUNT REQUESTED: \$1M

AMOUNT SECURED: \$2M in 1%

TOTAL PROJECT COST: \$12M

PROJECT TYPE: Planning & Design

PROJECT DESCRIPTION:

This project will construct a new museum on the waterfront to house art and other local collections. The museum will leverage its waterfront location to become a destination for visitors and locals.

PUBLIC PROCESS: Identified as Legislative Priority in FY2023

TIMELINE: Once funding is secured, 2-3 year design and construction timeline.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Expand Capital Campus.



TRAIL MAINTENANCE AND DEVELOPMENT

AMOUNT REQUESTED: \$5M

TOTAL PROJECT COST: \$20M

PROJECT DESCRIPTION:

This project will support the development and maintenance of trails within the City and Borough of Juneau (CBJ). An update of the 1992 Trails Plan will be presented to the Assembly for adoption in Summer 2023, which will address community vision, goals and strategies for trail development and maintenance. The public feedback has focused on trails connecting neighborhoods, schools, recreation areas, work places and communities that are accessible, safe, and multi-modal. Trails that interconnect and loop, accessing scenic areas, cabins and shelters, and provide access to hunting, fishing and wildlife viewing.

PUBLIC PROCESS:

The United States Forest Service Juneau Ranger District, the Alaska State Parks Division, Trail Mix and CBJ are leading the planning effort. Multiple public meetings were held in 2019. Public participated in a survey. 89% of respondents report using trails in the past 12 months. The Juneau Comprehensive Plan and Alternative Transportation Plan identify trail development and connecting neighborhoods and communities as very important.

TIMELINE:

Construction could begin in 2023 and continue through 2026

WHO WILL MAINTAIN AND OPERATE? Trail Mix and CBJ



AUKE BAY BAYWALK

AMOUNT REQUESTED: \$250,000

TOTAL PROJECT COST: \$30M

PROJECT DESCRIPTION:

The requested funding would accomplish the initial steps to build a Baywalk in Auke Bay. These include planning, research and property identification and examining the potential of providing a non-motorized link from the Auke Bay Ferry Terminal to the Auke Bay Harbor or the center of the Auke Bay Planning Area.

PUBLIC PROCESS:

These items were identified during the creation of the 2015 Auke Bay Area Plan adopted into the Comprehensive Plan.

TIMELINE:

Once funding is secured, within 24 months of start date.

WHO WILL MAINTAIN AND OPERATE? CBJ

GOAL OF PROJECT: Improve Non-Motorized Route

APPENDIX

EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT THE CBJ LEGISLATIVE CAPITAL PRIORITIES LIST by Katie Koester, Engineering and Public Works Director

Q: What are the Legislative Capital Priorities?

A: The CBJ Legislative Capital Priorities (LCP) is a document that lays out community priorities for capital projects, including a project description, rationale for why it’s needed (benefits to the community), description of progress to date (money raised, plans drawn up, etc.), and estimated total cost. For CBJ projects, additional information is provided on the timeline for completion. Facilities that have alternative funding streams are not included on this list: for example, the Airport, Bartlett or projects that can be funded through Passenger Fees. See graphic on the following page for a diagram of how the different plans and lists relate to each other.

NOTE: Inclusion on the Legislative Capital Priorities is not a funding request. From CBJ’s standpoint, it is a mechanism to prioritize projects and raise awareness of a needed project to increase chances of funding from various sources. Nominating a project for inclusion in the LCP should not be thought of as a request for municipal funding.

Q: Are the “legislative priorities” the same as the Capital Improvement Plan?

A: No, they are a prioritized list of projects that are pulled from various CBJ plans, including the Comprehensive Plan, Area Plans, and the Six-year Capital Improvement Plan. The Legislative Priorities are “short list” of projects on which CBJ will focus particular attention during the upcoming legislative session and with the federal delegation. (The goal is to get at least partial funding for a project included in the state capital budget or federal earmark.)

CBJ’s “short list” of Legislative Priorities should have a limited number of projects on it. An attempt is made to phase projects so that funding requests range in size depending on available funds and objective. For the State Legislature, project descriptions are inputted into an online system lawmakers use to prioritize funding requests (CAPSIS). These are due in February.

Federal priorities are also solicited by the delegation through an online platform. The Assembly will designate projects that have a nexus with federal funding opportunities for submission to the delegation through the Legislative Priority process.

Q: What is a capital project?

A: A capital project is a major, non-recurring budget item that results in a fixed asset (like a building, road, parcel of land, or major piece of equipment) with a useful life of 20-50 years. Designing and building a new library is a capital project. Planning and implementing an after-school reading program is not a capital project. Most of the projects in the LCP are CBJ projects, but some are community projects spearheaded by a non-profit organization or state or federal agency (e.g., Alaska DOT). To be included on the LCP projects must have an estimated total project cost of at least \$1,000,000.

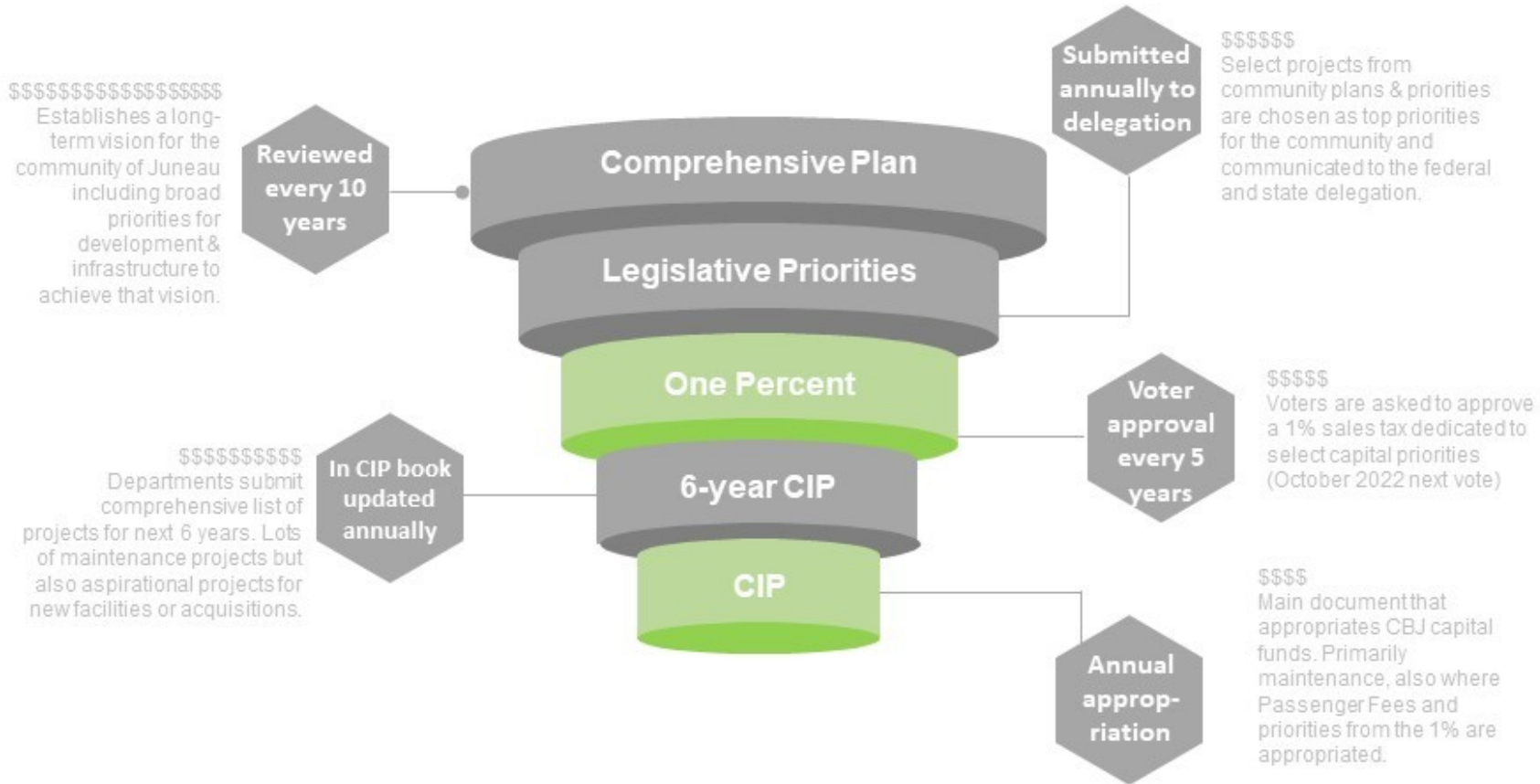
Q: Is the Legislative Capital Priorities list just “wish list,” and if so, what’s the point of writing up a “wish list”?

A: The Legislative Priorities list does include projects that are aspirational, and as such may have items that are so large or expensive, that it is hard to imagine completion in the near future. However, articulating these priorities helps guide the Assembly and the community through small steps that lead up to the larger goal and advocate towards a common goal. It will take time and discipline to keep the list an accurate and living document.

There are several reasons to include longer term projects on the Legislative Priority List, even when it seems like little progress is being made in accomplishing projects: 1) It helps focus attention on community needs. 2) It helps groups raise money for projects if the sponsor can say that the project has been identified as a community priority in the CIP. 3) Typically the more priority a municipality places on a project, the greater the chances it for a legislative appropriation.

CBJ lists, plans and priorities

How do the many CBJ lists of projects, plans and priorities relate to each other? This diagram shows how each document informs the one below it. The dollar signs represents the general volume of funds needed, but only the green rings are lists that come with the commitment of actual dollars.



City & Borough of Juneau Legislative Priorities Project Nomination Form

Project eligibility

- A. Does the proposed project represent a major, nonrecurring expense with a total project cost over \$1M
YES NO
- B. Will the proposed project result in a fixed asset (e.g., land, major equipment, building or other structure, road or trail) with an anticipated life of at least two years? YES NO
- C. Will the project provide broad community benefit? YES NO
-

If you were able to answer YES to all three questions, please provide additional information:

1. Project title (Suggested heading):

2. Project description and benefit. Describe the project (in half a page or less), including specific features, stages of construction, etc. Explain how the project will benefit the community. Are there any green or sustainability elements to the project? What sector/s of the community will this project benefit?

3. Plans and progress. Describe (in one or two paragraphs) what has been accomplished so far (if anything). This may include feasibility study, conceptual design, final design/engineering/permitting, fundraising activity, and total funds raised to date.

4. Project support. Is the project supported in CBJ or other Area plans (List where the project is mentioned in planning documents. This could include CBJ plans such as the Comprehensive Plan, or regional planning documents like the Comprehensive Economic Development Strategy).

5. Goal of project. In one sentence or less, state the goal of the project. For example “economic development” or “improve non-motorized transportation routes.”

6. O&M. Who is responsible for operations and maintenance upon completion of the project?

For more information, call Katie Koester at 907.586.0800 or Katie.Koester@juneau.org

4. Project cost:

A. TOTAL COST (including funds already secured) = \$ _____

B. AMOUNT SECURED (include funding source) = \$ _____

B. For construction projects, break out preconstruction costs (feasibility/design/permitting):

Preconstruction costs = \$ _____ Construction costs = \$ _____

5. Timeline: Indicate when you hope to complete each phase of the project. Keep in mind that the Legislative Priorities will not be published until February. Legislative funding from the state would not be available until the start of the following fiscal year (July).

A. For projects that consist of land or equipment purchase only, state when the purchase would be made:

For construction projects:

B. Preconstruction phase to be completed by _____.

C. Construction phase to be completed by _____.

6. Physical Location. Please provide the address or physical description of where the project is located.

7. Please provide a photo, drawing, map, or other graphic image if possible.

8. Contact Information

For more information, call Katie Koester at 907.586.0800 or Katie.Koester@juneau.org

| Planning Commission Meetings – 2023 2 nd & 4 th Tuesdays/month 7:00 pm, Assembly Chambers/Zoom Webinar | |
|--|--|
| January 10 | |
| January 24 | |
| February 14 | |
| February 28 | |
| March 14 | |
| March 28 | |
| April 11 | |
| April 25 | |
| May 9 | |
| May 23 | |
| June 13 | |
| June 27 | |
| July 11 | |
| July 25 | |
| August 8 | |
| August 22 | |
| September 12 | |
| September 26 | |
| October 10 | |
| October 24 | |
| November 14 | |
| November 28 | |
| December 12 | |
| December 26 | |
| January 9, 2024 | |

Commented [CW1]: Seward's Day is 3/27.

Commented [CW2]: Pass over is 4/5 – 4/13.

Commented [CW3]: Shavuot is 5/25 – 5/27.

Commented [CW4]: Rosh Hashanah is 9/15 – 9/17.

Commented [CW5]: Yom Kippur is 9/24 - 9/25 & Sukkot is 9/29 - 10/6.

Commented [CW6]: Shemini Atzeret is 10/6 – 10/8 & Simchat Torah is 10/7 – 10/8.

Commented [CW7]: Chanukah is 12/7 – 12/15.

Commented [CW8]: Christmas Day is 12/25.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00 p.m.
Meeting Date: October 25, 2022

1. USE2022 0013:

- a. Public Comment – Lucid Reverie, received 10-14-2022 (page 2)
- b. Public Comment – Laura Lucas, received 10-17-2022 (page 3-6)
- c. Public Comment – Olivia Sinaiko, received 10-17-2022 (page 7)
- d. Public Comment – C. Kiel Renick, received 10-17-2022 (page 8)
- e. Public Comment – Piper Haney, received 10-19-2022 (page 9)
- f. Public Comment – Sydney Hughes, received 10-19-2022 (page 10)
- g. Public Comment – Margo Waring, received 10-19-2022 (page 11)
- h. Public Comment – Kelsey Dean, received 10-20-2022 (page 12)
- i. Public Comment – Hannah Wilson, received 10-20-2022 (page 13)
- j. Comments from The Glory Hall, received 10-21-2022 (page 14-85)

2. PAD2022 0003:

- a. Public Comment – John Crabill, received 10-17-2022 (page 86)
- b. Public Comment – John Crabill, received 10-19-2022 (page 87-89)
- c. Comments from Murray Walsh & James Parise, received 10-21-2022 (page 90-95)
- d. Public Comment – Karla Hart, received 10-21-2022 (page 96)

October 14, 2021

Dear CBJ CDD Staff,

I've lived and worked in downtown Juneau since the 80's. My grandma used to volunteer at the old visitor kiosk and one of my first summer jobs was at the old Boarding House Bakery. The Glory Hall and former Glory Hole have been a big part of providing services for folks in the area for as long as I can remember.

Today I'm writing in support for the Glory Hall's 247 S. Franklin Street Affordable Housing Downtown project. The Glory Hall's affordable housing efforts come at an important time. I've had friends and colleagues leave town in recent years simply because they couldn't find reasonable housing. Housing is a major problem right now and the city needs to be supporting every effort to open up more affordable housing. Especially this one from a longtime and well trusted community non-profit.

Lack of downtown housing, especially affordable downtown housing has been a topic of discussion for many years, and I am glad to see this step toward decreasing the scope of the problem.

I encourage you to approve this application and to support their efforts to put people into affordable workforce housing.

Pat Race

Lucid Reverie / Alaska Robotics

175 S. Franklin St. Suite 312

Juneau, AK 99801

From: [Laura Lucas](#)
To: [Jennifer Shields](#)
Subject: Re: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Friday, October 21, 2022 10:02:11 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Jennifer

I reread my letter and noticed a typo that unfortunately declares the opposite of what I meant to say. ("apart of the solution" vs "a part of the solution"— what a difference a space can make!)

If you haven't already put the letter in the packets, If you could replace it with below, I would appreciate it.

If you've already done it, no worries, I think my opinion is understood in either case.

Thanks much,

Laura

From: Laura Lucas <laurajlucas88@gmail.com>
Sent: Monday, October 17, 2022 12:06 PM
To: Jennifer Shields <Jennifer.Shields@juneau.org>

Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project

Dear CBJ Community Development

I am writing in regards to the Glory Hall's application to repurpose the former shelter on South Franklin St into affordable housing units.

The argument presented by CBJ Community Development staff at a recent Planning Commission that the proposed additional apartments would increase density and therefore violate CBJ code struck me as lacking common sense. How can a plan that proposes to create a half dozen or so apartments housing about a dozen people represent an increase in density of a property that once sheltered 40-60 individuals nightly?

In their opposition brief, CDD stated that their denial was based on a "straightforward application of the CBJ code.... [A code] that beyond representing the will of the community provides guidance and places guardrails." As a community member, I would suggest that their interpretation of the Code creates not a guardrail but an unfortunate barrier to the goals of the CBJ Housing Action Plan to reduce downtown's critical housing shortage.

Looking around downtown, I mourn the loss of buildings that once provided housing that now are empty, languishing and deteriorating. (Twentieth Century Theater comes to mind). CBJ's Comprehensive Plan acknowledges this problem of dwelling units that have been vacated by the owner and are being kept off

the market. By The Glory Hall's proposal to convert a portion of their property on South Franklin to affordable housing, they are acting as a community-minded landlord and accordingly become a part of the solution to reducing the housing shortage downtown.

I recognize and applaud CBJ's ongoing effort to increase access to affordable housing such as the use of the Juneau Affordable Housing Fund to fund worthy housing projects. I supported the new City Hall funding proposition because I looked forward to the possibility of returning the CBJ offices in the Marine View Apartments back to their original housing purpose. Obviously, as with the latter failed vote, there will be times when there are setbacks to these efforts. For this reason, I think it's all the more important to recognize that each step towards reaching our goal, however small, should not be ignored.

I urge you to approve the conditional use permit for The Glory Hall's conversion project on South Franklin.

Sincerely,

Laura Lucas

6615 North Douglas Hwy

On Wed, Oct 19, 2022 at 11:28 AM Jennifer Shields <Jennifer.Shields@juneau.org> wrote:

Hi Laura,

Thank you for your email in support of a Conditional Use Permit for the Glory Hall at 247 S. Franklin Street. I will be sure to include it in the written record, and I will present it to the Planning Commission in an "Additional Materials" packet when they review this application on October 25, 2022. In the meantime, please feel free to contact me if you have any other comments or questions.

Sincerely,

Jennifer L. Shields | Planner II

[Community Development Department](#) | City & Borough of Juneau, AK

Location: 230 S. Franklin Street, 4th Floor Marine View Building

Office: 907.586.0753 ext. 4139



Fostering excellence in development for this generation and the next.

From: Laura Lucas <laurajlucas88@gmail.com>
Sent: Monday, October 17, 2022 12:06 PM
To: Jennifer Shields <Jennifer.Shields@juneau.org>
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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I urge you to approve the conditional use permit for The Glory Hall's conversion project on South Franklin.

Sincerely,

Laura Lucas

6615 North Douglas Hwy

From: [Olivia Salisbury Sinaiko](#)
To: [Jennifer Shields](#)
Cc: [Chloe Papier](#)
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Monday, October 17, 2022 12:59:51 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am a Juneau homeowner who both lives and works downtown. I am writing in whole-hearted support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is in the midst of a housing crisis and people are suffering, and converting this building into 7 units would be a meaningful step towards alleviating that suffering. My hope is that the City will do everything it can to support those who are willing to step forward to help solve the problem, including approving The Glory Hall's application for a conditional use permit. I urge you to approve this project without burdensome conditions.

Thank you,

Olivia Sinaiko

From: [Kiel Renick](#)
To: [Jennifer Shields](#)
Subject: Support for The Glory Hall Affordable Housing project
Date: Monday, October 17, 2022 1:09:07 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Good Afternoon Jennifer,

I'm writing you and the greater CBJ in support of The Glory Hall's plan to develop its former shelter into 7 units of affordable housing.

Juneau is facing a housing crisis at all levels of income, and these 7 housing units could bring folks from houselessness to being housed. That is life changing for those people, and also important for Juneau's overall economy.

Having observed the ongoing debate regarding this issue, I would hope that CBJ can be solution oriented to help the people of Juneau attain needed housing instead of digging in to defend bureaucratic technicality.

Please be helpful in addressing our community needs, especially at this trying time.

Thank you,
C. Kiel Renick
615 Basin Rd.
Juneau AK 99801

From: [Piper Haney](#)
To: [Jennifer Shields](#)
Subject: Glory Hall's Conditional Use Permit
Date: Wednesday, October 19, 2022 8:57:19 AM
Attachments: [Outlook-yaau4cmw.png](#)

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

My name is Piper Haney and I am a mental health clinician for Front Street Clinic that is based at the Glory Hall emergency shelter. I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. Living without stable housing can drastically worsen mental and physical health symptoms and contribute to substance abuse. By creating more affordable housing units in Juneau we have the opportunity to provide community members with stable and affordable housing, one of the basic needs necessary to reach self-sufficiency and improve mental and physical health. I urge you to approve this project without burdensome conditions.

Sincerely,
Piper Haney

Piper Haney, LMSW
Behavioral Health Clinician - Unlicensed
Front Street Clinic/ The Glory Hall
P: 907.364.4429
E-mail: phaney@searhc.org
225 Front Street Ste. 202 | Juneau, AK, 99801



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From: [Sydney Hughes](#)
To: [Jennifer Shields](#)
Cc: cpapier@juneauhfc.org
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Wednesday, October 19, 2022 11:19:13 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

Sincerely,
Sydney Hughes

From: [Margo Waring](#)
To: [Jennifer Shields](#)
Subject: Glory Hall apartments
Date: Wednesday, October 19, 2022 9:05:05 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I am writing to let the Planning Commission know my opinion about efforts to convert the former Glory Hall into seven affordable apartments.

I read in the Juneau Empire that CDD is still opposing 7 new units and has recommended denial of the conditional use permit because it says that the project would increase density of the parcel because the prior residents of the shelter did not have individual cooking, sleeping and bathroom facilities and the residents of the apartment would.

To me, this is silly. The fact is that upwards to 53 people lived in the GH at any one time and CBJ considered it safe for them to be there, sleep, use bathrooms and meals cooked for 53+ everyday. The new units will house up to 14 people which seems a safer number. If the concern is fire protection, perhaps a permit can insist on extra fire extinguishers in each unit. I am sure that prospective tenants will be screened for suitability. And the fact that the apartments are affordable and will accept Section 8 vouchers will make a significant addition to Juneau's supply of this type of rental unit.

I encourage the Planning Commission to look beyond narrow definitions used by CDD and see that this project deserves their support.

By the way, I was a frequent cook at the GH(s) and its kitchens for more than 30 years and am familiar with patrons and staff and feel that everyone will do what they can to make the conversion a success.

Sincerely,
Margo Waring
11380 N. Douglas Hwy
Juneau, AK 99801

From: [Kelsey Dean](#)
To: [Jennifer Shields](#)
Cc: cpapier@juneauhfc.org
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Thursday, October 20, 2022 7:16:20 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

Sincerely,
Kelsey Dean

From: [Hannah Wilson](#)
To: [Jennifer Shields](#)
Cc: cpapier@juneauhfc.org
Subject: The Glory Hall 247 S Franklin St Apartment Conversion Project
Date: Thursday, October 20, 2022 7:16:48 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear The City and Borough of Juneau,

I am writing in full support of The Glory Hall's conditional use permit application to convert their downtown building and former shelter to 7 units of affordable housing. Juneau is clearly in the midst of a housing crisis and the City should be doing everything it can to support those who are willing to step forward to help solve the problem. I urge you to approve this project without burdensome conditions.

Sincerely,

Hannah Wilson

Sent from my iPhone

Mary Alice McKeen
Attorney, Alaska Bar # 8106035
212 West 9th Street
Juneau, Alaska 99801
907-957-6170
ottokeen@gmail.com

BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

| | | |
|----------------------------|---|------------------------------------|
| JUNEAU FIRST HOUSING |) | USE 2022 013: |
| COLLABORATIVE, |) | TGH's Application for a |
| dba THE GLORY HALL (TGH) - |) | Conditional Use Permit to create |
| |) | seven affordable apartments in the |
| Applicant |) | Mixed Use District in |
| |) | Downtown Juneau |

TGH's Application for a CUP to create seven affordable apartments in the Mixed Use District in Downtown Juneau should be granted.

Introduction..... 2

Summary..... 3

Exhibits attached to these Comments 5

Minor correction in application: the first floor will be used as a commercial rental; it may or may not be a restaurant..... 6

Standard of Review..... 6

1. The Glory Hall Building is not located in a severe avalanche area..... 7

2. The Director's finding that this project increases density is clear error and is in no way supported by a preponderance of evidence in the record. 10

A. The issue is whether this project increases density of this parcel; it does not..... 11

B. CDD conceded in the Building Permit Appeal that this Project does not increase density of this parcel; it only argued against a general redefinition of density for all projects..... 15

3. The Director's finding that the proposed development will materially endanger the public health, safety, or welfare is in error and not supported by a preponderance of the evidence..... 17

A. The Director's assertion that this conditional use permit should be denied because TGH did not present evidence beyond what is in CDD's records that TGH complied with the conditions of the 1990 conditional use permit 1990 is error. 17

1. This standard is unreasonable and arbitrary on its face. 18

Mary Alice McKeen
Attorney, Alaska Bar # 8106035
212 West 9th Street
Juneau, Alaska 99801
907-957-6170
ottokeen@gmail.com

BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

| | | |
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1. This standard is unreasonable and arbitrary on its face. 18

2. This standard contradicts the presumption of regularity that applies to the Planning Commission’s and CDD’s actions that led to the Certificate of Occupancy Permit issued to The Glory Hall on August 14, 1991. 18

3. CDD’s records show that CDD admirably performed its job in 1990 – 1991..... 19

B. The preponderance of evidence does not support the Director’s finding that the conversion of The Glory Hall building to seven small apartments will materially affect public health, safety or welfare..... 20

C. The treefall event on Gastineau Avenue in September 2022 does not support denial of this conditional use permit. 22

D. The conditions hinted at by CDD are not reasonable..... 24

Conclusion 25

Introduction

The Juneau Housing First Collaborative doing business as The Glory Hall (TGH) submits these comments in support of its application for a conditional use permit to create seven affordable rental units in its building located at 247 South Franklin Street. TGH responds to points made by CDD in its Staff Report submitted to Michael LeVine, Chair, Planning Commission on October 17, 2022.¹ TGH will refer to that document as the “CDD Staff Report.” With the CDD Staff Report, CDD Planner submitted 304 pages of attachments, which TGH will cite by Attachment Letter A through Z 2 and sometimes also by page number in the Planning Commission packet.

TGH received the CDD Staff Report on Monday, October 17, 2022, at 5:07 p.m. It was 26 pages and had 304 pages of attachments. Frankly it was a surprise that CDD continued to argue that the conditional use permit should be denied on the grounds of CDD’s conclusion that the project would increase density of the parcel.² This was surprising in light of the arbitrary and absurd results of that position – this building can

¹ CDD Staff Report to Michael LeVine, Chair, Planning Commission by Jennifer Shields, Planner II, through Jill Maclean, CDD Director.
² CDD Staff Report at pages 9- 11.

house over 50 persons a night in several dormitories, seven shared bathrooms, and one large kitchen but cannot house 7 to 14 people because these residents will have their own sleeping, bathroom and cooking facilities -- and in light of CDD's acknowledgment in the Building Permit appeal that *in this case, for this project*, the interpretation of density in the Proposed Decision of the Planning Commission "supports TGH's conversion *and* the intent of CBJ 49.70.300(b)(1), which is to minimize risk to people and property."³ TGH elaborates on this in Point 2 B below. But CDD has put before the Commission *again* the legal issues that were the subject of extensive briefing and legal argument in the Building Permit appeal.

TGH has done its best to respond to the CDD Staff Report in the two and a half days it had to prepare these comments. At the hearing, TGH has only ten minutes to make its opening comments and five minutes for response. TGH hopes that the Commissioners ask questions if any of TGH's argument need clarification or give TGH time to submit additional written comments for any points that require a written response.

Summary

Under CBJ 49.15.330, the Planning Commission has exclusive authority to issue a conditional use permit.⁴ The Planning Commission shall reject the CDD Director's determination regarding a conditional use permit if it finds, by a preponderance of evidence, that the Director's determination was in error. This project is allowed by the Table of Permissible Uses. This parcel is in the Mixed Use District, which has no

³ CDD's Objections to the Proposed Decision at 5 (*italics in original*) (June 8, 2022).

⁴ A Planning Commission's decision may be appealed to the Assembly under Chapter 01.50 of the Municipal Ordinances.

maximum number of dwelling units per acre. This project implements a priority of the Juneau Comprehensive Plan, which recognizes that Juneau has a “housing crisis.”

The Director, however, recommended that the Planning Commission simply deny outright the conditional use permit for these seven affordable rental units. The Director determined that a grant of this permit was prohibited by CBJ 49.70.300(b)(1), which states that “no development . . . within a severe avalanche area shall . . . increase the density of that parcel.” This is error for two reasons. First, the parcel is not in a “severe avalanche area.” The parcel is in a potential avalanche hazard area, based on Map 4, 1987 Hazard Study Maps, which are still the official CBJ maps. The parcel is in a low (negligible) avalanche hazard zone on the more recent Tetra Tech maps.

Second, the project does not increase density of the parcel by any reasonable measure of density. The project does not increase the density of structures: it converts the inside of the building into seven small apartments and does not change the footprint of the building. The project changes the use of the building from housing 43 to 53 people with shared sleeping, cooking, bathroom and living facilities to housing 7 to 14 people in seven small apartments with their own sleeping, cooking, bathroom and living facilities. Finally, the project decreases the maximum number of persons that can occupy the space by 75% because the allowable space per resident of an apartment is much greater than the allowable space per resident of a homeless shelter.

The Director determined that the project would materially endanger the public health, safety or welfare. The Director stated that TGH had not proven that it met the requirements of the conditional use permit it received in 1990 to construct the shelter. This is error. An applicant is entitled to rely on the “presumption of regularity” that a government agency is presumed to have properly discharged its official duties. It would

be a nightmare if every time a property owner wanted a new permit, it had to go back years and show that it, or prior owners, had met the conditions for prior permits. CDD's own records show that TGH met the conditions of the 1990 conditional use permit and CDD issued an Occupancy Permit "certifying at the time of issuance this structure was in compliance with the various ordinances of the City and Borough of Juneau regulating building construction or use [for a Group Shelter]," attached as Exhibit 2.

Furthermore, the City authorized construction and use of the building as a homeless shelter in 1990 and TGH still has a valid conditional use permit for that use. The record does not show by a preponderance of evidence that conversion of the building to seven small apartments would materially endanger the public health, welfare or safety. The conversion does not change the footprint of the building. TGH submitted detailed engineering plans from Stan Tech for the structural changes in the building required for the conversion. The internal agency review of the application yielded no concerns from CBJ Engineering or Building. No neighbors of the building have raised safety concerns. And the public comment, including comments from several downtown business owners, was unanimous in favoring development which would lead to more affordable rental housing and more people living in the Downtown area. The only entity opposed to this project is CDD.

Exhibits attached to these Comments

Exhibit 1: CBJ 49.70.300 – Landslide and avalanche areas (full text of ordinance).

Exhibit 2: Certificate of Occupancy issued for TGH Building "certifying at the time of issuance this structure was in compliance with the various ordinances of the City and Borough of Juneau regulating building construction or use" for a Group Shelter, Attachment N to CDD Staff Report.

Exhibit 3: Sheet 4, 1987 Hazard Study Maps, showing TGH parcel in "potential avalanche area."

Exhibit 4: CDD references in Building Permit Appeal to TGH parcel being located in “a moderate avalanche area.”

Exhibit 5: CBJ 49.25.500, Density: “The maximum number of dwelling units per acre shall be as provided in the following table.” Mixed Use District has no maximum density of dwelling units per acre.

Exhibit 6: Opening Brief of TGH in Building Permit Appeal: sections addressing whether the project would increase density.

Exhibit 7: Reply Brief of TGH in Building Permit Appeal: sections addressing whether the project would increase density.

Exhibit 8: Affidavit of Mariya Lovishchuk re Engineering Firms (June 30, 2022)

Minor correction in application: the first floor will be used as a commercial rental; it may or may not be a restaurant.

The application incorrectly stated the first floor will be used as a restaurant. The first floor has a commercial kitchen. In other parts of the application, TGH stated that the first floor will be used as a commercial rental. It may or may not be used as a restaurant. There are other possible uses, such as, for example, a training space for a nonprofit or tribal organization to train persons for work in the culinary or hospitality fields. If a restaurant, the venture will have some elements of a mission-aligned use, that is a use compatible with the mission of The Glory Hall. The first floor rental will be decided after the apartment conversions are completed or near completion.

Standard of Review

The Planning Commission has exclusive authority to issue a conditional use permit (CUP) under CBJ 49.15.330. The CDD Director reviews the application for a CUP.⁵ The Planning Commission reviews the CDD Director’s and shall adopt the CDD Director’s determination unless it finds, by a preponderance of evidence, that the

⁵ CBJ 49.15.330(d).

determination was in error.⁶ The Planning Commission may also take action based on its independent review of the evidence before it.⁷

1. The Glory Hall Building is not located in a severe avalanche area.

CBJ 49.70.300(b)(1) states:

Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

TGH maintains in the strongest possible terms that this project does not increase density. But this ordinance only applies to development “within a severe avalanche area” and the record shows that this parcel is not in a severe avalanche area. If the parcel is not in a severe avalanche area, this part of the ordinance does not apply to TGH’s request for a conditional use permit.

This parcel is not in a severe avalanche area and CDD admits that this parcel is not in a severe avalanche area. Based on the Hazard Study Map Sheet # 4, attached as Exhibit 3, this property is in a “potential hazard” for Snow Avalanche Hazard Classification. This is equivalent to a “moderate avalanche area.”⁸ Based on the 1987 maps, the Glory Hall parcel is in a severe landside area and that is why in 1989, TGH submitted the R & M analysis of landslide risk and why the Planning Commission required mitigating measures for landslides as part of construction of the building that is

⁶ CBJ 49.15.330(e)(2).

⁷ See CBJ 49.15.330(f) (providing that based on its independent review of the evidence, the Commission may deny or condition a permit if it finds that the development will more probably than not [1] materially endanger the public health or safety, [2] substantially decrease the value of the property or be out of harmony with the neighboring area, [3] lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans).

⁸ CDD Staff Notations in Building Permit Appeal, Exhibit 4 to these Comments.

there today. The recent Tetra Tech maps put the TGH property in a low avalanche hazard designation – not moderate, not severe – which the maps explain mean a return period of greater than 300 years.⁹

Further, the record of the appeal for the Building Permit for this property shows CDD staff as noting “this parcel is located in the moderate avalanche area.”¹⁰

It is also noteworthy that the extensive record of TGH’s application for a conditional use permit in 1990 has no indication that CDD treated this parcel as in the severe avalanche area and as subject to the restriction on development in CBJ 49.70.300(b).¹¹

In fact, CDD admits that this parcel is not in a severe avalanche area. CDD has made the decision on its own to apply the limitation in CBJ 49.70.300(b) to parcels in either a severe avalanche area or a severe landslide area. CDD does this because it concluded that the Assembly use of the term “severe avalanche area” in CBJ 49.70.300(b) was unintentional. The CDD Staff Report states that because CBJ 1987 maps were based in part on 1970 maps that combined landslide and avalanche, “staff believe that the heading of CBJ 49.70.300(b) labeled, ‘Severe Avalanche Areas’ – but not landslide – was not intentional.”¹²

This is an unreasonable interpretation of Assembly intent for numerous reasons:

⁹ Figure 2.4d, <https://juneau.org/community-development/special-projects/landslide-avalanche-assessment>. CDD notes that these maps are for informational purposes at this time.

¹⁰ Exhibit 4 to these Comments.

¹¹ Attachments F – N, CDD Staff Report.

¹² CDD Staff Report at page 16.

- It was not only the heading of CBJ 49.70.300(b) that used the term “severe avalanche area” or “severe avalanche areas.” The Assembly used that term in the heading AND in two places in CBJ 49.70.300(b), as noted below.¹³
- The ordinance shows the Assembly understood that there were both landslide and avalanche areas. It used the term “severe avalanche areas” five times in the entire CBJ 49.70.300 and “landslide areas” six times.¹⁴ It applied some parts of CBJ 49.70.300 to landslide and avalanche areas.
- CBJ 49.70.300(a)(2) specifically states that “Boundaries of potential and severe avalanche areas will be as shown on the landslide and avalanche area maps dated September 9,1987, consisting of sheets 1-8, as the same may be amended from time to time by the assembly by ordinance.” There would be no point to that provision if it didn’t matter whether a parcel was in a severe landslide or a severe avalanche area.
- CBJ 49.70.300(a)(2) states the boundaries will be as shown on “sheets 1-8.” It does not say “except for Sheet 4.” It is true that on some sheets, the Assembly adopted composite maps: Sheets 1, 5, 7. But Sheet 4 has separate boundaries and the Assembly adopted that sheet in 1987 and has not amended it. So for the

¹³ (b) *Severe avalanche areas.*

(1) Notwithstanding any other provision, no development or any part of a development, *which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.

(2) No subdivision shall be approved which creases a lot lacking sufficient building space *outside a severe avalanche area.* [emphasis added]

¹⁴ These mentions are noted on Exhibit 1.

purposes where the statute treats avalanche and landslide areas differently, the Assembly adopted maps with separate boundaries. CDD points to statutory provision where the Assembly stated that it was combining for all purposes avalanche and landslide areas together.

The Assembly adopted this language in 1987 and amended the statute in 1990 and in 2006 and left the references to “severe avalanche areas” in place.¹⁵ CDD is rewriting the ordinance and is rewriting it in a way that enlarges the restrictions on property owners. If CDD thinks the Assembly made a mistake, it can work with the City Manger or the Legal Department to request that the Assembly change the ordinance. But it is not CDD’s role to rewrite ordinances and fix mistakes that it thinks the Assembly made.

This parcel is not and never has been in a severe avalanche area. CBJ 49.70.300(b) does not limit the development of TGH property in any way.

2. The Director’s finding that this project increases density is clear error and is in no way supported by a preponderance of evidence in the record.¹⁶

In addition to the fact that the parcel is not in a severe avalanche area, the Director erred by finding that the project increased density. TGH maintains that since the Assembly did not specifically define “density,” the Planning Commission should make a fact-specific determination whether a particular development would increase the density of a parcel by looking at all the facts about a development: whether the development increases structures on the parcel; whether it increases dwelling units, whether it increases the persons occupying the parcel; whether it increases the persons that can

¹⁵ Serial No. 87-49, § 2, 1987; Serial No. 90-03, § 1, 1990; Serial No. 2006-15, § 23, 6-5-2006.

¹⁶ For a more detailed analysis of this issue, TGH’s arguments on this point from the Building Permit Appeal are contained in Exhibits 6 and 7 to these Comments.

legally occupy the premises. The Planning Commission should look at all relevant facts. If it does, this project does not increase density.

CDD states that the Planning Commission can only look at one fact, namely whether the proposed development increases the number of dwelling units, which are residential uses where persons have their own “cooking, living, sleeping and toilet facilities.”¹⁷ This approach is in error. CDD’s interpretation of density was not adopted by the Assembly either in the ordinance itself or as a general definition. CDD’s interpretation leads to unreasonable, arbitrary and absurd results that do not comport with a reasonable construction of Assembly intent in adopting CBJ 49.70.300. It is far more reasonable that the Assembly intended CDD and the Planning Commission to look at all the facts related to a project to determine whether the project would increase the density of a parcel.

A. The issue is whether this project increases density of this parcel; it does not.

The issue is whether this project increases the density of this parcel. The Assembly did not adopt a definition of “density” in CBJ 49.70.300(b). The Assembly did not adopt a definition of “density” in the definition section for Title 49, which is where the Assembly defines terms that it intends to have a common definition throughout Title 49.¹⁸ The Assembly knows how to do this. It has adopted definitions of 402 terms in CBJ 49.80.120 to use throughout Title 49. “Density” is not one of them.

Since the Assembly did not adopt a “one-size-fits-all” definition of density, TGH maintains that the proper interpretation of Assembly intent in CBJ 49.70.300(b) is that

¹⁷ CBJ Staff Report at 8 – 10. This is the definition of “dwelling unit” in CBJ 49.80.120.

¹⁸ CBJ 49.80.120.

CDD would determine whether a project increased density of a parcel by considering all relevant facts about the project including whether the project enlarges or adds a structure to the parcel, whether the project adds dwelling units on the parcel, whether the project increases the number of persons residing or using the parcel and whether the project increases the number of persons that can potentially occupy the building. And any conclusion that the government arrives at regarding whether a project increases density should be reasonable and not produce an absurd result.

This conversion of a homeless shelter to seven small apartments does not increase density by any reasonable measure:

- The building conversion does not add structures or change the footprint of the building.
- The project does not increase the density of people who have or will use the building. The project significantly decreases the occupants of the building. The project changes the use of the building from housing 43 to 53 homeless people for decades, who shared bathroom, sleeping, and cooking facilities, to housing 7 to 14 people in seven small apartments with their own bathroom, sleeping and cooking facilities.
- The project significantly decreases the number of people that can occupy the parcel. A shelter resident in a dormitory has to have 50 gross square feet per person. A resident of an apartment has to have 200 gross square feet per person. The project decreases the maximum allowable occupancy on the parcel by 75%.

Why and how does CDD conclude that this project increases density? CDD defines “density” to mean one and one fact only: whether the project increases the number of dwelling units. Dwelling units are a residential use providing “independent

and complete cooking, living, sleeping and toilet facilities for one family.”¹⁹ CDD states that the homeless shelter had “0” dwelling units and that the project will have “7” dwelling units and therefore the conversion project increases density and is prohibited.

CDD does not provide a reasonable basis for its adoption of an across-the-board definition of density as dwelling units in CBJ 49.70.300(b). The Assembly did NOT adopt it in the ordinance itself or in the general definition section. And CDD’s “one-size-fits-all” definition of density leads to an absurd result. It is a result that does not meet the “red face” test of a plausible or coherent statement of Assembly intent. Why would the Assembly intend to allow development of this property for homeless persons, who share sleeping, cooking and bathroom facilities, to live in a mapped hazard area but not for renters, who have their own sleeping, cooking and bathroom facilities? And why on earth would the Assembly intend this result *precisely because* homeless persons share sleeping, cooking and bathroom facilities and renters do not?

CDD asserts that density in other sections means the number of dwelling units.²⁰ The references to density as meaning dwelling units comes almost exclusively from CBJ 49.25.500, attached as Exhibit 5, and related ordinances. CBJ 49.25.500 specifies density for establishing the “maximum number of dwelling units per acre” by different zoning districts. CBJ 49.25.520 specifies in close-to-excruciating detail how to apply the rules for counting up to the maximum. CBJ 49.60.140, cited in the CDD Staff Report, establishes a “residential density bonus,” for when a developer can exceed the allowable maximum density in CBJ 49.25.500.

¹⁹ CBJ 49.80.120.

²⁰ CDD Staff Report at 8 – 9.

These ordinances provide no support for CDD’s conclusion that the Assembly intended to determine an increase density in CBJ 49.70.300 by the sole fact of whether the project increased dwelling units.

- The Assembly specified unequivocally in CBJ 49.25.500 – 520: count dwelling units to determine density. CBJ 49.25.500 is what an ordinance looks like when the Assembly establishes a standard for density for a particular purpose. The Assembly specified the allowable density for cottage housing development, namely the maximum number of dwellings in a cottage housing development is 12 units, except in a D-10 zoning district the maximum is 14 units.²¹ These are what ordinances look like when the Assembly establishes a maximum density and then exceptions to it. The Assembly did not tell CDD to count dwelling units to determine an increase in density in CBJ 49.70.300(b).
- The density standard for maximum dwelling units in the CBJ code has no applicability to this parcel. This parcel is in a Mixed Use District. The table in CBJ 49.25.500 states there is no maximum for the number of allowable dwelling units.
- CBJ 49.70.300(b) is not a zoning provision. It is a Land Use provision but not a zoning provision. This ordinance is in Chapter 49.70, which is “Specified Area Provisions.”
- The definition of “density” as “dwelling units” in CBJ 49.25.500 – 520 and related ordinances does not lead to arbitrary and absurd results. The definition of “density” as “dwelling units in these ordinances does not undermine Assembly

²¹ CBJ 49.15.760(b)(1) & (2)(establishing maximum number of dwellings in a cottage housing development)

intent because the Assembly adopted that measure of density for determining the maximum density of dwelling units in zoning districts. CDD’s adoption of “density” as dwelling units in CBJ 49.70.300(b) leads in this instance to unreasonable and arbitrary results, which are inconsistent with any reasonable statement of Assembly intent.

Despite all the ink spilled in this case, this is not a hard case. TGH agrees that CDD can look at dwelling units as one fact in determining whether a project increases density. But when, as here, there is one large dwelling that housed 43 to 53 persons a night and the new use will house 7 – 14 persons per night and the new uses decreases the potential occupancy by 75%, CDD erred by not looking at other facts. CDD arrived at an absurd, unjust and arbitrary result. And CDD is telling the Planning Commission that it *must* tell this non-profit corporation that it cannot convert its building to seven small apartments because it served the community for over thirty years by operating a homeless shelter in this building. This is clear error. The Planning Commission can look at the actual facts of this project and reach the obvious conclusion that this project does not increase density of this parcel.

B. CDD conceded in the Building Permit Appeal that this Project does not increase density of this parcel; it only argued against a general redefinition of density for all projects.

After oral argument on the appeal on May 24, 2022, the Planning Commission issued a proposed decision on June 1, 2022, and made two findings:

1. CDD acted in error by not incorporating previous engineering work in their analysis under CBJ 49.70.300(a)(5). CBJ Engineering accepted the site specific 1989 R&M Geophysical Hazard Assessment. The assessment established that the Glory Hall was not in a severe hazard zone. The assessment amends the 1987 CBJ hazard maps for this property.

2. The Planning Commission has determined the intent of CBJ 49.70.300 is to provide for the safety of occupants within a structure, regardless of use. As density is not specifically defined in Title 49, according to CBJ 49.20.300, the Planning Commission hereby provides the following interpretation: For the purposes of CBJ 49.70.300(b)(1), the phrase “shall not increase density” shall be interpreted to mean, “shall not increase the total quantity of people in a structure.”

In CDD’s Objections to the Proposed Decision, it is important to note that CDD acknowledged that TGH’s project does not increase the density of this parcel. These are CDD’s words:

Thus, in this case, TGH’s conversion will lead to fewer people living in a designated severe hazard area *even though* this same conversion will increase dwelling units. Thus, in this case, the Proposed Decision’s definition for CBJ 49.70.300(b)(1)’s density supports TGH’s conversion *and* the intent of CBJ 49.70.300(b)(1), which is to minimize risk to people and property.²²

CDD conceded that the Planning Commission’s definition of “density” in the Proposed Decision “supports TGH’s conversion *and* the intent of CBJ 49.70.300(b)(1).” CDD in essence acknowledges that the proposed definition of “density” works for this project.

Read fairly, what CDD objected to in the proposed decision and in the CDD Staff Report is that it did not want a general redefinition of “density” and it did not want a general redefinition of “density” as meaning only “occupancy.”²³ The Planning Commission withdrew the Proposed Decision. The Planning Commission does not need to, and probably should not, adopt a general redefinition of “density” for all projects. And TGH does not advocate that the Planning Commission adopt a definition of

²² CDD’s Objections to the Proposed Decision at page 5 (italics in original).

²³ CDD’s Objections to the Proposed Decision at 3 – 7 and specifically page 3 (“CDD Objects to the Commission’s Finding Density Should Be Defined As Occupancy for CBJ 49.70.300(b)(1) Purposes.”); CDD Staff Report at 9 (“if the Commission renders CBJ 49.70.300(b)(1) to mean occupancy, the Commission will open the door to substantial development within Severe Landslide and Avalanche areas.”)

“density” as meaning only occupancy. This avoids the concerns of CDD that it will have to define “density” as meaning only occupancy.

The Planning Commission can and should state that it will determine density based on all relevant facts about a proposed development. The Planning Commission can easily find that this development does not increase density of this parcel. If there is a dispute, the Planning Commission can and should evaluate whether a future project increases density based on the facts of this future projects.

3. The Director’s finding that the proposed development will materially endanger the public health, safety, or welfare is in error and not supported by a preponderance of the evidence.

A. The Director’s assertion that this conditional use permit should be denied because TGH did not present evidence beyond what is in CDD’s records that TGH complied with the conditions of the 1990 conditional use permit 1990 is error.

CDD Staff Report states: “In 1989, the applicant received Conditional Use Permit approval to operate an Emergency Shelter in a Mapped Hazard Area, based on conditions outlined in a 1989 R & M Engineering Report. **Those conditions have not been confirmed as completed.**”²⁴ The CDD Director’s Report says the same thing, “Those conditions [in the 1989 R & M Engineering Report] have not been confirmed as completed.” CDD is actually suggesting that to receive a conditional use permit in 2022, the applicant must prove affirmatively that it met the conditions that led it to receive a conditional use permit, building permit and Certificate of Occupancy thirty-one years ago.

²⁴ CDD Staff Report at page 2 (emphasis in original).

1. This standard is unreasonable and arbitrary on its face.

It would be a nightmare if every time an applicant wanted a conditional use permit, CDD could require it to prove that CBJ properly issued and enforced prior permits. This permit was issued thirty-one years ago. How long could CDD reach back? The same property owner received the prior CUP and is applying for this. But that is not necessarily the case.

2. This standard contradicts the presumption of regularity that applies to the Planning Commission's and CDD's actions that led to the Certificate of Occupancy Permit issued to The Glory Hall on August 14, 1991.

An applicant is entitled to rely on the "presumption of regularity" for official acts including that CDD in 1990 did its job and ensured compliance with the conditions in the CUP before it issued a Certificate of Occupancy for the Building.²⁵ The preeminent statement of this principle in American law was made by the United States Supreme Court in 1926 in *United States v. Chemical Foundation*:

The presumption of regularity supports the official acts of public officers and, in the absence of clear evidence to the contrary, courts presume that they have properly discharged their official duties.²⁶

The presumption has been applied to government actions in many different situations.²⁷ It enables citizens to rely on the sufficiency of past actions taken by government agencies; saves reviewing bodies time because they do not have to endlessly go back to prior acts to see if the government did its job, unless there is clear reason to

²⁵ Exhibit 2 to these Comments: Certificate of Occupancy (August 14, 1991), issued by Christian T. Roust, Building Official.

²⁶ *United States v. Chem. Found.*, 272 U.S. 1, 14 – 15 (1926).

²⁷ E.g., *Jud. Watch, Inc. v. U.S. Dep't of State*, 282 F. Supp. 3d 338, 345 (D.D.C. 2017) ("[a]gencies are entitled to a presumption that they complied with the obligation to disclose reasonably segregable material" under the Freedom of Information Act) (citations and punctuation omitted); *Bold All. v. U.S. Dep't of the Interior*, 572 F. Supp. 3d 943, 947 (D. Mont. 2020) ("The government's designation of an administrative record is entitled to a presumption of completeness.").

think it did not; reduces the possibility of a government agency selectively asking only certain applicants to dig back twenty, in this case, thirty-one years, to prove something that the same government agency said an applicant had already complied with.

3. CDD’s records show that CDD admirably performed its job in 1990 – 1991.

The Planning Commission approved a conditional use permit on January 23, 1990, for construction of The Glory Hole Building subject to the following condition:

For the new building the developer shall include R & M Engineer’s construction recommendations listed in the project’s hazard analysis report.²⁸

R & M Engineers concluded that the “potential for mass wasting is minimal,” particularly if its recommendations were followed:

1. Machine grade the entire surface upslope of the existing concrete retaining wall to a relatively uniform slope angle (Shallow terracing may be more aesthetically pleasing.)
2. Found the deck support footing at least 4’ below the slope surface as measured on the slope’s low side. Footings may be designed for a soil bearing value of 1,500 PSF.
3. Relocate the fuel oil tank so it does not bear against the upslope slide of the retaining wall.
4. Hydroseed the slop soils exposed by grading and handplant with salmonberry, alder, or other native, hardy plants.
5. Intercept sheet flow water at the upslope property line by excavating a 2” (minimum) depth ditch sloped to drain without eroding the ditch bottom. The ditch should discharge into a conduit leading to the municipal storm drain system.²⁹

²⁸ Attachment F to CDD Staff Report, Notice of Decision, Letter from David Goade, Planner II to The Glory Hole (Jan. 26, 1990).

²⁹ R & M Engineering Report at page 2 (December 28, 1989), Attachment F to CDD Staff Report.

CDD then issued a building permit to construct the new building and the building permit incorporated the conditions.³⁰ CDD records show that two engineering firms – R & M Engineering and Wilson Engineering – were involved in monitoring the demolition of the old building and the construction of the new building.³¹ The Certificate of Occupancy issued by a fine prior building official, Christian (Chris) T. Roust on August 14, 1991, is attached to these comments as Exhibit 1. The Certificate of Occupancy states: “ *This certificate issued pursuant to the requirements of Section 306 of the Uniform Building Code, as amended, certifying that at the time of issuance this structure was in compliance with the various ordinances of the City & Borough of Juneau regulating building construction or use for the building.*” These were all records within CDD’s custody and control.

B. The preponderance of evidence does not support the Director’s finding that the conversion of The Glory Hall building to seven small apartments will materially affect public health, safety or welfare.

The Director found that the project will materially endanger the public health, safety or welfare.³² This is a serious finding to make about a project. It is not supported by the record.

First, to deny a conditional use permit, the finding that the Director or the Commission must make is that proposed development “will materially endanger the

³⁰ Attachment K to CDD Staff Report, Building Permit (May 3, 1990). The copy is a little blurry but the bottom half says “Project Permit” then lists “Conditional” and lists the conditions. There was also a separate demolition permit for removal of the old building. Attachment J to CDD Staff Report.

³¹ Attachment K to CDD Staff Report: *see, e.g.*, Letter from R & M to CBJ (May 14, 1990)(discussions with Coogan Construction re vibration from sheet pile installation); Wilson Engineering Compaction Report (May 30, 1990); Letter from Lars Gregovich, PE, Wilson Engineering to John Egan, Glory Hole Director (Dec. 12, 1990)(“To the best of my ability and knowledge, all work which we inspected confirmed to the approved plans and specifications for this job.”)

³² CDD Staff Report at 25.

public health or safety.”³³ Although the Director made a finding of “yes,” the explanation of the finding was as follows: “There is evidence to suggest that the requested multi-family dwelling, in a Mapped Severe Landslide and Avalanche Hazard area, will materially endanger the public health or safety.”³⁴ The Director must weigh the evidence and conclude how the preponderance of evidence supports that finding and explain the basis for that conclusion. Simply saying there is “evidence to suggest” does not meet the statutory standard.

Second, the CDD Staff Report and the Director’s Report rely on what it termed the failure by TGH to prove that CDD did its job in 1990 – 1991. As discussed above, this is not valid “evidence.” This Commission can presume, and the CDD records bear it out, that this applicant received a conditional use permit with conditions “necessary to mitigate external adverse impacts,” as required by CBJ 49.15.330(a). The possibility of landslides and mass wasting was analyzed and the Commission put conditions to address any risk and CDD issued a Certificate of Occupancy that all requirements in CBJ ordinances had been met.

Third, TGH is not seeking a conditional use permit to construct this building but only to convert it. The building was deemed safe to construct in 1991. The building still has a conditional use permit and a certificate of occupancy that allows it to operate as a shelter. If the building is safe to house homeless persons, it should be presumed safe to house renters. The only change made by the conditional use permit is conversion of the building into seven small apartments. And for this work, TGH submitted detailed

³³ CBJ 49.15.330(d)(5)(A)(Director’s determination); CBJ 49.15.330(f)(1)(Commission determination).
³⁴ CDD Staff Report at 25.

operating plans from Stan Tech Engineering.³⁵ The plans were 35% drawings and cost \$35,000. The plans show load bearing walls and other data that is necessary for the conversion. What evidence is CDD relying on to show that the *conversion* of this building to seven small apartments will materially affect public health and safety?

Fourth, the internal review of this project by other CBJ agencies yielded no concern from CBJ Engineering or Building and an affirmative comment from Fire that there are no issues with this project.³⁶

Fifth, unlike many housing projects, this project has elicited no concern from any neighbors – residential or business. The comments have been uniformly in favor of this proposed development. The only entity opposed to this project is CDD.

C. The treefall event on Gastineau Avenue in September 2022 does not support denial of this conditional use permit.

CDD points to the treefall event on Gastineau Avenue last month and puts in pictures of the event.³⁷ This, of course, was extremely unfortunate for the property owners involved but it does not support denial of this conditional use permit.

First, it was a tree fall event rather than primarily a mudslide. TGH bases this on the pictures themselves and on public comments reported by CBJ officials:

Juneau, Alaska (KINY) - Drone footage is revealing that the slide on Gastineau Avenue was more of a treefall than a large mudslide.

That's according to the CBJ's Tom Mattice. He spoke to News of the North on Wednesday.

³⁵ Stan Tech Engineering Plans, Attachment A to CDD Staff Report, pages 43 – 66 of Planning Commission packet.

³⁶ CDD Staff Report at page 22.

³⁷ CDD Staff Report at 21.

"What's really interesting is it's really more of a treefall event than it was a mudslide," Mattice said. "As we started looking at the drone footage yesterday, and started to look at the debris, we have we have a tremendously large tree that fell and it took out a whole bunch of other small trees. The amount of mud is actually pretty minimal. It's amazing how much more of a treefall than it is than the actual mudslides, like we're traditionally used to."³⁸

The Glory Hall Building has no trees upslope from it. In fact, upslope of The Glory Hall is a garden for which TGH received a permit from CDD.³⁹

Second, this does not change the statutory framework for what a property owner can do on this parcel. The ordinance (CBJ 49.70.300(b)) prevents development in a severe avalanche area and only if it increases density. This parcel is neither in a severe avalanche area and does not increase density.

Third, to construct the building, R & M Engineering analyzed the slope angle and soil and concluded "that the potential for damage from mass wasting in minimal," particularly if its recommendations were implemented, which they were.⁴⁰

Fourth, CDD does not point to anything specific that shows the building is still not safe for occupancy except to point to "subsequent upslope development, including the reconstruction of Gastineau Avenue and associated drainage improvements above the site."⁴¹ Any upslope development is approved by the City. In particular, the reconstruction of Gastineau was a significant project undertaken by the City. It is unreasonable to require a private landowner to get an engineering study to analyze whether this large City project adversely affected its property. Will every property owner

³⁸ <https://www.kinyradio.com/news/news-of-the-north/mattice-gastineau-avenue-slide-more-likely-a-large-treefall-rather-than-mudslide/>

³⁹ CHLOE: IS THERE A REFERENCE TO THIS ON THE CDD Staff Report? What page?

⁴⁰ R & M Engineering Report (December 28, 1989), Attachment F to CDD Staff Report, pages 101 - 107 of Planning Commission Packet.

⁴¹ CDD Staff Report at page 17.

on South Franklin and any “mapped hazard area” who wants to develop its property have to hire an engineer to prove that the City’s Gastineau Reconstruction project did not affect its property?

Finally, 43 – 53 people a night have lived there and could live there again under the conditional use permit that still applies to this property. TGH is completely willing to provide engineering plans to show that conversion of this building to seven small apartments will not adversely affect the structural integrity of the building. This is the engineering analysis that should be required and that TGH has complied with.

D. The conditions hinted at by CDD are not reasonable.

CDD did not recommend any conditions but simply recommended that the Planning Commission deny the conditional use permit. But it has hinted at some conditions:

- As a condition to receive a permit in 2022, TGH should show in 2022 that it met the conditions when it received its 1990 conditional use permit: this is unreasonable and unwarranted for reasons discussed above.
- TGH should get a study that meets the requirements of CBJ 49.70.300(a)(4): TGH is not asking for a change in the boundary lines so this would not be appropriate.
- As part of that idea, TGH must obtain a study by an engineer experienced in avalanche analysis: Exhibit 8 is an affidavit from Mariya Lovishchuk, that she prepared before she started her no-contact sabbatical. Ms. Lovishchuk did a full-court press and made contacts with 10 engineering firms and 4 other

organizations. None of the engineering firms were available to do an analysis but six engineering firms did not have avalanche experience or were otherwise not qualified to perform the work.⁴² The only engineering firm with avalanche experience that at that time was willing to consider the work was Tetra Tech, but they could not perform an analysis because it needed permission from CBJ because CBJ was Tetra Tech's prior client and CBJ would not give permission for Tetra Tech to perform the analysis for TGH. A requirement for an engineer with avalanche experience is unnecessary because the parcel is not in a severe avalanche zone, the parcel has no history of avalanches, it will likely be impossible to find such an engineer.

- Applicant should prove that CBJ's Gastineau Reconstruction Project did affect its property: as discussed above, this is a completely unreasonable suggestion by CDD for an obligation to be placed on a private landowner as a condition for developing their property.

Conclusion

It is not reasonable to interpret the Assembly intent in adopting AS 49.70.300 in 1987 to undermine efforts to create new housing, especially new rental housing, on South Franklin Street. CDD's radical new approach would have prevented the numerous buildings that housed people: the Glory Hall shelter itself; the numerous buildings owned by companies that have commercial establishments on the first floor and work

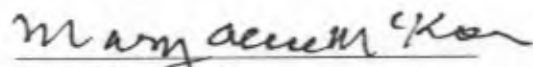
⁴² Mark Pusich with PDC Engineers; Don Larson; two more local engineering firms; StanTech Engineers; Shannon & Wilson Engineering. Alan Jones was conflicted out due his work on the Tetra Tech and also the scope of the project exceeded his ability.

force housing on the second floor, the Strasbaugh Apartments on Gastineau Avenue, and the Channel View Apartments on Gastineau Street.

Title 49 has several purposes. One is to “recognize the economic value of land and encourage its proper and beneficial use.” Every action by CDD and then the Planning Commission must take that into account. CDD’s recommendation to deny this CUP means that TGH can operate a shelter on this parcel or try to rent the three floors for retail and office space, for which there is a glut on the market so the upstairs floors will likely be at least partly vacant.

With the CBJ’s blessing, this building has been authorized to house homeless persons since TGH received its Occupancy Certificate in 1991. TGH believes that the “proper and beneficial use” of this building is to continue to house persons but now in seven units of permanent affordable rental housing to the housing stock of Juneau. It is well within the Planning Commission’s authority to grant a conditional use permit for this beneficial project. Every unit matters.

Dated: 10-21-2022


Mary Alice McKeen
Attorney for The Glory Hall

I certify that on October 21, 2022, I served this document on the following persons: Jennifer.Shields@juneau.org; Sherri.Layne@juneau.org; Chelsea.Wallace@juneau.org.


Mary Alice McKeen

49.70.300 ^① Landslide and avalanche areas.
 M W W W W M W W

(a) Generally.

- (1) ^② Development in all ^① landslide and avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches. M W W W W
- (2) Boundaries of potential and severe ^① avalanche areas will be as shown on the ^③ landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1-8, as the same may be amended ^③ from time to time by the assembly by ordinance. M W W W W
- (3) Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling ^④ within landslide or avalanche areas shall require a conditional use permit. M W W W W M W W
- (4) If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the opinion of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, ^⑤ the department shall proceed accordingly. M W W W W
- (5) ^⑥ The commission may require mitigating measures certified as effective by a professional engineer for development in ^⑥ landslide and avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density. M W W W W

(b) Severe avalanche areas. ^③

- (1) ^④ Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel; provided, however, that a single-family house may be constructed on a vacant lot.
- (2) No subdivision shall be approved which creates a lot lacking sufficient building space outside a severe avalanche area. ^⑤

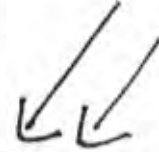
(c) *Warning and disclaimer of liability.* Avalanches and landslides may occur outside hazard areas in excess of engineering expectations. The location and severity of the event may be increased by manmade or natural causes. This article does not imply that land outside of designated hazard areas, or uses permitted within such areas, will be free from danger or damage. This article shall not create liability on the part of the City and Borough of Juneau or any officer or employee thereof for any damages that result from reliance of this article or any administrative decision lawfully made under this article.

(Serial No. 87-49, § 2, 1987; Serial No. 90-03, § 1, 1990; Serial No. 2006-15, § 23, 6-5-2006)

*KEY:
* SEVERE AVALANCHE AREA = ———, ^⑤ MENTIONS.
* LANDSLIDE AREA = M W W W W, ^⑥ MENTIONS.

Certificate of Occupancy

City & Borough of Juneau, Alaska



This Certificate issued pursuant to the requirements of Section 306 of the Uniform Building Code, as amended, certifying that at the time of issuance this structure was in compliance with the various ordinances of the City & Borough of Juneau regulating building construction or use for the following:

Use Classification GROUP SHELTER Bldg. Permit No. 4775.01

Occupancy Group R-1 - A-3 Construction Type V-lhr.

Owner of Building Christian Juneau Cooperative Owner Address P.O. Box 186 Juneau, AK 99801

Building Address 247 S. Franklin St.

Legal Description of Building Lot Tract M, Lot 2

TOWNSITE OF JUNEAU

File No. 1-C07-0-BOM-001-0

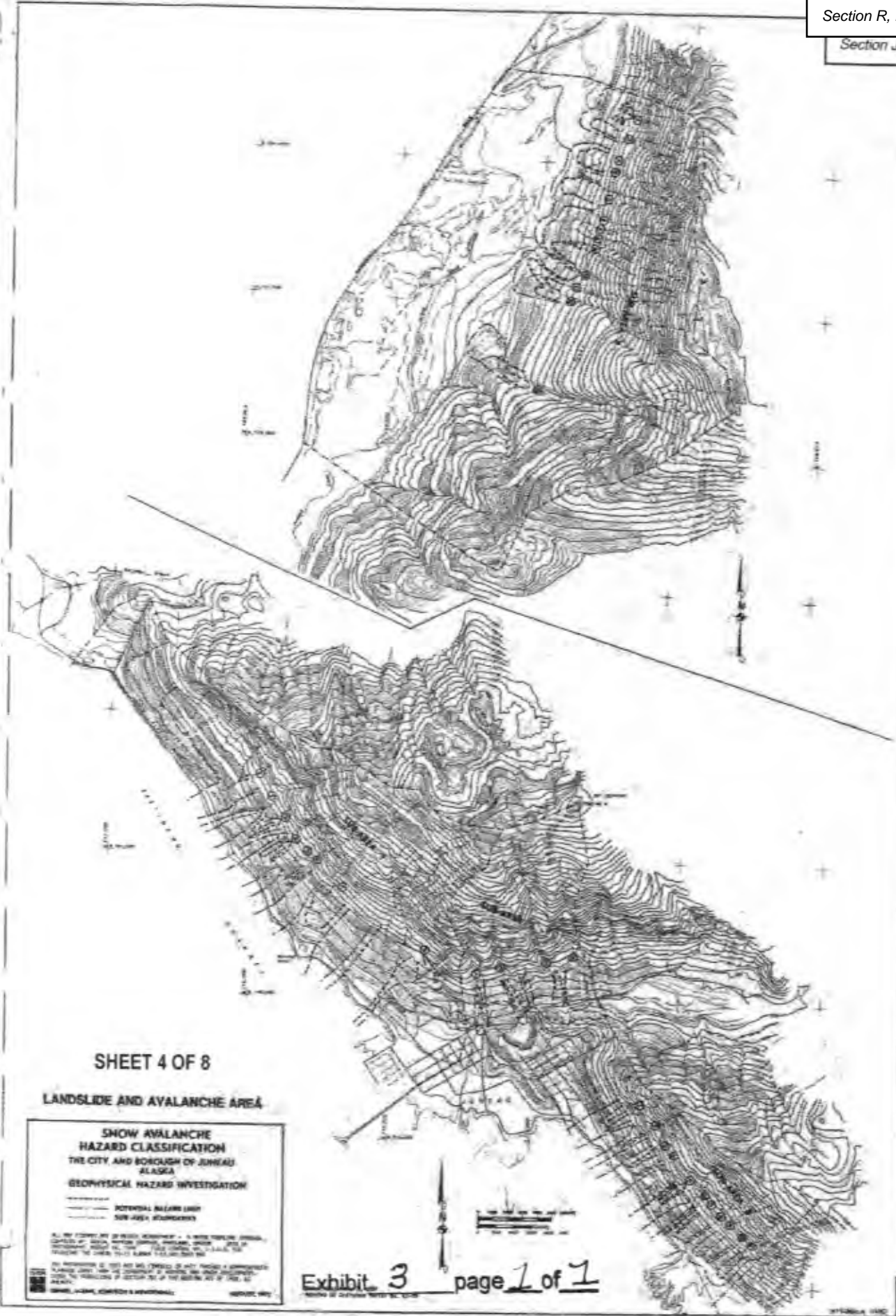
CRoust
Christian T. Roust

Building Official

Date August 14, 1991

Post this Certificate and all identified attachments in a conspicuous place.

Page 165
IN PACKET



Attachment W - 1987 Hazard Study Map Sheets 1, 4, 5, 7 *Planning Commission Packet - p. 254*

BUILDING PERMIT APPLICATION

NOTE: THIS IS NOT A BUILDING PERMIT

* NOTE: "Building Permit" is a generic term which includes Building Safety Inspections, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Case No: **BLD20210765**

| | |
|--|---|
| Case Description: Convert emergency shelter and soup kitchen into 7 apartments | |
| Site Address: 241 S FRANKLIN ST | Check No. of Existing Dwelling Units: <input style="width: 40px; text-align: center;" type="text" value="0"/> |
| Parcel No: 1C070B0M0010 | No. of New Dwelling Units: <input style="width: 40px; text-align: center;" type="text" value="7"/> |
| Legal Description: JUNEAU TOWNSITE BL M LT 2 FR | No. of Removed Dwelling Units: <input style="width: 40px; text-align: center;" type="text" value="0"/> |

| | |
|---|--|
| Applicant: JUNEAU COOPERATIVE CHRISTIAN MINISTRY DBA THE GLORY HALL 247 S FRANKLIN ST JUNEAU AK 99801 | e-mail: brucecedenton@gmail.com e-mail: lovishchuk.mariya@gmail.com CEL 907-723-2259 PRI 907-957-2885 |
|---|--|

| | |
|---|---|
| Owner: JUNEAU COOP CHRISTIAN MINISTRY PO BOX 021997 JUNEAU AK 99802-1997 PH: _____ FAX: _____ | Contractor: CARVER CONSTRUCTION LLC PO BOX 240475 DOUGLAS AK 99824 |
|---|---|

Valuation for Permit Fee Calculations:

| S.F. Type | Rate | Amount |
|------------------|------|----------------|
| | | 1,100,000.00 |
| Total Valuation: | | \$1,100,000.00 |

Associated Cases:
 None

Parcel Tags:
 This parcel is located within the Downtown Historic District.

This parcel is located in the moderate avalanche area and severe landslide area. 9/28/2009 JLW

Glory Hole Remodel 1990

Notes and Conditions:
 Waiting for payment

| | | |
|--|------|------------------|
| Applicant's Signature (Owner, Contractor or Authorized Agent) | Date | Staff Acceptance |
|--|------|------------------|

I hereby certify that I have read and examined this application and know the same to be true and correct. I further certify that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

Exhibit 4 page 1 of 2

JUNEAU PERMIT CENTER - 230 S. Franklin Street - 4th Floor, Marine View Center - Mail: 155 S. Seward Street, Juneau, AK 99801
 Phone: 586-0770 - FAX: 586-3355 - Inspection Requests: 586-1743 - Email: permits@ci.juneau.ak.us
 Record, APL2021-0006 - 241 S. Franklin St. The Glory Hall

COD application filed out for TSH Building Permit
 11-23-2021

3/4/2022

Case No: **BLD20210765**

Site Address: 241 S FRANKLIN ST

Parcel No: 1C070B0M0010

Desc: Convert emergency shelter and soup kitchen into 7 apartments

| | |
|--|-----------------------------------|
| Commercial _____ REPI _____ | New Dwelling Units: <u>7</u> |
| FCC Code: <u>437</u> | Existing Dwelling Units: <u>0</u> |
| Type of Construction: _____ | Occupancy Class: <u>R-2</u> |
| Sprinkler Substitute for Type A Construction: YES NO | |
| Sprinkler System: FULL PARTIAL NONE | Required: YES NO |
| Alarm System: FULL PARTIAL NONE | Required: YES NO |
| Code Edition: _____ | Code Review by: _____ Date: _____ |

Valuation for Permit Fee Calculations:

| S.F. | Type | Rate | Amount |
|------------------|------|------|-----------------------|
| | | | <u>1,100,000.00</u> |
| Total Valuation: | | | \$1,100,000.00 |

LAND USE

ZONE/UNITS MU / 0

WETLAND _____

FLOOD ELEV. 23.00

FIRM ZONE X

FIRM MAP _____

LOT SIZE 3,196 SF

0.1 ACRES

SETBACKS

Front 0

Rear 0

Side 0

Other _____

PARKING

ANADROMOUS _____

EAGLES NEST _____

Coverage Permissible/Conditional

HEIGHT _____

VEGETATION Permissible/Accessory

HAZARD _____

ENGINEERING/PUB WORKS

Dwelling Units: _____

CITY WATER:

Permit #: _____

Use: _____

Assessment: _____

Service Size: _____

Line Size: _____

Meter Size: _____

CITY SEWER:

Permit #: _____

Use: _____

Assessment: _____

Fixture Units: _____

LAND USE PERMITS

ADR Case #: _____

PLAN REVIEW APPROVALS

| | Initials | Date |
|----------------|----------|-------|
| Fire | _____ | _____ |
| Zoning | _____ | _____ |
| Engineering | _____ | _____ |
| Water | _____ | _____ |
| Sewer | _____ | _____ |
| Architectural | _____ | _____ |
| Structural | _____ | _____ |
| Plumbing | _____ | _____ |
| Mechanical | _____ | _____ |
| Electrical | _____ | _____ |
| Access | _____ | _____ |
| Spcl Insp Form | _____ | _____ |

APPROVED FOR ISSUANCE

Signature _____

Date _____

PERMIT ISSUANCE FEES

| | |
|----------------------------|----------|
| Grading Plan Review Fee | \$ _____ |
| Adjusted Plan Review Fee | \$ _____ |
| Fast Track Fee | \$ _____ |
| Early Start Fee | \$ _____ |
| Building Permit Fee | \$ _____ |
| Water Assessment Fee | \$ _____ |
| Sewer Assessment Fee | \$ _____ |
| Sewer Inspection Fee | \$ _____ |
| Grading Permit Fee | \$ _____ |
| Driveway Permit Fee | \$ _____ |
| Bond for _____ | \$ _____ |
| Other _____ | \$ _____ |
| Total Issuance Fees | \$ _____ |

PERMIT ISSUANCE PAYMENTS

| Date | Receipt | Check | Amount |
|-------|---------|-------|----------|
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |

Parcel Tags:
This parcel is located within the Downtown Historic District.

This parcel is located in the moderate avalanche area and severe landslide area. 9/28/2009 JLW ↙

Glory Hole Remodel 1990

CONDITIONS AND HOLDS ON PERMIT: (Continued on back of sheet)

Exhibit 4 page 2 of 2

Record, APL2021 0006 - 247 S. Franklin St./The Glory Hall

Page 60 of 169

Staff Review of Building Permit Application. 3-4-2022

The maximum number of dwelling units allowed per acre shall be as provided in the following table:

| Zoning District | <u>Maximum Dwelling Units/Acre</u> |
|--|---|
| RR | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-1 | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-3 | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-5 | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-10 | 10 units per acre |
| D-10 SF | Density determined by minimum lot size in <u>section 49.25.400</u> and special density requirements in <u>section 49.25.510</u> . |
| D-15 | 15 units per acre |
| D-18 | 18 units per acre |
| MU | No maximum density ← |
| MU2 | 80 units per acre |
| MU3 | 30 units per acre |
| NC | 15 units per acre |
| LC | 30 units per acre |

Exhibit 5 page 1 of 2

| | |
|----|-------------------|
| GC | 50 units per acre |
| WC | 18 units per acre |

(Serial No. 87-49, § 2, 1987; Serial No. 98-02, § 2, 1998; Serial No. 98-09, § 6, 1998; Serial No. 2007-39, § 10, 6-25-2007; Serial No. 2010-22, § 4, 7-19-2010; Serial No. 2012-24, § 4, 5-14-2012, eff. 6-14-2012; Serial No. 2021-35(am), § 6, 2-7-2022, eff. 3-10-2022)

Exhibit 5 page 2 of 2

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BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

JUNEAU COOPERATIVE CHRISTIAN)
MINISTRY, dba THE GLORY HALL,)
)
Appellant,)
)
vs.)
)
CBJ COMMUNITY DEVELOPMENT,)
)
Appellee.)

APL2021-06
Appeal of:
BLD2021-0765
CDD Director's Decision dated
December 1, 2021

selected portions
Opening Brief of The Glory Hall (TGH) - as marked,
April 2, 2022

Opening Brief of The Glory Hall (TGH)
[corrected]

Summary of Basis for Appeal and Reasons to Grant the Building Permit to TGH..... 2 ✓

Issues on Appeal..... 3 ✓

Juneau's Housing Crisis and Assembly Response 4

Statement of Facts..... 6

Statement of Proceedings 8

Standard of Review 10

The Planning Commission should grant a building permit for this excellent project that is allowed by the Table of Permissible Uses and that will bring seven rental units of affordable housing to Downtown Juneau. 11

1. The project does not increase the density of this parcel within the meaning of CBJ 49.70.300(b)(1); the project significantly decreases density of the parcel. 11 ✓

 A. The project does not increase the density of this parcel based on structures: there was one building when it was a shelter and there will be one building if the building is converted into seven small apartments. 12 ✓

 B. The project decreases density of this parcel based on usage by people: 43 – 53 persons were regularly housed in the Shelter and 7 - 14 persons will be housed in seven small apartments. 12 ✓

Exhibit 6 page 1 of 15

- CDD’s Decision did not explain why it defined “density” of a parcel as “the number of dwelling units” on a parcel when CDDs definition of “density” is not in any CBJ ordinance or any authority cited by CDD.
- CDD’s Decision did not address TGH’s arguments that the project decreases density on the parcel based on how many people would be using the parcel under the new use, namely a maximum of 14 persons in seven small apartments.
- CDD’s definition of “density” is mechanistic and bureaucratic, namely count the number of dwelling units before and after a project without considering any other facts about the project.
- CDD’s definition of “density” precluded it from examining the specifics of this project and precluded it from recognizing an unusual situation, such as here, namely a project dividing one large building that housed 43 to 53 persons into seven small rental units that will house 7 – 14 persons.
- CDD’s definition of “density” attributes an intent to the Assembly to allow housing for homeless persons in an emergency shelter for over 30 years on this parcel but to prevent housing for renters on the same parcel.
- CDD’s definition of “density” is inconsistent with Juneau’s Comprehensive Plan and the CBJ Housing Action Plan because it prevents this much needed project of seven modest but nicely remodeled small apartments in the Downtown core.

Issues on Appeal

1. Under CBJ 49.70.300(b)(1), a development may not occur on a parcel in a severe avalanche area, as designated on 1987 CBJ Hazard Maps, if the development would “increase the density of that parcel.” When used as an emergency shelter, the Glory Hall Building housed 43 – 53 people per night and had 100 people there during the day. Under the proposed development, the Glory Hall former building will house a maximum of 14 people in 7 small apartments. Did CDD err when it denied a building permit for this project on the grounds that the project increased the density of this parcel?
2. Assuming for the sake of argument that CDD’s definition of density is correct, TGH maintained before CDD that the Glory Hall Building, when used as a shelter, had seven distinct areas with basic facilities for independent and complete cooking, living, sleeping and toilet

The Planning Commission should grant a building permit for this excellent project that is allowed by the Table of Permissible Uses and that will bring seven rental units of affordable housing to Downtown Juneau.

1. The project does not increase the density of this parcel within the meaning of CBJ 49.70.300(b)(1); the project significantly decreases density of the parcel.

CBJ 49.70.300(b)(1) states “no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, increase the density of that parcel.” The issue before the Planning Commission is the interpretation of the term “density” and whether the building permit was correctly denied on the grounds that the project would “increase the density of [this] parcel.”

The Assembly did not prohibit all development in a parcel located in a severe avalanche area on the 1987 CBJ hazard maps. The Assembly prevented development only if it would “increase the density” of the parcel. CBJ 49.70.300 itself does not define “density.” The definition section in Title 49, with its hundreds of definitions, does not define “density.”²⁷ The International Building Code of 2012 does not define “density.”²⁸

Since there is no preset definition of “density” in the ordinance, the Planning Commission must interpret “density” and “increase density” based on the text of the ordinance construed in light of the purpose of the ordinance and related ordinances and Assembly actions.

Words in an ordinance should be interpreted according to their common meaning unless it is a technical term that has acquired a specific technical meaning.²⁹ The common understanding of “density” is something like the definition in Collins English Dictionary, which defines density as “the extent to which something is filled or covered with people or things.”³⁰

²⁷ CBJ 49.80.120.

²⁸ Chapter 2, Definitions, International Building Code, 2012 Ed.

²⁹ AS 01.10.040(a)(statutes).

³⁰ <https://www.collinsdictionary.com/us/dictionary/english/density>

If this project increased density of this parcel, it would have to increase the extent to which this parcel is filled with people or things. It does not. The project does not increase the number of big "things" on this parcel, that is, structures or buildings. The project significantly decreases the number of people residing on the parcel. The project decreases the number of people that can occupy the parcel.

A. The project does not increase the density of this parcel based on structures: there was one building when it was a shelter and there will be one building if the building is converted into seven small apartments.

The project does *not* increase the extent to which this parcel is filled with people or things. As for things that would be relevant in the context of a building permit, the project does not increase the buildings and structures on the parcel. There is one building now and there will be one building on this parcel after the project is completed. The project does not even change the footprint of the building.

B. The project decreases density of this parcel based on usage by people: 43 – 53 persons were regularly housed in the Shelter and 7 - 14 persons will be housed in seven small apartments.

As for people, the project decreases, rather than increases, the density of this parcel, as measured by the people living there and using the parcel. When the Glory Hall was used as a shelter, it provided housing for 43 – 53 persons who slept there at night. It provided space during the day for 100 persons – Shelter residents and other people – in the large room on the ground floor known as the "Day Room." After the proposed development, the building will house between 7 to 14 persons in seven small apartments. The first floor will be a mission-aligned commercial space. The density of persons using this parcel is going from 43 – 53 persons, who were Shelter residents, to 7 – 14 persons, who are paying renters. This project

Exhibit 6 page 5 of 15

dramatically decreases the density of the number of persons using this parcel and therefore the number of persons who are exposed to whatever risk of avalanche exists on this parcel.

C. The project decreases density of the parcel based on occupancy: under the new use of seven small apartments, fewer occupants and more space per occupant.

If density is measured by how crowded the occupants of the space may be, the project decreases density by that measure. The project decreases the density of this parcel based on the maximum number of persons that can occupy the space as set forth in the International Building Code.³¹ Table 1004.1.2 has an “Occupant Load Factor” for spaces within a building. It is attached as Exhibit 1 to this Brief with the relevant spaces marked.

For the second and third floor of the Glory Hall Building:

- Old use: when used as a shelter, there were three dormitories on the third floor and two dormitories on the second floor.³²
- For dormitory space, each occupant must have at least 50 gross square feet per person.
- New use: if this space can be converted to seven small apartments, each occupant in a residential space must have 200 gross square feet per person.
- Change: Under the new use, each occupant is guaranteed four times more space than each occupant under the old use: 50 square feet increased to 200 square feet.

For the ground floor (1st floor) of the Glory Hall Building:

- Old use: when used as a shelter, there was a large day room on the ground floor with movable tables and chairs where people sat during the day.

³¹ International Building Code, 2012 Edition. All references to the IBC are to the 2012 Edition.
³² TGH submitted the Glory Hall’s existing floor plan to CDD. [R. 6- 8] TGH also let the City know there were sleeping spaces in addition to the five dormitories, namely a bedroom for folks with medical issues and an apartment (where night staff or a live-in staff person – the Glory Hall has had both – slept) [R. 170].

- For this use, each occupant must have at least 15 net square feet.
- New use: if the project is approved, this space will be a commercial space.
- Each occupant in a mercantile space that is not a basement or grade floor area must have at least 60 square feet.
- Change: Under the new use, each occupant has a minimum of four times more space than each occupant under the old use: 15 square feet increased to 60 square feet.

This Table lays out the same information:

Table 1: Comparison of Occupant Load Factors in Glory Hall Building as Currently Configured and Glory Hall Building if Project Goes Forward

| | Occupant Load Factor for Space in Table 1004.1.2 | Occupant Load Factor for Space in Table 1004.1.2 | Occupant Load Factor for Space in Table 1004.1.2 |
|---|--|---|---|
| Glory Hall Building as currently configured | Dormitory spaces on 2d and 3d floor: one occupant per 50 gross sq. ft. | Day Room on 1st floor: Assembly without fixed seats; unconcentrated (tables & chairs): one occupant per 15 net sq. ft. | Kitchen, commercial: one occupant per 200 gross sq. ft. |
| Glory Hall Building if project goes forward | Residential space – 7 small apartments: one occupant per 200 gross sq. ft. | Mercantile space on first floor: one occupant per 60 gross sq. ft. | Kitchen, commercial: one occupant per 200 gross sq. ft. |
| Change in Occupant Load under new use | Occupant Load: new use gives each occupant at least four times more space than the old use. | Occupant Load: new use gives each occupant at least four times more space than the old use. | Occupant Load: no change |

Source: Table 1004.1.2, IBC, Maximum Floor Area Allowances per Occupant [Exhibit I to this Brief]

By this measure, the project significantly decreases density because the minimum space per occupant under the new uses is four times greater – 400% greater -- than the minimum space per occupant in the old use. This is reasonable. If a person is living in something represented as a residential space, the building code guarantees them more space than a person who is sleeping in a dormitory. If a person goes into a commercial retail establishment, the building code guarantees them more space than a person in an assembly room with tables and chairs. But

Exhibit 6 page 7 of 15

what is unreasonable is for CDD to say that the project increases density when, by this objective measure in the IBC, the project decreases density. Under the new use, fewer occupants, more space per occupant.

D. TGH's interpretation furthers the purpose of CBJ 49.70.300(b).

TGH's interpretation of density furthers the purpose of CBJ 49.70.300(b). It is worth repeating that, with this ordinance, the Assembly did not prevent all development of property within a severe avalanche area on the 1987 CBJ Hazard Area maps. The Assembly balanced the goal of encouraging property owners to develop and improve their property in this area with the goal of minimizing the risk of loss of life and property from an avalanche. The balance it struck was that property owners in a severe avalanche zone could develop their property as long as the development did not increase density of the parcel. If the development did not increase density, the Assembly wanted it to happen. The Assembly did not mandate stagnation of all properties mapped within a severe avalanche area.

The project will significantly decrease the number of people who use this property. It will go from emergency housing for 43 to 53 people to rental housing for 7 to 14 people. The project will significantly decrease the number of people that can occupy the property based on the IBC requirements for minimum space, discussed in the prior section. The project improves the property *and* exposes *fewer* people to whatever risk of avalanche exists on this parcel. Therefore it makes no sense to say that CBJ 49.70.300(b) should be interpreted to prevent this major improvement that a downtown owner wants to make to a major downtown building.

E. TGH's interpretation of CBJ 49.70.300(b) furthers the Comprehensive Plan and the Juneau Housing Action Plan.

This requires little explanation. As discussed earlier, in the Comprehensive Plan and the CBJ Housing Action Plan, the Assembly has made it a high priority to try to come to terms with

the longstanding critical housing shortage in Juneau.³³ The Glory Hall’s interpretation of CBJ 49.70.300(b) furthers the goals of the Comprehensive Plan and the CBJ Housing Action Plan because it allows the construction of seven new affordable rental units in Juneau. This may seem small and unimportant but the Comprehensive Plan concluded that every single habitable dwelling in our community is needed: “Unless and until the community achieves a healthy vacancy rate, all habitable dwellings are valued and needed and uninhabitable units should be rehabilitated or replaced.”³⁴ And it would mean the world to the 7 to 14 persons who would gain affordable housing in seven modest apartments also known as dwelling units in Downtown Juneau.³⁵ But ironically it is precisely *because* The Glory Hall seeks to put “dwelling units” in the old Glory Hall Building that CDD denied this building permit.

2. CDD’s interpretation of CBJ 49.70.300(b) is clear error.

A. CDD’s definition of “density” as equal to “the number of dwelling units” is not found in the text of this ordinance, any other CBJ ordinance or any authority cited by CDD.

To have it before us, the text of the ordinance at issue, CBJ 49.70.300(b)(1), states in full:

Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

CDD denied a building permit in a one-paragraph decision:

Please accept this email as an official denial of your request to convert the old Glory Hall shelter into 7 apartments. According to the CBJ adopted hazard maps the Glory Hall is located in a sever [sic] avalanche zone. *Increasing the number of dwelling units is prohibited by code in this hazard zone.* The code language is below for your reference [CBJ 49.70.300]. Please feel free to contact me via

³³ See “Juneau’s Housing Crisis and Assembly Response” at pages 4 -6 *supra*.

³⁴ Juneau Comprehensive Plan at p. 32.

³⁵ It will probably be much less than 14 because most of the efficiencies will probably not have two people living in them.

email if you have any questions about the code, this denial or your option moving forward. [emphasis added] [R. 106]

It did not explain this in its decision but CDD's step were these. It said that the emergency shelter had "0" dwelling units; this project would create "7" small apartments or dwelling units; "7" is greater than "0", so permit denied. [R. 37, R. 90]

TGH's immediate reaction to CDD's assertion that "Increasing the number of dwelling units is prohibited by code in this hazard zone" was that CBJ 49.70.300(b) does *not* prohibit increasing the number of dwelling units in this hazard zone. You can look at the text above. It does not have the words "dwelling units" in it. CBJ 49.70.300(b) does prohibit some development in a severe avalanche area, as defined by CBJ 1987 Hazard Maps, but *only* if the development would "increase the density of that parcel."

CDD *interpreted* the word "density" to mean "dwelling units." CDD's Decision did that *sub silentio*. CDD did not explain that is what it was doing. CDD did not explain why it was doing that. CDD did not provide any authority for defining "density" to mean "dwelling units." And it was under an obligation to do that: both to provide an explanation to the property owner and to this body as the appeal agency. This by itself is grounds to set aside CDD's Decision.³⁶

CDD's definition of "density on a parcel" to mean "the number of dwelling units on a parcel" is not in the ordinance itself. CDD's definition is not in the definition section of Title 49.³⁷ CDD did not provide any authority for its definition of "density" as equal to "dwelling units."

³⁶ CBJ 01.50.070(a)(2) provides that the appeal agency may set aside the decision being appealed if the decision "is not supported by adequate written findings or the findings fail to inform the appeal agency or the hearing officer of the basis upon which the decision appealed from was made; . . ."

³⁷ CBJ 49.80.120. Title 49 has no definition of density.

It is true that Title 49 defines “dwelling units.”³⁸ But the question is why CDD interpreted density in CBJ 49.70.300(b) to mean the same as the number of dwelling units on a parcel.

Despite being asked [R. 97], it gave no answer.

B. CDD’s “dwelling unit” interpretation of CBJ 49.70.300(b) frustrates the Mixed Use District, the Comprehensive Plan and the CBJ Housing Action Plan.

CDD interprets CBJ 49.70.300(b) to prevent this project because this project will create seven small apartments or “dwelling units” in a building that used to be an emergency shelter and the emergency shelter, according to CDD, should be treated as having no dwelling units. This interpretation is inconsistent with the purpose of the Mixed Use District, where this parcel is located. By ordinance, the Mixed Use District “reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.”³⁹ But CDD’s interpretation means this building cannot contain any residential dwelling units.

CDD’s interpretation undermines a high priority of the Assembly as formally expressed in the Juneau Comprehensive Plan and the CBJ Housing Acting Plan because it prevents this large downtown building from being converted to seven units of affordable rental housing, even though the property owner has detailed engineering and architectural plans to do this and the project is allowed within the Table of Permissible Uses.

CBJ 49.05.100 specifies six purposes of Title 49, the Land Use Code. One purpose is to “recognize the economic value of land and encourage its proper and beneficial use.”⁴⁰ TGH believes that the “proper and beneficial use” of this property – that has housed people since at

³⁸ CBJ 49.80.120 defines “dwelling unit” as “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.”

³⁹ CBJ 49.25.220.

⁴⁰ CBJ 49.05.100(6).

least 1990 – is to continue to house people. What use does CDD say is the “proper and beneficial use” of this large 4500 square foot building? Only an emergency shelter? A vacant building? An unimproved building? Retail on the first floor but vacant second and third floors like other downtown buildings? Under CDD’s interpretation, anything *but* housing because, under CDD’s interpretation, the owner of this building cannot put any “dwelling units “ in this building *because* it used to be an emergency shelter. That is perverse in light of this parcel’s location in the Mixed Use District and the Assembly’s strenuous efforts to encourage affordable “dwelling units” through the Borough and especially in the Downtown core.

C. CDD’s interpretation of “density” is unreasonable and arbitrary.

CDD’s interpretation of “density” results in it finding and concluding that a conversion of 1 large dwelling that housed 43 to 53 people into seven small apartments that will house 7 to 14 people actually increases the density of this parcel! On its face, this is an unreasonable finding and an unreasonable conclusion.

CDD’s interpretation of “density” resulted in it finding and concluding that the downtown emergency shelter had “0,” as in zero, dwelling units. [R. 37, R. 70] This treats the downtown shelter as having no one living there. This is unreasonable.

CDD’s interpretation of “density” took no account of the definition of dwelling in the Title 49: “dwelling means a building or portion thereof, used exclusively for human habitation.” Putting aside our argument that the downtown shelter did have seven spaces that qualify as seven dwelling units, the downtown shelter was a “dwelling.” Whatever category you want to put the shelter in, it had people dwelling there for 30 years and CDD should take that into account in its definition of “density.”

CDD’s interpretation of CBJ 49.70.300 leads to an unreasonable conclusion, namely that the Assembly intended to allow homeless persons who slept in dormitories to live in this building for over 30 years but intended to prevent renters from living in this building because renters have individual dwelling units. In denying this building permit to remodel the building into seven small apartments, CDD is saying the building was okay for homeless persons but not okay for renters. This is unreasonable and has the effect of devaluing homeless persons as a category and the 43 to 53 homeless persons who regularly were housed at the downtown shelter.

D. CDD’s interpretation of its authority under CBJ 49.70.300(b) is a policy error and an abuse of discretion.

CDD’s interpretation of “increase density” in CBJ 49.70.300(b) is that the Assembly intended to adopt a mechanistic, cookie cutter approach to whether a project would “increase density:” namely count the dwelling units before the project, count the dwelling units after the project, and if the number goes up, deny the building permit. This is a policy error and an abuse of discretion because it denies CDD any discretion to look at the particulars of the project.

TGH provided CDD with detailed architectural and engineering plans of the proposed renovation. TGH provided CDD with information on the number of persons that lived at the Glory Hall Building, when it was used as a shelter, and the number of persons that would live there, if the building was converted to seven small apartments. [R. 91] CDD acknowledged this information. [R. 89 – 90]. In denying the building permit, CDD did not consider any of that relevant. All that was relevant to CDD was CDD’s conclusion that the Glory Hall Emergency Shelter contained “0” dwelling units and that Glory Hall Building after the remodel would contain “7” dwelling units. Once it checked those boxes, it denied the permit. [R. 37, R. 106]

This was error. First and foremost, the Assembly did not tell CDD to do that. It did not tell CDD to count dwelling units and deny a permit if the project increased dwelling units. It

told CDD to evaluate whether a development increased the density of the parcel. It is far more reasonable to conclude that the Assembly wanted CDD to do a project-specific evaluation of this request for a building permit. It is certainly reasonable to conclude that the Assembly wanted CDD to consider information about the number of dwelling units but it is unreasonable to conclude that the Assembly wanted CDD to consider *only* that information. It is far more reasonable to conclude that the Assembly gave CDD the discretion to take into account what is probably an unusual situation, namely one very large dwelling providing emergency housing for 43 – 53 people converting to seven small units of rental housing for housing 7 –14 people.

CDD did not look at the facts of this specific situation when it denied a building permit for this project. But the Planning Commission can and should. Based on the specific facts of this project, TGH believes that the Planning Commission will easily conclude that this project does not increase the density of this parcel and should receive a building permit so the project can go forward – full speed ahead!

E. CDD’s denial of this building permit may have relied on irrelevant factors and inaccurate assumptions.

CDD’s interpretation of “increase density” may have relied on irrelevant factors. TGH refers the Commission to an email in the record with comments by Allison Eddins, the CDD Planner, who issued the CDD Decision in this case on behalf of Jill Maclean, CDD Director. In an email to the CBJ Fire Marshal about this permit application, Ms. Eddins states that Ms. Maclean “is mostly concerned with the political issues around the draft hazard maps. The Starr Hill and Highlands neighborhood don’t want the maps adopted and the Assembly almost certainly won’t adopt the maps without amending the existing regulations.” After that, Ms. Eddins wrote: “Plus, it doesn’t look very good for CBJ to be encouraging housing in mapped

Exhibit 6 page 14 of 15

hazard areas.” [R. 75] These factors were not mentioned in CDD’s one-paragraph decision. [R. 106]

As for the draft hazard maps, there are political issues, to be sure, around adopting the draft hazard maps but the question of whether this project increases the density of this parcel is separate from whether this parcel should be in a severe avalanche area and whether the designation, city-wide, for hazard areas should be changed.⁴¹

As for whether “it doesn’t look very good for CBJ to be encouraging housing in mapped hazard areas,” it is hard to unpack that one. The Assembly most definitely has encouraged development of housing in Downtown Juneau and part of Downtown Juneau is in a severe avalanche area, as that is described on the 1987 hazard maps. It is an unwarranted assumption that the controversy over the maps should be taken by CDD as a reason to discourage housing generally in mapped areas. To the extent that the Assembly has discouraged housing development in a severe avalanche area, it is only development that increases density within the meaning of CBJ 49.70.300(b)(1).

3. In the alternative, the project will not increase density because the Glory Hall Building, when used as an emergency shelter, had seven dwelling units within it.

As soon as Ms. Lovishchuk received the pre-conference report, she informed CDD that she believed there were seven dwelling units within the Glory Hall building: one apartment, three dormitories, one bedroom for folks with mobility issues and two overflow dorms. [R. 170] CDD did NOT address this issue in its decision and did not ask Ms. Lovishchuk for any further

⁴¹ As noted, on the Tetra Tech maps, this parcel is not in the severe or moderate avalanche hazard zone. It is in a low hazard zone. Figure 2.4, Tetra Tech, Downtown Juneau Landslide and Avalanche Assessment (May 28, 2021) (Issued for Review) available on CDD website: <https://juneau.org/community-development/special-projects/landslide-avalanche-assessment>.

Exhibit 6 page 15 of 15

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BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU

JUNEAU COOPERATIVE CHRISTIAN)
MINISTRY, dba THE GLORY HALL,)
)
Appellant,)
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vs.)
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CBJ COMMUNITY DEVELOPMENT,)
)
Appellee.)

APL2021-06
Appeal of:
BLD2021-0765
CDD Director's Decision dated
December 1, 2021

Reply Brief of The Glory Hall (TGH) - *Selected portions,
as marked,
May 12, 2022*

Introduction.....

Undisputed facts..... 3

Ordinance to be interpreted: CBJ 49.70.300(b)..... 4

TGH's interpretation and CDD's interpretation of CBJ 49.70.300(b): how to determine whether a development would "increase the density of that parcel." 5

1. At page 7 of its Opposition Brief, CDD finally provides the authority that it argues supports its interpretation of CBJ 49.70.300(b) that "increase the density of that parcel" means "increase the dwelling units on that parcel." 7

2. CDD's interpretation that "density" in CBJ 49.70.300(b) means "the number of dwelling units" is not supported by substantial evidence, is an abuse of discretion, and is arbitrary and unreasonable. 10

 A. CDD does not show that the Assembly intended to define "density" as "dwelling units" in CBJ 49.70.300(b). 11

 1) The Assembly did not define "density" as meaning only "dwelling units" in CBJ 49.70.300(b). 11

 2) The Assembly did not adopt a global or general definition of density applicable throughout Title 49, the Land Use Code. 11

 3) The Assembly did not incorporate the definition of "density" in CBJ 49.25.500 - 520 into CBJ 49.70.300(b). 12

Exhibit 7 page 1 of 2

4) The use of "dwelling units" to measure density in Chapter 49.25, Zoning Districts, provides no support for CDD's interpretation of density in CBJ 49.70.300(b)..... 12

5) TGH is not confused; TGH simply disagrees with CDD on what facts are relevant to determine whether a project increases the density of a parcel in CBJ 49.70.300(b). 14

B. CDD's definition of "density" as "dwelling units" is contradicted by the text of CBJ 49.70.300(b) because the addition of bedrooms in a dwelling unit increases the density of the parcel even though the addition of bedrooms in a dwelling unit would not increase the number of dwelling units..... 16

C. CDD's definition of density undermines the purpose of CBJ 49.70.300(b). 17

D. CDD's interpretation of density leads to a profoundly unreasonable and arbitrary result: the property owner cannot convert its building to seven units of affordable housing because the prior use of the building was an emergency shelter where people shared kitchen and bathroom facilities..... 18

E. CDD's definition of density is inconsistent with purpose of Title 49 to achieve the objectives of the Comprehensive Plan..... 19

F. CDD does not address that its interpretation of density undermines the purpose of Title 49 "[t]o recognize the economic value of land and encourage its proper and beneficial use." 2

3. TGH's interpretation of CBJ 49.70.300(b) is proper: CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project significantly decreases the number of persons residing on the parcel..... 21

4. CDD has opened the door to evidence that TGH cannot obtain a site-specific study showing that the parcel is located outside of a severe avalanche zone..... 24

Conclusion 26

Introduction

The Juneau Cooperative Christian Ministry dba The Glory Hall appeals the denial of a building permit to convert the second and third floors of the former emergency shelter at 247 South Franklin Street, which housed between 43 – 53 persons, into seven small rental units of affordable housing, which would house between 7- 14 persons.¹ CDD denied the permit because CDD said the project would "increase the density" of the parcel within the meaning of CBJ

¹ TGH noticed a mistake in its Opening Brief at page 6. Under the project, the second floor will have two efficiency apartments and the third floor will have four efficiency apartments (*not three*) and one one-bedroom apartment. The project will provide six efficiency apartments and one one-bedroom.

49.70.300(b). Under that ordinance, this project may not occur if it would “increase the density” of the parcel.

TGH maintains that CDD wrongly denied the permit because the project does not “increase the density” of the parcel within the meaning of that ordinance and because the undisputed facts in the record show that the project decreases the density of the parcel.

If the Planning Commission concludes that the project does not increase the density of the parcel within the meaning of CBJ 49.70.300(b), there is no dispute that CDD wrongly denied the building permit and the Planning Commission should grant it.

Undisputed facts

The undisputed facts include these facts:

- The Glory Hall Building at 247 South Franklin has been in use as an emergency shelter since 1990. [R. 116 – 118]
- When the Glory Hall Building was used as an emergency shelter, it provided housing to 43 to 53 homeless persons and about 100 persons would use the Day Room on the ground floor. [TGH Opening Brief at 6]
- Under the proposed use, 7 – 14 renters would reside in the building. [R. 4, 71]
- Under the proposed use, the number of people residing in the building would decrease from 43 – 53 persons to 7 – 14 persons with 14 being a hard maximum.²
- When the Glory Hall Building was used as an emergency shelter, each occupant in a dormitory space had to have 50 gross square feet per person. [TGH Opening Brief at 13 – 15 & Exhibit to Brief with IBC Table 1004.1.2]
- Under the proposed use, each occupant in a residential space must have 200 gross square feet per person. [same]
- Under the proposed use, the maximum allowable occupancy on the parcel decreases by 75% over the prior use. [same]

² The number of residents would likely not be 14 because most efficiencies would have one, not two, persons, although two persons would be allowed.

3 Exhibit 7 page 3 of 21

- The former emergency shelter was “a dwelling,” as that term is defined in Title 49, namely “a building or portion thereof, used exclusively for human habitation.” [CBJ 49.80.120]
- The former emergency shelter was not a “dwelling unit,” and did not contain any dwelling units, as that term is defined in Title 49, namely “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.” [CBJ 49.80.120]³
- The former emergency shelter was a residential occupancy and the specific type of residential occupancy was a “congregate living facility,” as defined by the IBC, namely, “a building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.” [CDD Opposition Brief at 9 – 10]
- The Glory Hall Building is located in MU, Mixed Use Zoning District. [R. 33]
- The Glory Hall Building is in an area designated as a severe avalanche area based on low resolution hazard maps adopted by CBJ in 1987. These maps were based on data created in the 1970’s. [TGH Opening Brief at 7]

Ordinance to be interpreted: CBJ 49.70.300(b)

CBJ 49.70.300(b) *Severe avalanche areas.*

(1) Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

This statute is ambiguous. It states no development may “increase the density of that parcel” but it does not define density. The parties to the appeal have different interpretations of that phrase.

The key principle in interpreting an ordinance is adopting an interpretation that carries out the intent of the legislative body that adopted it, in this case, CBJ Assembly. The Planning

³ The IBC has a slightly different definition in Section 202: a “dwelling unit” is “[a] single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.” We accept that the former emergency shelter did not have dwelling units under the Title 49 definition *and* the IBC definition. TGH withdraws the appeal point that the former emergency shelter was a “dwelling unit” or had “dwelling units” as defined by Title 49 or the IBC. TGH Opening Brief at 3 – 4, 22 – 23.

Commission uses the same principles to determine Assembly intent as a court: "Interpretation of a statute is a question of law to which we apply our independent judgment; we interpret the statute according to reason, practicality, and common sense, considering the meaning of the statute's language, its legislative history, and its purpose."⁴ An ordinance should be construed in accord with what the leading text on statutory construction calls the "golden rule of statutory interpretation." The golden rule of statutory construction is "when one of several possible interpretations of an ambiguous statute produces an unreasonable result, that interpretation should be rejected in favor of another which produces a reasonable result."⁵ The Assembly is presumed to have intended reasonable results consistent with the purpose of the ordinance that it adopted.

TGH's interpretation and CDD's interpretation of CBJ 49.70.300(b): how to determine whether a development would "increase the density of that parcel."

The Planning Commission has the responsibility to interpret provisions of Title 49, the Land Use Code.⁶ The Planning Commission makes an independent judgment on the meaning of the ordinance. The Planning Commission has before it two interpretations of CBJ 49.70.300(b)(1), which is part of Title 49.

TGH's interpretation of CBJ 49.70.300(b) is that CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project increases buildings on the parcel, whether the project increases dwelling units on the parcel, whether the project increases the number of persons residing on the parcel and whether the

⁴ *Daggett v. Feeney*, 397 P. 3d 297, 304 (Alaska 2017) quoting *Adamson v. Municipality of Anchorage*, 333 P. 3d 5, 11 (Alaska 2014). To date, neither party has cited any legislative history of the ordinances involved in this appeal.

⁵ N. Singer & S. Singer, *Sutherland Statutes and Statutory Construction* § 45.12 at 103 – 106 (7th ed, rev. April 2014).

⁶ CBJ 49.20.300.

project increases the number of persons that can potentially occupy the buildings on the parcel. TGH interprets the purpose of CBJ 49.70.300(b) as preventing development which subjects more people to whatever risk of avalanche exists on the parcel and allowing development which does not subject more people to the risk of avalanche and certainly allowing the development when, as here, the project subjects significantly less people to whatever risk of avalanche exists on the parcel.

CDD’s interpretation of CBJ 49.70.300(b) is that “density of a parcel” means “the number of dwelling units on a parcel.” Under CDD’s interpretation, the only relevant fact in determining whether a development would increase density of the parcel is the number of “dwelling units” – units with “independent and complete cooking, living, sleeping and toilet facilities for one family”⁷ – on the parcel before the development and the number of dwelling units after the development. If the number of “dwelling units” goes up, CDD states that the property owner cannot undertake the development, unless the property owner obtains a study that the parcel is outside a severe avalanche area.⁸ CDD attributes to the Assembly the intent to prevent development that would increase the number of individual cooking, living, sleeping and toilet facilities on parcels in severe avalanche areas, irrespective of whether the development would increase or, as here, significantly decrease the number of persons exposed to whatever risk of avalanche exists on the parcel.

⁷ CBJ 49.80.120 (definition of “dwelling unit” in Title 49).

⁸ CBJ 49.70.300(a)(4).

2. CDD’s interpretation that “density” in CBJ 49.70.300(b) means “the number of dwelling units” is not supported by substantial evidence, is an abuse of discretion, and is arbitrary and unreasonable.

This appeal concerns the proper interpretation of CBJ 49.70.300(b)(1):

Notwithstanding any other provision, *no development or any part of a development, which is within a severe avalanche area shall*, by the addition of bedrooms, conversions of buildings, or otherwise, *increase the density of that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

CDD’s stated position is that “density” is equal to “the number of dwelling units.”¹⁴

CDD is reading CBJ 49.70.300(b) as if it were written this way:

Notwithstanding any other provision, no development or any part of a development, which is within a severe avalanche area shall, by the addition of bedrooms, conversions of buildings, or otherwise, ~~increase the density of that parcel~~ *increase the number of dwelling units on that parcel*; provided, however, that a single-family house may be constructed on a vacant lot. [emphasis added]

That fact, alone, is a red flag: CDD is in effect crossing out the words used by the Assembly and using different ones. That fact suggests that CDD is rewriting the ordinance rather than interpreting it. But in its Opposition Brief, CDD defends its “interpretation” by saying that in the CBJ code, “density is measured by dwelling units.”¹⁵ CDD asserts that “this definition of density [as dwelling units] comes directly from CBJ code.”¹⁶ CDD asserts, “As shown by CBJ 49.25.500-520, density is measured in dwelling units.”¹⁷ CDD’s assertions and interpretation do not withstand scrutiny.

¹⁴ CDD Opposition Brief at 7, 16 – 17.

¹⁵ CDD Opposition Brief at 7.

¹⁶ Opposition Brief at 15.

¹⁷ Opposition Brief at 15 – 16.

A. CDD does not show that the Assembly intended to define “density” as “dwelling units” in CBJ 49.70.300(b).

1) The Assembly did not define “density” as meaning only “dwelling units” in CBJ 49.70.300(b).

To state the obvious, the Assembly did not say in CBJ 49.70.300(b), “no development . . . shall increase the number of dwelling units on that parcel.” It said, “no development . . . shall increase the density on that parcel.” As CBJ 49.25.500 – 520 shows, when the Assembly wants to direct CDD to count dwelling units and take action based on that calculation – in those ordinances it is to enforce the maximum number of dwelling units per acre – the Assembly does that explicitly. The fact that the Assembly did not do that in CBJ 49.70.300(b) is strong evidence that it did not intend to do that.

2) The Assembly did not adopt a global or general definition of density applicable throughout Title 49, the Land Use Code.

When the Assembly wants to adopt a definition of a term that is to be used across the Title 49, it does that in CBJ 49.80.120, the definition section of Title 49. CBJ 49.80.120 begins with this statement: “The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.” Title 49 is divided into 17 chapters. The Assembly is not reluctant to define terms that are to be used across different chapters of Title 49. The Assembly has defined hundreds of terms in CBJ 49.80.120.

The Assembly, however, did *not* adopt a global definition of “density” for Title 49.¹⁸ The IBC of 2012 does not contain a general definition of density.¹⁹ So when CDD categorically asserts that “the Code” defines density as dwelling units, that is not true. The Code has no

¹⁸ CBJ 49.80.120(definition section).
¹⁹ Section 202 (definition section) of IBC of 2012.

general definition of density. If, as CDD claims, the Assembly really wanted “density” to be defined throughout Title 49 as “dwelling units,” that definition would be in the general definition section for Title 49.²⁰ But it is not there.

3) The Assembly did not incorporate the definition of “density” in CBJ 49.25.500 – 520 into CBJ 49.70.300(b).

In CBJ 49.70.300(b), the Assembly did not incorporate by reference the definition of “density” in CBJ 49.25.500 – 520. Thus, the Assembly had many ways it could have adopted CDD’s definition of density for CBJ 49.70.300(b) but it did not. The Assembly did not do it explicitly in the ordinance. The Assembly did not do it by way of a global definition. The Assembly did not do it by incorporating by reference the measure of density in CBJ 49.25.500 – 520.

4) The use of “dwelling units” to measure density in Chapter 49.25, Zoning Districts, provides no support for CDD’s interpretation of density in CBJ 49.70.300(b)

CDD repeatedly asserts that density is measured by dwelling units “in CBJ code.”²¹ CDD asserts: “That density is measured in dwelling units is repeatedly and reliably shown in Code.”²² CDD repeats like a mantra: “CDD’s decision is supported by substantial evidence – CBJ code.”²³ CDD never specifies what it means by “CBJ Code” but it is Title 49, the Land Use Code. Title 49 is vast. It is organized into 17 chapters and each chapter has many ordinances. So although CDD says density is measured by dwelling units in “the Code,” to understand what

²⁰ CBJ 49.80.120.

²¹ CDD Opposition Brief at 7, 8.

²² CDD Opposition Brief at 8, citing CBJ 49.25.510(a)-(c) and CBJ 49.25.520.

²³ CDD Opposition Brief at 13. CDD repeats these exact words or very similar ones at pages 15, 16 and 17 of its brief.

that could possibly mean, you have to look at what specific provisions of "the Code" that CDD cites to support its assertions.

CDD cites CBJ 49.25.500 – 520, which are in Chapter 49.25 of Title 49.²⁴ Chapter 49.25 is Zoning Districts. CBJ 49.25.500 provides the basic rule: "The maximum number of dwelling units allowed per acre shall be provided in the following table," and then follows a table with the "maximum dwelling units/acre" in each of 15 zoning districts in Juneau. So for example, in D-10, there is allowed "10 units per acre." But in D-18, there is allowed "18 units per acre." CDD is absolutely correct that CBJ 49.25.510 - CBJ 49.25.520 provides detailed rules for how to determine density in this context. CDD is correct that these ordinances establish how to determine whether a developer has exceeded the maximum allowable dwelling units per acre and address questions such as how to count duplexes, how to deal with accessory apartments, and how to count single-room occupancies with private facilities.²⁵ CDD states, "For density calculations, single-room occupancies with private facilities count as one-half of a dwelling unit," and correctly cites CBJ 49.25.510(j)(2) for that statement.²⁶

What CDD shows is not that "density" is determined by "dwelling units" throughout "the Code." What CDD shows is that "density" is determined by dwelling units throughout Chapter 49.25, Zoning Districts. Again, it is simply not true that "the Code" has a general definition of density or a general approach to measuring density.

²⁴ CDD Opposition Brief at 7 – 8 & 16. The only other citation CBJ provides to support its claim that "the Code" defines density as dwelling units is CBJ 49.60.140. CDD Opposition Brief at page 16 note 62. This ordinance is closely related to the Chapter 49.25 provisions because it provides a "residential density bonus" and specifies when "the allowable density of dwelling units per acre" specified in CBJ 49.500 – 520 may be increased by ten percent.

²⁵ CBJ 49.25.510(d)(1)(duplexes), CBJ 49.25.510(k)(an extremely detailed section on accessory apartments), CBJ 49.25.510(j)(2)(single room occupancies with private facilities).

²⁶ CDD Opposition Brief at page 8 & note 31.

The density determinations in Chapter 49.25 are fundamentally different from the density determination in CBJ 49.70.300(b):

- The Assembly specified unequivocally in CBJ 49.25.500 – 520: count dwelling units to determine density. The Assembly did not tell CDD to count dwelling units to determine density in CBJ 49.70.300(b).
- The purpose of CBJ 49.25.500 – 520 is to establish clear-cut rules for the use of property. The purpose of CBJ 49.70.300(b) is to limit development that might increase danger to people.
- CBJ 49.70.300(b) is not a zoning provision. It is a Land Use provision but not a zoning provision. This ordinance is in Chapter 49.70, which is “Specified Area Provisions.”
- The definition of “density” as “dwelling units” in CBJ 49.25.500 – 520 does not lead to unreasonable and arbitrary results, does not undermine the objectives of the Comprehensive Plan and the Housing Action Plan, and does not undermine the purpose of Title 19 “[t]o recognize the economic value of land and encourage its proper and beneficial use.” But all these consequences flow when CDD chooses to define “density” as “dwelling units” and engrafts the definition of density in CBJ 49.25.500 – 520 onto the ordinance in this appeal, CBJ 49.70.300(b).²⁷

5) TGH is not confused; TGH simply disagrees with CDD on what facts are relevant to determine whether a project increases the density of a parcel in CBJ 49.70.300(b).

CDD states that the applicant is confused and befuddled and does not understand the difference between “occupancy” and “density,” despite CDD “repeatedly” attempting to explain these terms to the applicant.²⁸ In fact, CDD has found the applicant so confused that CDD

²⁷ See Points 2 D, E & F at pages 18 - 21 *infra*.
²⁸ CDD Opposition Brief at 11, 13.

believes this shows that TGH “is not a credible source on code interpretation or risk assessment.”²⁹

The applicant understands that CDD believes the definition of “density” in CBJ 49.70.300(b) should be exclusively defined by the number of dwelling units. The applicant disagrees that is the only fact to be considered in determining density of a parcel in this ordinance.

As for occupancy, the applicant understands occupancy and believes it did a credible job explaining the occupancy provisions in IBC Table 1004.1.2 in its Opening Brief.³⁰ CDD did not disagree with the fact that under the proposed use of the building as seven small apartments, each occupant has 400% more space than the occupants under the prior use of the building as an emergency shelter.

CDD and TGH disagree on whether these facts are relevant to decide whether to deny TGH a building permit on the grounds that the project increases density of the parcel. TGH thinks the occupancy numbers are relevant because they are objective standards that are attached to the space and provide relevant data to evaluate whether the development will expose more or less people to whatever risk of avalanche exists on the parcel. CDD thinks they are irrelevant because all it needs to know is how many “dwelling units,” as defined by Title 49, were on the parcel before the development and how many “dwelling units,” as defined by Title 49, will be on the parcel after the development.

To support its contention that “occupancy” is irrelevant to TGH’s building permit application, CDD refers to several ordinances in Title 49 that use the word “occupancy:” one about off-street parking spaces, one about recreational vehicles and park occupancy, and two

²⁹ CDD Opposition Brief at 13 note 49.

³⁰ TGH Opening Brief at 13 – 15 & Exhibit to Brief, IBC Table 1004.1.2.

about calculating the maximum allowable number of dwelling units per acre in CBJ 49.25.500 – 520, the ordinances just discussed.³¹ Each of those ordinances have a specific context and problem they sought to address. CDD does not show how they are relevant to determining the Assembly intent regarding “density” in this code provision, CBJ 49.70.300(b), as applied to this building permit request. CDD does not show that they support its interpretation of CBJ 49.70.300(b) that it is irrelevant whether the proposed development results in a use which decreases the number of persons that will occupy and that can occupy this parcel.

B. CDD’s definition of “density” as “dwelling units” is contradicted by the text of CBJ 49.70.300(b) because the addition of bedrooms in a dwelling unit increases the density of the parcel even though the addition of bedrooms in a dwelling unit would not increase the number of dwelling units.

CDD’s definition of “density” as dwelling units is contradicted by the text of CBJ 49.70.300(b). The ordinance states that “no development or any part of a development, which is within a severe avalanche area shall, *by the addition of bedrooms*, conversions of buildings, or otherwise, increase the density of that parcel.” (emphasis added). By the clear terms of the ordinance, the addition of bedrooms to a dwelling unit or other structure is an action that can increase the density of that parcel. A dwelling unit is “a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.”³² A dwelling unit does not have a specified number of bedrooms. The addition of bedrooms to a dwelling unit does not increase the number of dwelling units but it does increase the density of the parcel.

³¹ CDD Opposition Brief at 8 & notes 28 - 31: CBJ 49.40.200(2)(off-street parking); CBJ 49.65.460 (park occupancy and recreational vehicles); CBJ 49.80.120 (defining “single-room occupancy with private facilities” and “single-room occupancy with shared facilities”); CBJ 49.25.510(j)(2)(for density calculations of maximum units per acre, single-room occupancies with private facilities count as one-half of a dwelling unit).

³² CBJ 49.80.120.

Exhibit 7 page 13 of 21

This is significant for two reasons. One, it shows that the Assembly did not intend that an increase or decrease in dwelling units is the sole criterion for whether a project increases density because with the addition of bedrooms to a dwelling unit, density increases but the number of dwelling units does not. Two, it shows that the Assembly was concerned with whether a development would increase the number of persons exposed to whatever avalanche risk exists on a parcel because, with the addition of bedrooms, the number of persons potentially exposed to an avalanche risk would increase but the number of dwelling units would not.

C. CDD’s definition of density undermines the purpose of CBJ 49.70.300(b).

TGH maintains that the purpose of CBJ 49.70.300(b) is to prevent development which puts more people at risk of whatever avalanche risk exists on the parcel and to allow development which does not. This project, as a matter of undisputed fact, puts less people at that risk than the prior use of the property. CDD’s interpretation prevents a development that puts less people at risk and therefore frustrates the purpose of CBJ 49.70.300(b).

Every interpretation of an ordinance has a purpose implicit in the interpretation. CDD’s interpretation of density is that it is irrelevant that TGH’s proposed development both improves the property significantly *and* exposes significantly less people to whatever risk exists on this parcel compared to the prior use. CDD says the only relevant fact is whether the development puts more stoves, refrigerators and toilet facilities, the things that make up an individual dwelling unit, at risk. This is an unreasonable interpretation of the purpose of this ordinance.

D. CDD’s interpretation of density leads to a profoundly unreasonable and arbitrary result: the property owner cannot convert its building to seven units of affordable housing because the prior use of the building was an emergency shelter where people shared kitchen and bathroom facilities.

In analyzing the results of CDD’s interpretation, the key thing to remember is that a dwelling unit is a residential use “providing independent and complete cooking, living, sleeping and toilet facilities for one family.”³³ CDD’s interpretation of “density” in CBJ 49.70.300(b) as meaning “dwelling units” produces profoundly unreasonable and arbitrary results that are incompatible with any reasonable conception of Assembly intent or statutory purpose.

The result of CDD’s interpretation is that the property owner can house 43 – 53 people on this property in an emergency shelter but not 7 – 14 people, far fewer people, in seven small apartments. On its face, that would seem unreasonable even if that was the only fact known to the Planning Commission.

But what is profoundly unreasonable is the reason *why* CDD states that the property owner cannot do that. CDD has denied this property owner a building permit to convert its building into seven small apartments, where the residents will have individual facilities, because the building used to be an emergency shelter, which meant the residents shared kitchen and bathroom facilities, which meant they did not have “independent and complete cooking, living sleeping and toilet facilities,” which meant, according to CDD, that they were not living in a dwelling unit, and which meant, according to CDD, that the property owner would be denied a building permit to convert the former emergency shelter into seven small apartments.

It is convoluted. And it is the consequence of CDD choosing to define “density” as “dwelling units.” It is not obvious at first but the cardinal sin in CDD’s approach to this situation is choosing a definition of “density” that results in characterizing the former emergency shelter

³³ CBJ 49.20.180.

Exhibit 7 page 5 of 21

as a “zero” and characterizing it as a “zero” because the residents – homeless persons – shared facilities and did not have their own “independent and complete cooking, living, sleeping and toilet facilities.”

The bottom line is that, unless CDD’s decision is reversed, this property owner cannot convert this building into seven affordable apartments because the prior residents were homeless persons who shared bathroom and kitchen facilities.

This is profoundly arbitrary and unreasonable. There is no reasonable basis for saying this result is consistent with Assembly intent. There is no basis for CDD to say that the Assembly intended to prevent converting this building into seven badly needed modest affordable rental housing units because the building provided emergency housing in the past where residents had to share kitchen and bathroom facilities.

E. CDD’s definition of density is inconsistent with purpose of Title 49 to achieve the objectives of the Comprehensive Plan.

The first purpose of Title 49, or the Code as it is referred to by CDD, is “[t]o achieve the goals and objectives, and implement the policies of the Juneau Comprehensive Plan.”³⁴ The Comprehensive Plan is properly viewed as part of the Code. The Juneau Housing Action Plan is properly viewed as part of Title 49.

In evaluating competing interpretation of CBJ 49.70.300(b), if one interpretation furthers the Comprehensive Plan and the Juneau Housing Action Plan and one does not, that is a reason to chose the one that furthers the Comprehensive Plan and the Housing Action Plan. Juneau faces a housing crisis. This is not a theoretical statement. It means that people cannot find places to live or rent, especially lower income folks.

³⁴ CBJ 49.05.100(1).

CDD’s actions here undermine both the Comprehensive Plan and the Housing Action Plan. The Comprehensive Plan states: “Unless and until the community achieves a healthy vacancy rate, all habitable dwellings are valued and needed and uninhabitable units should be rehabilitated or replaced.”³⁵ CDD is preventing seven units of badly needed affordable rental housing in downtown Juneau.

CDD states: “While CDD appreciates the importance of increasing housing, these plans do not excuse compliance with CBJ code – especially those code provisions concerning public safety.”³⁶ CDD’s denial of the building permit was not based on safety. CDD denied the building permit because it defined “density” as dwelling units and because it concluded this project increased density. As discussed, this means that CDD denied the building permit because the prior use was an emergency shelter where people shared kitchen and bathroom facilities, that is, they did not have individual dwelling units.

CDD also states that denying TGH a building permit to convert this building into seven small affordable rental units is no loss to the housing stock of Juneau because it never was part of Juneau’s housing stock. CDD states that its action “insures 247 South Franklin Street will not be ‘housing stock’ unless and until it is shown to be sufficiently safe.”³⁷ The Glory Hall Shelter at 247 South Franklin Street is part of Juneau’s “housing stock.” For 30 years, homeless people lived there safely. Forty-three to fifty-three people a night lived there. It would be a tremendous loss to Juneau if this landmark of Juneau’s care and compassion cannot continue to house people. This relates to the next problem with CDD’s interpretation of CBJ 49.70.300(b).

³⁵ Juneau Comprehensive Plan at p. 32.

³⁶ CDD Opposition Brief at 13.

³⁷ CDD Opposition Brief at 15.

F. CDD does not address that its interpretation of density undermines the purpose of Title 49 “[t]o recognize the economic value of land and encourage its proper and beneficial use.”³⁸

CDD’s interpretation of “density” means that this property can be used to operate a homeless shelter, because that is not a dwelling unit, but it cannot be used to provide rental housing, because they are dwelling units. But the property owner believes, and CBJ actions to implement the Comprehensive Plan and the Housing Action Plan suggest that the City agrees, that the need in downtown Juneau is for affordable rental housing. If that is foreclosed to this property owner, it will be foreclosed to any subsequent owners of this property. Therefore, the options for this prime real estate in downtown Juneau – that has housed persons for over 30 years – is to be used as a homeless shelter, a vacant or partly vacant building, or commercial rentals, if tenants can be found.

TGH’s interpretation of density avoids these results and should be adopted by the Planning Commission. TGH’s interpretation allows the property to be used for its “proper and beneficial use,” which is rental housing.

3. TGH’s interpretation of CBJ 49.70.300(b) is proper: CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project significantly decreases the number of persons residing on the parcel.

TGH’s interpretation of CBJ 49.70.300(b) is that CBJ should determine whether a project increases density of a parcel by considering all relevant facts including whether the project increases buildings on the parcel, whether the project increases dwelling units on the parcel, whether the project increases the number of persons residing on the parcel and whether the project increases the number of persons that can potentially occupy the buildings on the parcel. TGH interprets the purpose of CBJ 49.70.300(b) as preventing development which

³⁸ CBJ 49.05.100(6); TGH Opening Brief at 18 – 19.

subjects more people to whatever avalanche risk exists on the parcel and allowing development which does not subject more people to the risk of avalanche and certainly allowing development where, as here, the undisputed fact is that the project subjects significantly less people to the risk of avalanche: 43 – 53 residents under the prior use versus 7 – 14 residents under the proposed use.

TGH’s interpretation is the proper interpretation of CBJ 49.70.300(b) for close to innumerable reasons. This is a partial list:

- TGH does not rewrite the ordinance and substitute “increase the number of dwelling units” on the parcel for “increase the density of the parcel” when the Assembly chose “density,” a more general term.
- TGH does not take the measure of density from one part of the code – the zoning district provisions in Chapter 49.25 – and transplant that measure to CBJ 49.70.300(b) when the Assembly could have done that but did not.
- TGH’s interpretation takes into account the actual, undisputed, facts, namely that this project decreases significantly the number of persons who will be residing on this parcel and who can reside on this parcel.
- TGH’s interpretation does not stop a project that demonstrably decreases the persons exposed to whatever avalanche risk exists on this parcel while simultaneously telling the property owner that the permit is being denied to protect persons from avalanche risk.
- TGH’s interpretation treats the former emergency shelter as part of the “housing stock” and worthy to be preserved as part of Juneau’s housing stock by being turned into seven small apartments.
- TGH’s interpretation does not deny this landowner the right to convert its building into seven small apartments, which will house 7 – 14 persons, on the unreasonable and

arbitrary grounds that the prior use was an emergency shelter, which housed 43 – 53 persons.

- TGH’s interpretation does not deny this property owner the right to convert its building into seven small apartments, which will house 7 – 14 persons, on the unreasonable and arbitrary grounds that the residents of the prior emergency shelter shared bathroom and kitchen facilities and did not have their own “independent and complete cooking, living, sleeping and toilet facilities for one family.”³⁹
- TGH’s interpretation allows this landowner to use the property in a way that is allowed by the Table of Permissible Uses, a use which is presumptively allowed.
- TGH’s interpretation allows this landowner to use this property for rental housing, a use which is encouraged in the Mixed Use District.⁴⁰
- TGH’s interpretation allows this property owner to take private action which furthers the goal of the Comprehensive Plan and the Housing Action Plan, namely providing seven units of affordable rental housing, which is desperately needed in light of Juneau’s Housing Crisis.
- TGH’s interpretation is not influenced by “political issues around the draft hazard maps,” [R. 75] which are irrelevant to whether the project would increase density.⁴¹
- TGH’s interpretation is not influenced by the political perception that “it doesn’t look very good for CBJ to be encouraging housing in mapped hazard areas” when the grant or denial of this building permit should not be influenced by what “looks very good” or

³⁹ CBJ 49.80.120 (definition of “dwelling unit” in Title 49).

⁴⁰ CBJ 49.2.220(a).

⁴¹ [R. 75] is an email from CBJ Planner Allison Eddins to Dan Jager and Edward Quinto (Nov. 17, 2021). Ms. Eddins signed the CDD Decision under appeal, which is identified in the record as the “official permit denial.” [R. 106]

what doesn't. [R. 75] This property is in an area currently mapped as a severe avalanche area and this property owner should be able to build seven small apartments unless this development would "increase the density of this parcel," as that term is properly defined.

4. CDD has opened the door to evidence that TGH cannot obtain a site-specific study showing that the parcel is located outside of a severe avalanche zone.

"Under [Alaska] case law, a party may open the door to evidence on a subject by putting that subject at issue in the case."⁴² The Court in *Worthy v. State* found that the State had "interjected" an issue into the case and therefore opened the door to evidence on that issue.⁴³ A party may open the door through argument of counsel.⁴⁴ As Justice Fabe observed in *Worthy*, "[I]t is not unusual for a party to render the previously excluded evidence relevant and admissible by some action of its own during trial."⁴⁵ The same principles should apply in an administrative hearing.

Before briefing, TGH asked to supplement the record with material including documentation showing that Ms. Lovishchuk contacted six engineering firms and Bill Glude, Alaska's premier avalanche scientist, to try to submit a study to show that the subject parcel is outside the severe avalanche area.⁴⁶ TGH did not think a study is necessary because a study is only necessary if the project increases density. But in the interests of getting the building conversion underway as soon as possible, Ms. Lovishchuk tried unsuccessfully to locate an

⁴² *Loncar v. Gray*, 28 P. 3d 928, 932 (Alaska 2001).

⁴³ *Worthy v. State*, 999 P. 2d 771, 775 (Alaska 2000)

⁴⁴ *Harned v. Dura Corp.*, 665 P. 2d 5, 7 – 10 (Alaska 1983).

⁴⁵ 999 P. 2d at 777 (Fabe, J., dissenting).

⁴⁶ Motion to Supplement Record (March 18, 2022); Memorandum in Support (March 18, 2022); Submission of Material Sought to be Supplemented to Record on Appeal with Exhibits 1 - 6 (March 18, 2022). Exhibit 2 is the email between TGH and the City regarding this subject. Exhibit 2 at page 11 contains a list of six engineers that Ms. Lovishchuk had contacted as of March 2, 2022 and that was provided to CDD. Exhibit 4 is Ms. Lovishchuk's statements about her contact with Mr. Glude. Exhibit 5 is Mr. Glude's resume, which summarizes his work with Alaska Avalanche Specialists, LLC, from 1990 to the present. Exhibit 6 is Mr. Glude's statement concerning the project.

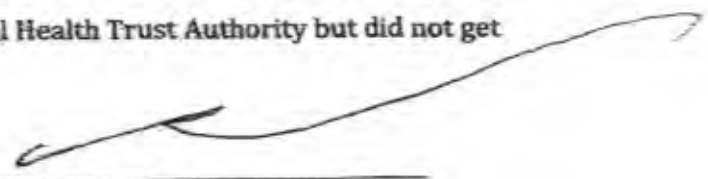
BEFORE THE PLANNING COMMISSION
OF THE CITY AND BOROUGH OF JUNEAU
AFFIDAVIT OF MARIYA LOVISHCHUK RE ENGINEERING FIRMS

Mariya Lovischuk, being duly sworn, states:

1. I am the executive director of the Juneau Housing First Collaborative dba the Glory Hall, formerly Juneau Cooperative Christian Ministry dba the Glory Hall
2. I reached out to the following engineering firms to perform an engineering study to speed up making improvements to the 247 S. Franklin Street building.
 - I contacted and PND Engineers. PND Engineers stated that the R&M report TGH presented to CDD is all that is needed, that asking for more information is an incorrect way for CDD to proceed, and that the building permit should be issued based on R&M report presented. In a follow-up contact by our attorney with PND, they stated unequivocally that they would not conduct a study for this project.
 - I contacted J Mark Pusich with PDC Engineers. Mr. Pusich indicated that his firm does not have expertise in avalanche analysis and that he could not think of anyone else locally who does.
 - I contacted Don Larsen, an Civil Engineer. Mr. Larsen indicated that he would love to help but does not have expertise in avalanche analysis.
 - I reached out to two more local engineering firms who did not wish to engage with the project because they are concerned about working on an issue which to them appeared to be contentious with CDD and because they did not have expertise in avalanche analysis.
 - I contacted StanTech Engineers. They did not have avalanche expertise.
 - I contacted Shannon and Wilson Engineering. They also did not have avalanche expertise to proceed.
 - I contacted TetraTech because they had expertise in avalanche hazard determinations. TetraTech was willing to work with TGH but needed permission from CBJ to do so because CBJ was the initial client. CBJ declined to provide such permission.

Exhibit 8 page 1 of 2

- I contacted StanTec again and Stantec reached out to engineers internally as well as throughout the State. There was no one available/qualified to perform the work.
- I reached out to Agnew Beck, a firm that specializes in non-profit development projects and asked for recommendations for a qualified civil engineer. Agnew Beck recommended that Arete LLC and CWR Engineering group. After a lengthy conversation with both Arete and CWR, no one had required qualification/ability to work on a project of this scope.
- To help with the project Arete LLC, reached out to Dave Hamre, a foremost expert on Alaskan avalanche hazards. Even though Dave is a foremost avalanche expert, just as in case of Bill Glued, Dave did not meet the CDD required qualification because he is not an engineer. Dave referred TGH to Chris Wilbur and Alan Jones.
- I reached out to Chris Wilbur. Mr. Wilbur's workload does not allow him to assist with the project.
- I reached out to Alan Jones, who also worked on the TetraTech studies. Mr. Jones was not able to assist due to his prior contact with the City and also because of the project scope.
- I reached to Alaska Housing and Finance Corporation to inquire if they know of any engineers who might be able to help and while we discussed the housing crisis, the merits and the need for the project, the conversation did not yield any engineers.
- Similarly, I reached out to Alaska Mental Health Trust Authority but did not get results.



Mariya Lovishuk

Subscribed and sworn to or affirmed before me by Mariya Lovishchuk on the 30 day of June, 2022, at Juneau, Alaska.

Teal R. Goodsell
 Notary Public, State of Alaska
 My commission expires 12/03/2025

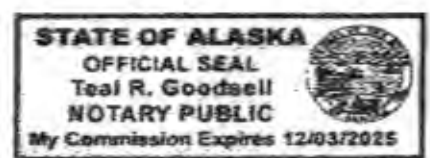


Exhibit 8 page 2 of 2

From: John Crabill <johncrabill@icloud.com>
Sent: Monday, October 17, 2022 1:45 PM
To: PC_Comments
Cc: Dan Bleidorn; Joseph Meyers; Jill Maclean
Subject: Case 2022-0003

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,

My name is John Crabill and I am the owner of parcel 4B2801020080 currently held in the operating entity of Great View LLC.

It was brought to my attention on Friday, October 14th, 2022 that a sign has been posted on the adjacent property. The sign posted had a notice of hearing dated October 25th concerning parcel 4B2881020070 , case #2022-0003, disposal of CBJ property.

It is my opinion that property in question should be sold to Great View, LLC as it has historically been deeded a ROW easement with special use permits granted from the city of Juneau and state of Alaska.

Thank you,
John Crabill
253-732-1772

Sent from my iPhone

From: John Crabill <johncrabill@icloud.com>
Sent: Wednesday, October 19, 2022 3:09 PM
To: PC_Comments
Cc: JG Construction
Subject: Fwd: PAD22-03 CBJ Land Disposal request from Parise

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To whom it may concern:

I wanted to forward this email chain because as the land owner adjacent to the land disposal request I never received proper notification of the hearing on October 25th 2022 until my contractor Jon Geary informed me via text on October 14th, 2022

Thank you,
John Crabill

Sent from my iPhone

Begin forwarded message:

From: Jennifer Shields <Jennifer.Shields@juneau.org>
Date: October 19, 2022 at 11:48:29 AM PDT
To: johncrabill@icloud.com
Cc: jgconstruction@live.com, Scott Ciambor <Scott.Ciambor@juneau.org>, Jill Maclean <Jill.Maclean@juneau.org>, Dan Bleidorn <Dan.Bleidorn@juneau.org>, Roxie Duckworth <Roxie.Duckworth@juneau.org>
Subject: PAD22-03 CBJ Land Disposal request from Parise

Good morning Mr. Crabill,

Thank you for your email regarding CBJ land disposal request PAD2022-0003 made by Jim Parise. A few things to note:

Public Comments

At this point, since the Staff Report is complete and posted for this case, we can't amend it and it will need to move forward with the Planning Commission. However, **I will include your email comment in an "Additional Materials" packet that will be given to the Planning Commission later this week.** I'm also including your contractor, Jon Geary, on this email. He had reached out to others regarding the project and they forwarded his email to me (see below). The last day for written comments is October 21, 2022 at Noon.

Great View LLC Lot 4

The Staff Report does mention that special permits were granted to Great View LLC's Lot 4 on page 5: *"It appears that from 1957 to 1964, the owner of the property to the west (now vacant Lot 4) was granted two Special Use Permits and Right-of-Way Permit #24304 for access roads through the FS ROW (Attachment C). In 1965, Permit #24304 was transferred to the new owner of Lot 4, Mr. Fred Honsinger (Attachment D)."*

In my research for the project, I wasn't able to find an actual Deed or clear drawing of what spe area the special use permits cover for Lot 4, so if you have that information it would be helpful.

Final Decision

The Planning Commission will be giving a recommendation on the land disposal to the **Assembly for a final decision**. If the Assembly's final decision is to dispose of the property, Dan Bleidorn at the Lands Department would be handling the disposal process (appraisal, who to dispose to, etc.).

Planning Commission Hearing

The Hearing before the Planning Commission is scheduled for October 25, 2022. It will be a "hybrid" meeting, meaning the public may attend either in person or via Zoom. **The Staff Report packet can be found [HERE](#)**. The Zoom information for the meeting is as follows:

When: Oct 25, 2022 07:00 PM Alaska

Topic: Regular Planning Commission

Please click the link below to join the webinar:

<https://juneau.zoom.us/j/83425441349>

Or dial: +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 215 8782 or +1 360 209 5623 or +1 386 347 5053 or +1 564 217 2000 or +1 646 931 3860 or +1 929 436 2866 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or 888 475 4499 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 834 2544 1349

I hope that this information is helpful. Please feel free to contact me if you have any other comments or questions.

Sincerely,

Jennifer L. Shields | Planner II
[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4139



Fostering excellence in development for this generation and the next.

-----Original Message-----
From: John Crabill <johncrabill@icloud.com>
Sent: Monday, October 17, 2022 1:45 PM
To: PC_Comments <PC_Comments@juneau.org>
Cc: Dan Bleidorn <Dan.Bleidorn@juneau.org>; Joseph Meyers <Joseph.Meyers@juneau.org>; Jill Maclean <Jill.Maclean@juneau.org>
Subject: Case 2022-0003

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,
My name is John Crabill and I am the owner of parcel 4B2801020080 currently held in the operating entity of Great View LLC.
It was brought to my attention on Friday, October 14th, 2022 that a sign has been posted on the adjacent property. The sign posted had a notice of hearing dated October 25th concerning parcel 4B2881020070 , case #2022-0003, disposal of CBJ property.
It is my opinion that property in question should be sold to Great View, LLC as it has historically been deeded a ROW easement with special use permits granted from the city of Juneau and state of Alaska.

Thank you,
John Crabill
253-732-1772

Sent from my iPhone

From: JG Construction LLC <jgconstruction@live.com>
Sent: Friday, October 14, 2022 11:03 AM
To: dan.bleidon@juneau.org; Jill Maclean <Jill.Maclean@juneau.org>; Katie Koester <Katie.Koester@juneau.org>
Subject: 12005glacier Hey

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,
Quick question, who would I speak with in regards to (public notice sign for land disposal) at 12005 glacier Hwy? I'm the contractor for folks that purchased the neighboring property. They have deeded access over the cbj parcel in question. Please see attached.
They are looking at building this summer. In past to speaking with neighbors they had understanding that if there was a sale of property it would be split between the two land owners. Which they would like to purchase all of it to keep green zone. Also not sure how so many trees got cut down in the ROW as well. They were planning on planting new ones.
There are already a bunch of cars going on road out front of lot so our plans are to build accordingly but cars driving up and down beside will be quite a nuisance (lights shining through bedroom windows etc). We have received no notice of this and I just so happened to drive by this morning and could barely see the sign and turned around to read.
Owners of neighboring property are from Washington and will be out of town at the date stated on sign and are as you can imagine concerned.
Please advise
Respectfully
Jon Geary



2974 Foster Ave., Juneau, AK 99801
907-723-8444

October 21, 2022

Mr. Michael LeVine and the CBJ Planning Commission
c/o CBJ Community Development Department
155 South Seward St.
Juneau, Alaska 99801

RE: PAD22-03 CBJ Land Disposal request from Parise

Greetings Chair LeVine and Commission Members:

It should be no surprise that we are stunned and disappointed in CDD’s recommendation for denial of this application. Even more stinging is the reason that this application is in front of you is because Director Maclean asked us to make this application. In mid-2021, we initiated an effort to use the city land next to our property for a new driveway to replace the existing, very dangerous, means of vehicle access to the home at 12005 Glacier Highway. We wanted a permanent easement but Director Maclean said this was not possible. This issue is addressed at length below. The Director said an expansion of the property to extend the front lot line was the only way to accommodate the new driveway plan.

This matter was addressed by the Assembly earlier this year. They directed that city staff negotiate with us to facilitate the new driveway either with a land sale or easement. But staff would only bring forward the land sale option. We tried to bring the issue to the Planning Commission through the appeal option and the code interpretation route but the Director would not accept either application, so now we have to bring the matter to you as commentary on the pending sale application.

We assert that Director Maclean has applied a provision in the Land Use Code – that is meant to guide how lots and subdivisions are to be designed – to an entirely unrelated matter and that she has done so incorrectly. The code section is CBJ 49.35.250(b) and it was applied to a post-platting proposal to re-locate a driveway from the frontage to enter the existing lot from the side.

Background

The existing residence is well below street level, situated to maximize the benefit of its shoreline location. Vehicular access is very limited and consists of an unattached street-level garage that fronts directly on the ROW. The garage is untrustworthy to park cars in, so the cars are parked on the small wooden ramp leading to it with the cars partially blocking the sidewalk. There is no driveway or other off-street parking. Backing out to leave is even more dangerous because the highway begins to curve just before oncoming traffic enters the blocked sightline caused by the DOT retaining wall. It is dangerous for my family and oncoming traffic.

In mid-2021, we began an effort to develop a new approach to providing vehicular access and obtained permission to build a temporary driveway that begins on the adjacent CBJ-owned parcel. The new driveway starts at the ROW and turns to enter the our property from the side. See Reference A, attached. This permission was obtained through CBJ Parks, which manages the parcel, and CBJ Lands and Resources (L&R). This permission was temporary so that we could start work on the driveway and other improvements to the property and the residence.

The Director’s Interpretation

We set about to settle the access issue on a permanent basis and were told, rather inadvertently, that a permanent access across the side property line would not be allowed. This was in a quote from CDD that appeared in an e-mail from the CBJ’s L&R Director, Dan Bleidorn dated August 30, 2021 (Reference B, available on request.):

CDD supports a temporary easement across the CBJ property (parcel ID 4B2801020070) for the reconstruction of the existing access at 12005 Glacier Hwy. CDD does not support a permanent easement to serve as permanent access to 12005 Glacier Hwy. As the property has access

through the lot's frontage currently, allowing the lot to change to the adjacent (CBI) lot, may make the lot nonconforming and isn't supported by the land use code. Further, 49.35.250 also addresses access through the frontage, and not through adjacent properties.¹

We initiated an e-mail exchange chain with Director Maclean in December to see if there was a way to clear this up, and at one point in the chain my consultant, Murray Walsh, gave his analysis of her interpretation, saying this (Reference C, available on request.):

The operative part says: "all lots must satisfy the minimum frontage requirement and have direct and practical access to the right-of-way through the frontage." But, this is one of the requirements for *lot and subdivision design*. This is not a prohibition of providing driveway access by alternate means or route. Try this out with Law if you would. Again, the rule is in place to make sure the lot has direct access via the front side and the subject lot does, but the language does not prevent alternatives by insisting that actual access be only through the front lot line.

The exchange ended on February 24, 2022 when the Director suggested we seek to purchase the city land, add it to our parcel, and thus extend the front property line. We considered appealing the determination at that time but we decided to pursue the acquisition route instead and did so. The pursuit was challenging. The prospect drew some negative attention from the PRAC and the Assembly Lands Committee but it was clear members on both bodies wanted to see a positive outcome for Mr. Parise.

The matter was finally presented to the full Assembly on August 1, 2022. Walsh wrote a letter (Reference D. available on request) to the Assembly for consideration at their meeting. That letter sets forth the basis for disagreeing with the Director's view of how 49.35.250(b) applies in this situation and also asked that the Assembly allow us to proceed with both options, sale outright or a permanent easement.

The Assembly did indeed hear the matter on August 1, and *gave authority to enter into direct negotiations with the applicant to enable the driveway by sale or easement*.

¹ Emphasis by this writer. See page 4 for a discussion of the significance of the emphasized fragment.

The Assembly did not make a separate finding as to the appropriateness of the Director’s stance on the access matter but it certainly seemed clear that the Assembly is willing to accept access across the side property line or it would not have authorized the easement option. On the strength of this, we sent a request to the Director to re-consider her position. That request, and her re-determination, dated August 11, 2022 is Reference E, available on request. She refused to alter her stance in the matter.

The Argument

CBJ 49.35.250(b) is part of a section of the Land Use Code that gives instructions for how to design subdivisions. The relevant part of the section specifies as follows:

...all lots must satisfy the minimum frontage requirement and have direct and practical access to the right-of-way through the frontage.

Again, this is an instruction for how to lay out lots in a subdivision. It is not a requirement that all lots **MUST** have driveway access across **ONLY** the front lot line. The subject lot does indeed have direct access to the right-of-way and maybe it was *practical* in 1950 but it surely is not practical now and had not been for decades. Nobody at the CBJ has disagreed with this assertion.

Regulators are sometimes faced with situations that their codes do not address. This is such a situation. We are not proposing a new subdivision. We are trying to deal with defects in an existing subdivision. Nowhere in the code is there a set of instructions or limitations on how to deal with a lot that was legally platted at the time of its creation but now needs an alternative access solution.

The regulator should not take a rule that is used for one purpose and apply it to a situation that is not related to the purpose for which the rule was created. Nor should the regulator assume that the code will always supply guidance on a matter if you just look for it hard enough. Again, in this instance, the code gives no guidance.

Also in such an instance as this, the parties involved can only use their experience, common sense, and sense of community service to resolve a problem. All parties agree that the current vehicular access for 12005 Glacier Highway is a problem for the homeowner and the public. All parties agree that access to the side is the best option for solving the problem.

Finally, let me repeat a snippet of the CDD message quoted in Mr. Bleidorn's e-mail:

...allowing the lot to change to the adjacent (CBJ) lot, may make the lot nonconforming and isn't supported by the land use code. (Emphasis mine.)

The underlined phrase seems to suggest that any development activity must have some form of permission expressed in the Land Use Code. In other words, the assertion seems to be "If it not in the code, you can't do it." This is not the way law works in America. The more correct approach is to say: "You can do whatever you want *unless* the code says not or puts limits on it."

Matter Pending and Relief Requested

We tried to bring this easement vs. sale issue to the Commission earlier so it could be resolved before action on PAD 22-03 but Director Maclean would not allow it. We decided to proceed but the denial recommendation has forced us to bring it back up so that the Commission has the whole picture.

We note that the reason for the denial recommendation is the assertion that the land sale does not conform with various plans adopted by the city. We think the project to build a safe driveway does conform with city policy overall and that the Commission should do what it can to enable this driveway to become permanent.

We are not sure what the most efficient way to proceed might be. One approach could be to declare that the Director was wrong to apply CBJ 49.35.250(b) as she did and ask PAD 22-03 to be re-submitted with both the sale and easement options.

If the Commission needs more time or a different process to decide on the easement option, then please tell us what we can do to facilitate such a process.

If the Commission wants to take time to develop alternative findings so that a positive recommendation can go forward to the Assembly, we would be glad to assist.

Finally, please know that we appreciate the time and attention you are giving to this matter. Our only goal is to establish a permanent driveway. We believed at the outset that an easement would be easier to achieve and we still do but if an outright sale is the only way, then please help us make it so.

We thank you for your attention and consideration.

Respectfully Submitted:

Murray Walsh
James Parise

Reference A: a drawing of the proposed driveway, attached in CDD Packet

Reference B: e-mail exchange between Bleidorn and Parise*

Reference C: e-mail exchange between Maclean and Walsh 12/21-2/22*

Reference D: WPDS letter to Assembly*

Reference E: e-mail exchange between Maclean and Walsh 8/3/22-8/11/22*

Reference Items B, C, D, and E are available on request.

From: Karla Hart <karlahart@gmail.com>
Sent: Friday, October 21, 2022 11:50 AM
To: PC_Comments
Subject: PAD2022 0003: A CBJ Property Disposal next to 12005 Glacier Highway

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Dear Planning Commission,

I am writing in support of the staff recommendation to NOT dispose of the public beach right of way (PAD2022 0003: A CBJ Property Disposal next to 12005 Glacier Highway). I commented the same at some point in writing to someone in the city in response to a public notice, perhaps a year ago. And, I was involved in developing the Auke Bay Plan.

This right of way may not be developed and used for public beach access at this time; however, as development proceeds in Auke Bay, it one day will be, if we maintain ownership. I reference the beach access purchased and developed by SEALtrust on North Douglas at great cost. Buying land from private ownership in the future will be a much greater barrier than keeping it now.

The value to the public in the future far exceeds any money that the city will get today.

Also, the precedent of disposing of these “unused” public beach right of ways is very bad. Look at Seattle and many other location where beachfront is owned by people who can afford and others are excluded from many areas. While Juneau has lots of public beachfront, neighborhood access is extremely valuable and should absolutely be preserved.

Regards,

Karla Hart