



REGULAR PLANNING COMMISSION AGENDA

April 08, 2025 at 6:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/85421744892> or 1-253-215-8782 Webinar ID: 854 2174 4892

A. LAND ACKNOWLEDGEMENT

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

B. ROLL CALL

C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. March 11, 2025 Draft Minutes Regular Planning Commission

E. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

G. ITEMS FOR RECONSIDERATION

H. CONSENT AGENDA

2. **USE2025 0005** - Conditional Use Permit Modification for Vintage Park Condos.

Applicant: Mary Adelmeyer

Location: 3005 Clinton Drive

DIRECTOR'S REPORT

The applicant, on behalf of the Vintage Park Condominiums Homeowners Association, has submitted a request to amend an existing Conditional Use Permit (USE2018 0007) to reduce the number of exterior parking spaces by one (1).

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve Conditional Use Permit USE2025 0005 with one condition.

3. **USE2025 0008** - Conditional Use Permit for a Childcare Center in a residential zoning district.

Applicant: Carolina Sekona

Location: 3200 Mendenhall Loop Road

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit to operate a childcare center out of four rooms in a CBJ owned building formerly used as a middle school.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director’s analysis and findings and approve Conditional Use Permit USE205 0008 with one condition.

I. UNFINISHED BUSINESS

J. REGULAR AGENDA

4. USE2025 0004 - Conditional Use Permit to Construct 30 single-family homes on a 3.81 acre lot.

Applicant: Harris Homes LLC

Location: Glacier Highway

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit USE2025 0004 construction of up to 30 - 38 single-family detached dwellings. The 3.81 acres provided allow for a multi-family residential density of up to 38 units. The applicant has identified adequate parking, snow storage and drainage sites on included site plans. The property will be connected to city water and sewer. Access from Glacier Hwy will be provided by a new privately maintained driveway that is currently in review by DOT & PF.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director’s analysis and findings and approve Conditional Use Permit USE2022 0004 with the stated conditions.

K. OTHER BUSINESS

L. STAFF REPORTS

M. COMMITTEE REPORTS

N. LIAISON REPORT

O. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

P. PLANNING COMMISSION COMMENTS AND QUESTIONS

Q. EXECUTIVE SESSION

R. SUPPLEMENTAL MATERIALS

S. ADJOURNMENT

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

DRAFT MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Mandy Cole, Chair

March 11, 2025

I. LAND ACKNOWLEDGEMENT – Read by Ms. Derr

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

II. ROLL CALL

Mandy Cole, Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 6 p.m.

Commissioners present: Commissioners present in Chambers – Mandy Cole, Chair; Erik Pedersen, Vice Chair; Matthew Bell, Assistant Clerk; David Epstein, Jessalynn Rintala, Lacey Derr, Douglas Salik

Commissioners present via video conferencing – Nina Keller

Commissioners absent: Adam Brown

Staff present: Jill Lawhorne, CDD Director; Irene Gallion, Senior Planner; Jolene Murphy, Planner I; Nicolette Chappell, CDD Administrative Coordinator; Sherri Layne, Attorney III

Staff present via video conferencing – David Peterson, Planner II

Assembly members: Christine Woll

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- A. January 23, 2024 Draft Minutes, Regular Planning Commission
- B. February 25, 2025 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Pedersen to approve the January 23, 2024 and February 25, 2025 Planning Commission Regular Meeting minutes. The motion passed.*

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. ITEMS FOR RECONSIDERATION

VIII. CONSENT AGENDA

USE2025 0002 was pulled and moved to the regular agenda.

IX. UNFINISHED BUSINESS

X. REGULAR AGENDA

USE2025 0002: A Conditional Use Permit to use existing church facilities for a preschool, Family Promise’s rotational shelter program and as a Red Cross Emergency Shelter Facility

Applicant: St. Brendan’s Episcopal Church

Location: 4207 Mendenhall Loop Rd.

Director’s Report

The applicant requests a Conditional Use Permit to establish a half or full day preschool. Additionally, in the evenings the existing classrooms may be used to house up to 3 families for Family Promise’s temporary shelter services. In the event of a disaster, applicant also requests that the rooms be designated a Red Cross’s Emergency Shelter.

Staff Recommendation

Staff recommends the Planning Commission adopt the Director’s analysis and findings and approve the Conditional Use Permit USE2025 0002 with the requested conditions.

Mr. Salek noted that it looked like there are restrooms but no shower, and that can be challenging for three families to just have a wash basin and a toilet.

Mr. Epstein voiced that in the recommendation it says existing parking spaces must be “stripped” or demarcated, but he believes they meant striped.

Director Lawhorne confirmed that was a typo and it should be “striped”.

Dan Hall, Office Building Manager at St. Brendan’s Episcopal Church, expressed that they do have a single person shower there. He added that the idea of families staying for three days is a part of Family Promise, and they are there from 5-6 p.m. to 7 a.m... The Day Center for Family Promise also have showers, so rarely are their showers even used by the families. He expressed that they also house visiting basketball teams or other groups that come into the town sometimes.

Chair Cole opened public testimony.

No public testimony was given.

Chair Cole closed public testimony.

MOTION: by Mr. Epstein to accept staff’s findings, analysis, and recommendations, and approve USE2025 0002. The motion passed.

USE2025 0001:	A Conditional Use Permit for a site plan revision of a fire turnaround relocation.
Applicant:	Chilkat Vistas
Location:	Hillcrest Ave

Director’s Report

The applicant requests a modification to Conditional Use Permit USE2024 0006 to relocate the fire turnaround relocation. USE2024 0006 approved 48-single-room occupancies on Hooter Lane. The relocated fire turnaround modification meets CBJ standards. Snow removal surface area has been increased, and new snow storage needs are accommodated. The original permit had three conditions: That Hooter Lane must be accepted for ownership and maintenance by CBJ, that a new plat reduce lot size to qualify for tax abatement, and that a lighting plan be required before a building permit was issued. The three conditions have been met. No temporary certificates of occupancy have yet been issued. No new conditions are proposed as part of this modification.

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve Conditional Use Permit USE2025 0001 with the requested modifications.

Michael Heumann, with Chilkat Vistas LLC, expressed they were trying to clean things up and it really came down to constructability and maintaining the integrity of berm that they have, as it blocks noise to the neighbors uphill from them. As they got in there and started constructing things, they decided this would make things easier and more functional for everyone.

MOTION: by Ms. Derr to accept staff’s findings, analysis, and recommendations, and approve USE2025 0001. The motion passed.

ARP2024 0001: Preliminary Plan approval for the Ravenwood/Brow Tine Subdivision
Applicant: R & S Construction LLC
Location: 4670 Glacier Hwy

Director’s Report

The applicant requests Preliminary Plan approval for the Ravenwood/Brow Tine Subdivision, an Alternative Residential Subdivision creating 42 Unit Lots with common wall dwellings and one (1) parent-lot.

Staff Recommendation

Staff recommends the Planning Commission adopt the director's analysis and findings and approve the Preliminary Plan with conditions.

Ms. Rintala voiced that on Page 117, it says under common wall subdivision regulations, framing inspections must be completed before final plat approval. She said it makes sense that the alternative residential subdivisions give developers a lot more flexibility. She asked that Staff discuss the fact that all 42 units would have to be framed before the subdivision is completed under common wall subdivision regulations, as that seems onerous.

Director Lawhorne responded that is how the code is written, but it is clunky and unrealistic unless there is a lot of money to burn. She noted that a person cannot legally sell a lot until the final plat is recorded, so they cannot even pre-sell. She explained the reason for this code, from her understanding, is they had a surveyor who made mistakes, and they decided to fix the code instead of addressing the single surveyor. She noted this is why they do not see many common wall developments being built now, and code needs to be addressed and fixed. She recommended that common wall subdivisions should be treated as a traditional subdivision.

Scott Jenkins, applicant representative, stated the engineering is already 95% done, so they are just following the guidelines they were told to and are there to answer any questions.

Alec Venechuk, with Last Frontier Surveying & Engineering, expressed he is the surveyor of record that was hired by the applicant.

Chair Cole asked Mr. Jenkins to speak about the outline of the project and what the vision is.

Mr. Jenkins responded that they purchased the subdivision with a plan already in place of 21 zero lots, engineering was done, a lot of design was done, and they wanted to stick with the same format, but then found out there were issues with having to build all lots at the same time and get the final plat recorded. He said they worked with CBJ and were presented with the new style of subdivision as an alternate, which gives them the flexibility to do what they want to do and stick with the original engineering and design, and can now create 42 lots instead of 21.

Mr. Epstein asked for clarification that it is 42 units and 21 common wall buildings.

Mr. Jenkins answered that the style of the subdivision allows them to do 42 units. He noted that they have the ability to have separate units or have the common wall construction.

Mr. Venechuk added that the advantage of an ARS to the developer is having flexibility. There have only been two ARS's that have gone through. This development is targeting smaller overall footprint buildings at denser unit lots.

Mr. Epstein inquired if one of these budlings could be a single-family home or duplex.

Mr. Jenkins answered yes.

Chair Cole clarified that zero-lot line or common wall is different from a duplex. She then asked what the plan is for construction, assuming they continue around the route of 21 common walls.

Mr. Jenkins responded that for the site work, it would all be done in one shot, but moving into construction, their goal is to provide both lots to be built on, and construct units they can sell themselves. He said, at this point, they would go as fast as they can to provide units to sell, but they do not have an exact timeline. They anticipate site work to be completed by fall, and they will move forward with construction as soon as possible.

Mr. Bell said they have a pretty ambitious task ahead of them, and he supports the building of homes and development of subdivisions. He stated that they have a good definition of how it is going to go this year should they reach a certain milestone, but he asked for more specifics on how many units they are looking to build and their definition.

Mr. Jenkins expressed there are many lots and they are going to have to look at where interest rates are, competition, and how fast they can move. He said they can build as many as they can and get foundation in before winter, or sell lots to other developers to develop on their own. He added they need to get the infrastructure done and then go as fast as the market allows.

Chair Cole inquired about ARS sidewalks.

Mr. Jenkins answered there is a sidewalk on one side where they are required to connect with crosswalks on the street.

Mr. Epstein asked for more information on the affordability feature of their homes.

Mr. Jenkins responded that at this point, this alternative subdivision allows them to get a higher density of lots in as compared to a normal subdivision, so their goal is to be much less than what they see in comparison available right now, in the \$125,000 to \$150,000 range, for a lot that is prepared for a contractor to come in and dig foundation, as opposed to a more expensive lot that has all the site work that still needs to be done. However, they do not have a set sale price yet.

Mr. Pedersen asked for clarification on the references to phases one and two in the documents.

Mr. Jenkins answered that it is a carryover from the original owner they purchased this from, but since they are hiring a contractor, it would cost more money to do it in two phases, so they are not planning to do that.

Chair Cole opened public testimony.

There was no public testimony.

Chair Cole closed public testimony.

Chair Cole asked for questions for the director or city staff.

Mr. Pedersen noticed that on some of the materials, it indicates streets being a separate lot. He asked if it is public infrastructure that gets turned over to the city or something that changes the way the street infrastructure is maintained in an alternative residential subdivision.

Director Lawhorne answered that it can be either a city street or a private street, but in this case, it is intended to be a private street, and the maintenance of it will be part of the homeowner's HOA and they will be responsible for maintaining the parent lot, the private, parking, or any other common elements.

Chair Cole asked Director Lawhorne if she had discussions with the applicant about managing an HOA of that size.

Director Lawhorne responded no, but they have the code, and it sounds like they are familiar with another ARS with many more owners involved.

Chair Cole said they understand there is a process for ARS, and it happens over time, but asked if they would come back if the 41 common wall dwellings are not built and there is another mix the developer decides on.

Director Lawhorne voiced that she hopes before the final plan comes before the Commission, that the applicant would know that. If not, it would likely take a modification of the plan, but she was unsure about the plan.

Chair Cole asked how confident the Commission will feel approving this given how many times they can potentially come back and how many options are out there. She also asked how much flexibility there will be if they say yes to the 41 common wall lots right now.

Director Lawhorne answered that if the Commission says tonight, they have 21 common wall lots, they would essentially be approving the common walls.

Chair Cole asked if they can give more flexibility and still accept the findings and conditions, or if it would be 42 lots and without mention of the common wall. She added that she believes the common wall is cared for in the findings and conditions, so she is not sure how they can allow more flexibility but thinks the project should be as flexible as possible.

Director Lawhorne responded that for the most flexibility going forward, it would be best to leave it at 42 unit lots and not specify common wall at this time to allow the applicant to proceed and do either single family detached, common walls, or a mix.

Mr. Epstein suggested saying an alternative residential subdivision creating up to 42 unit lots with up to 42 common wall units, which will allow them to mix and match any way they want.

Director Lawhorne said she was confused, as if it is up to 42 common walls, she would interpret that as if they are building all 42 common walls and not a mix of single family or common walls.

Chair Cole asked if they could approve 42 lots with any greater density than one dwelling unit whether it's a single-family home or common wall.

Director Lawhorne responded that makes sense, but if they wanted to change the lots to increase it, it would require re-platting and trigger a Commission review.

Mr. Pedersen expressed that unit lots is not a term he is very familiar with, opposed to a subdivision creating 42 lots with up to 42 units.

Director Lawhorne agreed they do not use unit lots very often, as it is only in the alternative residential subdivisions, but they are different in that they do not have a minimum lot size.

MOTION: *by Mr. Epstein to accept staff's findings, analysis, and recommendations, and approve ARP2024 0001, an alternative residential subdivision creating up to 42 unit lots with up to 42 common wall units and one parent lot subject to the conditions set forth in the meeting packet.*

Mr. Epstein explained the insertion of the words "up to" provides the developer the ultimate flexibility to mix and match as he sees fit.

Mr. Pedersen stated that in the framework of the ARS, they do need to specify that they are allowing common walls and detached, so it would need to read 42 units with up to 42 common wall or detached single family units.

Mr. Epstein withdrew the motion and replaced it.

MOTION: *by Mr. Epstein to accept staff's findings, analysis, and recommendations, and approve ARP2024 0001, an alternative residential subdivision creating 42 unit lots with up to 42 attached or detached single family units and one parent lot subject to the conditions specified in the meeting packet.* The motion passed.

AME2025 0001: Proposed amendments to Title 49
Applicant: City and Borough of Juneau
Location: Borough-wide

Director's Report

The proposed ordinance amends the Title 49 Land Use Code Relating to Rules of Construction, Permits, Equivalent Use Determinations, Determination of Minor Versus Major Developments, Accessory Dwelling Units, Caretaker Units, and Transition Zones. Revisions are being considered under the accelerated program. Rather than approving code changes, the Assembly has asked the Commission to provide feedback by March 28, 2025. The Assembly will decide on approval.

Staff Recommendation

Staff recommends that the Commission provide a recommendation to approve the code changes.

Chair Cole explained that this original hearing was February 25th and was continued to today.

Mr. Dumouchel explained the last portion removes confusing and outdated language and confirms that you can put minor uses together without creating a major use, but the big item they intend to talk about is removing a specific dwelling unit limit for multifamily developments that meet all other standards. He explained that means if there is a multifamily project and it meets all items in code, it can be approved by-right. He noted this is an aggressive move, but development of housing is top priority for the assembly.

Chair Cole inquired why this language was so conservatively designed in the beginning if it is aggressive.

Director Lawhorne guessed that it was written conservatively, like much of the code, and any sort of new development was taken with a lot of care and/or fear of what would be developed with knowing that we need the development. She believes the code is part of the reason we have a housing shortage.

Mr. Dumouchel agreed that they go a little too tight and then release overtime, and he thinks that is the phase they are in.

Ms. Keller asked what the process looks like if a permit for a major development is not needed.

Director Lawhorne responded that she looks at this similar to minor subdivisions. She said that right now they still notice the abutters so they know what development is happening and they can submit comments if they wish. She could not remember getting any life safety concerns, but if they did, they take note of that. She stated they take agency input on cases the Commission hears, and she has authority over most of the permits. They would know the development is happening but would not necessarily have input on it.

Mr. Dumouchel agreed this is using existing zoning code to approve things by-right and not go through the additional process.

Ms. Keller asked if, hypothetically, there could be a 500-unit development without any public process other than letting neighbors know.

Chair Cole answered yes.

Ms. Keller expressed that looking back, they have had a lot of discussions on developments that were larger and met the code that often had other concerns.

Director Lawhorne voiced that they get a lot of comments from certain areas of town at times, but not everyone has the luxury of showing up to public meetings, but it is the responsibility of staff and the boards to care for the people that cannot afford to show up. She explained that just because they are not showing up, does not mean they don't care. And in other subdivisions where a lot of other people show up, it does not mean they care. She added that the reality is that on a platting case, they have very little authority outside of what is required by the code.

Mr. Pedersen reminded that during the minor review process, it is still going to go through comments of Public Works, DOT, and Fire, and that should address life and safety concerns.

Mr. Epstein expressed that if people cannot show up, they can always write in or submit a comment. Chair Cole added that is true as long as there is a conditional use hearing.

Ms. Derr commented that this gives a lot of power to the CDD director, but they cannot be in that position forever. She asked what can be done to make sure things do not fall through the cracks in the future.

Director Lawhorne responded there is no guarantee, but she has made an effort in hiring, so she has a strong team coming up behind her and they agree with the community's policies and CBJ's policies. She added that the Commission likely has to stay involved. She added that a new comprehensive plan would also help direct future directors and staff across the city and working with Mr. Dumouchel as he rewrites Title 49 on where concerns may lie and how the code can mitigate for that.

Mr. Dumouchel stated the director will not have the ability to go beyond what is existing in code, so if there is a project that needs a variance or wants to go above and beyond, that needs to come back to the Commission, but if it's been in the box that has been approved, they are trying to set up the ability to move forward within the box.

Chair Cole asked if they considered moving the cap or line upward when this aggressive move was considered rather than removing it altogether. And if so, why did they reject that.

Mr. Dumouchel responded that he considered different ways to go about it, but it came down to the level of need and what he had been hearing from the community and from others that providing maximum flexibility is a good way to help speed up development of housing. He is not opposed to a cap discussion but recommends that it is much higher than 8 or 12 units. He said this is an aggressive move, but not illogical and if they find it is too much, they can rein it back in.

Chair Cole shared a couple scenarios where this may not work and asked if he considered those.

Mr. Dumouchel agreed that she brought up good points, but they are either very unlikely or would fall into the alternatives subdivision standards that they have.

Chair Cole expressed that they have very few tools to deal with underdevelopment, but one tool they have is public pressure.

Mr. Dumouchel said he had similar concerns about underdevelopment and wants to see that strongly reflected in the comprehensive plan to back up the zoning code enforcement of setting a baseline they must exceed.

Chair Cole opened public testimony.

Michael Heumann offered his perspective as a professional full-time developer. He stated that he loves all the laws, rules, and regulations, and always finds a way to get what he needs done and does not have a problem with the current code. However, as a citizen, he expressed that every rule, requirement, or condition they have is driving up the cost to deliver new housing. He added that if we really care about the beauty of the city, they need to get as many people into a small area as possible and let nature do its thing for the rest of the city.

Mr. Epstein asked Mr. Heumann how he felt about the multifamily unit cap removal proposal.

Mr. Heumann answered that scheduling planning commission hearings can sometimes cause delays and that is unfortunate, but having to write reports sucks up a lot of planner's time and he would love if our city planners could spend time focused on planning and not writing reports all day, so hopefully this will cut down on that. He was in favor of it.

Chair Cole closed public testimony.

Chair Cole asked for any final questions or recommendations for staff.

Ms. Keller suggested that the points made by the Commission tonight be given to the Assembly to discuss and state how they feel about it.

Chair Cole stated they are looking at a clear opportunity to make public comments about projects with this.

Ms. Derr recommended voicing the importance of the comp plan coming and conjoining this to the Assembly.

Chair Cole commented there are a lot of things that come out in the public hearings, and it gives them an opportunity to talk about the real priorities for the city when they do approve projects with concerns on the public record. She shared that she cannot totally let go of that as an important community building step but did not know if that was enough to prevent her from supporting this, because she believes it will help development happen if there is less waiting time and still supports no cap at all even though this is very aggressive. She noted it was a worthwhile point to offer the Assembly as they are making decisions.

Ms. Rintala voiced that as a body they are pretty enthusiastic of most of these proposals, and she appreciated the notes and concerns they have talked through and that have been raised. She wants to be sure that enthusiasm is captured while also raising points for consideration.

Ms. Keller expressed they owe a certain level of transparency to the community they are serving, and she is concerned about taking that away even if it helps developments happen faster.

Mr. Salik asked to re-visit the ADU conversation. He said they briefly discussed how an ADU could change the flavor of the neighborhood and could be challenging for some, and that is why he brought up the concern about people using RVs or mobile homes as ADUs. He felt that the Assembly should know they discussed that.

Director Lawhorne clarified that if you own an RV, you could park your RV but cannot use it for rental purposes or an ADU purpose. She said the mobile home is trickier to answer, as technically if someone has a lot that can have a single family home, we cannot say that it could be a mobile home or has to be stick built, partly due to the Fair Housing Act, but it cannot be mobile and has to be skirted.

Mr. Pedersen suggested putting in a section saying the Planning Commission needs to have the ability to interpret code under the rules for construction.

Chair Cole stated they will include a notice of recommendation with the summaries, as they are hoping to give the Assembly an overview of concerns that stood out to them that were asked, answered, or explained.

XI. OTHER BUSINESS

XII. STAFF REPORTS

Director Lawhorne announced they have a new planner that will start in April. The comp plan is underway at a staff level, and the public engagement will be kicking off in April. She noted there are two times and dates, one in the daytime and one in the evening. She said they will be coming to the Planning Commission soon with a recommendation for the Comprehensive Plan Advisory Committee Members of about 16 members. She voiced that round 5 of the Juneau Affordable Housing Fund will be underway this year and CBJ hired a new emergency manager, and they are working closely with him in getting more emergency training. They are still expecting a GLOF this summer and are making sure everything is cared for.

Chair Cole asked for clarification that the Commission will not have a standing seat on the Comp Plan Advisory Committee.

Director Lawhorne answered that is her understanding, but in the past, the Commission has designated a liaison to attend those.

Mr. Pedersen asked how those members will be selected or how they can apply.

Director Lawhorne responded that they put it out to all neighborhood groups on record with the city clerk, reached out many ways to the tribes, and reached out through CDD and the managers to different entities and individuals. She said her goal was to get past the people they usually hear from and get a solid representation of the entire community. They received 27 applications.

XIII. COMMITTEE REPORTS

Mr. Pedersen said he missed the last Douglas West Juneau Steering Committee's Meeting, but he will attend the one tomorrow and looks forward to seeing what progress has been made and hopes to get it wrapped up quickly.

XIV. LIAISON REPORTS

Christine Woll stated the second Crossing PEL Study, that took longer than expected, will be wrapping up soon, and DOT and their contractors have been working on evaluating locations for a potential second crossing against criteria and recently released their final rankings of those locations. She said their goal was to narrow the list of options that may be considered as part of NEPA and have narrowed it down to five options. She voiced that Huna Totem Dock should move to a decision place in the next month, and the Assembly budget process will also kick off in about a month. She expressed that it has been great to get to listen to the Planning Commission's recommendations on the Title 49 changes, and she knows the Assembly will also enjoy hearing them.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Epstein noted he will not be at the next meeting on March 25, 2025.

XVII. EXECUTIVE SESSION

XVIII. SUPPLEMENTAL MATERIALS

XIX. ADJOURNMENT

The March 11, 2025 Planning Commission Meeting was adjourned at 7:55 p.m.



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

March 28, 2025

MEMORANDUM

To: The Planning Commission

From: Ilsa Lund, Planner I

Through: Jill Lawhorne, AICP

Parcel No.: 5B1601441000

Legal Description: VINTAGE PARK CONDOMINIUMS

Case Number: USE2025 0005

RE: Amendment to USE2018 0007 to reduce the number of parking spaces by one (1)

The applicant, on behalf of the Vintage Park Condominiums Homeowners Association (HOA), has submitted a request to amend an existing Conditional Use Permit (CUP) to reduce the number of exterior parking spaces by one (1) (Attachment A).

BACKGROUND

In 2018, the Planning Commission approved CUP USE2018 0007 (Attachment B), allowing for the development of a 23-unit condominium project, subject to the following condition:

“5. Prior the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, a revised parking plan showing no fewer than 49 parking spaces on the exterior of the buildings shall be submitted and approved by CDD.”

This condition was imposed in response to concerns raised by a Planning Commission member regarding the residential development's location within a Light Commercial (LC) zoning district (Attachment C). Such a designation permits a variety of commercial uses, including manufacturing, storage, office spaces, and retail sales, which could potentially impact the development's overall parking needs.

Each condominium unit is designed with a large garage/shop on the main floor and living space above. The garages are 22 feet wide, with the capacity to accommodate two parking spaces each, providing a total of 46 parking spaces within the structure. According to CBJ 49.40.230, the minimum parking requirement for the development is 40 spaces.

The site plan submitted with this application indicates 57 exterior parking spaces, including two accessible spaces, surrounding the four buildings. This configuration results in parking spaces being on-set from the units, which could potentially limit access to and from the garages. The proposed amendment seeks to realign the parking spaces directly in front of each unit, ensuring two parking spaces are provided outside of each garage. This adjustment would reduce the exterior parking spaces to a total of 48, consisting of 46 regular parking spaces and two (2) ADA-compliant spaces. Numerous site visits conducted by CDD staff suggest that the parking lot is rarely at capacity.

During the CBJ Agency Review period, concerns regarding on-street parking were raised by the CBJ Streets and Fleet Division (Attachment D). Prior to the construction of the Vintage Park Condominiums, multiple parking regulation signs were posted along the south side of Clinton Drive. These signs were likely removed during construction and not replaced. The original signs prohibited parking along Clinton Drive between 1 a.m. and 7 a.m. to facilitate snow removal and street sweeping. Similar parking restrictions remain in place along the north side of Clinton Drive. Site visits indicated that there are typically four (4) to seven (7) vehicles parked on the street adjacent to the condominiums at various times throughout the day. At least two of the vehicles appear to be abandoned, while the remaining vehicles are regularly moved.

Condition: Prior to the issuance of a Temporary Certificate of Occupancy, the applicant shall coordinate with the CBJ Streets and Fleet division to ensure that all vehicle control signs removed from the Clinton Drive right-of-way are replaced.

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: The application focuses on the modification of the parking space arrangement around the exterior of the four (4) buildings that make up the condo association.

Finding: Yes, the application is complete.

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

Analysis: No change from USE2018 0007. The original application was for a 23-unit condominium development. The use is listed at CBJ 49.25.300, Section 1.300.

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

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

Analysis: No further analysis required.

Finding: Yes. Despite a reduction in onsite parking spaces, the minimum required by Title 49 will be exceeded.

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

Analysis: No further analysis required.

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

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

Analysis: No further analysis required.

Finding: No. There is no evidence to suggest that a 23 dwelling unit condo development with 48 onsite exterior parking spaces in a LC zoning district is inconsistent with the value and harmony with the property in the neighboring area.

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

Analysis: No further analysis required.

Finding: Yes. The minimum parking requirements mandated by Title 49 will still be exceeded.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit with one condition. The permit would modify the minimum number of exterior parking spaces approved under USE2018-0007 to be reduced by one (1).

- 1. Prior to the issuance of a Temporary Certificate of Occupancy, the applicant shall coordinate with the CBJ Streets and Fleet division to ensure that all vehicle control signs removed from the Clinton Drive right-of-way are replaced.**

MEMO ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	USE2018 0007 Notice of Decision and Staff Report
Attachment C	2018 Memo by CDD Staff to Planning Commission
Attachment D	Agency Comments
Attachment E	2011 Google Street View of No Parking Sign
Attachment F	Site Photos
Attachment G	Public Notice Abutters
Attachment H	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 3005 Clinton Dr. Juneau, AK 99801.	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Vintage Park Condominium	
	Parcel Number(s) 5B1601441001 5B1601441000	
	<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 Vintage Park Condominium	Contact Person Shawn Carey
	Mailing Address 3005 Clinton Dr. Juneau, AK 99801	Phone Number(s) (907) 321-0125
	E-mail Address hanscho@gmail.com	
	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.		
<p>Mary Adelmeyer, Board President Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)</p> <p>X Mary Adelmeyer Landowner/Lessee (Signature) Date 11/1/24</p> <p>Shawn P. Carey Vice-president-Board Member Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)</p> <p>X [Signature] Landowner/Lessee (Signature) Date 11/1/24</p>		
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 _____ Applicant's Signature	_____ Date of Application	

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number USE25-05	Intake Initials
Date Received 2/14/2025	

I:\FORMS\PLANFORM\DPA_Final Draft.docx

Updated 6/2022- Page 1 of 1



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY
CHANGE PARKING TO PERMIT UNIT OWNERS TO CONTROL ACCESS TO GARAGE ENTRANCE

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED
 Accessory Apartment – Accessory Apartment Application (AAP)
 Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: *1.300*

IS THIS A MODIFICATION OR EXTENSION OF AN EXISTING APPROVAL? YES Case # *USE18-07/USE18-21* NO

UTILITIES PROPOSED *NIA* WATER: Public On Site SEWER: Public On Site

SITE AND BUILDING SPECIFICS *NIA*
 Total Area of Lot _____ square feet Total Area of Existing Structure(s) _____ square feet
 Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING *NIA*
 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 *If this is a modification or extension include:*

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

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

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

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <i>750.00</i>	<i>Class III,</i>		
Admin. of Guarantee	\$ <i>-</i>	<i>23 units</i>		
Adjustment	\$ <i>-</i>			
Pub. Not. Sign Fee	\$ <i>50.00</i>			
Pub. Not. Sign Deposit	\$ <i>100.00</i>			
Total Fee	\$ <i>900.00</i>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
<i>USE25-05</i>	<i>2/14/2025</i>

Ilsa Lund

From: Jill Lawhorne
Sent: Monday, November 4, 2024 2:18 PM
To: Ilsa Lund
Cc: Scott Ciambor
Subject: RE: Vintage Park Condos

Yes, please. We have had conversations about the parking, but I can't recall if changes were approved by the PC. It will need PC approval to amend their decision. Also, to schedule the PAC, please let him know that whomever owns the condos will need to sign off—it may be the HOA.

Thanks,

Jill

From: Ilsa Lund <Ilsa.Lund@juneau.gov>
Sent: Monday, November 4, 2024 1:42 PM
To: Jill Lawhorne <Jill.Lawhorne@juneau.gov>
Cc: Scott Ciambor <Scott.Ciambor@juneau.gov>
Subject: Vintage Park Condos

Hi Jill,

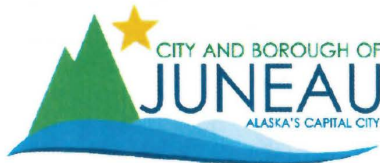
Joe Adelmeyer came into the permit center with a CUP application to change the number of parking spaces for the Vintage Park Condos. The plans on file indicate that there are currently 58 parking spaces, and the proposed number of parking spaces is 46 (two spaces per unit). According to code, the minimum required number of parking spaces is 34 units. There is no indication on the submitted plan (whether existing or proposed) of required ADA parking or loading space. Joe also mentioned that some of the units are being used for uses other than just residential. We don't have record of these additional uses because the zoning is Light Commercial. CBJ 49.40.200(c) requires that it is the developer's responsibility to provide documentation to demonstrate that all parking code requirements have been met.

I asked Joe if he had had or scheduled a preapplication conference. He assured me that there had been multiple PACs and that this has been an ongoing process over the last 5 years or so. Should I make him schedule another PAC and provide documentation of accessory uses so that parking requirements can be calculated accurately?

Thanks,

Ilsa Lund | Planner I

Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4128



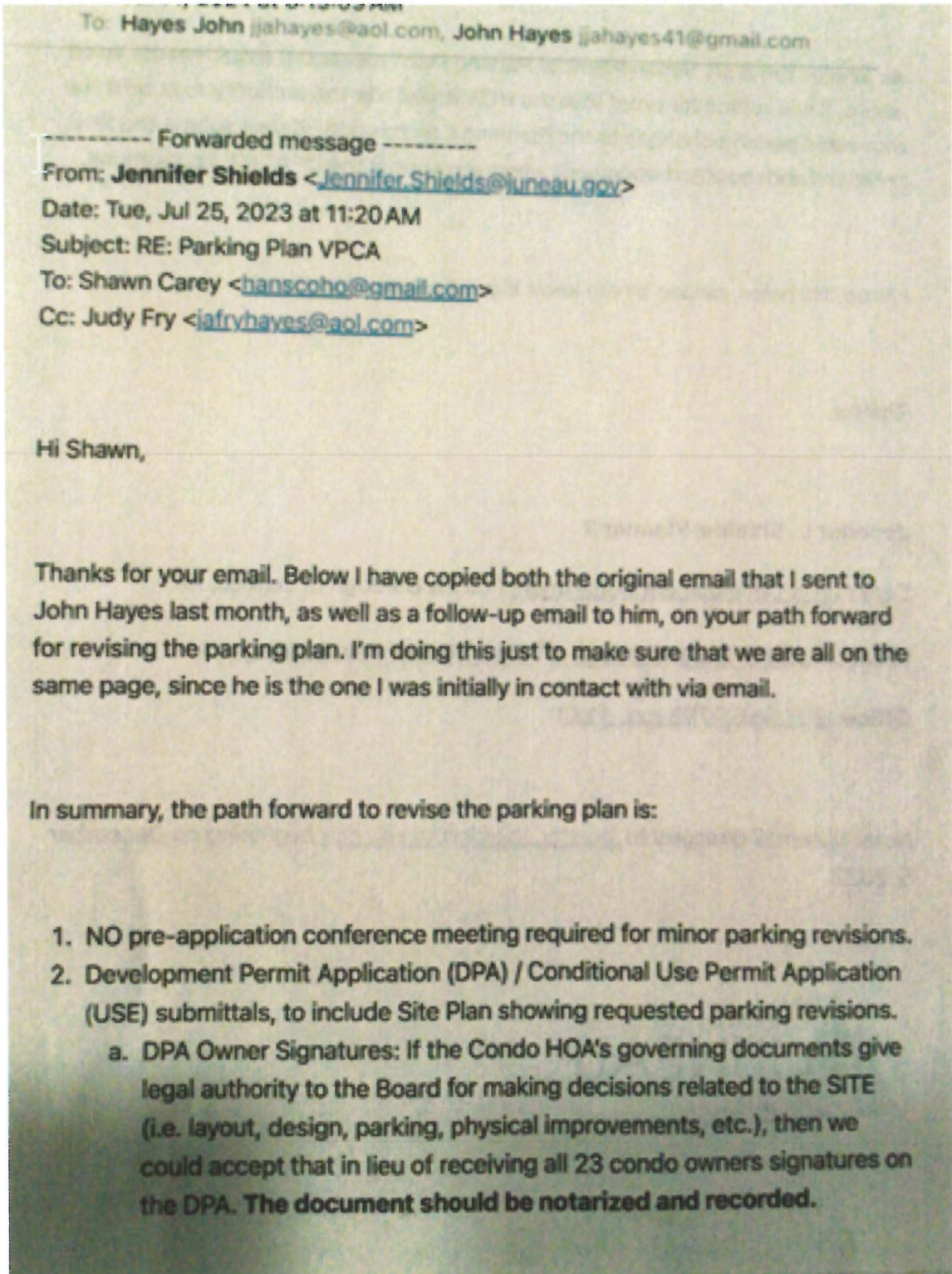
Fostering excellence in development for this generation and the next.

Ilsa Lund

From: Joe Adelmeyer <joejnu@gci.net>
Sent: Monday, November 4, 2024 5:26 PM
To: Ilsa Lund
Cc: Edward Quinto
Subject: Re: Vintage Park Condos Parking

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

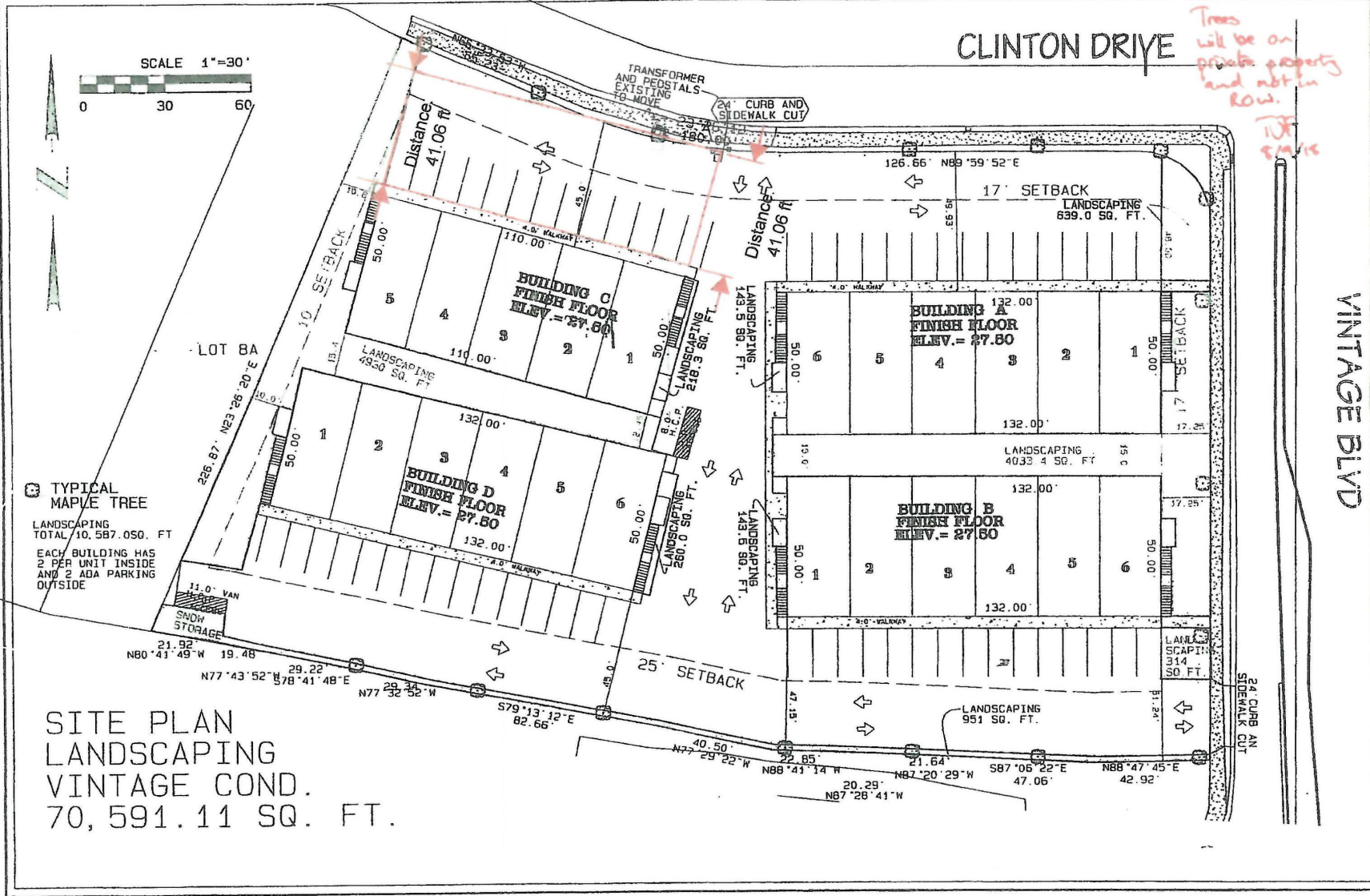
Just any FYI we were told that no pre-application meeting was necessary. The businesses that are in the condos are run by the folks that are living in the upstairs apartment. They are not the type of business establishments that require additional customer parking. Here is the email from your office regarding the pre app meeting....



Original.

USE 18-07, BLD 18-158, BLD 18-275

Trees will be on private property and not in ROW.
TOP 5/16



TYPICAL MAPLE TREE
 LANDSCAPING TOTAL 10,587.050 SQ. FT.
 EACH BUILDING HAS 2 PER UNIT INSIDE AND 2 ADA PARKING OUTSIDE

SITE PLAN
 LANDSCAPING
 VINTAGE COND.
 70,591.11 SQ. FT.

Revised 7/26/19

Narrative

AMENDMENT OF PARKING PLAN
VINTAGE PARK CONDOMINIUMS

1. The Vintage Park Condominiums ("Association") is a Common Interest Community created by Declaration of Covenants, Conditions and Restrictions for Vintage Park Condominiums ("Declaration") dated April 16, 2018, plat No. 2018-49, Juneau Recording District, First Judicial District, State of Alaska.

2. Paragraph D, Section 3 of the Declaration states that a description of the parking area assigned to each individual unit is set forth in Exhibit B to the Declaration. Exhibit B states that each unit is assigned 2 parking spaces directly in front of the Unit.

3. Paragraph C, Section 5 of the Declaration provides that there shall be no restriction imposed on a Unit Owner's right of ingress or egress to his Unit.

4. The current parking areas assigned to the individual units are not directly in front of the units, and the current configuration of parking spaces can restrict a Unit Owner's access to his unit.

5. The Board of Directors of the Vintage Park Condominium Association has voted to amend the current parking plan and adopt the plan attached as Exhibit 1.

6. Paragraph N, Section 1 of the Declaration provides that the Declaration, including the plat and plan, may be amended by 67% affirmative vote or agreement of the voting interest in the common interest community. Exhibit C to the Declaration provides that each unit has a 4.347826% interest in the common elements, and each unit's voting rights are equal to its interest in the common elements.

7. More than 67% of the Unit Owners have voted to approve the new parking plan as set forth in Exhibit 1.

Therefore, the Amendment of Parking Plan for Vintage Park Condominium Association is hereby adopted.


Mary Adelmeyer
Mary Adelmeyer, President
Vintage Park Condominium Association

Dated at Juneau, Alaska
this 18th day of Sept
20 23
Notary Public in and for the State of Alaska
My Commission Expires 12/09/2026

Notary Public
DENISE DENBOW
State of Alaska
My Commission Expires 12/09/2026

9/10/23, 10:00 AM

Gmail - Re: Results of voting on the new parking plan

 *Approval Voting Email.* Shawn Carey <hanscoho@gmail.com>

Re: Results of voting on the new parking plan

1 message

Judy Fry <jafryhayes@icloud.com> Sat, Sep 9, 2023 at 6:49 AM

To: Marina Lindsey <marinahlindsey@gmail.com>, Adelmeyer Joe <joejnu@gci.net>, Mary Adelmeyer <adelmeyer99@gmail.com>, Bielefeld Richard <rickbielefeld@gmail.com>, Bleakly Keith & Teresa <trb711@gci.net>, Burns Julie <alaskarealestate@ak.net>, Campbell Andrew <admiraltyak@gmail.com>, Campbell Judy <alaskacampbells@gmail.com>, Carey Shawn <hanscoho@gmail.com>, Charles <crgerbi@gmail.com>, Civay Michael <mcivay@gmail.com>, Dave Spargo <aksouv@alaskasouvenir.net>, Felipe Ogoy <konafelipeogoy@gmail.com>, Fleek Adam <asizzle_501@hotmail.com>, Fleek Donna Mae <mydonna2007@yahoo.com>, Fry Judy <jafryhayes@aol.com>, Gerbi Mary Lou <marylougerbi@gmail.com>, "Hilliard (Hill) Lewis IV" <peregrine911@gmail.com>, Hoff Brandon <bphoff@mac.com>, Khmelev Lonnie <to_lonnie@yahoo.com>, Lesh Carter <carter@shakaak.com>, Moll Steven <dangerouswaters@rocketmail.com>, Rinehart Albert & Nila <anrinehart@gci.net>, Rubbert Mark <rrmmark@aol.com>, Sean Edwards <sedwski@aol.com>, Shyla Germain <shylasmg@yahoo.com>, John Hayes <jjahayes@aol.com>, Dylan listberger <listbergerd@hotmail.com>, Felipe Ogoy <fogoy@bartletthospital.org>, TheBoatCompany <drenda@theboatcompany.org>

Hello VPCA Unit Owners:

Thank you all for your prompt response to the Motion to Amend the Parking Plan. We had great participation.

In favor of the Motion:

8 Voting in favor at the Board Meeting: A1 Spargo, A4 Rupert, A6 Adelmeyer, B4 Fleek, B5 Edwards, C1 Hayes/Fry, C5 Carey/Lindsey, and D5 Listberger.

11 Voting in favor by email: A2 Gerbi, A3 McIntoch (The Boat Company), A5 Civay, B3 Hoff, B5 Edwards, B6 Bleakly, C4 Lewis, D1 Reinhart, D2 Bielfeld, D3 Germain, D6 Moll

2 Voting against the Motion by email: C2 Khmelev, D4 Khmelev/Kot

The Motion Passed.

On Sep 8, 2023, at 8:43 AM, Judy Fry <jafryhayes@icloud.com> wrote:

Hello VPCA unit owners:

The Declaration of the Vintage Park Condominium Association (VPCA) provides that each unit is assigned 2 parking spaces directly in front of the Unit, and that there shall be no restriction imposed on a Unit Owner's right of ingress or egress to his Unit. Unfortunately, some of the current parking areas assigned to the individual units are not directly in front of the units, and the current configuration of parking spaces can restrict a Unit Owner's access to his unit. Therefore, the Board recently voted to amend the parking plan as shown in the attached diagram, and passed the following motion:

MOTON TO AMEND PARKING PLAN

I move to amend the parking plan for Vintage Park Condominiums so that each individual unit is assigned 2 parking spaces directly in front of the Unit as described in Paragraph D, Section 3 of the Declaration, and no Unit Owner's right of ingress or egress to his Unit is restricted, as provided in Paragraph C, Section 5 of the Declaration. I further move that this amendment of the parking plan be submitted to all Unit Owners for approval.

Pursuant to the motion, the Board is now submitting the amendment of the parking plan to the Unit Owners for approval.

We have already received the approval of 8 Unit Owners who attended the Board meeting on September 6, 2023, including

A1 Spargo, A4 Rupert, A6 Adelmeyer, B4 Fleek, B5 Edwards, C1 Hayes/Fry, C5 Carey/Lindsey, and D5 Listberger.

Please reply to jafryhayes@icloud.com that you approve or disapprove of the new parking plan. If you have any questions about the parking plan, please contact Shawn Carey at 907-321-0125 or John Hayes at 907-500-5025.

March 31, 2021
 USE2021 0002
 Page 10 of 20

Use	Total Units / Sq. Ft.	Trips Generated	Total Trips
Total ADT for both developments:			241 (mix of residential and commercial for current project only)
			334 (mix of residential and commercial for current project and Vintage Park)

Condition: None

Vehicle Parking & Circulation – The site will be accessed via a 32-foot-wide driveway off of Clinton Drive. The driveway meets the CBJ standard for driveway curb cuts. The site plan also shows a 32-foot aisle width for vehicle circulation within the site. The minimum standard is 24 feet wide for two-way traffic. The proposed traffic aisles are wide enough to provide for two-way traffic throughout the site.

The parking requirements are shown in the table below. The applicants have provided a parking and circulation plan that shows 35 parking spaces with two ADA spaces, including one ADA van space. The site plan shows all standard and ADA parking spaces meeting the minimum dimensional standards required in CBJ 49.35.

As part of the building permit approval process, the applicants will be required to stripe all parking spaces and provide the appropriate signage for the two ADA spaces.

Condition #3: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, the applicant must submit to CDD a homeowners’ association agreement that addresses the on-going maintenance of parking spaces, ADA spaces, loading zone and circulation aisles that comply with the requirements of CBJ 49.40.

Manufacturing and warehousing requires one off-street loading zone for areas between 5,000 – 24,999 square feet in gross floor area. Loading zones have a dimensional requirement of 30 feet by 12 feet and 14.6 feet of unobstructed height. Loading spaces must remain permanently available for loading.

Use	Total Units and Bedrooms	Spaces Required	Total Spaces
Mix of Residential multi-family and light manufacturing / commercial storage	11 – two bedroom units	1.75 per two bedroom &	19.25
	11 – 1, 100 square foot garages	1 per 1,000 square feet	12.1
Total Parking Requirement:			31
Off-Street Loading Spaces Required:			1
ADA Accessible Spaces Required:			2

Condition #4: Prior to the issuance of a building permit, the applicant shall submit a revised site plan that shows one off-street loading zone that complies with the requirements of CBJ 49.40.

BLUE LINES show existing Handicapped Parking Places not changed by this proposal
PROPOSED - Vegetated Landscaping

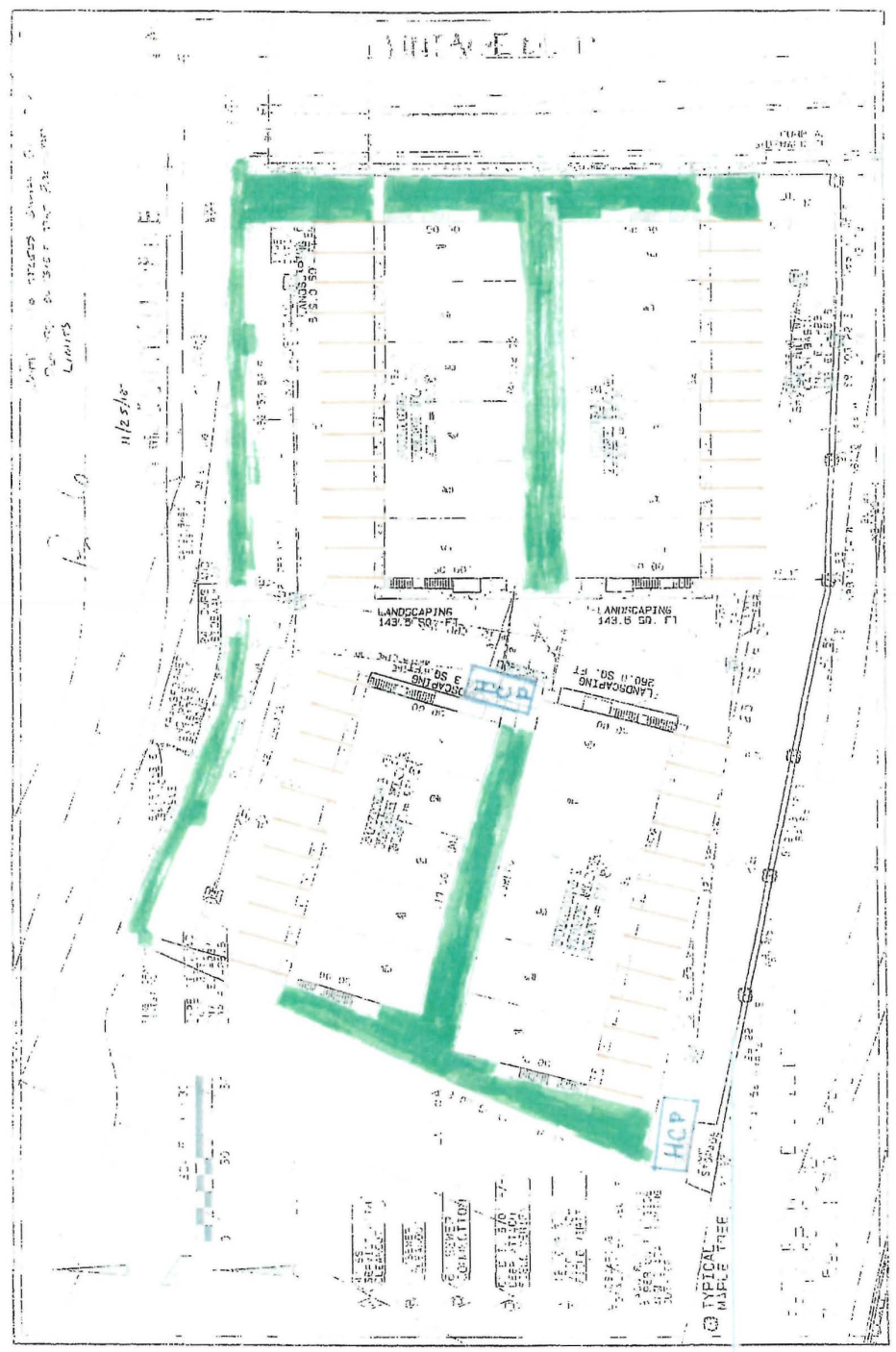


Exhibit 1



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: December 13, 2018
Case No.: USE2018 0021

R&S Construction, LLC
P.O. Box 210194
Auke Bay, AK 99821

Proposal: Modification of a Conditional Use Permit for a 23 dwelling unit condominium development

Property Address: 3005 Clinton Drive, Building B

Legal Description: Vintage Park 11A, Block C, Lot 1A1

Parcel Code No.: 5B1061440012

Hearing Date: December 11, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 4, 2018, and approved the modification of a Conditional Use Permit for a 23 dwelling unit condominium development to be conducted as described in the project description and project drawings submitted with the application for USE2018 0007 and with the following conditions:

1. A revised landscaping plan shall be reviewed and approved by the Community Development Department staff prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for any dwelling in the development. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for.
2. The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard, planted with vegetation that matches other street side plantings of trees

R&S Construction
 Case No.: USE2018 0021
 December 13, 2018
 Page 2 of 3

and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk on Vintage Boulevard, including the curved property line at the intersection of Vintage Boulevard and Clinton Drive, shall be landscaped with grass.

Along the remaining property line on Clinton Drive, one of the following shall be provided:

- i) Any additional space between the subject property line and edge of sidewalk shall be landscaped with grass; or,
 - ii) A 6 inch raised curb, or similarly effective barrier or fence, shall be provided to prevent vehicles driving from the parking lot directly onto the sidewalk, except for where it is intended to access the lot.
3. Prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
 4. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners' Association Agreement shall be submitted for review and approval by the Community Development Department. The Homeowners' Association agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, signage, and striping.
 5. Prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, a revised parking plan showing no fewer than 49 parking spaces on the exterior of the buildings shall be submitted and approved by the Community Development Department.

Attachments: December 4, 2018 memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2018 0021.

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.

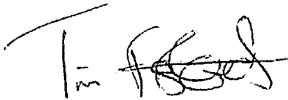
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c).

R&S Construction
Case No.: USE2018 0021
December 13, 2018
Page 3 of 3

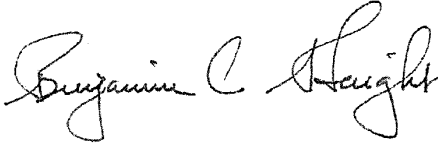
Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, December 11, 2018.

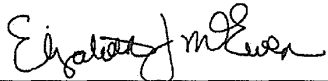
Expiration Date: The permit will expire 18 months after the effective date, or June 11, 2020, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: 

Tim Felstead, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission

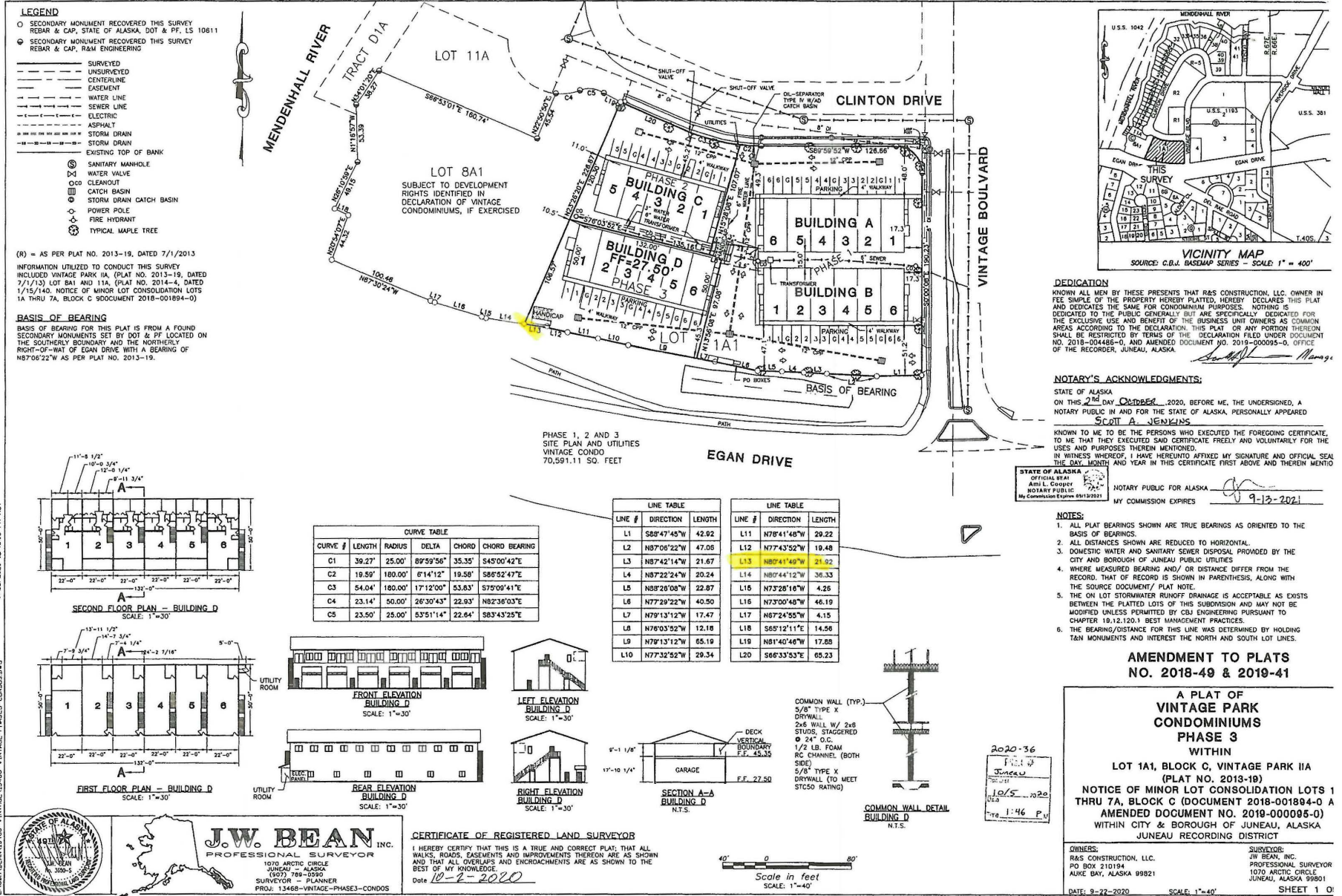


Filed With Municipal Clerk

12/21/2018
Date

cc: Plan Review

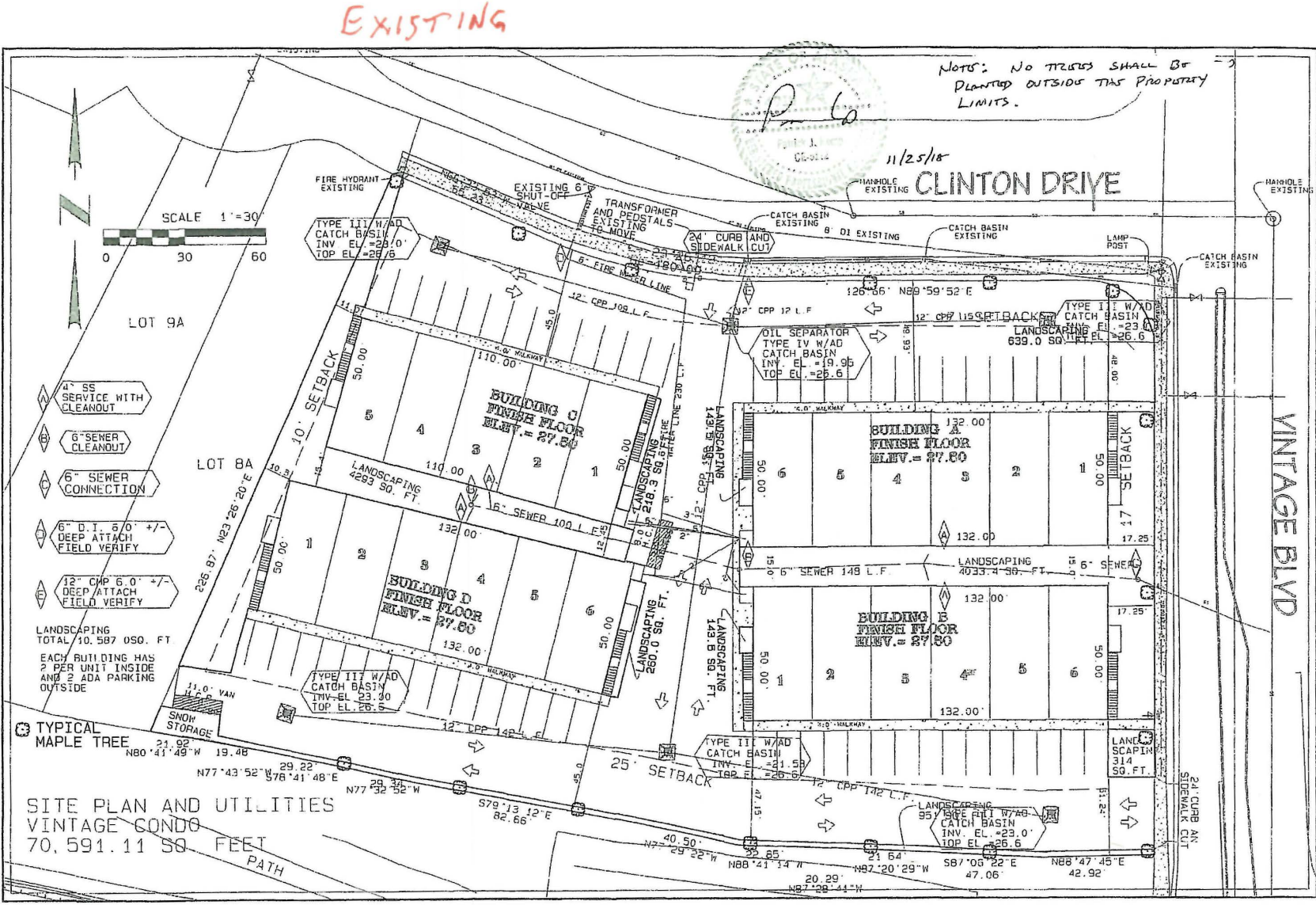
NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or 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.



FIVE

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S88°47'45"W	42.92
L2	N87°06'22"W	47.06
L3	N87°42'14"W	21.67
L4	N87°22'24"W	20.24
L5	N88°26'08"W	22.87
L6	N77°29'22"W	40.50
L7	N79°13'12"W	17.47
L8	N76°03'52"W	12.18
L9	N79°13'12"W	65.19
L10	N77°32'52"W	29.34

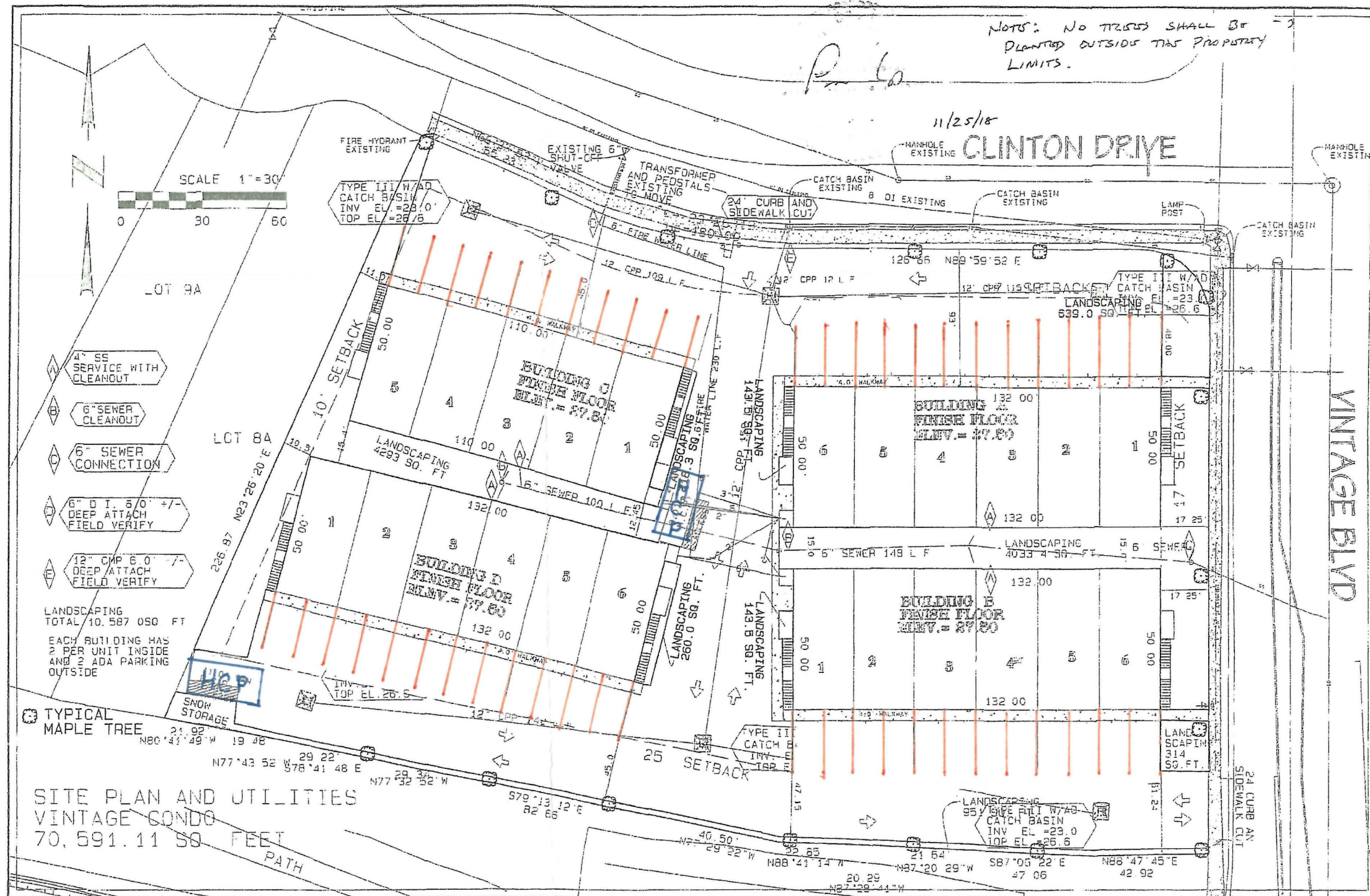
LINE TABLE		
LINE #	DIRECTION	LENGTH
L11	N78°41'48"W	29.22
L12	N77°43'52"W	19.48
L13	N80°41'49"W	21.92
L14	N80°44'12"W	36.33
L15	N73°28'16"W	4.26
L16	N73°00'48"W	46.19
L17	N67°24'55"W	4.15
L18	S65°12'11"E	14.56
L19	N61°40'46"W	17.88
L20	S66°33'53"E	65.23



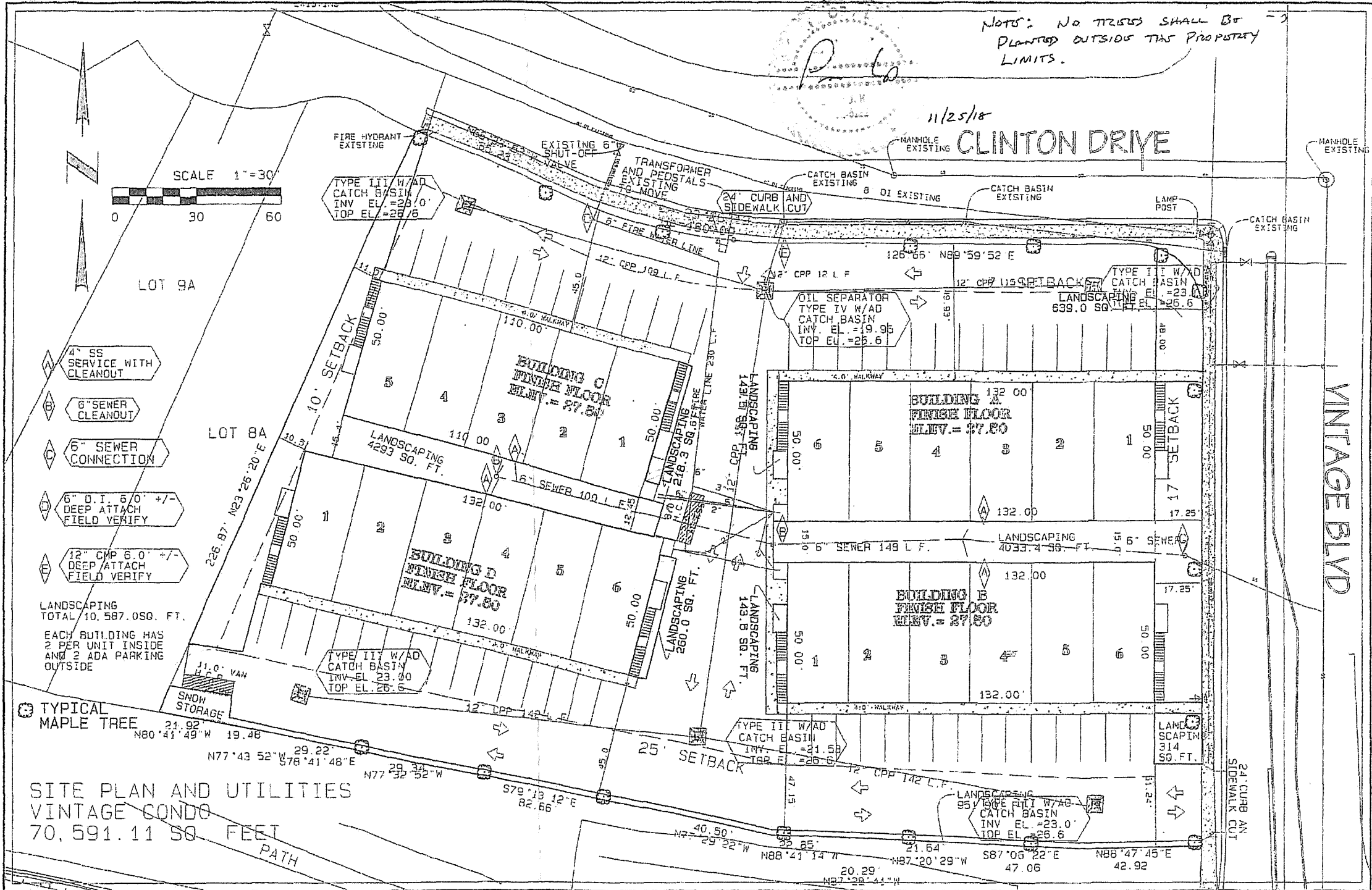
BLUE LINES show existing Handicapped Parking Places not changed by this proposal

PROPOSED

RED LINES indicate proposed 2 parking places for each of 23 Units



SITE PLAN AND UTILITIES
VINTAGE CONDO
70,591.11 SQ FEET
PATH



Planning Commission
Case No.: USE 2018 0021
September 26, 2023
Page 7 of 11

CBJ 2013 Comprehensive Plan

The Land Use Designation of the site in the Comprehensive Plan is Traditional Town Center (TTC). This is described as:

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. (p. 147)

The proposed dwelling unit density is 14 dwelling units per acre; less than the recommended minimum in the Comprehensive Plan of 18 units per acre. Ideally, lands are developed to their maximum dwelling unit density where possible especially when located in close proximity to transit services, but there is no minimum dwelling density in the CBJ Land Use Code.

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

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

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

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

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

The development also provides potential for mixed uses in the future as the garage spaces or apartments are utilized for commercial uses. This is supported by the following policy:

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Case No.: USE 2018 0021
September 26, 2023
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POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA. (p.130)

POLICY 10.13. TO PROVIDE FOR AND ENCOURAGE MIXED USE DEVELOPMENT THAT INTEGRATES RESIDENTIAL, RETAIL AND OFFICE USE IN DOWNTOWN AREAS, SHOPPING CENTERS, ALONG TRANSIT CORRIDORS, AND IN OTHER SUITABLE AREAS. (p.140)

The following Standard Operating Practice (SOP) related to Policy 10.13 supports review of parking, landscaping, and lighting for developments

10.13 - SOP2 Maintain and improve provisions in the Land Use Code that include performance standards covering building height, site coverage, landscaping, buffering from incompatible uses, access, signage, parking and other design standards in the Mixed Use zones. Maintain and improve design review procedures to assure that proposals for mixed use development are evaluated with regard to site design, building placement, parking, landscaping, exterior lighting, and other factors ensuring privacy and livability of the project residents as well as factors to ensure the project is compatible with, and a good neighbor to, surrounding properties, land uses, and public facilities.

Juneau Economic Development Plan

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

Area-Wide Transportation Plan

The Area-Wide Transportation Plan (AWTP) addresses land use revisions and enhancements that developments should provide in projects. These enhancements include sidewalks, pathways that eliminate vehicular conflict points, and infill development and redevelopment. There are no specific actions related to pedestrian connectivity in Vintage Park in the immediate area of the subject lot.



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: June 29, 2018
Case No.: USE2018 0007

R & S Construction LLC
P.O. Box 210194
Auke Bay, AK 99821

Proposal: A Conditional Use Permit for a 23 dwelling unit condominium development
Property Address: 3005 Clinton Drive
Legal Description: Vintage Park IIA, Block C, Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A
Parcel Code No.: 5B1601440011; -0021; -0031; -0041; -0051; 0061; 0071
Hearing Date: June 26, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 26, 2018, and **APPROVED** the development of a 23 dwelling unit, multi-family development in a Light Commercial zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. A revised landscaping plan shall be reviewed and approved by CDD staff prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for any dwelling in the development. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for.
2. The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk shall be landscaped with grass.
3. Prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
4. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners Association Agreement shall be submitted for review and approval by CDD. The Homeowners Association

R & S Construction LLC
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agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and striping.

- 5. Prior the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, a revised parking plan showing no fewer than 49 parking spaces on the exterior of the buildings shall be submitted and approved by CDD.

Attachments: June 18, 2018, and June 22, 2018 memorandums from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2018 0007.

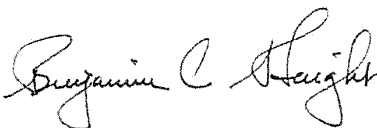
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

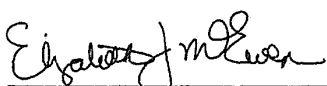
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (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, June 26, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or December 26, 2019 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: 
Tim Felstead, Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With Municipal Clerk

7/2/2018
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.

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
For
VINTAGE PARK CONDOMINIUMS
April 26, 2018**

R & S Construction, LLC, an Alaska Limited Liability Company, whose address is PO Box 210194, Auke Bay, AK 99821, Declarant, hereby submits the real property described as:

Lot 1A1, Block C, Vintage Park IIA according to plat no. 2018-49, Juneau Recording District, First Judicial District, State of Alaska.

to the provisions of the Uniform Common Interest Ownership Act, AS 34.08, in order to create Vintage Park Condominiums and make the Improvements shown in the Plat and Plan attached as exhibits hereto.

**PARAGRAPH A
NAME AND TYPE OF COMMON INTEREST COMMUNITY AND ASSOCIATION**

Section 1. Name of Community. The name of the Common Interest Community is Vintage Park Condominiums.

Section 2. Name of Association. The name of the Association is Vintage Park Condominium Owners' Association.

**PARAGRAPH B
DESCRIPTION OF LAND**

The Common Interest Community is situated in Juneau, Alaska on real property which is owned by the Declarant and which shall be conveyed to the Unit Owners as fee simple Unit Estates. This Property is described as:

Lot 1A1, Block C, Vintage Park IIA according to plat no. 2018-49, Juneau Recording District, First Judicial District, State of Alaska.

**PARAGRAPH C
MAXIMUM NUMBER OF UNITS; IDENTIFICATION; BOUNDARIES**

Section 1. Number of Units; Plan.

(a) Units. The Common Interest Community may contain up to thirty-five units; twelve Units in Phase One, eleven units in Phase Two, and up to twelve Units in Phase Three, if Declarant exercises its development rights for Phase Three. Declarant must exercise its development rights for Phase Three by April 1, 2021.

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(b) The Phase One buildings within the Common Interest Community shall be two, six Unit buildings . Each building is two stories. There are 12 two bedroom units, 6 in each building. The construction is wood framing with metal siding and a metal roof. In addition to the buildings, mechanical rooms, parking areas, walkways, stairs and landscaping shall be installed.

(c) The Phase Two buildings within the Common Interest Community shall be one, six Unit building and one, five Unit building. Each building is two stories. There are 11 two bedroom units, 6 in one building and 5 in the other. The construction is wood framing with metal siding and a metal roof. In addition to the buildings, mechanical rooms, parking areas, walkways, stairs and landscaping shall be installed.

(d) There may be up to twelve Units in Phase Three if Declarant exercises it development rights to add the Units.. Units in Phase Three include title and right to possession and improvements within the boundaries of each Unit. Unit boundaries are the same as in Phases One and Two. Phase Three is subject to Paragraph Y on Declarant’s Development Rights and on Paragraph N section 5 on Amendments Relating To The Exercise Of Special Declarant’s Rights. Phase Three shall be located on Lot 8A1, Block C, a subdivision of Lot 11, Block C, Vintage II and Lot 9A1, a consolidation of Lot 9A and 10A, Vintage Park IIA and Lot 8A, Block C, Vintage Park IIA, according to Plat 2014-4, Juneau Recording District, First Judicial District, State of Alaska.

Section 2. Identification of Units. All Units are identified by number and are shown on the Plat or Plan. In addition, a description of the Units and their respective location is set forth in Exhibit A to this Declaration.

Section 3. Boundaries. The boundaries of each Unit are shown on the Plans and are more particularly described as:

(a) The interior surface of all walls, floors, windows, exterior doors and ceilings are designated as boundaries of a Unit. All tile, wallpaper, paint, finished flooring and other materials added to or placed on the interior surface of walls, floors or ceilings are inside the boundary of the Unit and are part of the Unit.

(b) The portion of a chute, flue, duct, wire, conduit, bearing wall, bearing column, fixture or other improvement which is within the boundaries of a Unit and which serves that Unit is not part of the Unit but is a limited common element allocated solely to that Unit. Windows are deemed Limited Common Elements allocated solely to the Unit.

(c) Subject to (b) of this section, spaces, interior partitions, fixtures and other Improvements within the boundaries of a Unit are a part of the Unit.

(d) If the plans are in any way inconsistent with this description of the boundaries of a Unit, this description shall control.



Section 4. Easement For Encroachments. If construction, reconstruction, repair, shifting, settlement or other movement of any portion of the Improvements results either in the Common Elements encroaching on any Unit or in a Unit encroaching on the Common Elements or another Unit, a valid easement exists for both the encroachment and its maintenance.

Section 5. Right of Access. There shall be no restriction imposed on a Unit Owner's right of ingress or egress to his Unit. This right is absolute, perpetual and appurtenant to the ownership of the Unit.

PARAGRAPH D
LIMITED COMMON ELEMENTS

Section 1. In general, a limited common element is a portion of a common element allocated to the exclusive use of one or more Units but fewer than all Units by this Declaration or by law.

Section 2. The portion of a chute, flue, duct, wire, conduit, bearing wall, bearing column, fixture or other improvement which is within the boundaries of a Unit and which serves that Unit is a limited common element allocated solely to that Unit and any portion which serves more than one Unit or the Common Elements is a common element. Windows are deemed Limited Common Elements allocated solely to the Unit.

Section 3. Parking areas assigned to an individual unit are Limited Common Elements. A description of the parking areas assigned to each individual unit is set forth in Exhibit B of this Declaration.

Section 4. Stairs, shutters, awnings, window boxes, doorsteps, stoops, porches, decks, balconies, patios, fixtures, exterior doors and windows, and other Improvements serving a single Unit that are located outside the boundaries of the Unit are Limited Common Elements.

PARAGRAPH E
PROJECTS LEGAL DOCUMENTS

Section 1. The Documents shall conform to the requirements of Alaska Housing Finance Corporation set out in this Paragraph E, so the provisions of this Paragraph E control over conflicting provision of the Documents.

Section 2. The Association shall not be entitled to change any of the following which would be considered material unless at least 67% of the Unit Owners vote for and at least 51% of the first mortgagees of the individual Units have given their prior written acceptance:

- (a) by act or omission, seek to abandon or terminate the Vintage Park Condominiums
- (b) change the pro rata interest or obligations of any individual Unit for the purpose of:
 - (1) levying assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards, or
 - (2) determining the pro rata share of ownership of each Unit in the Common Elements.

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- (c) partition, subdivide, or redefine Unit boundaries of any Unit;
- (d) by act or omission, seek to abandon, partition, subdivide, encumber, annex, expand, or withdraw Property, sell or transfer the Common Elements;
- (e) use hazard insurance proceeds for losses to any Property for other than the repair, replacement or reconstruction of the Property, except as provided by statute in case of substantial loss to the Units and/or Common Elements of the Vintage Park Condominiums;
- (f) voting rights;
- (g) responsibility for maintenance and repairs;
- (h) convertibility of Units into Common Elements or vice versa;
- (i) insurance or fidelity bond requirements;
- (j) restrictions on leasing of Units;
- (k) an imposition of any restrictions on a Unit Owner's right to sell or transfer the Unit Owner's Unit;
- (l) a decision by the Association to establish self-management when professional management had been required previously by the Documents;
- (m) reallocation of interests in the Common Elements or Limited Common Elements, or rights to their use;
- (n) assessments, assessments liens, or the priority of assessments liens; and
- (o) any provisions that expressly benefit mortgage holders.

Mortgagee approval may be express or implied. Express mortgagee approval must be in writing signed by the mortgagee. Implied approval occurs if the mortgagee fails to submit a written response to any written proposal for an amendment within 30 days after the mortgagee received notice of the proposal by "certified or registered mail", with a "return receipt" requested.

When Unit Owners are considering termination of the legal status of Vintage Park Condominiums for reasons other than substantial destruction or condemnation of the Property, first mortgagees that represent at least 67% of the votes of the mortgaged Units must approve.

Section 3. Assessment dues or charges shall include an adequate reserve fund for maintenance, repairs, and replacement of those Common Elements that must be replaced on a periodic basis and shall be payable in regular installments rather than by special assessments. An adequate reserve fund means at least 70% reserve funding.

Section 4. No provision of the constituent Documents gives a Unit Owner or any other party priority over any rights of first mortgagees of Units, pursuant to their mortgages, in the case of a distribution to Unit Owners of insurance proceeds or condemnation awards for losses to or a taking of Units and/or Common Elements.

Section 5. Any proposal or Plan, pursuant to which, the Vintage Park Condominiums are subject to phasing, if any, complies with the following limitations.

- (a) Unit Owners shall have a minimum percentage undivided interest in the Common Elements and a corresponding maximum interest subject to diminution to no less than such minimum and each such percentage interest must be stated in the Declaration.

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(b) The conditions whereby any change in such percentage of undivided interest in Common Elements may take place are fully described in the Declaration, together with a description of the real property, which will become subject to the Declaration if such alternative percentage interest becomes effective.

(c) No change in the percentage interests in the Common Elements may be effective pursuant to such phasing or add-on Plans more than seven years after the Declaration becomes effective.

(d) The method for detailing the effective date of allocating assessments or granting voting rights among the annexed Units must be fully described in the Declaration.

(e) In terms of quality of construction, future Improvements will be consistent with the initial Improvements.

Section 6. Termination of Declarant/Developer control and transfer to the Unit Owners must be in compliance with AS 34.08.330 and AS 34.08.340 as amended..

Section 7.

(a) The mortgage holder (sometimes herein Eligible Mortgagee) of a mortgage on any Unit shall be given timely written notice of:

- (i) any condemnation or casualty of \$10,000 or more of the Project or a Unit securing its mortgage;
- (ii) any 60-day delinquency in the payment of assessments or charges owed by a Unit Owner of any Unit on which it holds the mortgage;
- (iii) a lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association and/or the Manager;
- (iv) any proposed action that requires the consent of a specified percentage of eligible mortgage holders; and
- (v) any loss to, or taking of, the Common Elements of the Project if such loss or taking exceeds \$10,000 or damage to a Unit covered by a mortgage exceeds \$10,000. The mortgagee will receive timely written notice of a lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association.

To receive this information the Eligible Mortgagee must send a written request to the Association, stating both its name and address and the Unit number or address of the Unit on which it has a mortgage.

(b) Eligible Mortgagees shall have the right to examine the books and records of the Association and financial statements. These documents should be available during normal business hours or under other reasonable circumstances.

(c) Any right of first refusal in the Documents will not impair the rights of an Eligible Mortgagee to:

- (i) foreclose or take title to a Unit pursuant to the remedies in the mortgage;
- (ii) accept a deed or assignment in lieu of foreclosure; and
- (iii) sell or lease a Unit acquired by the mortgage.

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(d) Any Eligible Mortgagee who obtains title to the Unit pursuant to foreclosure of the mortgage will not be liable for such Unit's unpaid dues or charges, which accrue prior to the acquisition of title to such Unit by the mortgagee. However, the Association has a "Super Lien" pursuant to the provisions of the Uniform Common Interest Ownership Act (UCIOA), AS 34.08.470(b), creating a limited priority over a first mortgage lien, as set out in Paragraph Q section 3(b).

Section 8. Any requirement of Alaska Housing Finance Corporation regarding insurance shall control in the event of any conflict with the insurance provisions of the Documents.

Section 9. Any requirement of Alaska Housing Finance Corporation regarding the form used for preparing the Association's budget, financial statements of the Association and maintenance of separate accounts for replacement reserves, the Working Capital Fund, and operating funds of the Association shall be adhered to and shall control in the event of a conflict with the Documents.

PARAGRAPH F
MAINTENANCE, REPAIR AND REPLACEMENT

Section 1. Common Elements. The Association, at its expense, shall maintain, repair and replace all of the Common Elements.

Section 2. Limited Common Elements. The Association shall maintain repair and replace all Limited Common Elements, provided the cost shall be born as provided in paragraph Q section 2,a.

Section 3. Units. The Unit Owner of a Unit shall, at the Unit Owner's own expense, maintain, repair and replace the Unit.

Section 4. Access. Any Person authorized by the Board of Directors shall have the right to enter upon any and all portions of the Common Interest Community for the purpose of repairing or performing installations to the Property or correcting conditions which threaten the Property. All entries shall be made after notice to the Unit Owner and at a time which is reasonable under the circumstances. In the event of an emergency, no notice is necessary and the entry may be made at any time regardless of whether the Unit Owner is present.

Section 5. Repairs Made Necessary By Negligence. A Unit Owner shall be liable to the Association for the cost of repairing or replacing Limited Common Elements or Common Elements, as the case may be, damaged by the Unit Owner's, or the Unit Owner's agents, act or omission or by the Unit Owner's failure to properly maintain his Unit. The Association shall be liable to a Unit Owner for the cost of repairing or replacing any portion of the Unit damaged by the act or omission of the Association or its agents or by its failure to properly maintain the Limited Common Elements and Common Elements. Costs of replacement or repair shall not be assessed against an offending Unit Owner without notifying the Unit Owner and giving him an opportunity to be heard at a hearing held by the board of directors of the Association for that purpose.

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PARAGRAPH H
ALLOCATED INTERESTS

Section 1. Formula For The Allocation Of Interests. Since all Units are similar in size and value, the percentage of the undivided interest in the Common Elements and the percentage of liability for the Common Expenses allocated to each constructed and completed Unit shall be equal. Exhibit C specifies the interest of each Unit.

Section 2. Voting Rights. All voting shall be based on the percentage of undivided interest in the Common Elements. When a Unit is owned by more than one Person and only one is present at a meeting of the Association, the Person present is entitled to cast all of the votes allocated to the Unit. If two or more of the Persons are present, the votes allocated to the Unit shall be cast according to an agreement among the Persons having a majority interest in the Unit. Voting may occur by proxy in accordance with AS 34.08.410.

PARAGRAPH I
RESTRICTIONS ON USE, ALIENATION AND OCCUPANCY

Section 1. Use And Occupancy Restrictions. Subject to the rights reserved by the Declarant in this Declaration, the use and occupancy of all Units is restricted in the following manner:

(a) Use. The individual Unit shall be occupied and used by the respective Unit Owner only as a private individual residential Unit for the Unit Owner, Unit Owner's family and tenants with any dispute about who is included in a family resolved by the board of directors. The use is subject to the following restrictions:

1. The living space on the second level may be occupied by the Unit Owner and the Unit Owner's family. As well, subject to Paragraph I section 1(m) said living space may be occupied by renters as residential living area, or leased for any other use approved in advance by a majority of the other Unit Owners, i.e. at least twelve (12) Unit Owners;

2. No overnight parking or storage of personalty, except by the mutual agreement of a majority of the Unit Owners, is allowed in the common areas. No Unit Owner shall be permitted to store an item of personal property on blocks in their Limited Common Elements for a period in excess of one week (7 days) unless approved in advance by a majority of the other Unit Owners;

3. No Unit Owner or renter of a Unit Owner shall be permitted to do mechanical work for hire in a Unit;

4. No work shall be permitted within or outside a Unit on equipment or vehicles which are rented to others or are used to transport others for hire;

5. No work shall be permitted within or outside a Unit which involves painting of personal

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property or fiberglass work other than minor repairs and maintenance;

6. No storefront business shall be conducted from a Unit, whether on a retail or wholesale basis unless the business and any signage for the business are approved in advance by a majority of the other Unit Owners, i.e. at least six (6) Unit Owners. This requirement does not limit the storage of inventory for a retail or wholesale business, provided the inventory does not include hazardous materials.

Other than the foregoing limitations, and subject to Paragraph I section 1(m), the Unit Owner of a Unit shall have the right to lease the Unit, provided the lease is made subject to the covenants and restrictions contained in this Declaration and further subject to the bylaws and rules adopted by the Association.

(b) Freezing. All Unit Owners shall be responsible to insure that the areas in their Unit with water and sewer, are heated sufficiently to insure that the water does not freeze. Any damage to the Property, or any portion thereof, caused by the failure of a Unit Owner to meet this requirement shall be repaired or replaced at the sole expense of the responsible Unit Owner.

(c) Parking. No vehicle shall be left upon the Property which is not in operating condition. Parking spaces shall be used exclusively for parking vehicles and shall not be converted to living space, shops or storage. All personal property of Unit Owners including boats and motor vehicles shall be stored in an enclosed space and out of view of all other Unit Owners.

(d) Nuisances. No noxious or offensive activities, including the repair of automobiles, shall be undertaken or allowed upon the Property. No horns, whistles, bells or other sound devices, except security alarms, shall be installed or used upon the Property. No loud noises, including but not limited to barking dogs, shall be permitted to occur upon the Property and the board of directors of the Association shall have the right to determine whether any noise is a nuisance. No Unit Owner shall cause or permit anything to be done or kept upon the Property which will increase the rate of insurance or which will obstruct or interfere with the rights of other Unit Owners. No Unit Owner will permit any nuisance to exist, commit waste, or do any illegal act or omission upon the Property and will comply with all requirements of state and local health authorities in regard to the use and occupancy of Units.

(e) Signs. No signs, posters, displays or similar items shall be displayed or visible upon the Property without prior written approval of the board of directors of the Association except signs of reasonable dimensions which advertise that a Unit is for sale or rent. This restriction does not apply to (i) signs used by the Declarant or its agents in connection with the construction and sale of Units within the Property, and (ii) signs authorized pursuant to Paragraph I, section 1(a)6.

(f) Hold Harmless And Indemnification. Each Unit Owner shall hold harmless, indemnify and defend the Association and Unit Owners for any damage, cost, expense, liability, loss, attorney fees, and litigation expense which is sustained by reason of the act or omission of the Unit Owner or Persons using the Property with the permission of the Unit Owner to the extent that the damage or loss is not covered by insurance.

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(g) Outside Installations. No pole, antenna, satellite dish, or similar device or basketball standard shall be installed upon the Property without prior written approval of the board of directors of the Association. No air conditioner or other appliance shall be installed on the exterior of any Unit or Improvement or allowed to project out from any Unit or Improvement without prior written approval of the board of directors of the Association.

(h) Pet Regulation. No animals other than dogs, cats, fish and birds in cages shall be kept on the Property by any Unit Owner and only then may they be kept in limited number and for non-commercial purposes. Unless prior written approval is obtained from the board of directors of the Association, "limited number" means one dog, one cat and one bird per Unit. All dogs and cats shall be kept on a leash by a Person capable of controlling the animal when outside of a Unit. The board of directors of the Association may cause any animal kept in violation of this subsection to be impounded at the expense of its owner or the Unit Owner. A Unit Owner shall be strictly liable to any other Unit Owner for damage, expense, liability, loss, attorney fees or litigation expense caused by an animal kept upon the Property.

(i) View Obstructions. No vegetation, screen, umbrella or other structure or thing may be installed, kept or maintained in a manner which unreasonably obstructs the view from another Unit. The board of directors of the Association shall determine whether an obstruction is unreasonable and may order the obstruction removed or altered at the expense of the Unit Owner who installed or maintained it.

(j) Business Or Commercial Activity. No business or commercial activity shall be conducted from any Unit except as authorized by other provisions of this Declaration and also except that the Declarant may maintain project sales and management offices and facilities on the Property in a residence or mobile or temporary structure placed upon the Property for that purpose. This provision does not exclude limited office use .

(k) Temporary Structures. No temporary structure, boat, truck, trailer, camper or recreational vehicle shall be used as a living space while situated on the Property except in connection with Declarant's construction.

(l) Trash Removal. Trash, garbage and other waste shall be deposited only in a container designated for that purpose. No building materials may be stored upon the Property except in connection with original or approved construction. No open burning, except for outdoor gas or pellet barbeque cooking, shall occur on the Property.

(m) Rental Of Units. . A Unit Owner may rent their Unit without prior approval of the board of directors, provided a Unit Owner shall not lease their Unit for an initial period of time which is less than one month, unless the board of directors approves lesser initial period of time, and further provided that all rental agreements must be approved in advance by the board of directors for form and content. A request for approval of a proposed rental agreement shall be made in writing to the board of directors. If the board of directors of the Association fails to respond within 30 days from the date the request is made, the request shall be considered to be granted.

The rental of the residential living space on the second level or the garage space on the ground level shall not be limited with regard to the duration of the rental period, thus, the space(s) may be rented for a term of one day or more. All rental agreements shall be in writing and provide that a failure on the part of the tenant to comply with any provision in the Declaration or Bylaws or Rules of the Association shall be a material breach of the agreement which shall result in any action being taken which is not prohibited by this Declaration or the laws of the State of Alaska. A Unit Owner who fails to enforce a violation of any provision of the Declaration or Bylaws of the Association against their tenant, after written notice having been provided to the Unit Owner by the board, shall be fined or penalized as provided in the Bylaws.

Section 2. Restriction On Alienation. A Unit may not be conveyed pursuant to a time sharing Plan or agreement or made the subject of such an agreement. Also, any conveyance, encumbrance, judicial sale or other transfer, whether voluntary or involuntary, of an individual interest in the Common Elements is void unless the Unit to which the interest is allocated is also transferred.

PARAGRAPH J
EASEMENTS AND LICENSES

The Declarant reserves, for the benefit of Declarant, the Association, and all Unit Owners, reciprocal non-exclusive easements of access, ingress and egress, and use over all of the Common Elements, subject to reasonable regulation by the Association. These easements may be used by the Declarant and its successors, the Association, and all Unit Owners and Persons using the Property with their permission, for all purposes reasonably necessary to the use and enjoyment of the Declarant, the Association; and the Unit Owners. The Declarant also reserves an exclusive easement for the benefit and use of a Unit Owner, over the areas designated on the Plat and by this Declaration, as Limited Common Elements assigned to the Unit.

PARAGRAPH K
ALLOCATION AND REALLOCATION OF LIMITED COMMON ELEMENTS

A Common Element which has not been previously allocated may be allocated as a Limited Common Element in accordance with AS 34.08.160 as amended. Allocations will be made by amending this Declaration to specify which Units shall receive the allocation. No reallocation of Limited Common Elements may be made without the consent of the Unit Owners affected by the reallocation and any Person holding a Security Interest in an effected Unit.

To the extent required by AS 34.08.160 as amended, the amendment shall be submitted to the Association for review; and payment made in advance of the estimated amount of all legal costs connected with the review, approval and recording of the amendment. If the amendment is acceptable, it shall be recorded by the Association.



PARAGRAPH L
ADDITIONS, ALTERATIONS AND IMPROVEMENTS

All Unit Owners shall adhere to the following provisions with regard to additions, alterations & improvements:

(a) Structural Changes. No change shall be made to the structural elements of the Improvements without prior written approval of the board of directors of the Association.

(b) Interior Changes. Changes may be made to the interior of a Unit which do not affect any structural element or adversely alter a mechanical component or system of the Improvements.

(c) Exterior Changes. No change shall be made to the exterior of any building or any portion of the Improvements or Property without prior written permission from the board of directors of the Association

(d) Changes When Units Combined. When two or more Units are commonly owned, partitions between the Units may be penetrated regardless of whether the partitions are Common Elements if doing so does not adversely affect a structural element or mechanical component or system of the Improvements or Property. Penetration of a partition to create doors or windows or for other reasons does not alter the boundaries of the effected Units.

(e) Request To Approve Changes. Requests to approve changes which are prohibited by this Declaration shall be submitted in writing to the board of directors of the Association. If the board of directors of the Association has not acted on the request within 30 days from the day on which it was received, the request shall be considered approved and the Unit Owner submitting it may forthwith begin making the change.

(f) Changes In Premiums. A change, regardless of where the change occurs, which causes an increase in the insurance premium paid by the Association is prohibited without prior written approval of the Board of Directors. Approval may be conditioned on the applicant paying the increase attributed to the change.

(g) Not Applicable To Declarant. The provisions of this paragraph do not apply to or in any way limit the exercise of Special Declarant Rights.

PARAGRAPH M
RELOCATION OF BOUNDARIES BETWEEN ADJOINING UNITS

Section 1. Application And Amendment. Subject to approval of any structural changes and availability of any required permits, the boundaries of adjoining Units may be relocated by an amendment to this Declaration in accordance with AS 34.08.200 as amended. The Unit Owner(s) seeking the relocation shall file an application with the board of directors of the Association stating the proposed relocation and reallocation of the percentage interest in common areas and

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facilities, if any. The board of directors of the Association shall have 30 days to consider and Act upon the application. If the application is not unreasonable,, it shall be granted. Approval may be conditioned in any reasonable manner. After an application is approved, an amendment to the Declaration shall be prepared, at the expense of the applicant(s), which sets forth the change and reallocation and which contains words of conveyance between the Unit Owners of the effected Units.

Section 2. Recording Amendments. The amendment making the relocation, along with a revised Plan, or plat as the case may be showing the change, shall be recorded. The applicant(s) shall bear the cost of preparing and recording the Plan, Plat and the amendment.

Section 3. Not Applicable To Declarant. The provisions of this paragraph do not apply to or in any way limit the exercise of Special Declarant Rights.

PARAGRAPH N
AMENDMENTS TO DECLARATION

Section 1. General. Except as otherwise provided in this Declaration or by law, this Declaration, including the Plat and Plan, may be amended only by the affirmative vote or agreement of 67 percent of the voting interest in the Common Interest Community.

Section 2. Limitation On Challenges. No action or proceeding challenging the validity of any amendment to the Declaration may be brought more than one year from the date the amendment was approved.

Section 3. Recording Of Amendments. All amendments to this Declaration must be recorded and are not effective unless and until recorded.

Section 4. Unanimous Consent Required. Except when permitted by AS 34.08 or this Declaration, unanimous consent of Unit Owners is required to increase the number of Units or change the boundaries of a Unit, the percentage interest allocated to a Unit, or the permitted use of a Unit.

Section 5. Special Declarant Rights. The provisions of this Declaration which set forth or affect Special Declarant Rights may not be amended or altered in any way without the consent of the Declarant. An amendment purporting to change or alter Special Declarant Rights without the consent of the Declarant is null and void.

Section 6. Other Required Consent. Amendments are subject to the provisions of paragraph E.

Section 7. Amendments Relating To The Exercise Of Special Declarant Rights. Special Declarant Rights shall be exercised by amending this Declaration and, when appropriate, by preparing and recording new Plats and Plans conforming to the requirements of law. Identifying numbers shall be assigned to newly-created Units, percentage interests shall be reallocated, newly-created Common Elements and Limited Common Elements shall be described, and newly-created Limited Common Elements shall be assigned to the proper Unit.



Section 8. Amendments Made To Conform To The Requirements Of Mortgagees And Insurers. Notwithstanding any language in this Declaration or other condominium document to the contrary, the Declarant shall have the right to amend this Declaration at any time when it is necessary to do so to conform to the requirements of any Eligible Mortgagee or insurer.

PARAGRAPH O
AMENDMENTS TO BYLAWS

The affirmative vote of 67% of the members of the board of directors of the Association is required to amend the Bylaws of the Association. No amendment shall be adopted without giving all members of the Association notice of the meeting at which the amendment will be considered and the opportunity to comment on the proposed amendment.

PARAGRAPH P
TERMINATION

The process of terminating the Common Interest Community shall conform in all respects to the procedure set forth in as 34.08.260, and as subsequently amended.

PARAGRAPH Q
ASSESSMENT AND COLLECTION OF COMMON EXPENSES

Section 1. Common Expenses: Apportionment.

(a) The Association shall have the responsibility, power and authority to levy and collect regular and special assessments for Common Expenses, whether general or special. Once the Association makes an assessment, each Unit Owner, including the Declarant, shall have a duty to pay a proportionate share of the Common Expenses. Regular assessments are due and payable monthly. Regular monthly assessments shall commence within sixty (60) days of the sale of the first Unit.

(b) Except as set forth in the following section, all Common Expenses shall be assessed against each Unit based on the allocated interests as specified in Paragraph H.

(c) General Common Expenses shall be assessed based on a budget adopted at least annually by the Association and paid on a monthly basis. Special assessments shall be assessed from time to time by the board of directors adopting a resolution urging the Association membership to adopt such special assessment, followed by adoption of the special assessment by a Majority of the members of the Association present at an annual or special meeting of the Association at which a quorum is present. Payment of special assessments shall be determined by the board. The Association shall establish and maintain an adequate reserve fund for the periodic maintenance, repair and replacement of improvements to the Common Elements and those Limited Common Elements that the Association is obligated to maintain. The fund shall be allocated out of the regular monthly assessments for Common Expenses. To substantiate a change in the amount allocated to a specific item in the reserve fund, requires obtaining a

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minimum of two bids, or in lieu of bids, a reserve analysis conducted by a licensed architect or engineer.

(d) When a newly constructed Vintage Park Unit, , or when a newly constructed phase is constructed, each purchaser of a Unit shall be required to pay two months dues at closing in order to establish the working capital fund, which is to be used until there are sufficient funds from the regular assessments to cover all on-going operating expenses. The funds are not considered advance payment of regular assessments. Each unit's share is collected at the time of sale of the unit is closed, and then transferred to the Association for deposit to a segregated fund. Within 60 days after closing of the first unit, the Declarant shall pay each unsold unit's share of the Working Capital Fund to the Association. The Declarant will be reimbursed for this payment from the funds collected at closing when the unsold units are sold.

The working capital fund may be discontinued when the following occurs:

1. The Declarant has completed its transfer of control to the Association; and

2. The Association has demonstrated, at a minimum, a two-year history of financial viability to include the establishment of adequate reserves. Anything in this Declaration to the contrary notwithstanding, as long as the Fannie Mae – Freddie Mac, Alaska Housing Finance Corporation, Federal Home Loan Mortgage Corporation, Federal Housing Administration or the Veterans Administration is an Eligible Mortgagee, the establishment and maintenance of a working capital fund shall be in accordance with their requirements.

Section 2. Common Expenses Attributable To Fewer Than All Units.

(a) Expenses attributable to the maintenance, repair or replacement of Limited Common Elements shall be paid by the Association and charged to the Unit or Units for which the area or facility is reserved.

(b) Expenses for services provided by or through the Association to a Unit or Unit Owner at the request of the Unit Owner shall be assessed against the effected Unit.

(c) Any increase in insurance premiums paid by the Association which can be attributed to a particular Unit or the acts or omissions of the Unit Owner shall be assessed against that Unit.

(d) If a judgment is entered against the Association, the cost of satisfying it shall be assessed only against Units which were part of the Common Interest Community at the time the judgment was entered.

(e) Expenses incurred by the Association which result from the act or omission of a Unit Owner shall be assessed against the Unit Owner's Unit.

(f) Fees, fines, collection costs, attorney's fees and other similar charges shall be assessed against a Unit as provided for in AS 34.08, this Declaration or the board of directors.



Section 3. Liens.

(a) The Association has a lien on a Unit for assessments against a Unit and other charges imposed on its Unit Owner from the time the assessment or charge becomes due. Charges include, but are not limited, to fees, collection costs, fines, late charges, attorney's fees, interest, and similar charges. If an assessment or charge payable in installments, the full amount of the assessment is a lien from the time the first installment becomes due. Interest on all past due assessments shall be 18% or the maximum legal rate of interest, whichever is less.

(b) A lien under this section is prior to all other liens and encumbrances on a Unit except (1) a lien or encumbrance recorded before this Declaration was recorded, (2) a first Security Interest on a Unit recorded before the date on which the assessment sought to be enforced became delinquent, and (3) a lien for real estate taxes and other governmental assessments or charges against the Unit. A lien under this section is also prior to all Security Interests described in (2) of this subsection if the common expense assessments based upon the periodic budget adopted by the Association under AS 34.08.460(a) would have become due in the absence of acceleration during the six months immediately preceding institution of an action or proceeding to enforce the lien. This subsection does not affect the priority of a mechanic's or materialmen's lien, or the priority of a lien for other assessments made by the Association. A lien under this section is not subject to the provisions of AS 09.38.010.

(c) Recording of this Declaration constitutes record notice and perfection of the lien. Further recording of a claim of lien for assessments under this section is not required.

(d) A lien for an unpaid assessment is extinguished unless proceedings to enforce the lien are instituted within three years after the full amount of the assessment becomes due. If, however, the owner of a Unit subject to a lien under this section files a petition for relief under the United States bankruptcy code, 11 USC sec. 101 et. seq., the period of time for instituting proceedings to enforce the Association's lien is tolled until a date 30 days from the date the automatic stay is lifted.

(e) This section does not prohibit an action to recover sums for which subsection (a) creates a lien or prohibit the Association from taking a deed in lieu of foreclosure.

(f) A judgment or decree rendered in an action brought under this section is enforceable by execution under as 09.35.010.

(g) Reasonable costs and attorney's fees shall be awarded to the prevailing party in an action or proceeding brought to enforce the lien established under this section or to collect the assessment.

(h) Without limiting any other remedy which may be available, the lien in favor of the Association may be foreclosed in the same manner as a lien is foreclosed under as 34.35.005.

(i) The Association, upon written request, shall furnish to a Unit Owner a statement setting out the amount of unpaid assessments against the Unit in recordable form. The statement

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must be furnished within 10 business days after receipt of the request and is binding on the Association, and the Unit Owner.

(j) The purchaser of a Unit at a foreclosure sale is not liable for the payment of unpaid assessments and other charges against the Unit which became due before the time of sale except for assessments which, under as 34.08.470(b), are prior to the lien which is the subject of foreclosure. The purchaser is, however, liable for all assessments which are due after the time of sale and the Association has a lien on the Unit to secure the payment of the assessments in the same manner and to the extent set forth above.

Section 4. Budget Adoption and Ratification. Within 30 days from the adoption of a proposed budget Vintage Park Condominiums, the board of directors of the Association shall provide a copy of the proposed budget to each Unit Owner and a notice setting a date for a meeting to consider ratification of it. The meeting shall be held on the date set forth in the notice which shall be not less than 14 or more than 30 days from the date the notice is mailed or delivered as required by this Declaration. Unless rejected by a Majority of the Unit Owners, the proposed budget is ratified. If rejected, the last budget ratified by the Unit Owners shall be the budget until replaced with a new one ratified in the manner set forth in this section.

Section 5. Acceleration of Assessment. In the event a Unit Owner fails to pay any common expense assessment within 10 days from the date the same becomes due, the Association shall have the right to declare all such assessments for the remainder of the fiscal year immediately due and payable but shall do so only after the Unit Owner has been given the opportunity to explain to the Board of Directors why payment has not been made.

Section 6. Commencement of Assessments. Until the Association makes a common expense assessment, the Declarant shall pay all Common Expenses. Once assessments have commenced, liability for assessments shall commence on the day in which a Unit is conveyed to a Person other than the Declarant.

Section 7. Reserve Fund. The Association shall establish and maintain an adequate reserve fund for the replacement of Improvements to the Common Elements and Limited Common Elements. This fund shall be maintained through regular assessments.

Section 8. No Waiver Permitted. A Unit Owner is not exempted from the payment of an assessment for Common Expenses if that Unit Owner waives the use or enjoyment of the common areas and facilities or abandons his Unit.

Section 9. Personal Liability. A Unit Owner, jointly and severally, is personally liable for assessments of Common Expenses, special assessments, or other charges authorized by AS 34.08 or this Declaration, the Bylaws or the board of directors, including but not limited to interest, costs and attorney's fees, levied against the Unit while owned by the Unit Owner. A successor to the Unit Owner is not personally liable for assessments levied prior to the time the person acquired title to the Unit unless that liability is assumed by the Person.



PARAGRAPH R
PERSONS AND UNITS SUBJECT TO DOCUMENTS: RIGHT OF ACTION

Section 1. Person Subject to Documents. All Unit Owners, jointly and severally, holders of a Security Interest in Units, tenants and other occupants of Units are bound by and shall comply with the provisions of the Documents. Acceptance of a deed or Security Interest, exercise of any incident of ownership, or occupancy of a Unit constitutes consent to be bound by the provisions. All provisions in the Documents are covenants which run with the land and are binding upon any and all estates in the Common Interest Community.

Section 2. Right of Action. The Association and any Unit Owner shall have a right of action against any other Unit Owner or the Association for a failure to comply with (a) the Documents or (b) decisions made by the Association pursuant to the authority granted to it under those Documents.

PARAGRAPH S
AUTHORITY TO ADOPT RULES

The board of directors of the Association may adopt Rules regarding the use and occupancy of Units, Limited Common Elements and Common Elements and the activities of Persons on the Property of the Common Interest Community. No Rules may be adopted without giving Unit Owners notice and the opportunity to comment on the proposed Rules at a meeting of Unit Owners or the board of directors called for that purpose.

PARAGRAPH T
INSURANCE

Section 1. Coverage and availability. The Association shall maintain the insurance coverage required by AS 34.08.440 and such additional insurance as set forth in this paragraph, provided the additional insurance is reasonably available. If the additional insurance is not reasonably available and is not maintained for that reason, notice of that fact shall be hand-delivered or sent by certified mail to all Unit Owners and Eligible Mortgagees.

Section 2. Property Insurance.

(a) The Association shall at all times maintain in full force and effect a master or blanket policy of insurance on (1) all personal property owned by the Association including, but without limitation, building service equipment and supplies, and (2) regardless of ownership, the Common Elements and Limited Common Elements including, but without limitation, buildings, Units, fixtures, equipment, "betterments", and other Property, whether part of a Unit or a Limited Common Element or Common Element, and all personal property of the Unit Owners normally insured under building coverage. Land, excavations, foundations and other items usually excluded from Property policies may be excluded.

(b) The Improvements shall be insured for an amount which is not less than 100 percent of the full replacement cost of the Improvements and Property, including the individual Units, at

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the time the insurance is purchased and at each renewal date. Additional endorsements shall be obtained when required by an Eligible Mortgagee or insurer if it is practical to do so:

(c) The policy shall be an "all-risk" type insuring the Property and Improvements against direct physical damage from all risks commonly insured against including fire and extended coverage perils. In addition, the policy shall provide coverage for all loss or damage resulting from steam boiler equipment accidents in an amount which shall not be less than \$50,000.

(d) The maximum deductible which the policy may contain is \$10,000.00 or one percent of the face amount of the policy. The amount of the deductible shall be maintained by the Association as a reserve.

Section 2. Liability insurance. The Association shall at all times maintain in full force and effect comprehensive general liability insurance, including medical payments insurance, of at least \$1,000,000 for any single occurrence which covers liability for (a) bodily injury, death and Property damage that results from the use, operation, ownership or maintenance of the Common Elements and Limited Common Elements, or the Activities of the Association or Declarant, and (b) damages awarded for claims relating to employment contracts to which the Association is a party. The policy or an endorsement to it must include a "severability of interest" provision so that the insurer cannot deny coverage to a Unit Owner, including the Declarant, for the reason that injury or damage resulted from the negligent Act of the Association or another Unit Owner.

Section 3. Other insurance. The Association may carry other insurance, including excess coverage insurance, which the Board of Directors believes is necessary to protect the Association or the Unit Owners, including the Declarant.

Section 4. Policy Provisions. All insurance policies issued to the Association shall provide that:

(a) Each Unit Owner is an insured Person under the policy with respect to liability arising out of ownership of an interest in the Common Elements or membership in the Association;

(b) The insurer waives its right of subrogation against all Unit Owners and members of a Unit Owner's household regardless of the capacity in which any Unit Owner is Acting;

(c) The insurance will not be prejudiced by any Act or omission of any Unit Owner that is not under the control of the Association;

(d) The policy will be primary, even if a Unit Owner has other insurance which covers the same loss;

(e) The insurer issuing the policy may not cancel or refuse to renew it unless 30 days written notice of the proposed cancellation or refusal to renew has been mailed to the last known address of the Association, each Unit Owner, and each holder of a Security Interest in a Unit who has requested a certificate of insurance or is named in the mortgage clause of the policy;

(f) Any insurance trust will be recognized; and

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(g) The Association, for the use and benefit of the Unit Owners, is the named insured.

Section 5. Fidelity Bonds. A blanket fidelity bond shall be required for all officers, Directors, Managers, and employees of the Association and any other Person who either handles or is responsible for funds held for or administered by the Association, regardless of whether that Person receives compensation for his service to the Association. The bond shall name the Association as insured, and shall be in an amount sufficient to cover loss of the maximum amount of funds which will be in the custody of the Association or its Manager at any one point in time while the bond is in effect. This amount may never be less than the amount of three month's assessments plus reserves held by the Association. The bond shall contain a provision that requires 30 days written notice to the Association, each holder of a Security Interest in a Unit, each Person servicing a mortgage owned or insured by FNMA, FHLMC, FHA or AHFC, and the insurance Trustee, if one has been appointed, before the bond can be canceled or modified in any material way. The premium for the bond shall be a Common Expense payable by the Association.

Section 6. Policies Issued to Unit Owners. Nothing in this paragraph shall prevent a Unit Owner from acquiring insurance for his own benefit.

Section 7. Worker's Compensation. The Association shall acquire worker's compensation insurance when and to the extent required by law.

Section 8. Directors' and Officers' Liability Insurance. The Association shall acquire and maintain in full force and effect liability insurance covering acts and omissions of the directors and officers of the Association if the insurance is available. The board of directors shall determine the limits of coverage.

Section 9. Premiums. Premiums for the insurance required by this paragraph shall be a Common Expense.

Section 10. AHFC Required Insurance. The following insurance, in addition to that required by subsections 1-9, shall be maintained by the Association; so long as the Association seeks to have the Units qualify for AHFC financing. If AHFC changes its insurance requirements, then the Association shall maintain insurance meeting the changed insurance requirements, so long as the Association seeks to have the Units qualify for AHFC financing. In the event of a conflict between this section 10, and sections 1-9, this section controls.

Insurance Requirements

The insurance policy shall be written by an insurance carrier who has no less than a A-policyholders rating and a financial rating in the Best's Key Rating Guide. AHFC required insurance includes but may not be limited to: commercial property, flood insurance if the Property is in a special flood hazard area, liability insurance and fidelity bonds/commercial crime.



1. Commercial Property Insurance

a. Coverage must be written in an all risk coverage form.

i. The Association must maintain a policy of property insurance for common areas, with premiums being paid as a common expense.

Fixtures and building service equipment that are considered part of the common areas, as well as common personal property and supplies, should be covered.

ii. Master (or blanket) policy for common interest community project. , The Association must maintain a "master" or "blanket type of insurance policy for common interest community projects, with a premium being paid as a Common Expense. The policy must cover all of the Common Elements and Limited Common Elements that are normally included in coverage. These include, but are not limited to, fixtures, building service equipment, common personal property, and supplies belonging to the Association.

b. Amount of Insurance

The policy shall be in an amount equal to 100% of the current replacement costs of the project facilities, including the individual Units. Coverage does not need to include land, foundation, excavation, or other items that are usually excluded from insurance coverage.

Premiums are to be paid as a Common Expense and funds to cover the deductible amounts are to be included in the Association's reserve budget with a maximum 5 year expense period.

The maximum deductible amount for policies covering common interest communities is \$25,000..

b.Additional Coverages If Applicable.

If applicable and available, the following special insurance endorsement is required.

i. Agreed Amount and Inflation Guard Endorsement.

ii. Building ordinance, which insures against loss caused by enforcement of ordinances or laws regulating construction and repair of buildings damaged by a covered cause of loss. Coverage includes loss of the undamaged portion of the building, cost of demolition of the undamaged

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portion of the building and increased cost of construction.

iii. Steam Boiler and Machinery Coverage Endorsement, which provides that the insurer's minimum liability per accident at least equals the lesser of \$2 million or the insurable value of the building(s) housing the boiler and machinery.

iv. A special condominium endorsement must insure that (i) any insurance trust agreement will be recognized; (ii) the right of subrogation against Unit Owners will be waived; (iii) the insurance will not be prejudiced by any acts or omissions of individual Unit Owners that are not under the control of the Association; and, (iv) the policy will be primary, even if a Unit Owner has other insurance that covers the same loss.

d. Named Insured

Insurance policies should show the following as the named insured:

"Vintage Park Condominium Owners' Association, for the use and benefit of the individual owners."

If the Documents permit it, the policy can specify an authorized representative of the Association, including its insurance trustee, as the named insured.

The "loss payable" clause should allow the Association or the insurance trustee as a trustee for each Unit Owner and the holder of each Unit's mortgage.

e. Notices of Changes or Cancellation

The insurance policy must require the insurer to notify in writing the Association or insurance trustee and each first mortgage holder named in the mortgage clause at least ten days before it cancels or substantially changes coverage.

2. Flood Insurance

If any part of the Property is in a special flood hazard area as defined by the Federal Emergency Management Agency (FEMA), the Association must maintain a "master" or "blanket" policy of flood insurance. The premium must be paid as a common expense.

3. Liability Insurance

The Association must maintain a comprehensive general liability insurance policy covering all common areas, public ways, and any other areas that are under its supervision. The insurance must also cover commercial space that is owned by the Association, even if leased to others. The policy must provide coverage of at

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least \$1,000,000 for bodily injury and property damage for any single occurrence. AHFC may require more coverage if mortgage investors in other similar projects in the area require higher amounts.

Liability insurance must provide coverage for the following:

- a. Bodily injury and property damage that results from the operations, maintenance, or use of the Common Elements; and
- b. Any legal liability that results from lawsuits related to employment contract in which the Association is a party.

If the terms of the policy do not include "severability of interest," AHFC requires a specific endorsement to preclude the insurer's denial of a Unit Owner's claim because of negligent acts of the Association or of other Unit Owners.

Supplemental coverage to protect against other risks, such as host liquor liability insurance, worker's compensation and employers liability insurance, comprehensive automobile liability insurance, contractual and all written contracts insurance, and, elevator collision liability, may also be required.

The policy must provide for at least 10 days written notice to the Association before the insurer can cancel or substantially modify it. Similar notice must also be given to each holder of a first mortgage on a Unit.

PARAGRAPH U
DAMAGE TO AND DESTRUCTION OF PROPERTY

Section 1. Duty to Repair and Restore. The Association and the Unit Owners subject to paragraph E, have an affirmative duty to repair or replace a portion of the Common Interest Community, if insurance was required to be maintained on that portion, which is destroyed or damaged unless:

- (a) Vintage Park Condominiums is terminated in the manner required by law and this Declaration;
- (b) Repair or replacement is not permitted by state or municipal law; or
- (c) 80 percent of the Unit Owners vote not to repair or replace the damaged portion at a meeting called for that purpose and the provisions of paragraph E are met.

Section 2. Cost of repair. The portion of the cost of repair or replacement which exceeds available insurance proceeds is a Common Expense.

Section 3. Scope of Repair. The damaged Property must be repaired or replaced in accordance with the original Plans and Plat and specifications. Any deviation from these Plans and Plat must
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be approved by a Majority of the Unit Owners and a Majority of the Eligible Mortgagees in accordance with paragraph E.

Section 4. Repair or Replacement of Less Than All Damaged Property. If less than the entire Property is repaired or replaced, (a) the insurance proceeds attributable to the damaged Common Elements must be used to restore the damaged area to a condition compatible with the remainder of the Vintage Park Condominiums, and (b) except to the extent that other Persons will receive a distribution of the insurance proceeds, (1) the insurance proceeds attributable to a Unit and Limited Common Elements that are not rebuilt shall be distributed to the Unit Owner of the Unit to which the Limited Common Elements were allocated, or to lien holders as their interests may appear, and (2) the remainder of the proceeds shall be distributed to each Unit Owner or lien holder as their interests may appear in a manner which reflects the proportionate interest of each in Vintage Park Condominiums. If the Unit Owners vote to not rebuild a Unit or Units, the interest of the Unit or Units in Vintage Park Condominiums shall be reallocated as if the Unit or Units had been condemned under AS 34.08.740(a) and the Association shall promptly record an amendment to the Declaration and Plat reflecting the change in the Vintage Park Condominiums and the reallocation of interests.

Section 5. Insurance Trustee.

(a) A Trustee may be appointed to receive and hold insurance proceeds payable to the Association, Unit Owners and lien holders. The Trustee, if one has been appointed, and, if not, the board of directors shall have the exclusive authority to negotiate losses under a policy and shall hold any insurance proceeds received in trust for the Association, Unit Owners and lien holders, as their respective interests may appear. Subject to this Paragraph U, proceeds will be used first to pay for the repair and replacement of the damaged Property and the remainder, if any, will be distributed to the Unit Owners and lien holders as required by law and this Declaration. In making distributions, the Trustee may rely on written certifications made by the board of directors setting forth the intention of the Association with respect to repair or replacement of the damaged Property and the names and amounts due to Persons performing repairs. The Trustee, in making disbursements, may rely on a report from a title insurer which states the name and the nature of the estate held by each named person in the damaged property.

(b) Each and every Unit Owner shall, and hereby does, appoint any insurance Trustee or the board of directors as his attorney-in-fact for the purpose of purchasing and maintaining insurance required by this Declaration, collecting and distributing proceeds, executing releases and other instruments, and performing all other necessary duties.

PARAGRAPH V
ASSOCIATION

Section 1. Organization. The Association shall be constituted as a nonprofit corporation which is organized under the laws of the State of Alaska.

Section 2. Membership. Membership in the Association shall at all times consist exclusively of Unit Owners or, following termination of the Common Interest Community, of former Unit

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Owners entitled to distribution of proceeds under AS 34.08.260 or their heirs, successors and assigns.

PARAGRAPH W
BOARD OF DIRECTORS

Section 1. Number and Tenure. The board of directors of the Association shall consist of the number of members set forth in the Association's Bylaws. Each member shall serve until his successor is elected and qualified.

Section 2. Powers and Duties. In accordance with AS 34.08, this Declaration, the Association's articles of incorporation and the Bylaws, the board of directors of the Association shall have the power and authority necessary to administer the business and affairs of the Vintage Park Condominiums.

PARAGRAPH X
CONDEMNATION

Section 1. Proceeds. In the event of a taking by exercise of the power of eminent domain, all proceeds from the taking shall be handled and distributed in the manner set forth in as 34.08.740.

Section 2. Association to Represent. The board of directors shall represent all effected Unit Owners in condemnation proceedings and negotiations with the condemning authority unless a Trustee has been appointed for that purpose. Each and every Unit Owner shall, and hereby does, appoint any Trustee or the board of directors as their attorney-in-fact for the purpose of litigating and negotiating with the condemning authority, collecting and distributing executing releases and other instruments, and performing all other necessary duties.

PARAGRAPH Y
DEVELOPMENT RIGHTS AND OTHER SPECIAL DECLARANT RIGHTS

Section 1. Development Rights. The following Development Rights are reserved by the Declarant:

(a) The Declarant shall have the right, by amendment to this Declaration, to add up to twelve Units, Limited Common Elements and Common Elements in Phase Three to the Common Interest Community in the location shown on the Plat designated as "Subject to Development Rights identified in the Declaration of Vintage Park Condominiums, if exercised".

(b) The Declarant shall have the right, by amendment to this Declaration, to allocate parking spaces shown on the Plat and assign them to the use of particular Units. The Declarant, however, is not required to make this allocation.

(c) The Declarant shall have the right to construct or install utility lines, wires, pipes, ducts, conduits, driveways and other facilities across, under and over the land not designated as reserved for Development Rights on the Plat for the purposes of ingress and egress and

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furnishing utility and other services to buildings and Improvements to be constructed on the land designated as reserved for Development Rights on the Plat. The Declarant also reserves the right to grant easements to public utilities and to convey Improvements within those easements or anywhere within the Common Interest Community for the above-mentioned purposes. If the Declarant grants an easement, this Declaration or an exhibit to it will be amended to include reference to the easement.

(d) The Declarant shall have the right to withdraw the land designated on the Plat as reserved for Development Rights, or any portion of it, from Vintage Park Condominiums.

Section 2. Limitation on Development Rights.

The Development Rights may be exercised in whole or in part no later than April 1, 2021. After that time, they expire.

(b) Development Rights may be exercised to increase the number of Units to a maximum of 35 Units in two phases.

(c) The architecture of all parts of the Property shall be compatible.

(d) All Units created by the exercise of Development Rights shall be used in a manner consistent with this Declaration.

(e) Development Rights shall not be exercised without the approval of all Persons, which hold a Security Interest in those rights.

(f) No real estate may be added to the Vintage Park Condominiums without the prior written consent of each holder or insurer of a first mortgage on a Unit.

(g) If Phase Two is added to Vintage Park Condominiums: (1) All taxes and other assessments levied against Phase Two, prior to its addition, shall be paid by the Declarant; (2) Phase Two Improvements shall be substantially complete before the addition occurs; (3) The existing Unit Owners and Eligible Insurers and mortgagees shall not be adversely affected by liens arising from the construction of Improvements on Phase Two; and (4) Any reallocation of interests made necessary by the addition of Phase Two shall be made in a manner which causes all Units in Vintage Park Condominiums to have an equal interest in the common areas and facilities and, therefore, equal assessments and voting rights. (5) The effective date of a reallocation is the date the amendment adding the Units is recorded.

(g) An easement exists over the portion of the Property for which Development Rights have been reserved for ingress and egress over established driveways and for utility lines where constructed as set forth on the Plat recorded with this Declaration. A reciprocal easement for the same purpose shall exist over the portion of the Property for which Development Rights have not been renewed.

Section 3. Phasing of Development Rights. Except as set forth in section 2 of this paragraph Y, no representations are made or assurances given to any Person in regard to areas reserved for Development Rights concerning the portion of the area in which Development Rights will be exercised, the manner or order in which Development Rights will be exercised, or whether those rights will be exercised at all. The exercise of some Development Rights will not obligate the Declarant to exercise others. Specifically, building some Units does not obligate the Declarant to build others.

Section 4. Other Special Declarant Rights. The Declarant, to the maximum extent permitted by law, reserves the following Special Declarant Rights. These rights may be exercised anywhere within the Common Interest Community. The Declarant shall have the right to:

- (a) Complete Improvements indicated on the Plat and Plans recorded with this Declaration;
- (b) Exercise any and all rights reserved to the Declarant, including Development Rights, or granted to the Declarant by law;
- (c) Maintain sales and management offices, signs advertising the Vintage Park Condominiums and model Units;
- (d) Use easements through the Common Elements for the purpose of making Improvements within the Common Interest Community; and
- (e) Appoint or remove any board of director's member or officer of the Association during a period of Declarant control in a manner consistent with the provisions of section 9 of this paragraph.

Section 5. Model Units: Sales and Management Offices. As long as the Declarant is the owner of a Unit within the condominium or has Development Rights, the Declarant or any of its agents or representatives may use any Unit for the purpose of maintaining a model Unit or a sales and management office.

Section 6. Easement. The Declarant reserves the right to do construction work, including repairs and warranty work and new construction, within the Property. The Declarant shall be the sole judge of when and where this work shall be undertaken and is not required to obtain the consent of the board of directors or any other Person before doing the work. The Declarant reserves an easement through the Common Elements for the purpose of doing this work, exercising any Special Declarant Rights, and otherwise performing its obligations regardless of whether the right or obligation arises by contract or by law or is reserved in this Declaration. This easement includes the right to create and convey easements for drainage and utilities to public utility organizations, governmental entities and any other Person when necessary to fulfill the development Plan for the Common Interest Community.

Section 7. Signs and Marketing. The Declarant reserves the right to maintain signs within the the Property. The Declarant also reserves the right to conduct all sales activity it considers necessary Declaration

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in any Unit which it owns or on the Common Elements as long as doing so does not unreasonably disturb any other Unit Owner.

Section 8. Personal Property of Declarant. The Declarant shall retain ownership of and shall have the right to remove at any time all goods, equipment, construction materials and other property, which it has not represented in writing as belonging to the Association regardless of whether the item of property can legally be considered to be a fixture.

Section 9. Declarant Control of the Association.

(a) The Declarant shall have the right to control the Association to the maximum extent permitted by law. The following subsections aid in defining that right but do not limit it.

(b) A period of Declarant control shall exist during which the Declarant, or a Person or Persons designated by the Declarant may appoint and remove the officers of the Association and members of the board of directors. This period shall terminate (1) 60 days after conveyance of more than 75 percent of the Units which may be created to owners other than the Declarant, (2) two years after the Declarant has stopped offering Units for sale in the ordinary course of business, (3) two years after a right to add new Units was last exercised, or (4) five years after the first conveyance of a Unit to an owner other than the Declarant, whichever first occurs. A Declarant may voluntarily surrender the right to appoint officers and members of the board of directors before termination of what otherwise would be the period of Declarant control. If so, the Declarant shall have the right to require that certain specified actions of the Association be approved in writing by the Declarant before those actions become effective.

(c) Not later than 60 days after the conveyance of 30 percent of the Units that may be created to owners other than the Declarant, one member of the board of directors shall be elected by Unit Owners other than the Declarant.

(d) Upon termination of a period of Declarant control, if not before, the Unit Owners shall elect a board of directors of at least three members, all of who shall be Unit Owners.

(e) Notwithstanding any contrary provision in this Declaration or the Bylaws, following notice under AS 34.08.390, the Unit Owners, by a 67% vote of all Unit Owners present and entitled to vote at a meeting of Unit Owners at which a quorum is present, may remove a member of the board of directors without cause other than a member appointed by the Declarant.

Section 10. Exercise of Special Declarant Rights. Unless all Special Declarant Rights have been terminated by operation of law or an amendment to this Declaration executed by the Declarant, any right not terminated may be exercised by the Declarant as long as the Declarant (a) has any obligation to a Unit Owner or the Association based on warranty or otherwise, (b) has a right to create additional Units, (c) is the owner of a Unit, or (d) is the holder of a Security Interest in a Unit. Regardless, all Special Declarant Rights shall terminate seven years from the date on which this Declaration was recorded.



Section 11. Interference With Exercise of Rights. No action by a Unit Owner or the Association shall diminish any right held by a Declarant without the written consent of the Declarant. If the Association or a Unit Owner unjustifiably interferes with the exercise of a right, the Association or the Unit Owner is liable to the Declarant for all damage caused by the interference.

PARAGRAPH Z
MISCELLANEOUS

Section 1. Headings. The headings used in this Declaration are inserted only to facilitate the location of specific provisions in it.

Section 2. Gender. The use of the masculine gender is used for convenience only and includes the feminine gender. Use of the singular includes the plural and the plural includes the singular when good sense requires that use.

Section 3. Waiver. No failure or refusal to enforce any provision of this Declaration shall be considered to be a waiver of that provision. All of the terms of this Declaration may be enforced at any time.

Section 4. Severability. If any provision in this Declaration is determined to be invalid, that determination does not affect the remainder of it.

Section 5. Conflicting Provisions: Priority. If any provision in this Declaration conflicts with a statute, the statute shall control. If any provision of this Declaration conflicts with the other condominium Documents, this Declaration shall control.

Section 6. Development Permits. The Association shall assume the obligations and fulfill the requirements of all development permits and regulations affecting the Vintage Park Condominiums including but not limited to USE 2018-007.

Section 7. Allowable Use Permit. At all times the provision of the Allowable Use Permit issued by the City and Borough of Juneau for this Project are incorporated herein and if there is a conflict between the permit terms and this Declaration, the permit terms control.

PARAGRAPH AA
DEFINITIONS

Section 1. Act. "Act" shall mean the Uniform Common Interest Ownership Act, AS 34.08, as it now exists or as it may from time to time be amended.

Section 2. Allocated Interests. "Allocated Interests" shall mean the undivided interest in the Common Elements, the common expense liability, and votes in the Association allocated to Units in the Common Interest Community. The Allocated Interests are described in paragraph H of this Declaration and are shown in Exhibit C.



Section 3. Association. "Association" shall mean the Vintage Park Condominiums, a nonprofit corporation organized under AS 10.20, which is the Association of Unit Owners under AS 34.08.310.

Section 4. Bylaws. "Bylaws" shall mean the Bylaws of the Association as they may be amended from time to time.

Section 5. Common Elements. "Common Elements" shall mean all portions of the Common Interest Community other than the Units and Limited Common Elements.

Section 6. Common Expenses. "Common Expenses" are the expenses or financial liabilities for the operation of the Common Interest Community. These include:

(a) Expenses of administration, maintenance, repair or replacement of the Common Elements;

(b) Expenses declared to be Common Expenses by the condominium Documents or by AS 34.08;

(c) Expenses which are agreed to be Common Expenses by the Association; and

(d) Reasonable reserve requirements established by the Association, whether held by the Association or in trust, for the repair or replacement of or the addition to the Common Elements or other real or Personal Property acquired or held by the Association.

Section 7. Common Interest Community. "Common Interest Community" means the real Property which is the subject matter of this Declaration.

Section 8. Declarant. "Declarant" means R&S Construction, LLC or its successor as defined in as 34.08.990(12).

Section 9. Declaration. "Declaration" means this document, including any amendments to it.

Section 10. Development Rights. "Development Rights" means a right or a combination of rights reserved by the Declarant which enable it to add real estate to the Common Interest Community, to create Units, Common Elements and Limited Common Elements within the Common Interest Community, to subdivide or convert Units into Common Elements, to do subsequent phases, and to withdraw real estate from the Common Interest Community. The Development Rights are more fully set forth in paragraph Y of this Declaration.

Section 11. Director. "Director" means a member of the Board of Directors of the Association.

Section 12. Documents. "Documents" mean the Declaration, Plat, Plans, articles of incorporation, Bylaws and Rules of the Association as they exist or may be from time to time amended. Any exhibit or certification accompanying a document is part of that document.



Section 13. Eligible Insurer. "Eligible Insurer" means an insurer or guarantor of a first Security Interest in a Unit which has notified the Association in writing of its name and address and that it has insured or guaranteed a first Security Interest in a Unit. The notice, when given, shall be considered to have included a request by the insurer for notice and other rights described in paragraph Q.

Section 14. Eligible Mortgagee. "Eligible Mortgagee" means the holder of a first Security Interest in a Unit which has notified the Association in writing of its name and address and that it is the holder of such an interest. The notice, when given, shall be considered to have included a request by the mortgagee for notice and other rights described in this Declaration.

Section 15. Floor Plan. "Floor Plan" means the document showing the horizontal organization of the Common Interest Community which is recorded with this Declaration as it exists or may from time to time be amended.

Section 16. Improvements. "Improvements" means any structures or facilities which exist or will be constructed on the land included in the Common Interest Community including, but without limitation, Units, buildings, utilities, driveways, parking areas, pipes, wires and landscaping whether constructed by the Declarant or the Association.

Section 17. Limited Common Elements. "Limited Common Elements" means the portion of the Common Elements allocated or reserved for the exclusive use of one or more but less than all of the Units by the Declaration or AS 34.08.100(2) or (4). The Limited Common Elements are described in paragraph D.

Section 18. Majority or Majority of Unit Owners. "Majority" or "Majority of Unit Owners" means the holders of more than fifty per cent of the voting authority of the Association.

Section 19. Manager. "Manager" means a Person or organization employed to perform management services for or on behalf of the Common Interest Community and the Association.

Section 20. Notice and Comment. "Notice and Comment" means the right of a Unit Owner to receive notice of an Action which the Association proposes to take and the right to comment before the Action is taken. The procedure to be followed in observing this right is set forth in paragraph X.

Section 21. Notice and Hearing. "Notice and Hearing" means the right of a Unit Owner to receive notice of an Action which the Association proposes to take and the right to be heard at a meeting of the Association or its Board of Directors before the Action is taken. The procedure to be followed in observing this right is set forth in paragraph X.

Section 22. Person. "Person" means an individual, corporation, business trust, estate, trust, partnership, Association, joint venture, government, governmental subdivision or agency, or other legal or commercial entity.

Section 23. Plan. "Plan" means the Floor Plan.



Section 24. Plat. "Plat" means the plat recorded with this Declaration as it exists or may from time to time be amended.

Section 25. Property. "Property" means the land, Improvements, easements, rights and appurtenances which have been submitted to the provisions of the Act by this Declaration.

Section 26. Public Offering Statement. "Public Offering Statement" means the current document prepared pursuant to as 34.08.530 as it exists or may from time to time be amended which is provided to purchasers before a purchase agreement is executed.

Section 27. Rules. "Rules" mean the Rules governing the use of Units and Common Elements and the conduct of Persons within the Common Interest Community which are adopted by the membership or the Board of Directors of the Association.

Section 28. Security Interest. "Security Interest" means an interest in real estate or personal property created by contract or conveyance which secures payment of a debt or performance of an obligation. The term includes a lien created by a mortgage, deed of trust, trust deed, security deed, contract for deed, land sale contract, a lease intended as security, an assignment of lease or rents intended as security, pledge of an ownership interest in the Association, and any other lien created by consent or title retention agreement intended as security for the performance of an obligation.

Section 29. Special Declarant Rights. "Special Declarant Rights" means the rights reserved for the benefit of a Declarant to (a) complete Improvements set forth on Plats or Plans filed with the Declaration, (b) exercise any development right, (c) maintain sales and management offices, signs advertising the Common Interest Community, and model Units, (d) use easements through the Common Elements for the purpose of making Improvements within the Community or within real estate that may be added to the Community, (e) appoint or remove an officer of the Association or a master Association or a Board of Directors member during any period of Declarant control, (f) rent any and all Units without limitation during the marketing period, and (g) exercise any other right necessary to rent or market Units.

Section 30. Trustee. "Trustee" means an entity which may be designated by the membership of the Association or the Board of Directors for the purpose of receiving, administering and disbursing funds derived from losses covered by insurance, condemnation awards, special assessments for uninsured losses, and other like sources. If no Trustee is designated, the Board of Directors shall be the Trustee and shall Act by Majority vote. The Actions of the Board of Directors when it is the Trustee shall be executed by the president and attested to by the secretary of the Association.

Section 31. Unit. "Unit" means a physical portion of the Common Interest Community which is designated for separate ownership or occupancy and which has boundaries described in paragraph c, section 3.

Section 32. Unit Estate. "Unit Estate" means a combination of all of the components of ownership held by an owner of an individual Unit in the Common Interest Community including

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a defined space in a building, an undivided interest in the Common Elements and the right to use Limited Common Elements and easements.

Section 33. Unit Owner. "Unit Owner" means the Declarant or other Person who is the owner of a Unit. The term does not include a Person who has an interest in a Unit solely as security for the performance of an obligation. The Declarant is the initial owner of all Units created by this Declaration.

IN WITNESS WHEREOF, this instrument is executed on the 19th day of OCTOBER, 2018.

R&S Construction, LLC
[Signature]
By: Robert Worden
Its: Managing Member

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS CERTIFIES that on the 19th day of OCTOBER, 2018 before me, a notary public in and for the State of Alaska, personally appeared Robert Worden, known to me and to me known to be the person who executed the foregoing instrument and he acknowledged to me that he executed the same as managing member of and on behalf of R&S Construction, LLC, an Alaska Limited Liability Company, freely and voluntarily for the uses and purposes therein mentioned.

WITNESS MY HAND and official seal on the day and year in this certificate first above written.

[Signature]
Notary Public for Alaska
My Commission Expires: 9-13-2021

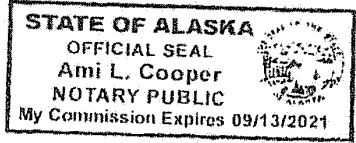


EXHIBIT A

Description of Units

Phases One and Two have twenty three Units located in four buildings, with each building having six two bedroom Units and one building having five two bedroom units.

Location of Units

The following units in Building A have an address of 3005 Clinton Drive: each is a two bedroom unit

- Unit A1
- Unit A2
- Unit A3
- Unit A4
- Unit A5
- Unit A6

The following units in Building B have an address of 3005 Clinton Drive: each is a two bedroom unit

- Unit B1
- Unit B2
- Unit B3
- Unit B4
- Unit B5
- Unit B6

The following units in Building C have an address of 3005 Clinton Drive: each is a two bedroom unit

- Unit C1
- Unit C2
- Unit C3
- Unit C4
- Unit C5

The following units in Building D have an address of 3005 Clinton Drive: each is a two bedroom unit.

- Unit D1
- Unit D2
- Unit D3
- Unit D4

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Unit D5
Unit D6

Units 2-5 in the A-D buildings have the following interior gross square footage:

First floor shop: 20'x50'

Second floor: 22x50 minus the 5'x22' deck

Units 1 and 6 in the A,B and D buildings and units 1 and 5 in the C building have the following interior gross square footage:

First floor 22'x50'

Second floor: 22,50 minus 9'x8' deck



EXHIBIT B

Description of Certain Limited Common Elements and Facilities

The portion of a chute, flue, duct, wire, conduit, bearing wall, bearing column, fixture or other improvement which is within the boundaries of a Unit and which serves that Unit is not part of the Unit but is a limited common element allocated solely to that Unit.

Each Unit has been assigned two parking spaces directly in front of each unit. The location of the parking areas is shown on the plat.

- Unit A1, Two spaces
- Unit A2, Two spaces
- Unit A3, Two spaces
- Unit A4, Two spaces
- Unit A5, Two spaces
- Unit A6, Two spaces

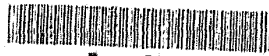
- Unit B1, Two spaces
- Unit B2, Two spaces
- Unit B3, Two spaces
- Unit B4, Two spaces
- Unit B5, Two spaces
- Unit B6, Two spaces

- Unit C1, Two spaces
- Unit C2, Two spaces
- Unit C3, Two spaces
- Unit C4, Two spaces
- Unit C5, Two spaces

- Unit D1, Two spaces
- Unit D2, Two spaces
- Unit D3, Two spaces
- Unit D4, Two spaces
- Unit D5, Two spaces
- Unit D6, Two spaces

Stairs, shutters, awnings, window boxes, doorsteps, stoops, porches, decks, balconies, patios, fixtures, exterior doors and windows, and other Improvements serving a single Unit that are located outside the boundaries of the Unit are Limited Common Elements.

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EXHIBIT C

Description of Interests in Common Elements and Voting Rights

Phases One and Two: Each Unit has an equal interest in the Common Elements allocated to each Unit. Each Unit has a 4.347826% interest in the Common Elements. Each Unit's voting rights equals its interest in the Common Elements.

Phase Three: If Phase Two is added, the interests in the Common Elements and voting rights shall be reallocated in accordance with the provisions of the Declaration.





Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: June 29, 2018
Case No.: USE2018 0007

R & S Construction LLC
P.O. Box 210194
Auke Bay, AK 99821

Proposal: A Conditional Use Permit for a 23 dwelling unit condominium development
Property Address: 3005 Clinton Drive
Legal Description: Vintage Park IIA, Block C, Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A
Parcel Code No.: 5B1601440011; -0021; -0031; -0041; -0051; 0061; 0071
Hearing Date: June 26, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 26, 2018, and **APPROVED** the development of a 23 dwelling unit, multi-family development in a Light Commercial zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. A revised landscaping plan shall be reviewed and approved by CDD staff prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for any dwelling in the development. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for.
2. The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk shall be landscaped with grass.
3. Prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
4. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners Association Agreement shall be submitted for review and approval by CDD. The Homeowners Association

agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and striping.

5. Prior the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, a revised parking plan showing no fewer than 49 parking spaces on the exterior of the buildings shall be submitted and approved by CDD.

Attachments: June 18, 2018, and June 22, 2018 memorandums from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2018 0007.

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, June 26, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or December 26, 2019 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.



Benjamin Haight, Chair
Planning Commission



Tim Felstead, Planner
Community Development Department

Project Planner:



Filed With Municipal Clerk

7/2/2018

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.



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

DATE: June 18, 2018

TO: Planning Commission

FROM: Tim Felstead, Planner
Community Development Department

CASE NO.: USE2018 0007

PROPOSAL: A Conditional Use Permit for a 23 dwelling unit condominium development

GENERAL INFORMATION

Applicant: R & S Construction LLC

Property Owner: R & S Construction LLC

Property Address: 3005 Clinton Drive

Legal Description: Vintage Park IIA, Block C, Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A

Parcel Code Number: 5B1601440011; -0021; -0031; -0041; -0051; 0061; 0071

Site Size: Total 70,594 sq. ft. (1.62 acres)

Comprehensive Plan Future Land Use Designation: Traditional Town Center (TTC)

Zoning: LC

Utilities: Public water; Public sewer

Access: Clinton Drive and Vintage Boulevard

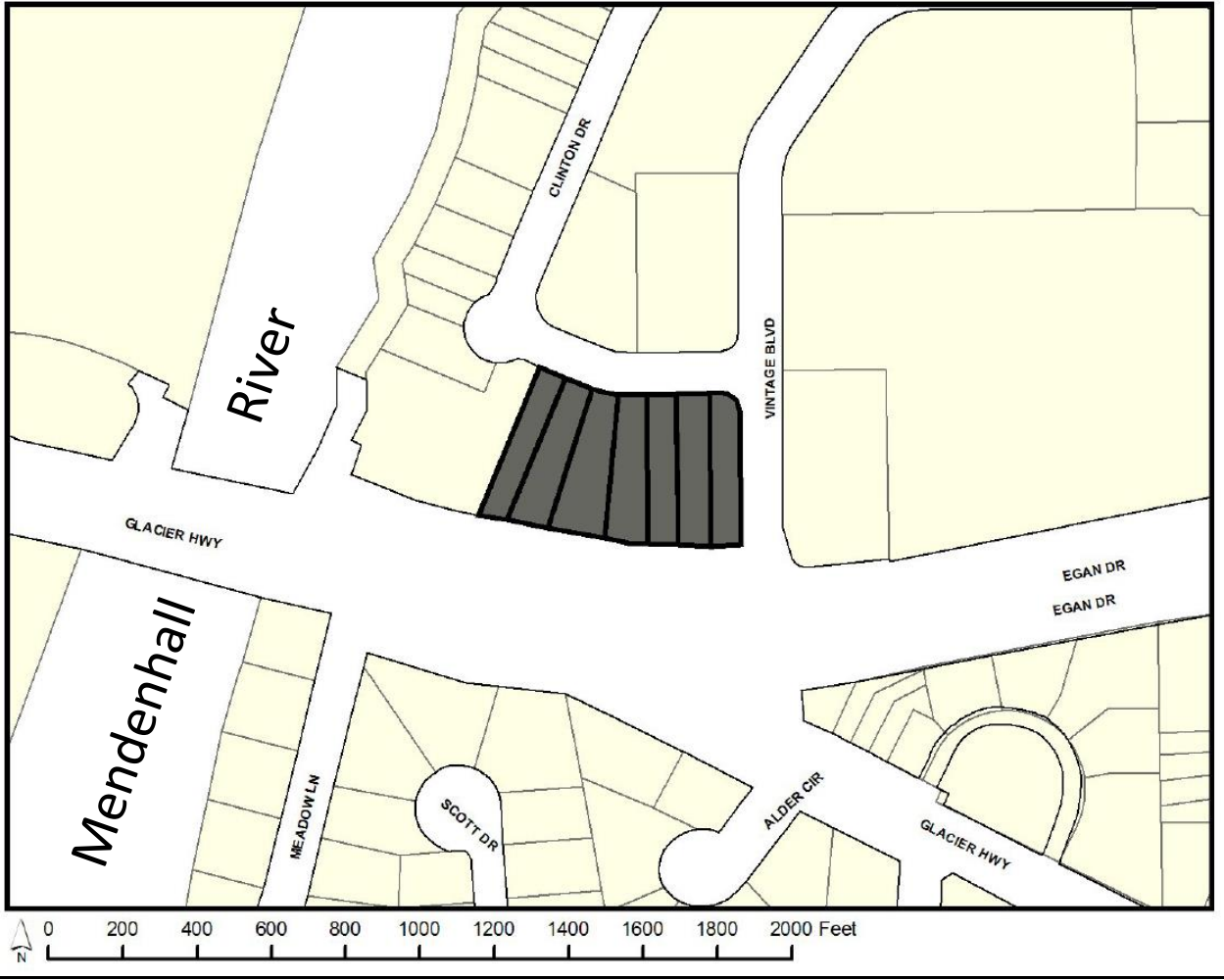
Existing Land Use: Vacant

Surrounding Land Use: North - Clinton Drive Right-of way, Commercial offices; Light Commercial (LC)

Planning Commission
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June 18, 2018
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- South - Egan Drive Right-of-way, Commercial offices; Light Commercial (LC)
- East - Vintage Boulevard Right-of-way, Commercial retail; Light Commercial (LC)
- West - Vacant; Light Commercial (LC)

VICINITY MAP



ATTACHMENTS

- Attachment A Application including narrative, building plans, and site plan.
- Attachment B Public notification

Planning Commission
 Case No.: USE 2018 0007
 June 18, 2018
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PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 23 dwelling unit condominium complex on one lot in the Vintage Park area adjacent to Mendenhall River. The dwelling units would be 'boat condos' with each unit consisting of an oversized garage space on the ground floor with an apartment above.

BACKGROUND

The development is located on one single 70,594 square foot lot. This lot was the result of a recent consolidation of seven lots (SLC2018-0002). While the consolidation has been approved and the new plat has been recorded, a new single CBJ parcel identification number has not yet been assigned. The Vintage Park area (a fraction of USS 1193) was first subdivided into 3 lots in 1984 and further subdivided in 1985. In 2013, the lots were the subject of a right-of-way (ROW) acquisition which resulted in approximately 20,000 square feet of land from the subject lots along Egan Drive being incorporated into the ROW as part of the project to replace Brotherhood Bridge. The Brotherhood Bridge reconstruction project also removed a tree buffer adjacent to the ROW. It is not clear if the trees were in the original ROW or on the private land that was acquired by DOT&PF. Design standards related to Vintage Park (see below) required a tree buffer to be provided along Egan Drive.

Around the time of the 1984 subdivision, the area was rezoned from R-7 (residential) to C-2 (Central Commercial) by CBJ Ordinance 84-03(am) (ZC 83-14). This ordinance also included a number of conditions including those regarding access and traffic control, building design, signage, and landscaping. Later, the conditions and site design/uses allowed were further amended by a series of CBJ ordinances (85-33, 85-55, 85-89, 86-54(am), and 86-72). As part of the 1987 major rewrite of the CBJ Land Use Code, the area was rezoned to Light Commercial (LC). The rezoning to Light Commercial removed the additional requirements imposed through earlier rezones. There may be additional private covenants for the area related to building and site design requirements, although the CBJ does not enforce private covenants.

The subject lot remained vacant until 2018. In April, 2018, a building permit was approved for the construction of 6 dwelling units in Building A (BLD2018-0156) followed by a second building permit in May, 2018, for the construction of 6 dwelling units in Building B (BLD2018-0275). (See site plan in Attachment A.)

The applicants are seeking a Conditional Use Permit for 23 units. They received a building permit for 12 units. Staff has already required some changes to the site plan as part of the building permit review process. In Light Commercial zones, more than 12 dwelling units on a lot is considered a major development and requires a Conditional Use Permit. This use permit evaluates full build-out of 23 units.

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ANALYSIS

Project Site – The project site consists of one 72,000 square foot, relatively flat lot surrounded by three ROWs. Based on the applicant site plan, the Egan Drive traffic lanes are ~55 feet from the subject property line, and there is a shared path that runs ~45 feet from the property line. Sidewalks for Vintage Boulevard and Clinton Drive abut the property line. The lot was used for materials storage during the reconstruction of Brotherhood Bridge.

Project Design – The architectural drawings and site plan are provided in Attachment A. The final development will consist of 4 buildings. Three buildings will have 6 units and one will have 5 units, for a total of 23 units. Each unit will consist of a garage measuring 22 ft. x 50 ft. x 16 ft. high for a total of 1100 sq. ft. There will be a 1,100 sq. ft., 2 bedroom apartment directly above each garage. The end units will be accessed via external staircases. Internal apartments will be accessed with internal staircases. Each apartment will have a deck area. The majority of the windows will be located on the front elevation of the buildings, and doors will either face Clinton Drive or Egan Drive. The plainer rear elevation of the buildings will face into the site separated by a ~15 foot vegetated area.

The lower 3 feet of the exterior of the buildings will be clad with ‘cultured stone’ with the rest of the garage level clad in vertical metal siding. The second-story apartment level and roof gables will be clad in vinyl siding.

The setbacks for the site are provided below:

Yard	Setback (feet)
Front (Clinton Drive)	25
Street side (Vintage Boulevard)	17
Street side (Egan Drive)	17
Side	10

The site design meets all required setbacks. The access stairs along the side of the buildings paralleling Vintage Boulevard encroach 5 feet into the 17 foot side yard. This is allowed under a setback exception for unenclosed balconies, connecting deck stairways, ramps, and landings with or without roofs (CBJ 49.25.430(4)(C)(i)).

The maximum building height for permissible uses in the Light Commercial zoning district is 45 feet. The proposed buildings are 35 feet to the mid-point of the roof.

There are no maximum lot coverage limits in Light Commercial zones but there is a 15% vegetative cover requirement. For this site, 10,589 square feet of vegetative cover is required. The site plan shows that 10,587 square feet will be landscaped.

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It is recommended as a condition of approval that prior to a Certificate of Occupancy, a minimum of 15% of the lot must be planted with vegetation or the installation of vegetation must be bonded for. Staff further recommends a condition that the vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans.

Other developments in the Vintage Park neighborhood have vegetative buffers separating the parking lots from the ROW sidewalks. The applicants have proposed a 3 foot vegetated strip to provide a consistent appearance. While this is consistent with the vegetative buffer provided on one recent development in the Vintage Park area (Trillium Landing Senior Housing project), the majority of developments have larger vegetative strips.

Light Commercial zones allow for up to 30 dwelling units per acre. There would be a maximum of 49 dwelling units allowed on this lot. The applicant is proposing 23 units and associated garages.

The applicants have not indicated uses other than residential apartments and associated garage space. However, the units will be constructed so that the garage spaces are appropriately fire separated from the apartments above. In the future, the spaces could be used independently from the residential apartments above. Many commercial uses are allowed in Light Commercial zones and may require additional permits, parking, or performance standards depending on the use.

A Change of Use Permit would be required and would provide CDD the opportunity to review parking and performance standards and advise the applicant if a Conditional Use Permit would be needed or if fire or building inspections would be required.

Traffic – Using the ITE Trip Generation Manual (ITE Manual), staff estimates the average daily traffic to be 133 trips per weekday for the proposed 23 residential units (Land Use 230 Residential condominium/townhouse). CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 vehicle trips per day.

There will be a two-way access to the site from Clinton Drive and a one-way ingress access from Vintage Park. Clinton Drive and Vintage Park are CBJ maintained ROWs. The one-way ingress could potentially have two-way traffic. This is being proposed by the applicant and is not a CBJ requirement. Vintage Boulevard only allows right turns onto Egan Drive toward Auke Bay. All other traffic destinations would have to be accommodated by driving toward Riverside Drive.

It is recommended as a condition of approval that appropriate 'no exit' signs be placed at the ingress-only access on Vintage Boulevard.

CBJ Streets has no concerns with the proposed access points into the site. CBJ General Engineering has approved the two access points in their approval of the earlier building

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permits. The Alaska Department of Transportation and Public Facilities have not provided comments.

Parking and Circulation – The proposed parking and circulation plan is provided as part of the site plan in Attachment A. The parking requirement for the proposal is provided in the table below.

Use	Use parking space requirement	Size of use	Parking spaces required
Residential–multifamily (Not Juneau or Douglas)	1.75 per 2 bedroom	23 x 2 bed units	40.25
Total			40.25
Rounded to nearest whole number = 40 spaces			

At 22 feet wide, each garage is wide enough to accommodate two parking spaces inside. The garages associated with each unit provide enough spaces to meet the collective parking requirement for the entire development. **The applicant’s initial site plan showed additional parking spaces directly in front of each garage.** CBJ 49.40.230 (a)(6) only provides for stacked parking for single family and duplex uses. The applicants submitted a revised site plan showing no parking outside the garages. As discussed above, any change of use from residential may require additional parking which will be addressed through a “change of use” building permit. The site can accommodate additional parking. On-site parallel parking spaces (6 feet wide x 22 feet deep) could be accommodated along the Clinton Drive (~9 spaces) or Egan Drive (~13 spaces) lot lines so there is capacity for more intense uses, although this would have to be accounted for in the Homeowners Association (HOA) agreement. Additionally, CBJ 49.40 does allow for uses other than single family and duplex to have off-site parking, as well as the opportunity for joint use parking.

Two ADA compliant parking spaces, with appropriate stripping and signage, will have to be provided on the site including one van accessible space. These spaces are shown on the revised site plan. These will need to be striped and signed as part of the Building Permit approval. Required stripping should be maintained.

The HOA agreement will also need to address maintenance responsibilities for the shared paved circulation area. The CBJ Land Use Code does not have a standard requirement that multifamily condominium developments have a HOA agreement.

To ensure the common paved circulation area is adequately maintained, it is recommended as a condition of approval that this be addressed in a HOA agreement along with other common facilities and a copy be provided to CDD before the first building can be occupied.

Vegetative Cover and Landscaping - The CBJ Land Use Code requires parking and circulation areas to be ‘attractively landscaped’ (CBJ 49.40.230(a)). CBJ 49.40.230(c)(1) states parking

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areas 'shall be landscaped in accordance with design review standards'. However, Title 4 of the CBJ Administrative Code no longer includes design review standards for parking lot design. Staff can only subjectively assess whether the parking lot design is 'attractive'.

The Land Use Code does however define 'Landscape' (CBJ 49.80.120) as:

(2) To add lawns, trees, plants, or other natural and decorative features to land.

Surrounding properties and minimum site vegetative cover requirements are often used during the proposal review as a guide to determine if the design meets the general landscaping requirements. One member of the public who owns property in the Vintage Park area contacted CDD with concerns that the appearance of the development would detract from their own property citing the design standards that were initially in place for the Vintage Park area adds value to their own property. They had not viewed the architectural drawings or proposed site plan at that point. This person has not commented again since staff provided them with these details.

As discussed above, the majority of other developments in the area have a vegetative buffer between the sidewalk and their associated parking lots. The development on the opposite side of Clinton Drive from the subject development has a buffer which is approximately 7.5 feet. To provide consistency with other developments in the area, it is recommended that the proposed 3 foot vegetative strip be widened to 5 feet and some shrubs and/or trees be provided along Clinton Drive and Vintage Boulevard. Any additional space between the property line and edge of sidewalk should be landscaped with grass.

It is recommended as a condition of approval that in addition to the vegetative cover requirements, prior to issuance of any further building permits for Buildings C or D, that the landscaping plan be amended to show a minimum of 5 feet of vegetative strip separating the parking and circulation area (except for access points) from the sidewalk on Clinton Drive.

In addition, the landscaping plan shall include vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches plantings of trees and/or shrubs for other developments in the immediate vicinity. The landscaping shall be reviewed and approved by CDD.

Pedestrian circulation – Both Clinton Drive and Vintage Boulevard are already served by sidewalks in the ROW. The site plan shows a 4-foot wide concrete walkway in front of the building. To facilitate pedestrian access from the development toward Safeway, the applicants have continued the walkways in front of Buildings A and B through the vegetated strip to Vintage Boulevard. CBJ Streets have stated that they believe additional crosswalks will be needed through the Vintage Park area to accommodate the increasing residential uses that are being developed. An obvious location related to the subject development is across Vintage Boulevard at the intersection with Clinton Drive. This crossing would require more than

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stripping. The crossing would have to account for two drain inlets, provide pedestrian curb cuts, and involve removal of part of an existing concrete median. CBJ should consider development of crossing walks as part of the CIP.

Drainage and snow storage – The submitted drainage plan has been reviewed by CBJ General Engineering under the issued building permits. The proposed subsurface drainage system meets CBJ standards, and there is no incentive for the developer to explore green infrastructure approaches since they are not interested in increasing dwelling density and already meet their minimum vegetative cover requirements. Stormwater management during construction is reviewed as part of the CBJ Building permit. As part of the review for approval of the building permit, CBJ General Engineering requires a maintenance schedule agreement for oil/water separators to be recorded to make it clear what a development’s obligations are.

The applicants have identified one dedicated snow storage area near Building D, and it is expected any additional storage could occur in front of Buildings A and C, although this should be done so that drains are not blocked.

Lighting –The Land Use Code also requires parking areas ‘to be suitably lit’. This is interpreted to mean exterior lighting should be provided in parking areas, along pedestrian pathways, and immediately adjacent to the building. All exterior lighting should be of full cut-off design and that there is direct lighting only on the subject parcel to minimize impacts to adjacent neighbors. The applicants have proposed lighting fixtures that meet the required full cut-off design. However, lighting locations are not shown on the site plan, only on the architectural drawings, and the site plan is not prepared by a professional engineer or architect as required by the Land Use Code for major developments with ten or more dwelling units.

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

Noise – The proposed residential use is not expected to generate any noise impacts beyond what would be expected in a Light Commercial zone.

Public Health or Safety – The structures meet all zoning requirements for height and setbacks and will meet all applicable building code requirements for fire safety. CBJ Fire has reviewed the overall site plan as part of the review of the two issued building permits and has no concerns with the development. The CBJ Building Official has no concerns with the development. The additional buildings will also require building permits.

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

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Property Value or Neighborhood Harmony – Surrounding land uses are primarily commercial. The CBJ Land Use Code (49.25.230 (a)) states commercial zoning districts are established to accommodate commercial activities and, more specifically, that Light Commercial zoning districts are:

...intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.

The proposed use for residential dwellings and associated garages is allowed in the zoning district and is consistent with the description of the zoning district.

As mentioned above, one member of the public has concerns that the proposed development would be out of character with the surrounding properties and would reduce the marketability of their own commercial space. The member of the public had not seen the architectural drawings at the time of sharing these concerns and was not aware of the 3 foot vegetative buffer proposed by the applicants. The CBJ Assessor has stated that they do not foresee any negative impacts on surrounding property values from the development. They also stated the development might actually provide a beneficial buffer from Egan Drive for other properties on the interior of Vintage Park. However, they suggested a larger vegetative strip with shrubs or a privacy fence along Clinton Drive providing a visual buffer would be beneficial but were aware of the potential need for a larger paved turning area to allow boats to be more easily parked. The buffer would have limited impact on vehicle noise.

Conformity with Adopted Plans –

CBJ 2013 Comprehensive Plan

The Land Use Designation of the site in the Comprehensive Plan is Traditional Town Center (TTC). This is described as:

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street

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parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. (p. 147)

The proposed dwelling unit density is 14 dwelling units per acre, less than the recommended minimum in the Comprehensive Plan of 18 units per acre. Ideally, lands are developed to their maximum dwelling unit density where possible especially when located in close proximity to transit services, but there is no minimum dwelling density in the CBJ Land Use Code.

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

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

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

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

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

The development also provides potential for mixed uses in the future as the garage spaces or apartments are utilized for commercial uses. This is supported by the following policy:

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA. (p.130)

POLICY 10.13. TO PROVIDE FOR AND ENCOURAGE MIXED USE DEVELOPMENT THAT INTEGRATES RESIDENTIAL, RETAIL AND OFFICE USE IN DOWNTOWN AREAS, SHOPPING CENTERS, ALONG TRANSIT CORRIDORS, AND IN OTHER SUITABLE AREAS. (p.140)

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The following Standard Operating Practice (SOP) related to Policy 10.13 supports review of parking, landscaping, and lighting for developments

10.13 - SOP2 Maintain and improve provisions in the Land Use Code that include performance standards covering building height, site coverage, landscaping, buffering from incompatible uses, access, signage, parking and other design standards in the Mixed Use zones. Maintain and improve design review procedures to assure that proposals for mixed use development are evaluated with regard to site design, building placement, parking, landscaping, exterior lighting, and other factors ensuring privacy and livability of the project residents as well as factors to ensure the project is compatible with, and a good neighbor to, surrounding properties, land uses, and public facilities.

Juneau Economic Development Plan

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

Area-Wide Transportation Plan

The Area-Wide Transportation Plan (AWTP) addresses land use revisions and enhancements that developments should provide in projects. These enhancements include sidewalks, pathways that eliminate vehicular conflict points, and infill development and redevelopment. There are no specific actions related to pedestrian connectivity in Vintage Park in the immediate area of the subject lot.

Juneau Non-Motorized Transportation Plan

The purpose of the Juneau Non-Motorized Transportation Plan (JNMTP) is ‘to promote active transportation by guiding development of a community-wide bicycle and walking network that can be used by all Juneau residents for all types of trips’. The location of the development is a walkable distance to public amenities such as grocery stores, recreational facilities, schools, a post office, banks, etc. Transit services operate on Riverside Drive, and CBJ is actively pursuing a Valley Transit Center in the Vintage Park/Mendenhall Mall area. There are no specific actions related to pedestrian connectivity in Vintage Park in the immediate area of the subject lot.

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FINDINGS

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

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

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

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

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

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

1. Is the application for the requested conditional use permit complete?

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

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

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

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the June 15, 2018 and June 25, 2018 issues of the Juneau

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

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

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

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

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

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

Yes. Based on the preceding analysis, staff finds that the proposed multifamily development is in general conformity with the Land Use Plan and Comprehensive Plan.

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

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

N/A

RECOMMENDATION

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

The approval is subject to the following conditions:

1. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for. A revised landscaping plan shall be reviewed and approved by CDD staff prior to issuance of any further building permits for Buildings C or D.
2. In addition to the vegetative cover requirements, the landscaping plan shall be amended to show a minimum of 5 feet of vegetative strip separating the parking and circulation area (except for access points) from the sidewalk on Clinton Drive.

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3. The landscaping plan shall include vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk should be landscaped with grass.
4. Prior to issuance of a Building Permit for Buildings C or D, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
5. Prior to CBJ acceptance of sidewalk improvements, appropriate 'no exit' signs shall be placed at the ingress-only access on Vintage Boulevard.
6. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners Association Agreement shall be submitted for review and approval by CDD.
7. The Homeowners Association agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and stripping.

DEVELOPMENT PERMIT APPLICATION

RECEIVED
APR 24 2018
PERMIT CENTER/GDD

Project Number: CITY and BOROUGH of JUNEAU Date Received: APR 24 2018
Project Name (City Staff to Assign Name):

Project Description: Conditional User permit for 23 unit condo development

PROPERTY LOCATION
Street Address: 3005 Clinton Dr City/Zip: Juneau AK
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): Lots 1A-7A Vintage Business Park
Assessor's Parcel Number(s): 011, 021, 031, 5-816-0-144-004-1, 051, 061, 071
LANDOWNER/ LESSEE
Property Owner's Name: R & S Const. LLC Contact Person: Scott Jenkins Work Phone: 723-8952
Mailing Address: P.O. Box 210194 Anchorage AK Home Phone: Fax Number:
E-mail Address: igloovracing-1@yahoo.com Other Contact Phone Number(s):

LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.
X [Signature] Date: 4/23/18
X _____ Date: _____
Landowner/Lessee Signature Landowner/Lessee Signature

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

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below
Applicant's Name: Same Contact Person: Work Phone:
Mailing Address: Home Phone: Fax Number:
E-mail Address: Other Contact Phone Number(s):
X _____ Date of Application: _____
Applicant's Signature

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	Permit Type	**SIGN	Date Received	Application Number(s)
<input checked="" type="checkbox"/>	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
<input checked="" type="checkbox"/>	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
<input checked="" type="checkbox"/>	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<u>4/24/18</u>	<u>USE 20180007</u>
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

Comments: Pre-App note's were never sent. Eddie trying to get them completed. Lots to be consolidated under SEC 18-02 Permit Intake Initials: TOP

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
FORMS 12010 Applications Revised November 2009



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
Construction of 23 condos.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED
 Accessory Apartment – Accessory Apartment Application (AAP)
 Use Listed in 49.25.300 – Table of Permissible Uses (USE) ~~20180007~~
 Table of Permissible Uses Category: _____

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? YES – Case # _____ NO

UTILITIES PROPOSED **WATER:** Public On Site **SEWER:** Public On Site

SITE AND BUILDING SPECIFICS
 Total Area of Lot 70594 square feet Total Area of Existing Structure(s) NA square feet
 Total Area of Proposed Structure(s) 25300 square feet

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

ALL REQUIRED DOCUMENTS ATTACHED *If this is a modification or extension include:*

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

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

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

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

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ 750	Class III		
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign. Fee	\$ 50			
Pub. Not. Sign. Deposit	\$ 100			
Total Fee	\$ 900			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
USE 20180007	4/24/18.

Attachment A

Allowable/Conditional Use Permit Narrative:

Lots 1A-7A on Clinton Drive are currently vacant long skinny lots that we (R&S CONSTRUCTION LLC) have purchased to build a future 23 unit 2 condo project to be completed in 2 phases. We are providing copies of the proposed site plan with depicting the required 15% vegetation. The site plan also shows the buildings with proper setbacks, vehicle circulation and parking. The condo units will be primarily residential condos with large shop/garages. We are designing the units to leave open the possibility for the purchaser to run a small business in the shop space below if desired. The proposed use meets all current zoning and will comply with the Comprehensive Plan. If you have any further questions please contact Rob Worden at 907-321-5015 or Scott Jenkins at 907-723-8952



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

MEMORANDUM

DATE: June 22, 2018
TO: Planning Commission
FROM: Tim Felstead, Planner
 Community Development Department
CASE NO.: USE2018 0007
SUBJECT: Additional parking for potential future uses

Commissioner Dye called me on Wednesday, June 21, 2018, regarding USE2018 0007. He noted that in the staff report it states that the building design and the Light Commercial zoning district would allow for other primary uses in the residences or garages that are associated with each residence. His concern was that additional parking would be required if these additional uses did in fact transpire. The applicants also describe this as a possibility in their narrative. As noted in the staff report, there is some additional space available on the site, based on the current site plan, which would allow parallel parking around the perimeter of the property (~22 spaces). Other parking and access configurations are also possible and may yield more spaces.

CDD reviews applications based on the uses that have been presented. When additional uses are speculated, it is the responsibility of the developer to ensure that the relevant parking requirements can be met before the use begins. As noted in the staff report, a change of use would at least require a 'Change of Use' building permit. This type of building permit would be reviewed by CDD for compliance with permissible uses in the zoning district and parking compliance would be checked for. Given that there are numerous options available in the Land Use Code to reduce the number of parking spaces (joint use parking, off-site parking, or parking waivers), speculating on the number of parking spaces that may potentially be required in the future has too many variables to anticipate for the purposes of this staff report.

It is true that the potential uses on the site could yield a greater parking requirement than can be accommodated on the available land. It is the developer's choice to be constrained by the design of the site in terms of how future uses could be accommodated. CDD has previously communicated to the applicants that future additional uses may trigger a need for additional parking spaces.

During the writing of the staff report, staff had an internal discussion about whether the obligation to inform CDD of a change of use should be written into the Homeowners Association agreement. It was

Planning Commission
USE2018 0007
June 22, 2018
Page 2 of 2

felt that the Change of Use process would capture this and so a condition to this effect would be unnecessary. However, as a result of Commissioner Dye's inquiry, it was felt that such a condition might provide the Homeowners Association with an opportunity to have an internal review and approval process about what uses are allowed in the development since any additional parking would have to be addressed in the commonly owned areas of the development. An additional condition is therefore recommended.

8. For any change of use for any of the 23 dwelling units and accessory garages from 'multifamily residential', a revised parking plan shall be submitted and approved prior to the issuance of a building permit or change of use review. Additionally, this condition shall be incorporated into the HOA documents.

Ilsa Lund

From: Scott Gray
Sent: Tuesday, March 4, 2025 10:18 AM
To: Ilsa Lund
Subject: RE: USE2025-0005 Please Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Isla,

I guess I was not done 😊

Kit Watts our Valley Maintenance Supervisor sent me this very useful information (see below).

His email has a question about the history of the “No Parking” signs. There use to be the “No Parking 1AM to 7AM” signs on both sides of Clinton Drive. It looks the signs on that section of Clinton have been removed since the boat condos were put in. Was that part of the original permit? Did the contractor remove the signs during the construction, and they were never put back up?

With the Senior Operators and Kits concerns, I think we should probably look into getting some signs installed back to the original signage, unless that was part of the permit to exclude the “No Parking 1AM to 7AM” signs.

Scott,

Clinton Dr. is signed either “No Parking Anytime” or “No Parking 1AM – 7AM”. I am assuming this is for snow removal ops. in order to get the snow plowed off the road and sidewalks pushed back. The section of roadway in front of the condos has no signage (maybe it was pulled down during the condo construction?), and there are vehicles parked on the roadway 24 hrs.. This area cannot be plowed correctly and also cannot be swept due to the parked cars.

I believe allowing the reduced parking spaces in the condos will cause more vehicles to park on the roadway. I also think we should look into installing winter seasonal “No Parking 1AM – 7AM” signage on Clinton Dr.

Let me know if you would like to discuss this further. I’m interested if you know the history of the “No Parking 1AM – 7AM” and if it was intended for only the winter season or any other reasons.

Kit

I hope this additional information helps,

Scott

From: Ilsa Lund <Ilsa.Lund@juneau.gov>
Sent: Tuesday, March 4, 2025 8:57 AM
To: Scott Gray <Scott.Gray@juneau.gov>
Subject: RE: USE2025-0005 Please Comment

Thank you, Scott!

Gunalchéesh!

Ilsa Lund | Planner I

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0753 ext. 4128



Fostering excellence in development for this generation and the next.

From: Scott Gray <Scott.Gray@juneau.gov>

Sent: Tuesday, March 4, 2025 8:55 AM

To: Ilsa Lund <Ilsa.Lund@juneau.gov>

Subject: RE: USE2025-0005 Please Comment

Hi Isla,

This is from our Senior Operator who plows this area in the winter: When we get snow, plowing around the cars in the street make it difficult and being that there are sidewalks on both sides of the street the vehicles get absolutely buried in there.

From that statement, I would say Streets is not be in favor to adding vehicles to on-street parking on Clinton Drive during the winter months.

Scott



Scott Gray
Superintendent
Public Works Streets & Fleet
907-586-5256

From: Ilsa Lund <Ilsa.Lund@juneau.gov>

Sent: Monday, March 3, 2025 1:55 PM

Subject: USE2025-0005 Please Comment

Hello CBJ Team,

We have received an application from the Vintage Park Condos HOA to modify an existing Community Use Permit to reduce the number of parking spaces. As part of the review process, we are circulating the application amongst CBJ departments for input that will be provided to the Planning Commission for review.

Attached is the application. Now, you can also find information at the short-term planning web site: <https://juneau.org/community-development/short-term-projects>

We have the case scheduled for the Planning Commission meeting on April 8th. If you could provide feedback by **March 25, 2025**, that would be very helpful. I've attached an Agency Comment Form for your use.

Warm regards,
Gunalchéesh!

Ilsa Lund | Planner I

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0753 ext. 4128



Fostering excellence in development for this generation and the next.



Attachment E - 2011 Google Street View of No Parking Sign



Parking spaces offset from units



Offset parking spaces



Attachment F - Site Photos



Late afternoon on-street parking

No parking sign on opposite
side of Clinton Drive.





Example of afternoon parking use.



Nuisance vehicle, possibly abandoned



Nuisance vehicle,
possibly abandoned

Attachment F - Site Photos



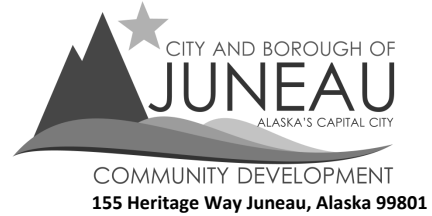
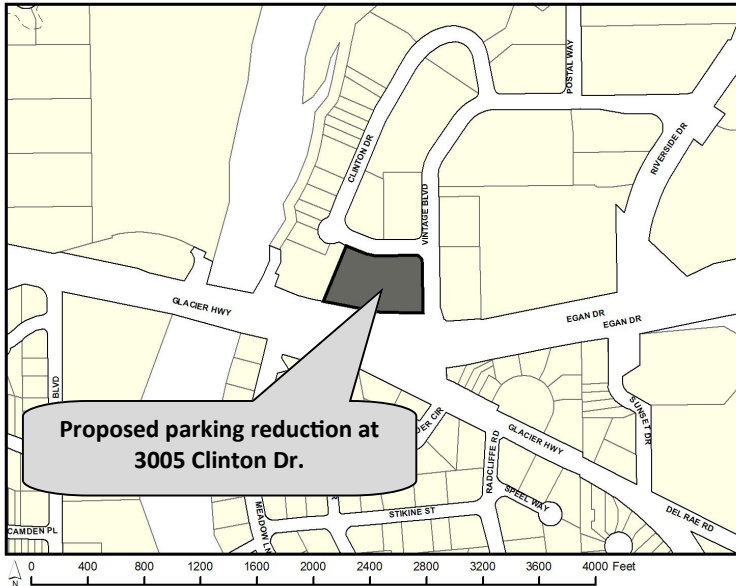


Possible abandoned vehicle near fire hydrant. Rear bumper is mangled.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



TO

A **Conditional Use Permit Modification** application has been submitted for consideration and public hearing by the Planning Commission for a **reduction in parking at 3005 Clinton Drive** in a **Light Commercial** zoning district.

PROJECT INFORMATION:

Project Information can be found at:
<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **Tuesday, April 1, 2025** at
<https://juneau.org/community-development/planning-commission>
Find hearing results, meeting minutes, and more here, as well.

Now through March 20	March 21— noon, April 4	HEARING DATE & TIME: 6:00 pm, April 8, 2025	April 9
Comments received during this period will be sent to the Planner, Ilsa Lund , 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/85421744892 and use the Webinar ID: 854 2174 4892 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.	The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4128
Email: pc_comments@juneau.gov or Ilsa.Lund@juneau.gov
Mail: Community Development, 155 Heritage Way, Juneau AK 99801

Case No.: USE2025 0005
Parcel No.: 5B1601441000
CBJ Parcel Viewer: <http://epv.juneau.org>

Ilsa Lund

From: Joe Adelmeyer <joejnu@gci.net>
Sent: Tuesday, March 25, 2025 9:04 AM
To: Ilsa Lund; Shawn Carey
Subject: Vintage Park Condo Striping Project Signage



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



PLANNING COMMISSION STAFF
CONDITIONAL USE PERMIT USE2025 0008
HEARING DATE: APRIL 8, 2025

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

DATE: March 27, 2025
TO: Mandy Cole, Chair, Planning Commission
BY: Ilsa Lund, Planner I *Ilsa Lund*
THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Use of a portion of the building formerly known as Floyd Dryden Middle School as a childcare center.

STAFF RECOMMENDATION: Approval with condition

KEY CONSIDERATIONS FOR REVIEW:

- The 2013 Comprehensive Plan highlights the need to ensure an adequate supply of affordable, quality childcare.
- At the direction of the Assembly, CBJ is currently negotiating lease terms for use of this City-owned facility with the applicant.
- The applicant will share the building with another childcare provider.

ALTERNATIVE ACTIONS:

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

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.15.330
 - 49.40.215(a)
 - 49.65.1120
 - 49.80

GENERAL INFORMATION	
Property Owner	City and Borough of Juneau
Applicant	Carolina Sekona
Property Address	3800 Mendenhall Loop Rd.
Legal Description	USS 2084 LT 1A
Parcel Number	5B2401000020
Zoning	D5
Land Use Designation	RS- CBJ Recreational Service Park
Lot Size	661,240.8 sq. ft./ 15.18 acres
Water/Sewer	CBJ/ CBJ
Access	Mendenhall Loop Road
Existing Land Use	Emergency Childcare Center after 2024 Mendenhall River Flood Event
Associated Applications	BLD2025 0002; USE2024 0021

The Commission shall hear and decide the case per 49.15.330(a) Conditional Use Permit. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D5)	Residential
South (D5)	Adair-Kennedy Memorial Park
East (D5)	Residential
West (D5)	Mendenhall Loop Road Right-of-Way

SITE FEATURES	
Anadromous	None
Flood Zone	Yes*- Zone AE
Hazard	None mapped
Hillside	No
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	Mining & Exploration Surface Activities Exclusion District, Urban/ Rural Mining District

*The structure and courtyard are not located within the flood zone.

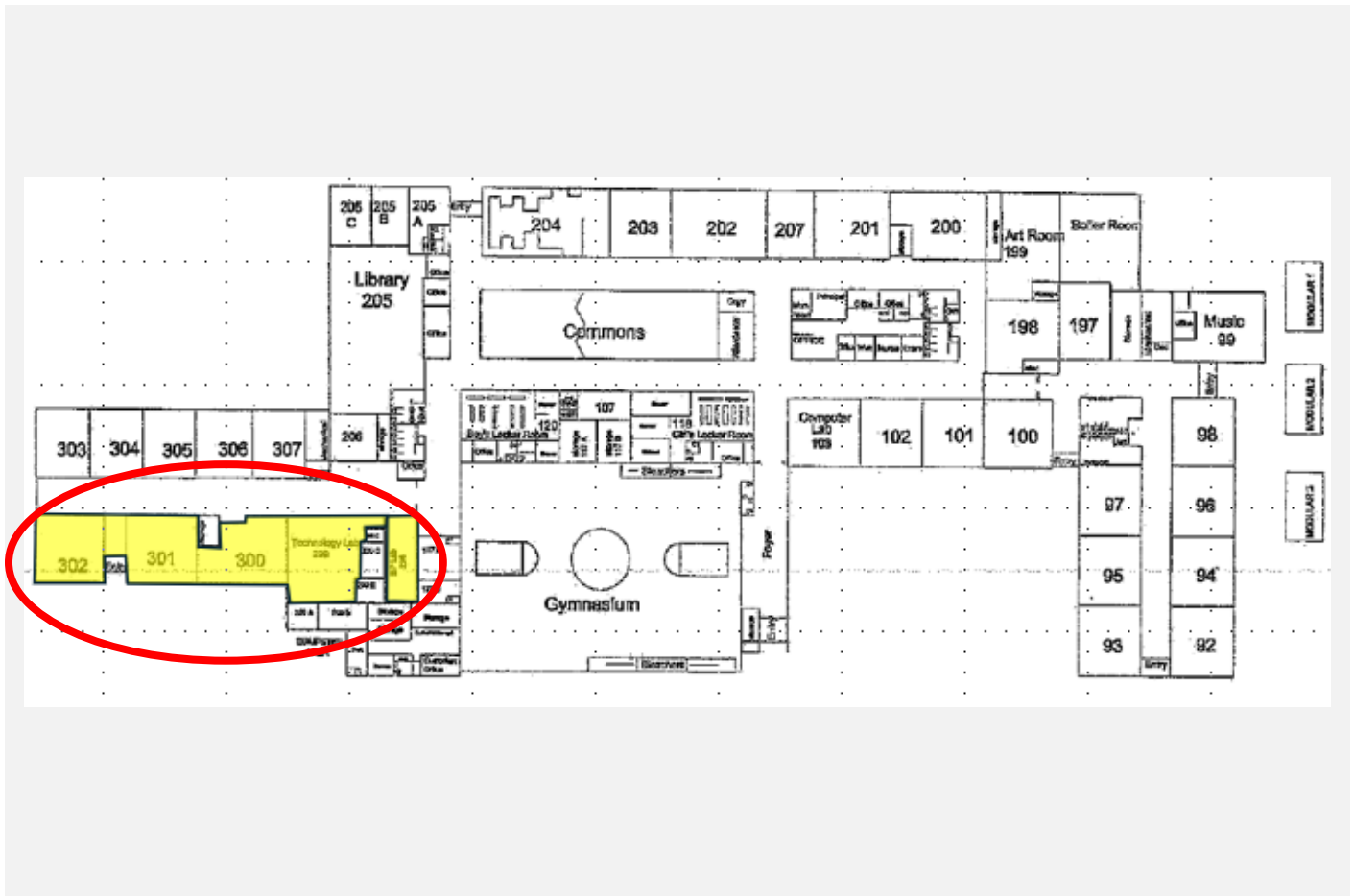
BACKGROUND INFORMATION

Project Description – The applicant has applied for a Conditional Use Permit (CUP) to use a portion of the building formerly used as a middle school for a childcare center (Attachment A). The applicant is currently operating a childcare center at this location under emergency approval after the applicant’s residence on Emily Way was damaged in the 2024 Glacial Lake Outburst Flood. The applicant operated a childcare home in this residence. The proposed use would increase the applicant’s capacity up to 45 students and will employ eight (8) teachers.

ZONING REQUIREMENTS

Standard		Requirement	Existing	Code Reference
Lot	Size	7,000 sq. ft.	1,471,457 sq. ft.	CBJ 49.25.400
	Width	70 ft.	430 ft.	CBJ 49.25.400
Setbacks	Front	25 ft.	~254 ft.	CBJ 49.25.400
	Rear	20 ft.	~158 ft.	CBJ 49.25.400
	Side (NE)	5 ft.	~172 ft.	CBJ 49.25.400
	Side (SW)	5 ft.	~13 ft.	CBJ 49.25.400
Lot Coverage Maximum		50%	~5%	CBJ 49.25.400
Vegetative Cover Minimum		20%	~23%	CBJ 49.50.300
Height	Permissible	35 ft.	>35 ft.	CBJ 49.25.400
	Accessory	25 ft.	>25 ft.	CBJ 49.25.400
Maximum Dwelling Units (5/Acre)		N/A	0	CBJ 49.25.500
Use		Residential	Educational	CBJ 49.25.300

SITE PLAN



ANALYSIS

Project Site – The applicant proposes to lease a portion of the facility formerly known as Floyd Dryden Middle School located in the Mendenhall Valley adjacent to Adair Kennedy Memorial Park and accessible from Mendenhall Loop Road for the purpose of providing childcare.

The sign at the intersection of Mendenhall Loop Road and the Floyd Dryden campus was not permitted and, in accordance with CBJ 49.45.270(d), is not permissible. The code prohibits signs with any light component that is moving, flashing, or otherwise animated except for time and temperature displays.

Condition: Signs are regulated under CBJ 49.45. A separate permit is required for most signs. Contact the Community Development Department for more information prior to designing, purchasing, or installing exterior signs.

Project Design – The applicant has not proposed any changes to the facility at this time.

Condition: None.

Traffic – In 2019, Alaska Department of Transportation installed a roundabout at the entrance of the Floyd Dryden campus as a traffic calming and safety measure.

Use	Number of Students	Trips Generated	Total Trips
Day Care Center	45	182	425
Total ADTs:			425

Condition: None.

Vehicle Parking & Circulation – Childcare centers have special parking provisions under Chapter 65. CBJ 49.65.1120(a)(3) mandates that for each on-shift employee, one (1) off-street parking space shall be provided and an additional one (1) space per 10 children served. The applicant anticipates an enrollment of 45 students with 8 teachers.

There are currently 115 parking spaces with an additional seven (7) ADA parking spaces for a total of 122 parking spaces. The applicant provided a parking plan showing 19 parking spaces for the proposed use.

In accordance with CBJ 49.40.210(a), 65 parking spaces are required for the community-use gym managed by the CBJ Parks and Recreation Department. Operating hours of the applicant’s proposed use and use of the community gym are not anticipated to pose a substantial conflict.

Use	Unit	Spaces Required	Total Spaces
Childcare center, students	1 per 10 children	4	4
Childcare center, employees	1 per employee	8	8
Total Parking Requirement:			12
Off-Street Loading Spaces Required:			1 for every 2 buses

Use	Unit	Spaces Required	Total Spaces
ADA Accessible Spaces Required:			1

Condition: None.

Noise – Noise associated with the proposed development is not expected to be out of character with the previous use of the structure.

Condition: None.

Lighting – The applicant is not proposing any changes to the exterior lighting.

Condition: None.

Vegetative Cover & Landscaping – The applicant is not proposing to make changes to the vegetative cover or landscaping.

Condition: None.

Habitat – No anadromous streams or wetlands are on the property. No natural resources are mapped on the site in the 2013 Comprehensive Plan.

Condition: None.

Drainage and Snow Storage – No modifications to existing drainage are proposed at this time. Snow storage was not addressed in the submitted application. In July of 2024, CBJ put out Request for Bid to contract out snow removal to a third party.

Condition: None.

Historic District – Not applicable.

Condition: None.

Hazard Zones – A portion of the property is in a flood zone, but the structure was built above base flood elevation outside of the flood zone.

Condition: None.

Public Health, Safety, and Welfare – There are no anticipated public health or safety issues associated with this proposed development.

Condition: None.

Property Value or Neighborhood Harmony – Available evidence indicates that property values will not be affected and the proposed use is in harmony with the surrounding neighborhood.

Condition: None.

AGENCY REVIEW

CDD conducted an agency review comment period between March 10, 2025, and March 25, 2025, and received the following responses (Attachment B):

Agency	Summary
Building Division	No concerns.
General Engineering	No comment received.
Capital City Fire and Rescue	No comment received.

PUBLIC COMMENTS

CDD conducted a public comment period between March 10, 2025, and April 4, 2025. Public notice was mailed to property owners within 500 feet of the proposed development (Attachment C). A public notice sign was also posted on-site two weeks prior to the scheduled hearing (Attachment D). Public comments submitted at time of writing this staff report can be found in Attachment E.

Name	Summary
Ann Liebergesell	In support.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan, and the 2015 Juneau Economic Development Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	14	216	14.1-SOP4	Incorporate Planning Commission review in the siting of public, parochial and private schools to assure land use compatibility and to encourage the shared use of outdoor play areas and parking resources with nearby residential, cultural or institutional uses.
		218	Policy 14.3	Support the provision of quality childcare by working with providers, advocates, and other stakeholders to ensure an adequate supply of affordable, quality childcare in Juneau.

PLAN	Chapter	Page No.	Item	Summary
2015 Economic Development Plan	Initiative- Attract and Prepare the Next Generation Workforce	61	Potential Threats	The lack of availability and affordability of childcare is a detriment to increasing the workforce.
		65	Ease the childcare barrier	Increase capacity, quality and affordability of childcare so more residents can fully participate in the workforce.
			Action 2-B	Collaborate on development of an 80-100 child daycare facility in Juneau.
			Action 2-D	Support and expand after school and summer childcare options that are compatible with working parent schedules.
			Action 2-E	Collaborate with childcare and pre-K education providers to secure affordable and appropriate space for pre-K programs.

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 required.

Finding: Yes. The application is complete.

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

Analysis: The application is for a Childcare Center in a D5 zoning district. The use is listed at CBJ 49.25.300, Section 7.310.

Finding: Yes. The proposed use is appropriate according to the Table of Permissible Uses.

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

Analysis: No further analysis needed.

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

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

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that the requested Childcare Center, located in a D5 residential zoning district, will materially endanger the public health or safety.

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

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that the requested Childcare Center, located in a D5 residential 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 Comprehensive Plan, or other officially adopted plans?

Analysis: No further analysis needed.

Finding: Yes. The proposed Childcare Center, with the recommended condition, will be in general conformity with the 2013 Comprehensive Plan, and the 2015 Economic Development Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of a Childcare Center in a D5 zone.

The approval is subject to the following condition:

1. Signs are regulated under CBJ 49.45. A separate permit is required for most signs. Contact the Community Development Department for more information prior to designing, purchasing, or installing exterior signs.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Agency Comments
Attachment C	Abutters Notice
Attachment D	Public Notice Sign Photo
Attachment E	Public Comments



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 3800 Mendenhall St Loop Rd. Juneau Alaska 99801					
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)					
	Parcel Number(s)					
	<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 Robert Barr			
	Mailing Address	55 Heritage Way	Phone Number(s)			
	E-mail Address	Lands Office @ Juneau. Gov	907 586-5240			
	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%; border:none;"><u>CBJ / Dan Bleidorn</u> Landowner/Lessee (Printed Name)</td> <td style="width:50%; border:none;"><u>Land Manager</u> Title (e.g.: Landowner, Lessee)</td> </tr> </table>			<u>CBJ / Dan Bleidorn</u> Landowner/Lessee (Printed Name)	<u>Land Manager</u> Title (e.g.: Landowner, Lessee)		
<u>CBJ / Dan Bleidorn</u> Landowner/Lessee (Printed Name)	<u>Land Manager</u> Title (e.g.: Landowner, Lessee)					
<table style="width:100%; border:none;"> <tr> <td style="width:50%; border:none;">x <u>[Signature]</u> Landowner/Lessee (Signature)</td> <td style="width:50%; border:none;"><u>2/12/25</u> Date</td> </tr> </table>			x <u>[Signature]</u> Landowner/Lessee (Signature)	<u>2/12/25</u> Date		
x <u>[Signature]</u> Landowner/Lessee (Signature)	<u>2/12/25</u> Date					
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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)	Contact Person					
Mailing Address	Phone Number(s)					
E-mail Address	907 419-8713					
x <u>[Signature]</u> Applicant's Signature		<u>2-11-2025</u> Date of Application				

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Intake Initials [Signature]	
Case Number USE 25-008	Date Received 2/18/2025



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																								
	Glacier Bears Childcare Center																								
	TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED																								
	Accessory Apartment – Accessory Apartment Application (AAP) Use Listed in 49.25.300 – Table of Permissible Uses (USE) Table of Permissible Uses Category: _____																								
	IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? YES – Case # _____ NO																								
	UTILITIES PROPOSED	WATER: <u>Public</u> On Site SEWER: <u>Public</u> On Site																							
	SITE AND BUILDING SPECIFICS																								
	Total Area of Lot _____ square feet Total Area of Existing Structure(s) _____ square feet Total Area of Proposed Structure(s) _____ square feet																								
EXTERNAL LIGHTING																									
Existing to remain <u>NO</u> Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures Proposed <u>NO</u> Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures																									
ALL REQUIRED DOCUMENTS ATTACHED																									
<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Narrative including:</td> <td style="width: 40%;"><i>If this is a modification or extension include:</i></td> </tr> <tr> <td>Current use of land or building(s)</td> <td>Notice of Decision and case number</td> </tr> <tr> <td>Description of project, project site, circulation, traffic etc.</td> <td>Justification for the modification or extension</td> </tr> <tr> <td>Proposed use of land or building(s)</td> <td>Application submitted at least 30 days before expiration date</td> </tr> <tr> <td>How the proposed use complies with the Comprehensive Plan</td> <td></td> </tr> <tr> <td>Plans including:</td> <td></td> </tr> <tr> <td>Site plan</td> <td></td> </tr> <tr> <td>Floor plan(s)</td> <td></td> </tr> <tr> <td>Elevation view of existing and proposed buildings</td> <td></td> </tr> <tr> <td>Proposed vegetative cover</td> <td></td> </tr> <tr> <td>Existing and proposed parking areas and proposed traffic circulation</td> <td></td> </tr> <tr> <td>Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)</td> <td></td> </tr> </table>		Narrative including:	<i>If this is a modification or extension include:</i>	Current use of land or building(s)	Notice of Decision and case number	Description of project, project site, circulation, traffic etc.	Justification for the modification or extension	Proposed use of land or building(s)	Application submitted at least 30 days before expiration date	How the proposed use complies with the Comprehensive Plan		Plans including:		Site plan		Floor plan(s)		Elevation view of existing and proposed buildings		Proposed vegetative cover		Existing and proposed parking areas and proposed traffic circulation		Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)	
Narrative including:	<i>If this is a modification or extension include:</i>																								
Current use of land or building(s)	Notice of Decision and case number																								
Description of project, project site, circulation, traffic etc.	Justification for the modification or extension																								
Proposed use of land or building(s)	Application submitted at least 30 days before expiration date																								
How the proposed use complies with the Comprehensive Plan																									
Plans including:																									
Site plan																									
Floor plan(s)																									
Elevation view of existing and proposed buildings																									
Proposed vegetative cover																									
Existing and proposed parking areas and proposed traffic circulation																									
Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)																									

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

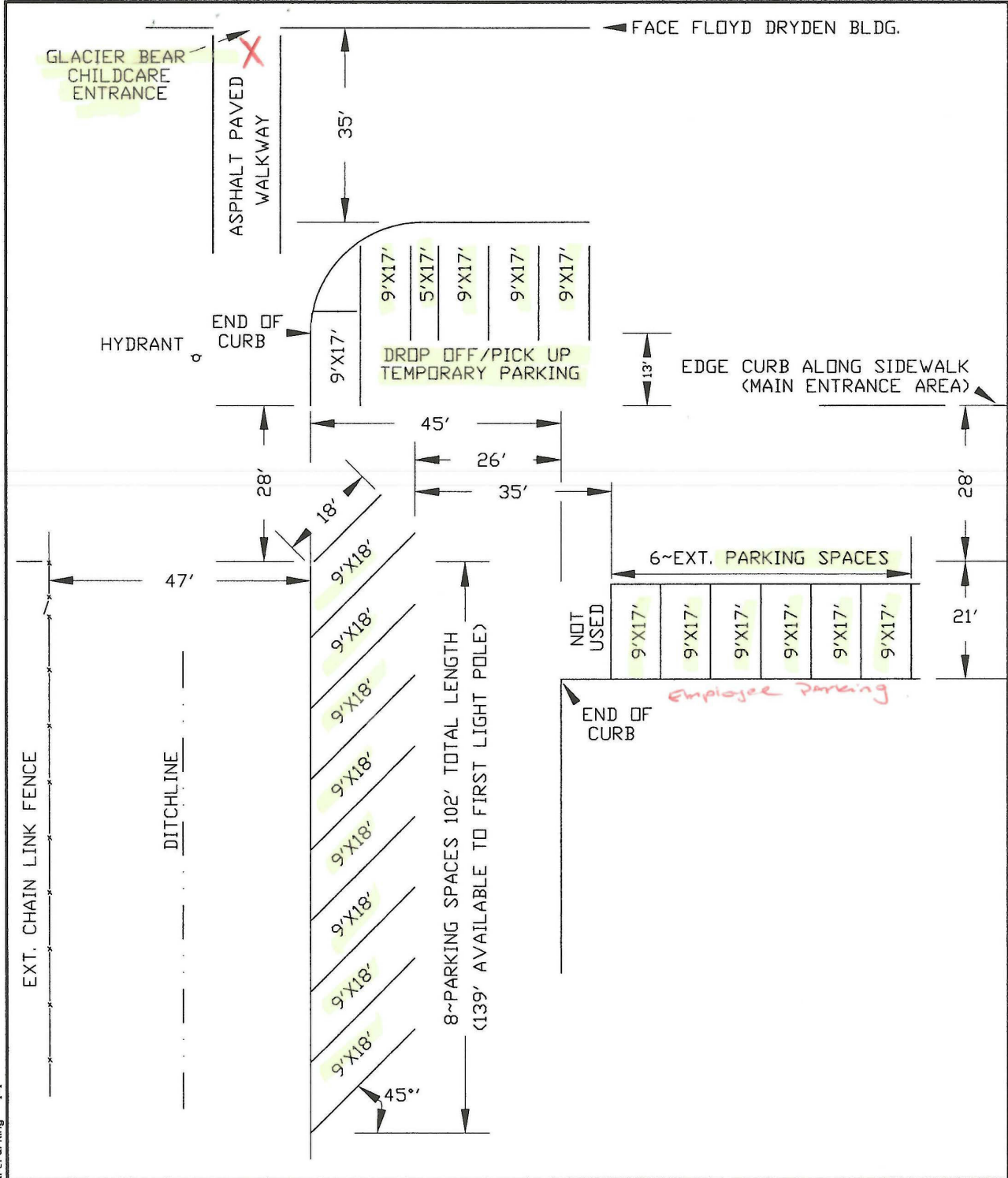
ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>500.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>650.00</u>			

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>USE25-08</u>	Date Received <u>2/18/2025</u>
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D:\HOME\AJH\FDG\BCHildcareParking 1=1

**GLACIER BEAR CHILDCARE
PARKING LAYOUT
© FLOYD DRYDEN
PLAN**

DRAWN BY: **WJH**
DATE: **2-2025** SHEET **1** OF **1**

Parking circulation plan for Glacier Bears childcare center at Floyd Dryden Middle School

As today we are the only ones in the building currently occupying the right wing of the building rooms 98 & 99.

We are scheduled to move to the other opposite side of the building occupying rooms 302-301-300 & 118 as April 2025 (propose time frame)

Please see the attached parking layout.

Our intent is to keep parents and children safe while dropping off at the center.

And occupy the parking spaces closer to the facility for easy convenient access.

We will coordinate with other tenants once they have moved into the building to make sure we are all in good understanding and avoid parking issues.

Project Narrative for Glacier Bear Child Care

Applicant: Carolina Sekona

Proposed Location: Floyd Dryden Middle School, Juneau, Alaska

Proposed Child Care Center Name: Glacier Bear Child Care

Introduction Carolina Sekona, the current owner and operator of Glacier Valley Kids child care program, proposes to expand her operations to meet the growing demand for high-quality child care in Juneau. The proposed new center, Glacier Bear Child Care, would be located in part of the recently vacated Floyd Dryden Middle School, owned by the City and Borough of Juneau (CBJ). With a capacity to serve up to 45 children and employ eight teachers, Glacier Bear Child Care will address the critical need for accessible and reliable child care in our community. This narrative outlines the proposed project’s alignment with community needs and its operational readiness, demonstrating why the issuance of an allowable use permit is essential.

Project Overview The proposed Glacier Bear Child Care Center will:

- Serve up to 42 children, significantly increasing the availability of childcare in Juneau.
- Employ a team of eight trained and qualified teachers to ensure a safe and nurturing environment.
- Operate in partnership with the University of Alaska Southeast (UAS), which will lease the space from the CBJ and collaborate to provide professional development opportunities for childcare staff.

Applicant Qualifications I have over a dozen years of experience in child care and program management and hold a current Child Development Associate credential. My current program, Glacier Valley Kids, has a proven track record of providing exceptional care to 12 children for the past several years. My deep understanding of the childcare industry equips me with the skills and knowledge to manage and scale this new venture. I am highly committed to the Juneau community and am passionate about addressing the childcare shortage.

Readiness to Operate I have taken substantial steps to ensure the success of Glacier Bear Child Care, including:

- Initiating the state licensing process for the new center.
- Purchasing equipment and materials necessary for setting up a high-quality childcare environment.
- Beginning the hiring process to secure a team of skilled educators, ensuring the center will be staffed upon opening.
- Building a waitlist of dozens of families eager for childcare services, demonstrating strong demand for the program.

Community Partnerships The partnership with UAS will provide a dual benefit: offering professional training and development for childcare staff and ensuring the delivery of high-quality educational

services to children. This collaboration will help to build a sustainable workforce pipeline for the childcare sector in Juneau.

Addressing a Critical Community Need The shortage of childcare options in Juneau has long been a barrier for families and the local workforce. Glacier Bear Child Care will be critical in addressing this issue by increasing capacity and supporting working families. The project aligns with the CBJ's goals of fostering economic development and enhancing the quality of life for residents.

Space Utilization The vacated area of Floyd Dryden Middle School is an ideal location for this project. The facility's size, accessibility, and existing infrastructure will allow for a seamless transition to its new purpose as a childcare center. The adaptive reuse of this space aligns with community goals to maximize public resources.

Classrooms to be used for childcare services are 302-301-300-118.

Gym access for physical activity (shared used space and on a schedule)

Two restrooms 189 Girls & 190 Boys

Conclusion This proposal for Glacier Bear Child Care represents an opportunity to meaningfully impact the lives of children and families in Juneau. My extensive experience, proactive planning, and commitment to high-quality care will ensure the success of this project. Approval of the allowable use permit will enable me to meet the pressing need for child care services and contribute to the community's economic vitality.

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.

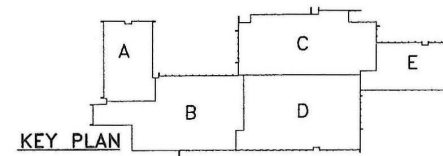
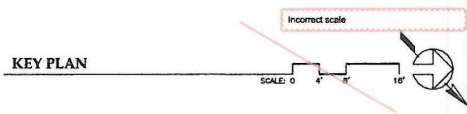
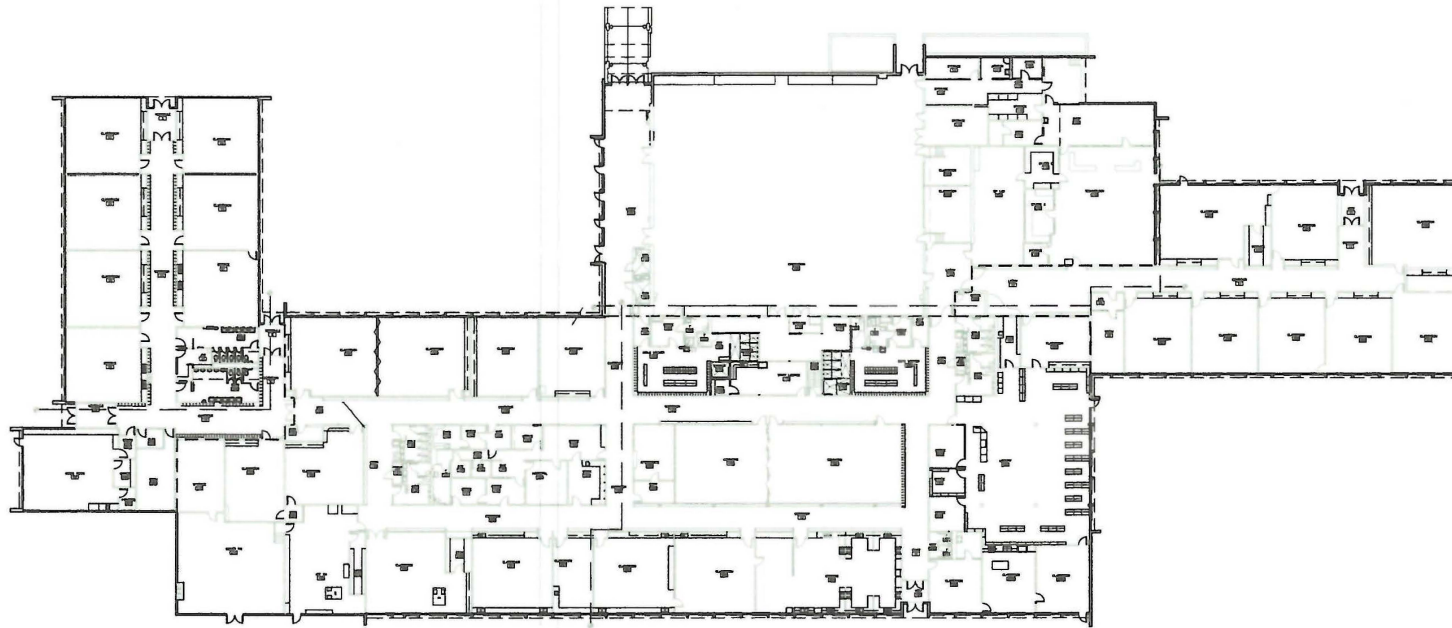
Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate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



Jensen
Yorba
Lott
Inc.
522 West 10th Street
Juneau, Alaska 99801
phone 907-586-1070
fax 907-586-3059
jensenyorbалott.com



Floyd Dryden Renovation
PHASE 2
CBJ Contract No. E05-049
Juneau, Alaska

REVISIONS:
△
△
△
CONFIRMED 03/14/05

SHEET TITLE
RENO
KEY PLAN
DATE: DECEMBER 13, 2004
FILE: 0350

A200



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

Case name

Case Number: PAC2024 0065
 Applicant: Carolina Sekona – Glacier Bear Childcare Center
 Property Owner: City and Borough of Juneau Lands and Resources
 Property Address: 3800 Mendenhall Blvd
 Parcel Code Number: 5B2401000020
 Site Size: Floyd Dryden: 1,471,457 square feet; 33.78 acres
 Proposed Use: 5 classrooms, shared outdoor/gym space
 Zoning: D5
 Existing Land Use: TPU 5.100 - Educational

Conference Date: January 8, 2025
 Report Issued: January 24, 2024
DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

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

Name	Title	Email address
Carolina Sekona	Applicant	Gvkids15@gmail.com
Blue Shibler	Attendee	bshibler@aeyc-sea.org
Irene Gallion	Planning	irene.gallion@juneau.gov
Jolene Murphy	Planning	jolene.murphy@juneau.gov
Dan Bleidorn	Lands & Resources	dan.bleidorn@juneau.gov
Jeff Hedges	Building	jeffrey.hedges@juneau.gov

Revised 5/31/2024

Pre-Application Conference Final Report

David Sevdy	Permit Tech III	david.sevdy@juneau.gov
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Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Will truck training occurring in the parking lot continue?

Lands and CCD do not have information on the truck training and are checking with Parks and Recreation.

How much will a lease cost?

There are many variables. Contact the Lands Manager, Dan Bleidorn, at (907) 586-5252 extension 4177, or dan.bleidorn@juneau.gov

How do we use the gym? Who manages the tennis courts and ball field?

Recreational uses are scheduled through Parks and Recreation. You can contact them at (907) 586-5226. We'd suggest you talk to Lauren Verrelli or Nate Abbott.

It is still not clear how parking and circulation will be handled. There are two ways it could go:

- *CBJ requires tenants to work together on a plan.*
- *CBJ manages parking and circulation.*

Project Overview

The Assembly has reviewed and conceptually approved use of Floyd Dryden School for childcare. The original proposal split the space between CCTHITA and UAS/Auke Lake Preschool. CCTHITA has applied for a Conditional Use Permit and is working with the Lands Division on a lease.

The applicant is not affiliated with Auke Lake Preschool or UAS. UAS has spoken with Lands about a potential lease in the building, but not applied for a lease or Conditional Use Permit. Currently the UAS relationship to Glacier Bear is limited to teacher training. The Alaska Association for the Education of Young Children (AYEC) provided funding to restart Glacier Bear in its current location and is aiding with the permitting process and costs. This funding is not specifically used to lower individual childcare costs.

The Glacier Valley Kids facility was transferred on an Emergency license to the former Floyd Dryden Middle School campus on August 12, 2024. It is currently operating in room 98 with 12 children and 5 staff. The applicant hopes to remain at Floyd Dryden under a new lease as Glacier Bears Childcare Center. Glacier Bears will have to move from their current location to accommodate the CCTHITA childcare lease. The move will facilitate expansion of services.

The proposed childcare center will expand to house 42-48 children, aged 0-6 years old, divided between classrooms 118, 298, 301, 300 and 302. Room 302 will be used as a stationary nursery. There will be seven to 11 staff. Room 298 is proposed to be a meal prep area. Parents will be instructed to provide their own meals and snacks. At this time no commercial prep area is proposed. The shared school gym would also be used

Pre-Application Conference Final Report

occasionally. Hours of operation would be Monday – Friday 7:30 am – 5:00 pm with 7-11 employees. Attached is a floorplan diagram with the proposed uses.

According to CBJ code:

Child care center means a building or portion thereof, used for the purpose of providing for the paid care and supervision of 13 or more children under the age of 12. Child care centers include pre-schools and nursery schools not associated or co-located with an elementary, middle, or high school.

Child care home means a building or portion thereof, used for the purpose of providing for the paid care and supervision of no more than 12 children under the age of 12 at any one time.

In D5, a child care home does not require a Conditional Use Permit, but a child care center does.



The applicant will have two CBJ processes operating concurrently:

CBJ Entity	Community Development Department	Lands Division
Documents required	Conditional Use Permit	Lease
Approval	Planning Commission	Assembly

The applicant will be working with Lands concurrently to draft a lease agreement with parking and shared indoor/outdoor space requirements outlined.

Note that the intent is to have the CBJ lease provisions reviewed by the Planning Commission at the same time as the Conditional Use Permit is reviewed.

Pre-Application Conference Final Report

The purpose of these notes is to document process and requirements for the Conditional Use Permit.

Summary of the Conditional Use Permit Process

- Submit the application and back-up materials (listed on ten back of the application).
 - Electronic submissions accepted at Permits@juneau.gov . Note that the permit center will call you for payment when the application is processed. Applications are submitted in the order in which they are received, and it may be a few days before you get a call.
- The project will be assigned to a planner. They will review submitted materials, and coordinate where necessary. When the planner assesses the file is complete, they will schedule a hearing before the Planning Commission.
 - A notice will be sent to property owners within 500 feet of the project.
 - There will be two newspaper ads for the case.
 - The Applicant is required to post a Public Notice sign, which will be provided by CDD. The sign must be posted two weeks before the hearing.
 - Staff will prepare a report analyzing the project and make a recommendation to the Commission. The report will be publicly available the week before the hearing.
- At the Planning Commission meeting, the project can be:
 - On the Consent Agenda, where it will be passed without discussion.
 - On the Regular Agenda:
 - The Director will briefly describe the project.
 - The Applicant has 15 minutes to describe the project.
 - The public has the opportunity to comment. There is usually a time limit of two to three minutes.
 - The Applicant has time to respond to issues raised.
 - Public comment is closed and there is no additional opportunity to participate.
- The Planning Commission will:
 - Approve the project
 - Approve the project with conditions (the most common outcome)
 - Deny the project
 - Continue the project – if more information is required or if the Commission runs out of time.
- The decision can be appealed for 20 days after the Notice of Decision is filed with the City Clerk. If the decision is appealed, the Applicant can continue with their project at their own risk.

Videos of the Planning Commission activities are posted on Assembly's Minutes and Agendas site.

<https://juneau-ak.municodemeetings.com/>

Planning Division

1. **Zoning** – D5
2. **Table of Permissible Uses** –
 - a. Paragraph 7.310: Childcare centers.
 - b. Paragraph 1.510: Childcare home.
3. **Subdivision** – N/A
4. **Setbacks** – No increase in current structure footprint is anticipated as part of this development.
 - a. **Front (west):** 20 feet

Pre-Application Conference Final Report

- b. **Rear (east):** 20 feet
- c. **Side (north and south):** 5 feet
- 5. **Height** – No increase in current structure height is anticipated as part of this development.
 - a. 35 feet for permissible uses.
 - b. 25 feet for accessible uses.
- 6. **Access** – Mendenhall Loop Road
- 7. **Parking & Circulation** – Assuming 10 staff and 48 children, 15 parking spaces will be required – one for each employee, and one for each 10 children [CBJ 49.65.1120 (c)].
- 8. **Lot Coverage** – 50% maximum
- 9. **Vegetative Coverage** – 20% minimum
- 1. **Lighting** – Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site. Industrial and exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.

Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at §49.40.230(d) All exterior lighting fixtures shall be of a “full cutoff” design.

- 10. **Noise** – Not expected to be out of character with previous use.
- 11. **Flood** – There are flood zones on the property. The structure is not located within the flood zone.
- 12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – None mapped.
- 13. **Wetlands** – None
- 14. **Habitat** –No anadromous waterbodies are on the subject parcel, or within 50 feet.
- 15. **Plat or Covenant Restrictions** – None
- 16. **Traffic** – Traffic is estimated using the Institute of Traffic Engineer’s Trip Generation Manual, 9th Edition (ITE). The “day care center” use most closely resembles the possible traffic generated.

The proposed use is estimated to generate fewer than 250 average daily trips and will not require a traffic impact analysis [CBJ 49.40.300(a)(3)]. Because the proposed use directly accesses ADOT&PF infrastructure, Mendenhall Loop Rd, the applicant should be referred to ADOT&PF.

A parking narrative should be included in the lease agreement. Conditional Use Permit application materials should include a plan for how traffic and flow will be managed for the site.

Use	Volume/Page	Metric	Approximate	Total AADT
Day Care Center – Students	3:1134	4.38 trips/student	45 students	197.1
Total (rounded)				197.1

- 17. **Nonconforming situations** – None.

Pre-Application Conference Final Report

Building Division

1. **Building** – A permit is required for and architectural, structural, plumbing, mechanical, or electrical changes. Cosmetic work (carpet, paint, etc.) does not require a permit.
2. **Outstanding Permits** – In review BLD20250002-Remodel for Head Start

General Engineering/Public Works

3. **Engineering** –
4. **Drainage** –
5. **Utilities** – (water, power, sewer, etc.)

Fire Marshal

6. **Fire Items/Access** –
7. *Remove if not applicable.* Suppression system plans must be submitted with the building permit application. Suppression system design cannot be deferred.

Other Applicable Agency Review

8. DOT&PF will be contacted to provide feedback during the Conditional Use Permit Review.

List of required applications

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

1. Development Permit Application signed by CBJ lands manager
2. Conditional Use Permit Application with completed narrative
3. A Building Permit will be required to relocate the bathroom door near 206. No Permit is currently on file
4. A Building Permit Application will be required after a Conditional Use Permit is issued. The Building Permit will be used to document the final structure inspections before the use starts.

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 clear site plan showing areas that will be used, and how those areas will be accessed.
3. A parking and circulation plan, coordinated with other tenants.

Exceptions to Submittal Requirements

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

1. N/A

Fee Estimates

Pre-Application Conference Final Report

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

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

1. Conditional Use Permit, Class II: \$500
2. Public Notice Sign: \$150, with \$100 refunded if the sign is returned by Monday following the Planning Commission meeting.
3. Building Permit:
4. Building Permit: \$54

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

Submit your Completed Application

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

OR in person with payment made to:

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

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

- Development Permit Application
- Conditional Use Permit Application
- Floorplan

49.15.330 Conditional use permit.

(a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

(b) *Preapplication conference.* Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the conditional use permit procedure. The director shall discuss with the developer, regulation which may limit the proposed development as well as standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary informa-

49.15.330

PART II: CODE OF ORDINANCES

tion only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this subsection shall be provided to the developer at the conference.

(c) *Submission.* The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.

(d) *Director's review procedure.*

- (1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable and, if it is not, what corrective action may be taken.
- (2) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with section 49.15.230.
- (3) The director shall forward the application to the planning commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in subsections (1)(A)—(1)(C) of subsection (e) of this section.
- (4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.
- (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
 - (A) Will materially endanger the public health or safety;

- (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
- (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.

(e) *Review of director's determinations.*

- (1) At the hearing on the conditional use permit, the planning commission shall review the director's report to consider:
 - (A) Whether the proposed use is appropriate according to the table of permissible uses;
 - (B) Whether the application is complete; and
 - (C) Whether the development as proposed will comply with the other requirements of this title.
- (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

(f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

- (1) Materially endanger the public health or safety;
- (2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or
- (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Supp. No. 98

CBJ 49.15:8

PERMITS

49.15.330

(g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

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

49.15.330




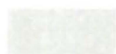
PART II: CODE OF ORDINANCES

- (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
 - (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
 - (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.
- (Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c)(am), § 9, 8-31-2015; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018)

Supp. No. 98

CBJ 49.15:10



-  1. CBJ P&R - COMMUNITY USE OF GYM
-  2. T&H - EARLY EDUCATION SERVICES
-  3 & 4. UAS & AUKE LAKE PRESCHOOL
-  BUILDING SERVICE AREAS

SCHOOL:	FLOYD DRYDEN MS - PROPOSED USES BLOCK DIAGRAM	  CITY AND BOROUGH OF JUNEAU ALASKA'S CAPITAL CITY ENGINEERING & PUBLIC WORKS	PAGE: 1 OF: 1
FLOOR:	T&H USING UP TO 2/3 OF BUILDING		

DO NOT USE FOR CONSTRUCTION

Ilsa Lund

From: Ilsa Lund
Sent: Tuesday, March 11, 2025 4:18 PM
To: Shawn Williams
Subject: RE: USE25-08 Please Comment (Glacier Bear Child Care at Floyd Dryden)

Thank you, Shawn!

Gunalchéesh!

Ilsa Lund | Planner I

Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4128



Fostering excellence in development for this generation and the next.

From: Shawn Williams <Shawn.Williams@juneau.gov>
Sent: Tuesday, March 11, 2025 3:23 PM
To: Ilsa Lund <Ilsa.Lund@juneau.gov>
Subject: RE: USE25-08 Please Comment (Glacier Bear Child Care at Floyd Dryden)

Notes on the building side look fine to me. Thanks.

Shawn Williams | Building Inspector III

Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0767 ext. 4136



Fostering excellence in development for this generation and the next.

How are we doing? Provide feedback here: <https://juneau.org/community-development/how-are-we-doing>

From: Ilsa Lund <Ilsa.Lund@juneau.gov>
Sent: Monday, March 10, 2025 1:02 PM
Subject: USE25-08 Please Comment (Glacier Bear Child Care at Floyd Dryden)

Hello CBJ Team,
We have received an application from Carolina Sekona for a Conditional Use Permit to use four (4) classrooms in Floyd Dryden for childcare. As part of the review process, we are circulating the application amongst CBJ departments for input that will be provided to the Planning Commission for review.

Attached is the application. Later this week, you can also find information at the short-term planning web site: <https://juneau.org/community-development/short-term-projects>

We have the case scheduled for the Planning Commission meeting on April 8th. If you could provide feedback by **March 25, 2025**, that would be very helpful. I've attached an Agency Comment Form for your use.

Gunalchéesh!

Ilsa Lund | Planner I

Community Development Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0753 ext. 4128

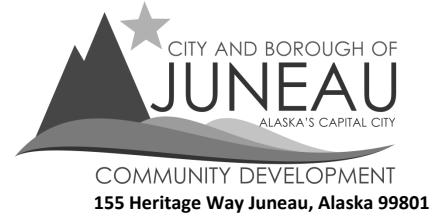
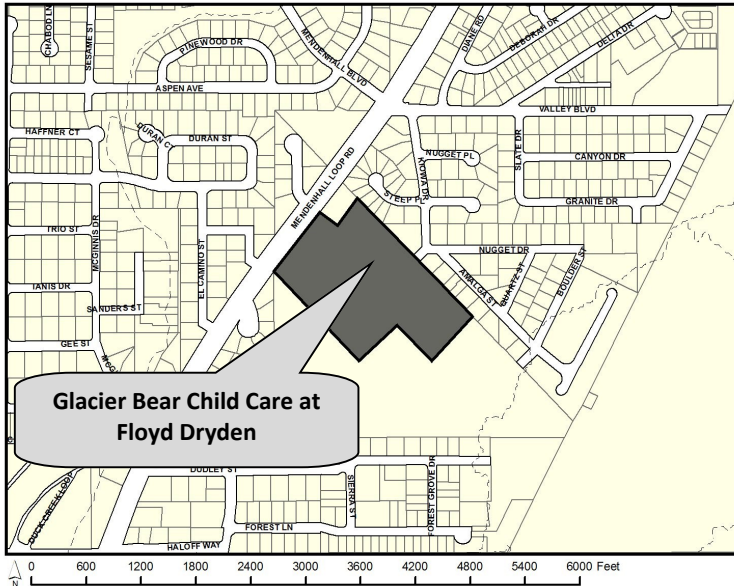


Fostering excellence in development for this generation and the next.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



TO

A Conditional Use Permit application has been submitted for consideration and public hearing by the Planning Commission for use of four (4) classrooms by Glacier Bear Child Care at Floyd Dryden in a D5 zoning district.

PROJECT INFORMATION:

Project Information can be found at:

<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **Tuesday, April 1, 2025** at

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

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

Now through March 20	March 21 - noon, Apr. 4	HEARING DATE & TIME: 6:00 pm, April 8, 2025	April 9
Comments received during this period will be sent to the Planner, Ilsa Lund , 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/85421744892 and use the Webinar ID: 854 2174 4892 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.	The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4128

Email: pc_comments@juneau.gov or ilsa.lund@juneau.gov

Mail: Community Development, 155 Heritage Way, Juneau AK 99801

Case No.: USE2025 0008
Parcel No.: 5B2401000020
CBJ Parcel Viewer: <http://epv.juneau.org>

Ilsa Lund

From: carolina sekona <gvkids15@gmail.com>
Sent: Monday, March 24, 2025 10:23 AM
To: Ilsa Lund
Subject: Re: Your Public Notice Sign is Ready

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



Attachment D - Public Notice Sign Photo

Ilsa Lund

From: Ann Liebergesell <ann.liebergesell@yahoo.com>
Sent: Sunday, March 16, 2025 1:17 PM
To: Ilsa Lund
Subject: USE:2025 0008: Conditional Use Permit for Glacier Bear Child Care at Floyd Dryden

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Ms. Lund and the Planning Commission,

I want to express my support for this permit for relocation and expansion of child care services at Floyd Dryden. It is a much needed service in Juneau and the location in the Mendenhall Valley makes it convenient for parents who reside here. I particularly like the partnership with UAS for professional development of child care staff.

Thanks you,

Ann Liebergesell
8673 Dudley Street, Juneau



PLANNING COMMISSION STAFF
CONDITIONAL USE PERMIT USE2025 0004
HEARING DATE: APRIL 8, 2025

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

DATE: March 27, 2025
TO: Mandy Cole, Chair, Planning Commission
BY: Jolene Murphy, Planner I *Jolene Murphy*
THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Construct 30 single-family housing units on a 3.81 acre, vacant, D10 lot.

STAFF RECOMMENDATION: Approval with conditions

KEY CONSIDERATIONS FOR REVIEW:

- Detached, single-family units will be constructed on a single-lot and are permitted as multi-family dwellings per 49.25.300 paragraph 1.300.
- Each unit will have adequate parking, and applicant has identified potential snow storage and drainage sites.

GENERAL INFORMATION	
Property Owner	Harris Homes LLC
Applicant	Harris Homes LLC
Property Address	Glacier Hwy
Legal Description	USS 2386 LT G TR 2
Parcel Number	4B2201060050
Zoning	D10 - Multifamily
Land Use Designation	MDR – Medium Density Residential
Lot Size	165.964 square feet / 3.81 acres
Water/Sewer	CBJ / CBJ
Access	Glacier Hwy
Existing Land Use	Vacant
Associated Applications	PAC2024-62

ALTERNATIVE ACTIONS:

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

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.15.330
 - 49.40.210(6)(A).
 - 49.40.230(d).
 - 49.80

The Commission shall hear and decide the case per 49.15.330(a) Conditional Use Permit. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedures is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D10)	Single-Family Residential
South (D10)	Church of Latter-Day Saints
East (ROW)	Glacier Highway
West (N/A)	Vacant; CBJ Lands

SITE FEATURES	
Anadromous	None
Flood Zone	None; Panel 02110C1219E
Hazard	None mapped
Hillside	N/A
Wetlands	None
Parking District	None
Historic District	None
Overlay Districts	Mining & Exploration Activities Exclusion District; Recreational Vehicle Park Area

BACKGROUND INFORMATION

Project Description – The applicant proposes construction of up to 38 single-family detached dwellings. The 3.81 acres provided allow for a residential density of up to 38 units [CBJ 49.25.500]. Secondary fire access or an approved automatic sprinkler system is required if more than 30 dwellings are constructed (**Attachment I & J**).

Single-family detached dwellings are an approved building type in the D10 zoning district. Per 49.25.300 paragraph 1.300, development of more than eight multifamily dwellings requires a conditional use permit.

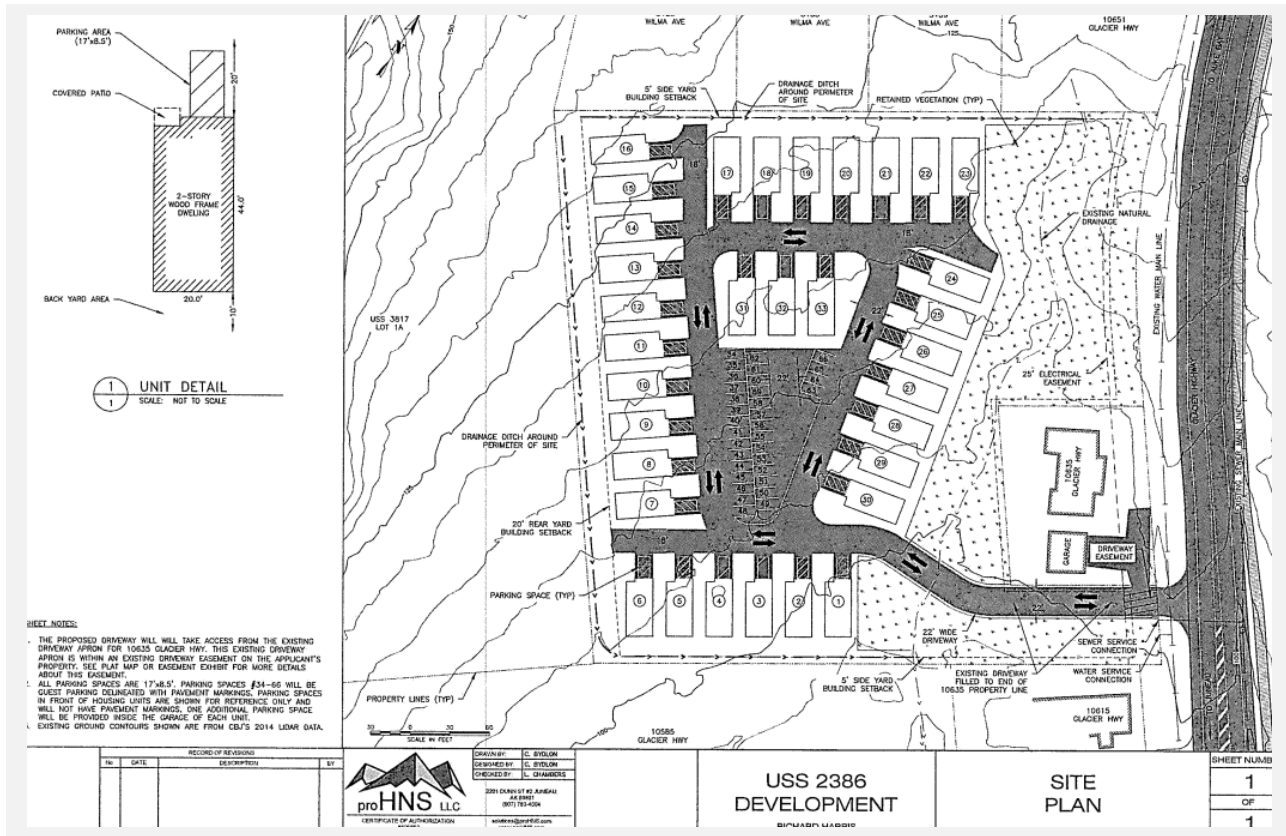
Background – The lot was first platted in 1940 and platted to its current form in 1978 (**Attachment E & F**).

Date	Item	Summary
1940	Plat	First known plat of the area, US Survey 2386, Pederson Hill Group of Homesites, LT G (Attachment E).
1978	Plat	Creation of LT G, TR 2 (Attachment F).
2010	AME2010-08 NOD	Re-zone of Pederson hill from D1 to D10 (Attachment G).
2023	Aerial Imagery	Lot size, existing conditions (Attachment H).
2024	Warranty Deed	Transfer of ownership to Harris Homes LLC.
2024	PAC24-62	Peterson Hill West subdivision PAC (Attachment I).
2025	APPUSE25-04	Site plan, narrative (Attachment A).
2025	Revised Site Plan	Site plan to include snow storage location and 30 units (Attachment J).

ZONING REQUIREMENTS

Standard		Requirement	Existing	Code Reference
Lot	Size	6,000 square feet	165,964 square feet	CBJ 49.25.400
	Width	50 feet	~420 feet	CBJ 49.25.400
Setbacks	Front	20 feet	N/A	CBJ 49.25.400
	Rear	20 feet	N/A	CBJ 49.25.400
	Side	5 feet	N/A	CBJ 49.25.400
	Side	5 feet	N/A	CBJ 49.25.400
Minimum Unit Separation		10 feet	10 feet	BLD IBC Standards
Lot Coverage Maximum		50%	~42%	CBJ 49.25.400
Vegetative Cover Minimum		30%	~99%	CBJ 49.50.300
Height	Permissible	35 feet	N/A	CBJ 49.25.400
	Accessory	25 feet	N/A	CBJ 49.25.400
Maximum Dwelling Units (10/Acre)		38 dwelling units	N/A	CBJ 49.25.500
Use		Multifamily Dwellings	Vacant	CBJ 49.25.300 paragraph 1.300
Minimum Parking	Standard	60 - 76	N/A	CBJ 49.40.210(a)
	Accessible	3	N/A	CBJ 49.40.210(b)

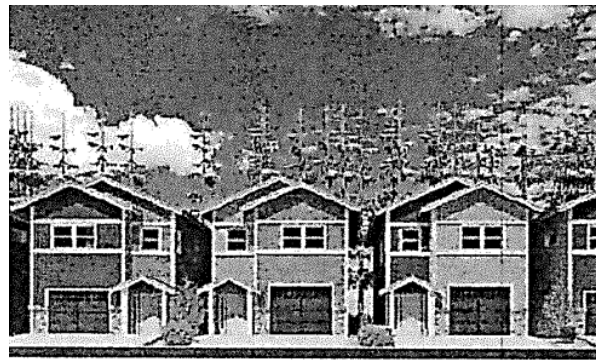
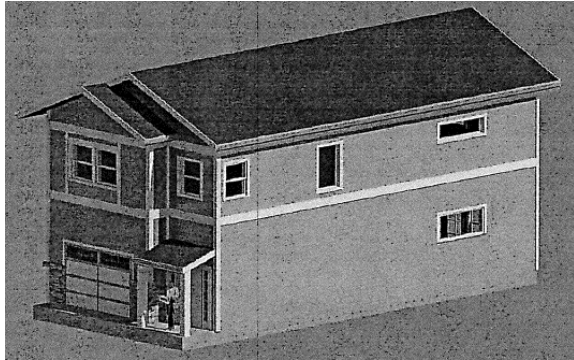
SITE PLAN



ANALYSIS

Project Site –The adjacent land uses consist of detached-single family residences, CBJ owned land and the Church of Latter-Day Saints. The lot gradually slopes northeast and has not been developed.

Project Design – The applicant is proposing up to 38 single-family detached dwellings with a minimum 10 feet of separation. The property will be connected to city water and sewer. Access from Glacier Hwy will be provided by a new privately maintained driveway, shown on the included site plan (**Attachment J**).



Traffic – The trip generation numbers below were estimated by CDD staff using the ITE Trip Generation Manual, 9th Edition for up to 38 single-family dwellings on an average weekday. Estimates assume full occupancy. The Director has determined that a traffic impact analysis (TIA) is not required per CBJ 49.40.305.

Use	Metric	Average Trips Generated	Total AADT
Single-Family Detached Housing	Trip generation/dwelling unit on a weekday	9.52 trips/unit	285.6 to 361.76
Total ADTs (rounded):			286 to 362

Vehicle Parking & Circulation – Single-family dwellings require 2 parking spaces per dwelling unit. Three ADA spaces are required, 1 of which must be designated “van-accessible” per CBJ 49.40.225. Site plans indicate 32 to 33 guest parking spaces. Depending on the number of units developed, 60 to 76 resident spaces will be provided. Residents will have a 1- car garage and a second back-out parking space per CBJ 49.40.210(6)(A).

Use	Number of Units	Spaces Required	Total Spaces
Single-family dwellings	30 - 38	Two (2) per unit	60 - 76
Total Parking Requirement:			60 - 76
Off-Street Loading Spaces Required:			0
ADA Accessible Spaces Required:			3

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

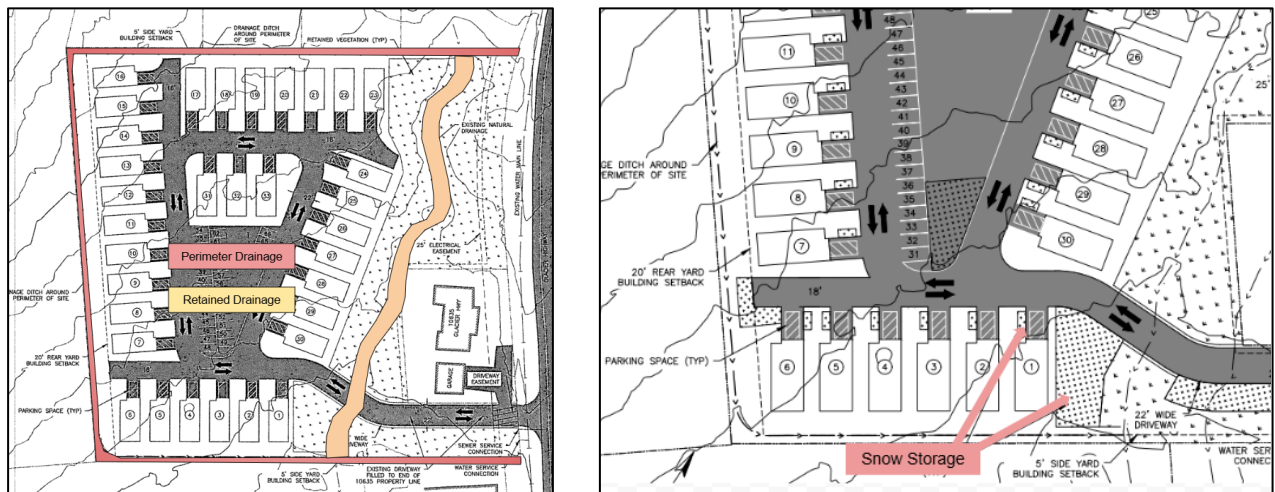
Lighting – Per CBJ 49.40.235(d), parking areas and pedestrian pathways must be suitably lit, and lighting fixtures must be “full cutoff” styles that direct light only onto the project site to minimize impacts to neighbors. Exterior lighting may not shed light or glare above the roofline of the building or be used in a manner that produces glare on public highways or neighboring properties.

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

Vegetative Cover & Landscaping – Minimum vegetative cover in the D10 zoning district is 30%. The applicant’s proposal indicates that the total vegetative cover retained is approximately 35%.

Habitat – No anadromous waterbodies or wetlands are located on the subject parcel, or within 50 feet. As this is an undeveloped lot, applicant should check with US Fish & Wildlife about the presence of eagle’s nests in the area.

Drainage and Snow Storage – The submitted site plan identifies a 5-foot perimeter drainage ditch. Additional drainage is provided by the retained vegetation on the sloped, northeastern portion of the lot. Snow Storage is provided alongside designated residential car parks as well as on the southern portion of the lot. Regardless of number of units developed, snow storage basin is included (**Attachment J**). Drainage and snow storage will be further assessed through the building permit process.



Historic District – The lot is not located within a historic district.

Hazard Zones – The lot is not within a mapped hazard area.

Public Health, Safety, and Welfare – No information has been submitted that suggests the proposed development will materially endanger public health, safety, and welfare. If applicant develops more than 30 units, a secondary fire access location or approved automatic sprinkler system shall be provided.

Property Value or Neighborhood Harmony – The proposed use is within the D10 zoning district. Multi-family residential use is consistent with the description of the zoning district. No information has been submitted that suggests the proposed use will negatively affect property values or neighborhood harmony.

AGENCY REVIEW

CDD conducted an agency review comment period between February 24th and March 20th and received the following responses:

Agency	Summary
GE	Applicant will need a water meter, will be addressed at a later date (Attachment C).
Fire	Only concern is hydrant location, will be addressed during review (Attachment C).
AKDOT	No design concerns, possible concerns about access. Additional comments included in supplemental materials (Attachment D).

PUBLIC COMMENTS

CDD conducted a public comment period between February 6 and March 20, 2025. 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.

Name	Summary
John Hyde	Concerns about traffic and safety impacts between Engineers Cutoff and Auke Lake

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan & 2016 Land Management Plan Update.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	4	37	Policy 4.2 – SOP3	CBJ should facilitate new housing production of all kinds to maintain adequate choice of residence type
	10	130	Policy 10.2 – IA1	Facilitate the development of a diverse mix of housing types
2016 Land Management Plan – Update	Supply & Demand – Land	69	Stimulating the Market	Stimulate adequate housing opportunities for Juneau residents

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 Conditional Use Permit application is complete.

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

Analysis: The proposed development is a conditional use per CBJ 49.25.300 paragraph 1.300.

Finding: Yes. The proposed development is appropriate.

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

Analysis: No additional analysis required.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, including parking, lighting, vegetative cover and density.

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

Analysis: No additional analysis required.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested multi-family use, in a D10 zoning district, will materially endanger the public health or safety.

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

Analysis: The proposed residential development for 30 to 38 detached, single-family dwelling units is consistent with the surrounding land uses.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested multifamily use in a D10 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: The proposed use will be in conformity with the 2013 Comprehensive Plan and 2016 Land Management Plan Update.

Finding: Yes. The proposed multifamily use, with the recommended conditions, will be in general conformity with assembly adopted plans.

RECOMMENDATION

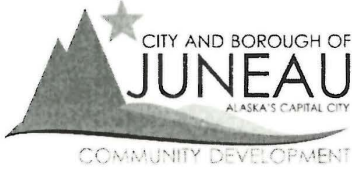
Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow for the development of 30 to 38 detached single-family dwellings in a D10 zoning district.

The approval is subject to the following condition:

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

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	<i>Application Packet</i>
Attachment B	<i>Abutters Notice and Public Notice Sign Photo</i>
Attachment C	<i>Agency Comments</i>
Attachment D	<i>Public Comments</i>
Attachment E	<i>1940 Plat</i>
Attachment F	<i>1978 Plat</i>
Attachment G	<i>AME2010-08 NOD</i>
Attachment H	<i>2023 Aerial Imagery</i>
Attachment I	<i>PAC2024-62</i>
Attachment J	<i>2025 Revised Site Plan</i>



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 NHN Glacier Hwy. Juneau, Ak.		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS 2386 Lot-G, Tr. 2		
	Parcel Number(s) 4B2201060050		
	<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 N/A		
	LANDOWNER/ LESSEE		
	Property Owner	Harris Homes L.L.C.	Contact Person Richard Harris
	Mailing Address	P.O. Box 32403 Juneau, Ak. 99803	Phone Number(s) 907-723-4791
	E-mail Address	harrishomesjnu@gmail.com	
	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.			
Harris Homes L.L.C.			
Landowner/Lessee (Printed Name)		Title (e.g.: Landowner, Lessee)	
X	 Landowner/Lessee (Signature)	Date	
<small>Digitally signed by 185e1593-9e67-4ace-aa57-245a17f66e60 Date: 2025.01.09 11:37:32 -09'00'</small>			
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)	Harris Homes L.L.C.	Contact Person Richard Harris	
Mailing Address	P.O. Box 32403 Juneau Ak. 99803	Phone Number(s) 907-723-4791	
E-mail Address	harrishomesjnu@gmail.com		
X	 Applicant's Signature	Date of Application	
<small>Digitally signed by 185e1593-9e67-4ace-aa57-245a17f66e60 Date: 2025.01.09 11:38:01 -09'00'</small>			

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

Intake Initials

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number USE 25-04	Date Received 1/31/25
---------------------------------	---------------------------------



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
The development and construction of up to 38 single family housing units,

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED
 Accessory Apartment – Accessory Apartment Application (AAP)
 Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: 1.300

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? YES – Case # _____ NO

UTILITIES PROPOSED WATER: Public On Site SEWER: Public On Site

SITE AND BUILDING SPECIFICS
 Total Area of Lot 165,000 square feet Total Area of Existing Structure(s) None square feet
 Total Area of Proposed Structure(s) 46,000 square feet

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

ALL REQUIRED DOCUMENTS ATTACHED

Narrative including:

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

If this is a modification or extension include:

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

Plans including:

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

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

ALLOWABLE/CONDITIONAL USE FEES			
	Fees	Check No.	Receipt
Application Fees	\$ <u>1,000.⁰⁰</u>		
Admin. of Guarantee	\$ _____		
Adjustment	\$ _____		
Pub. Not. Sign Fee	\$ <u>50.⁰⁰</u>		
Pub. Not. Sign Deposit	\$ <u>100.⁰⁰</u>		
Total Fee	\$ <u>1,150.⁰⁰</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	Date Received
<u>USE25-04</u>	<u>1/31/25</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

Applicant: Harris Homes L.L.C.

P.O. Box 32403 Juneau Ak, 99803

harrishomesjnu@gmail.com

907-723-4791

Peterson Hill West Project Narrative

USS 2386 Lot-G TR.2

Parcel # 4B2201060050

Zoning: D-10, MDR

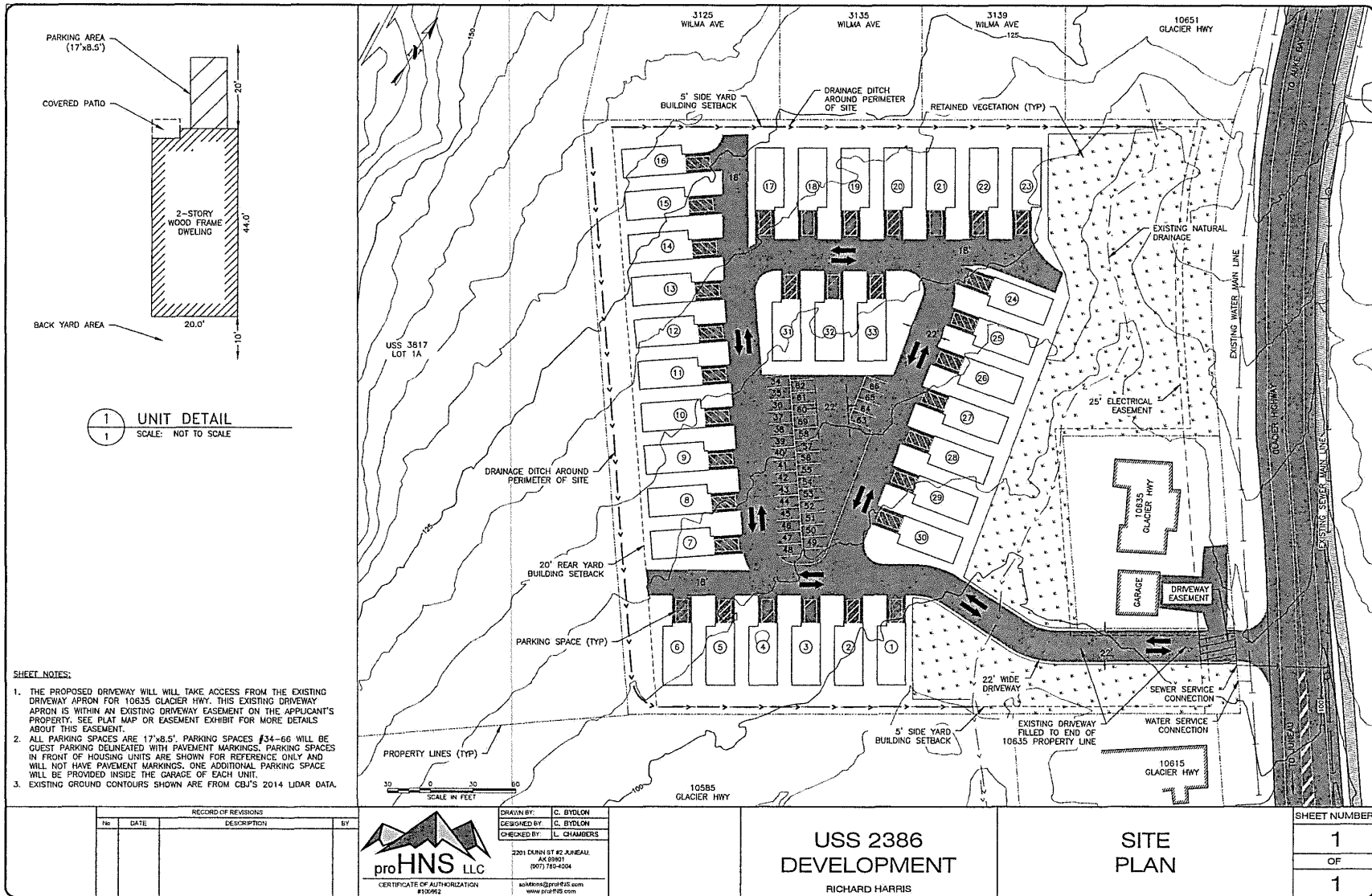
The Peterson Hill West project will provide for up to 38 single family housing units. The project is planned for maximizing the use of the land, while allowing for comfort and privacy of the neighborhood and its occupants. The property consists of approximately 3.8 acres of previously cleared land, a driveway was constructed into the property in the 1960's and has since been overgrown with alders. Per CBJ locate, the water main is located at the project entrance, and an existing 8" PVC sewer service extends into the project entrance, all electrical utilities are located at the entrance of the project.

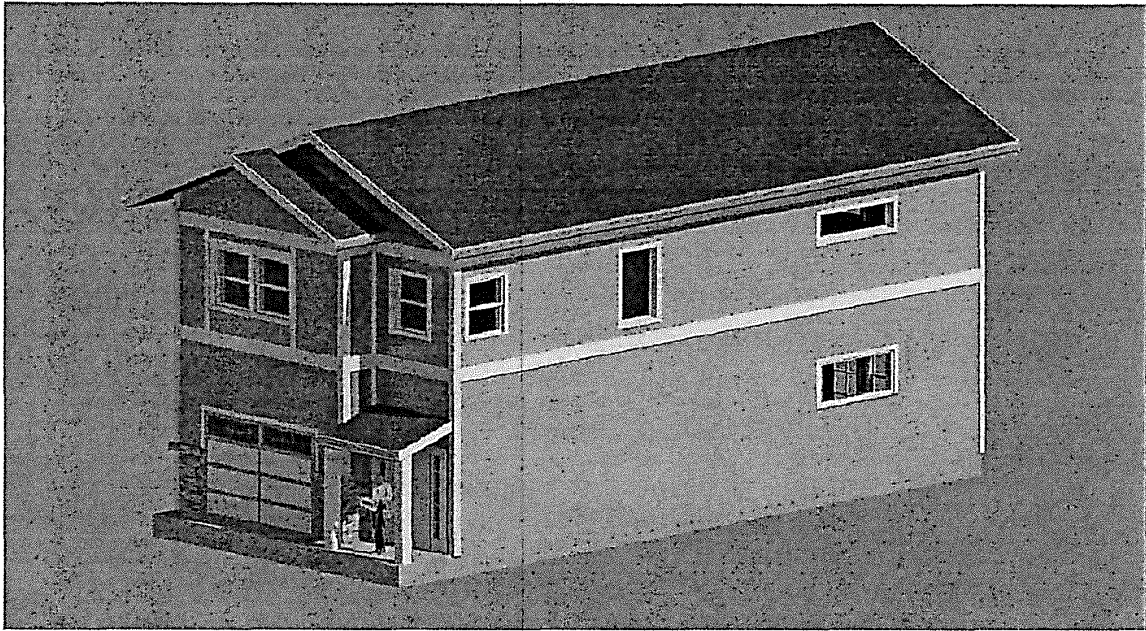
The property is bordered by CBJ undeveloped lands to the South, a residential neighborhood of the same zoning to the West, Glacier Hwy to the North, and The Church of Latter-Day Saints to the east.

The CBJ Comprehensive plan designates the property as MDR -Medium Density Residential, the proposed development fits nicely within the MDR designation. The proposed project is a suggested use of the property in the CBJ comprehensive plan.

The proposed housing units will be accessed through a private driveway that will circle through the project, each unit is planned to have two parking spaces, guest parking will be provided in the center of the development.

The housing units are planned to be single-family occupancy. Utilities are to be located through the center of the development, branching to each individual housing unit. The units shall have approximately 10 feet of separation. All CBJ required property line setbacks are met.

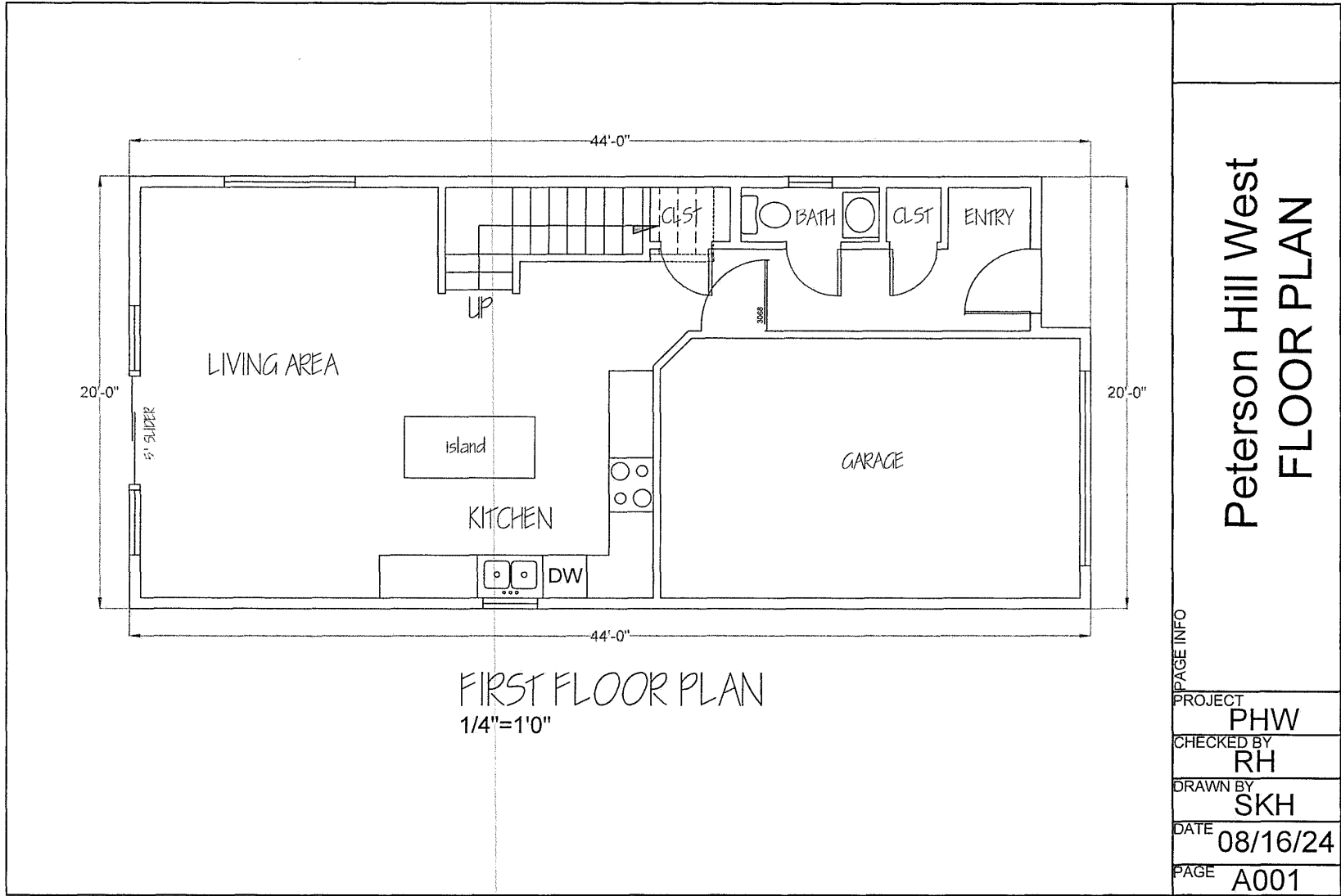


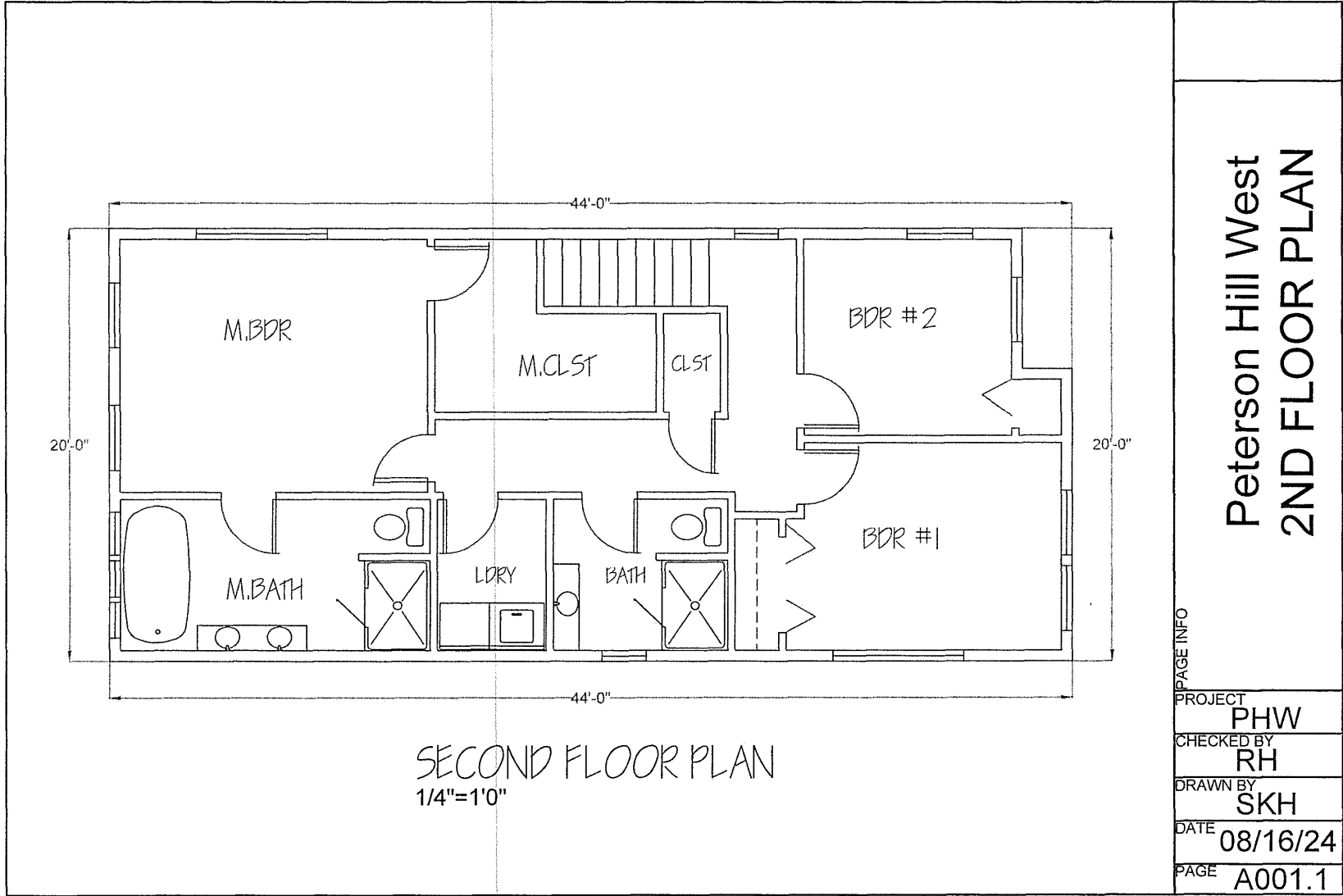


Peterson Hill
West Housing
Development

Conceptual
housing design,
1450 Sq ft. 3 Br. 2
½ Bath
Single car
Garage.









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

Peterson Hill West

Case Number: PAC2024 0062
Applicant: Rich Harris
Property Owner: Harris Homes LLC.
Property Address: USS2386 Lot G, Tract 2.
Parcel Code Number: 4B2201060050
Site Size: 165,964 square feet/3.81 acres
Zoning: D10 - Multifamily
Existing Land Use: Vacant Land

Conference Date: December 18, 2024
Report Issued: January 31, 2025

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

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

Name	Title	Email address
Harris Homes	Applicant	harrishomesinu@gmail.com
David Peterson	Planning	David.Peterson@juneau.gov
Jeff Hedges	Building	Jeffrey.Hedges@juneau.gov
	General Engineering	xxx.xxx@juneau.gov
Theresa Ross	CCFR, Fire Marshal	Theresa.Ross@juneau.gov
David Sevdy	Permitting	David.Sevdy@juneau.gov

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

- Will ROW be maintained by CBJ?
- Note: Future plans to subdivide may be completed by way of an ARS.

Project Overview

Applicant is proposing (30) single family rental units on a 3.8 acre lot. Per the table of permissible uses, major development will require Planning Commission approval through a Conditional USE permit (USE).

Step 1: The Developer shall submit to the Permit Center one copy of the completed permit along with a site plan and a construction plan. The site plan will address vegetative coverage, parking, building layout with setbacks shown, and rights of way. The construction plan will address drainage, ROW improvements, open space and conditions related to.

Step 2: Schedule Planning Commission meeting.

- Planning Commission will review for, public safety, whether project would substantially decrease the value of or be out of harmony with the neighboring area, or whether proposal would not be consistent with the comprehensive plan.
- The Planning Commission may request specific conditions.
 - Per 49.15.330(g)
 1. Development Schedule
 2. Use
 3. Owners Association
 4. Dedications
 5. Performance Bonds
 6. Commitment Letter
 7. Covenants
 8. Revocation of Permits
 9. Landslide and Avalanche areas
 10. Habitat
 11. Sound
 12. Traffic Mitigation
 13. Water access
 14. Screening
 15. Lot/Development Size
 16. Drainage
 17. Lighting
 18. Other Conditions as may be reasonably necessary pursuant to the standards listed in this subsection.

Planning Division

1. **Zoning** – D10 zoning allows for a density of 10 dwelling units per acre. The 3.8 acres would allow for a total of 38 dwelling units.
 - The minimum permissible lot size is 6,000 square feet with a minimum width of 50 feet.
 - Common wall dwellings must be at least 5,000 square feet with a minimum width of 40 feet.
 - Bungalow lots must be at least 3,000 square feet with a minimum width of 25 feet.

2. **Table of Permissible Uses** – Single family homes are an approved building type. Per 49.15.402(a) – A subdivision resulting in more than 14 lots will be considered a Major Subdivision.

3. **Subdivision** – N/A

4. **Setbacks** – Per 49.25.400:

Front and Rear setbacks = 20 feet.

Side Yard setbacks = 5 feet.

Street side yards = 13 feet.

Separation between units: Per 49.65.310(b)(1)(D)(iii), No wall, post, or column supporting a roof of any mobile home shall be placed less than 15 feet away from any other mobile home, accessory buildings or addition.

5. **Height** – Permitted building heights are limited to 35 feet. Accessory and Bungalow structures are limited to a maximum height of 25 feet.
6. **Access** – Site would have direct and practical access to Glacier Highway (an arterial roadway).
7. **Parking & Circulation** – Per section 49.40.210 - Single family and Duplex, dwelling units are required to provide two (2) parking spaces.
8. **Lot Coverage** – Maximum lot coverage for permissible and conditional uses is 50%.
9. **Vegetative Coverage** – D10 zones require a minimum of 30% vegetative coverage.
10. **Lighting** – Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site. Industrial and exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.

Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at §49.40.230(d) [and Historic District Design Guidelines, if applicable]. All exterior lighting fixtures shall be of a “full cutoff” design.

11. **Noise** – Per 42.20.095(c) It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official.
12. **Flood** – Per panel 02110C1219E effective 9/18/2020, no flood zones present in CBJ record.

Pre-Application Conference Final Report

- 13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – Per 49.70.210(a) - Excavation or creation of any slope in excess of 18% will require a Hillside endorsement.
- 14. **Wetlands** – N/A
- 15. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
- 16. **Plat or Covenant Restrictions** – PENDING
- 17. **Traffic** – Per 49.40.300(a) Should a development generate between 250 Average Daily Trips(ADT) and 500 ADT shall be required to have a Traffic Impact Analysis.
- 18. **Nonconforming situations** – As-built will help determine the presence of nonconforming situations.

Building Division

- 19. **Building** – Be aware of separation distances. Anything less than 10’ separation will create a need for fire rated construction, as well as limit openings and projections.

- 20. **Outstanding Permits** – No outstanding building permits.

General Engineering/Public Works

- 21. **Engineering** – No comments at this time.
- 22. **Drainage** –
- 23. **Utilities** – (water, power, sewer, etc.)

Fire Marshal

- 24. **Fire Items/Access** – If applicant decides to develop more than 30 units, a secondary fire access location shall be provided. D107.1

Other Applicable Agency Review

- 25. DOT&PF
- 26.

List of required applications

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

- 1. Development Permit Application (DPA).
- 2. Conditional Use Permit (USE)

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 (PAC) report.
- 2. Site Plan
- 3. Construction Plan

Exceptions to Submittal Requirements

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

1. N/A

Fee Estimates

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

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

1. Public Notice Sign fee and Deposit (\$150). \$100 will be refunded upon return of the Public Notice sign.
2. Class III uses, \$750 for Residential Structures, 11-30 dwelling units.

OR

3. Class IV uses, \$1,000 for Residential Structures, 31-60 dwelling units.

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

Submit your Completed Application

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

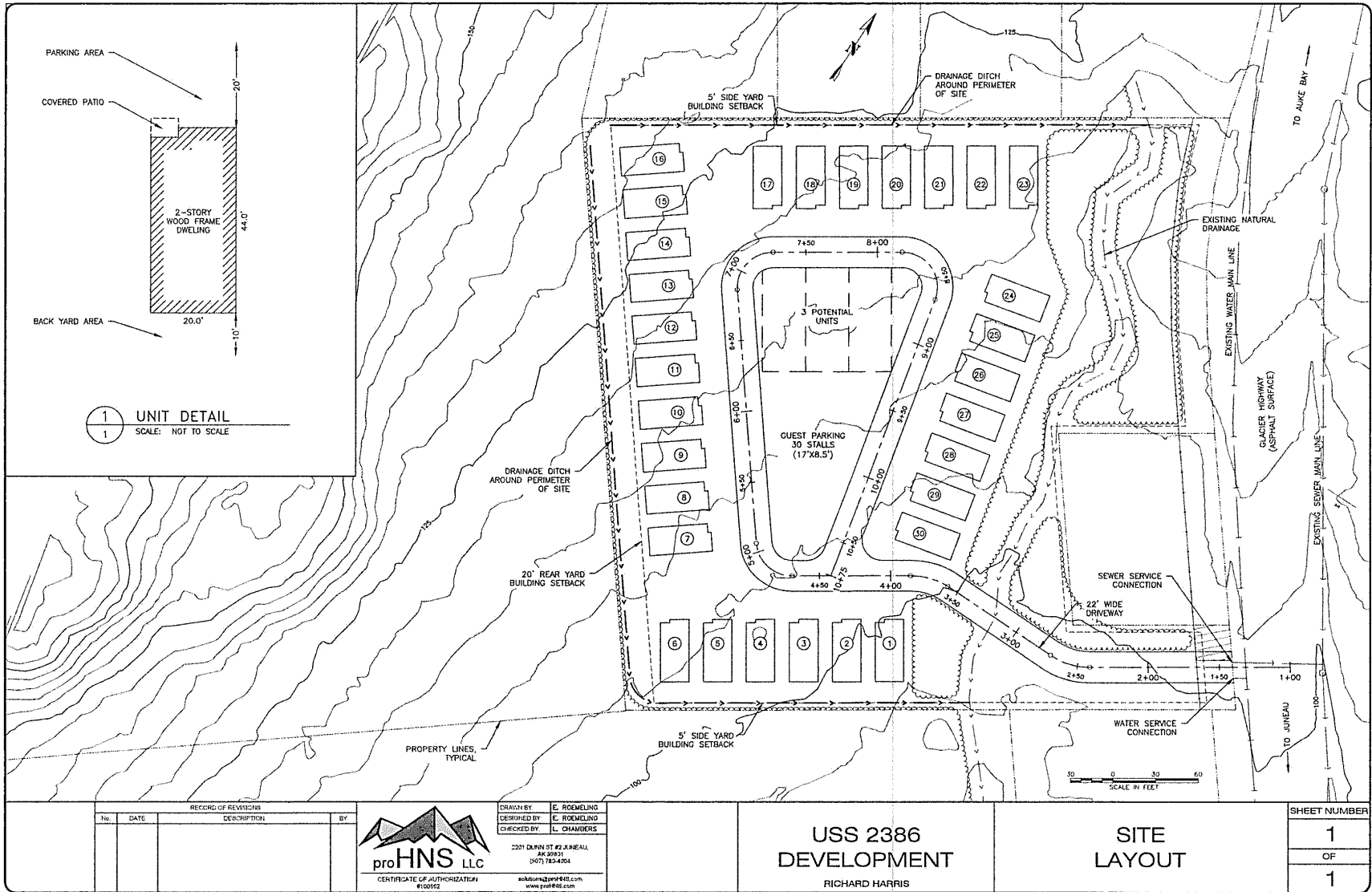
OR in person with payment made to:

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

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

Attachments:

- 49.70 Article IV – if in a flood zone
- 49.15.330 – if a Conditional Use Permit



1 UNIT DETAIL
SCALE: NOT TO SCALE

RECORD OF REVISIONS			
NO.	DATE	DESCRIPTION	BY



DRAWN BY: E. ROEMLING
DESIGNED BY: E. ROEMLING
CHECKED BY: L. CHAMBERS
2201 DUNN ST #2, JUNEAU, AK 99801
(907) 782-4264
akhsn@prohns.com
www.prohns.com

USS 2386
DEVELOPMENT
RICHARD HARRIS

SITE
LAYOUT

SHEET NUMBER	1
OF	1

C:\Users\lchambers\Documents\Projects\USS 2386\Site Layout.dwg December 3, 2024

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

ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

49.15.900 Purpose.

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

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

49.15.910 Application.

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

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

49.15.920 General provisions.

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

-
- (3) The commission may award a density bonus as an incentive for enhancements to the development. The total bonus shall not exceed 50 percent in the RR, D1, D3, D5, D10 zoning districts, and 25 percent in the D-10SF, D15, D18 and LC zoning districts of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses as follows:
 - (A) Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required;
 - (B) Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
 - (C) Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale:
 - (i) In which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or
 - (ii) In which 20 percent of the dwelling units are set aside for workforce households earning no more than 120 percent of the area median income.
 - (D) Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors;
 - (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with chapter 49.35;
 - (F) Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services;
 - (G) Five percent for designing all dwelling structures to a five-star plus energy efficiency rating; ten percent for designing all dwelling structures to a six-star energy efficiency rating; and
 - (H) Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.
 - (4) A density bonus may be limited or denied if it will more probably than not:
 - (A) Materially endanger public health or safety;
 - (B) Substantially be out of harmony with property in the neighboring area;
 - (C) Lack general conformity with the comprehensive plan or another adopted plan; or
 - (D) Create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.
 - (f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from [chapter] 49.35 and be privately owned and maintained if it complies with the following requirements:
 - (1) The access shall be located completely on the parent lot;
 - (2) The access does not endanger public safety or welfare and provides for safe pedestrian and vehicular traffic circulation;

- (3) The access complies with the emergency service access requirements of CBJ [chapter] 19.10;
- (4) Access to and within the development is paved;
- (5) The developer submits adequate evidence that upon approval of the development, a homeowners' association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and
- (6) The alternative residential subdivision does not abut a developable parcel that lacks alternative and practical frontage on a publically maintained right-of-way.
- (g) *Utilities.* An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.
- (h) *Parking.* Parking required for each dwelling unit may be located on either the parent lot or the unit-lot.
- (i) *Open space.* Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-3, D-5 and D-10 zoning districts; 15 percent in the D-10SF district. Open space is not required in the D-15, D-18, or LC zoning districts.
- (j) *Buffer.* There are no setback requirements on the unit-lots. A perimeter buffer is required in lieu of the setback requirements of this title on the parent lot. The presumptive buffer width shall not be less than the setback set by the underlying zoning district to ensure neighborhood harmony and minimize off-site impacts. The commission may enlarge a buffer or a portion of a buffer up to 25 feet in total width, and the commission may reduce a buffer or a portion of a buffer by 75 percent of the setback for the underlying zoning district. The commission may only enlarge or reduce the buffer width upon considering, but not limited to: type of buffer, location of the subdivision structures and uses therein; the location and type of surrounding uses or development; topography; and the presence of existing visual and sound buffers. A buffer shall be vegetated unless the commission requires non-vegetated screening. A buffer may include fencing, natural berm, or other similar features. No parking areas, dwelling units, unit-lots, or permissible uses may be located within the perimeter buffer. Access to the development may cross a portion of the buffer.
- (k) *Parent lot.* Portions of the parent lot not subdivided into unit-lots shall be owned in common by a homeowners' association, or similar entity, comprised of the owners of the unit-lots located within the parent lot.
- (l) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development and areas draining through the development. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the open space may be used for stormwater management at the development. The developer shall provide the CBJ Engineering and Public Works Department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the alternative residential subdivision. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.
- (m) *Permitted uses.* No primary uses are permitted on the parent lot except a recreational center, community facility, or a child care center. Consistent with the table of permissible uses, 49.25.300, only residential uses and associated accessory structures are allowed on the unit-lots. Accessory dwelling units are prohibited on the parent lot and on any unit-lots. A home occupation or a child care home is permissible on the unit-lots. If an alternative residential subdivision creates a lot that complies with the table of dimensional standards, 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition of this subsection does not apply.
- (n) *Street sign.* Street signage is required. The developer shall install a street sign provided by the City and Borough of Juneau at the developer's expense. The director shall determine the type of street sign—

addresses or street name—upon considering public health, safety, and welfare given the size of the subdivision.

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

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

49.15.930 Alternative residential subdivision review process.

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

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

49.15.940 Preliminary alternative residential subdivision plan approval.

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

(Supp. No. 145)

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

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

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

49.15.950 Final alternative residential subdivision plan approval.

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

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

49.15.960 Phased development.

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

-
- (b) *Completion of an individual phase.* Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire alternative residential subdivision. Construction and completion of open space and common facilities serving each phase in an alternative residential subdivision shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete and homeowners' association documents have been approved.
 - (c) *Standards for phases.* Each phase of an alternative residential subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an alternative residential subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

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

49.15.970 Amendments to approved alternative residential subdivision plan.

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

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

49.65.310 Mobile home parks.

- (a) *Park permit required exemptions.*
 - (1) No person shall establish, maintain, expand, alter, modify, reconstruct or operate a mobile home park, or expand a mobile home park existing at the time the ordinance codified in this article becomes effective except pursuant to a valid conditional use permit issued pursuant to chapter 49.15, article III, as modified by this article.
 - (2) Mobile home parks existing on September 5, 1981, are exempt from the provisions of subsections (b)(2)—(5) of this section, except that if such an exempted park is expanded, the entire park shall be made to substantially conform with the requirements for new parks except those establishing street widths and mobile home space layout. The remaining sections of this chapter are applicable to such existing parks.
- (b) *Park design requirements.*
 - (1) *Dimensional site standards.* Dimensional site standards are as follows:
 - (A) Minimum mobile home park area, two acres;
 - (B) Minimum setback from public streets, 25 feet;
 - (C) Minimum side and rear yard setback from the exterior lot line, 15 feet;
 - (D) Standards for mobile home lots within mobile home parks are as follows:
 - (i) *Lot occupancy.* No more than one mobile home shall occupy a mobile home lot. No other dwelling unit shall occupy a mobile home lot.
 - (ii) *Minimum lot size.* All single mobile home lots shall be at least of 3,000 square feet in area, except that a doublewide mobile home lot shall be at least 4,500 square feet in area.
 - (iii) *Separation of mobile homes.* No wall, post, or column supporting a roof of any mobile home, accessory building, or addition to any mobile home shall be placed less than 15 feet away from any other mobile home, accessory buildings or addition. A mobile home, or its addition or accessory building having an interior finish of gypsum board or equivalent fire resistive materials, may be placed no less than ten feet from one likewise finished, and no less than 12½ feet from one not so finished. An accessory building to a mobile home may be placed less than ten feet away from that mobile home or its addition. Eaves and other projections may extend no more than 12 inches into the separation distance. Uncovered ramps and associated landings needed for access by people with disabilities may project five feet into the separation distance.
 - (iv) *Maximum lot coverage.* Coverage of a mobile home lot shall not exceed 50 percent of the total land area.
 - (2) *Road and parking standards.*
 - (A) Two driveway entrances may be permitted to serve a mobile home park when spaced not less than 200 feet apart. Additional driveway entrances may be allowed upon approval by the commission if such entrance or entrances are spaced not less than 200 feet from any other entrance. The driveway entrances shall be at right angles to the public road from which they are served. This angle shall be maintained for a distance of at least 100 feet.
 - (B) Access roads within the mobile home park shall have a minimum width of 30 feet. Every mobile home lot shall abut an access road. Direct access to any public right-of-way from individual

mobile home lots shall not be permitted. Streets shall be surfaced with all-weather material such as gravel, cinders, asphalt or concrete to a minimum surface width of 22 feet.

(C) Minimum off-street parking spaces on each mobile home lot shall be as provided in section 49.40.210 of this title for single-family residences.

- (3) *Recreation; playgrounds.* A minimum of 200 square feet of playground in the mobile home park shall be provided for each mobile home lot. No playground area shall contain less than 2,500 square feet.
- (4) *Transient camper spaces.* Transient camper spaces are permitted in any mobile home park as an accessory use subject to conditional use approval. Such spaces shall be provided with toilet and shower facilities meeting applicable state requirements, segregated according to sex, and adjacent to the transient unit area. Transient campers shall have separate lots and shall meet the same setback requirements as permanent units. Transient units shall not be allowed to exist as permanent units.
- (5) *Sales lots.* Sales lots upon which unoccupied trailers are displayed for sale shall not be located within a mobile home park, provided that mobile home units for sale or rent in place may be located within the park providing they meet all the criteria set forth in this chapter.

(c) *Park establishment.*

- (1) Mobile home parks may be established as a conditional use only in the following zoning districts: D-10 SF residential district, D-10, D-15, D-18, multifamily residential districts, LC, light, and GC, general commercial districts.
- (2) A preliminary plan shall be submitted for concept review by the commission. The preliminary plan need not include complete engineering drawings but should be sufficiently complete to allow for review of all design standards.
- (3) After concept approval by the commission, the developer shall submit a final plan. The final plan shall contain the following information:
 - (A) The name, address and interest in the property of the applicant;
 - (B) The location and legal description of the mobile home park; and
 - (C) Complete engineering plans and specifications for the proposed mobile home park. The plans and specifications shall include:
 - (i) The area and dimensions of tract of land;
 - (ii) The number, location, and size of all lots with the required yard setback designated on each lot;
 - (iii) The location, width and surface of access streets and walkways;
 - (iv) The location of water and sewer lines;
 - (v) The location, type, and size of sewage disposal facilities;
 - (vi) The location of water source;
 - (vii) The location and size of any buildings existing or proposed for construction within the mobile home park;
 - (viii) A plan for refuse disposal;
 - (ix) The location and distribution of electrical systems;
 - (x) The location and storage of heating fuel; and
 - (xi) The location and size of playground areas.

-
- (4) Building permit required. It is unlawful for any person to construct, alter or extend any mobile home park except pursuant to a valid building permit. The permit shall not be issued until the plans and specifications have been approved by the commission, state department of environmental conservation or other review agencies.
 - (d) *Expiration of permits.* Any final approval of a development permit issued under this article shall expire according to the expiration schedule for development permits in chapter 49.15, article II.
 - (e) *Submission of park drawing.* Each mobile home park in existence on the effective date of the ordinance codified in this article shall submit a complete and accurate park drawing. The drawing shall show above ground improvements and setback measurements. An engineer's or surveyor's certification is not required. All new mobile home parks shall have the four corners of each lot staked with a permanent surveyor's monument.
 - (f) *Annual inspection.* An annual inspection by the City and Borough building department shall be required for operation of any mobile home park within the City and Borough. A certificate of inspection of mobile home parks will be issued annually after the park has satisfactorily passed an inspection by the building official. The inspection will be made for the purpose of examining the park for compliance with this Code, the building codes, and other applicable codes. If deficiencies are found to exist in any portion of the mobile home park a provisional certificate of inspection may be issued. The provisional certificate of inspection shall define the deficiencies together with an established time to correct the same. Unless such deficiencies are corrected within the established time the provisional certificate of inspection shall be revoked and the City and Borough may proceed with legal action against the park owner. The park owner shall be responsible for correction of any deficiencies within the time limit specified.
 - (g) *Responsibilities of management.*
 - (1) The person to whom a conditional use permit for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
 - (2) The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.
 - (3) The park management shall supervise the placement of each mobile home on its mobile home stand.
 - (4) The park management shall provide and maintain the proper size electrical receptacle, breaker and grounding at the electrical service for each mobile home lot.
 - (5) The park management shall maintain a current register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.
 - (6) The park management shall maintain roads within the mobile home park in a condition which will permit the park occupants safe access to and from each mobile home. The roads shall meet maintenance standards acceptable to the City and Borough.
 - (h) *Responsibilities of occupants.*
 - (1) Each park occupant shall comply with all applicable requirements of this chapter and shall maintain his or her mobile home lot, facilities, and equipment in good repair and in a clean and sanitary condition.
 - (2) Each park occupant shall be responsible for proper placement of the mobile home on the mobile home stand and proper installation of utility connections in accordance with City and Borough standards.
 - (3) Porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed they shall be maintained in good repair.

-
- (4) Each park occupant shall store and dispose of all rubbish and garbage in a sanitary and safe manner. The garbage container shall be rodentproof, insectproof and watertight.
 - (5) Smoke alarms and fire extinguishers for Class B and Class C fires shall be kept at each park occupant's premises and maintained in working condition.
 - (6) The area beneath the mobile home shall be enclosed by skirting.
- (Serial No. 87-49, § 2, 1987; Serial No. 2000-39, § 2, 10-16-2000; Serial No. 2007-39, § 13, 6-25-2007)

49.15.402 Major subdivisions.

- (a) *[Permit required.]* A major subdivision permit is required for subdivisions resulting in 14 or more lots.
- (b) *Pre-application conference and sketch plat.* A pre-application conference and sketch plat (CBJ 49.15.410) is required prior to submitting an application for a major subdivision.
- (c) *Preliminary plat.* The commission shall be responsible for approval of the preliminary plat.
 - (1) Application for a preliminary plat shall be on a form provided by the department, accompanied by a draft preliminary plat and the appropriate fee. The draft plat shall meet the standards set forth in CBJ 49.15.411.
 - (2) Public notice of the application shall be provided pursuant to CBJ 49.15.230.
 - (3) Reserved.
 - (4) The director shall prepare and submit a report to the commission noting any conditions of approval or plat notes recommended and addressing the following criteria:
 - (A) Whether the preliminary plat complies with CBJ 49.15.411;
 - (B) Whether the applicable subdivision development standards of this title are met, or can reasonably be met with conditions;
 - (C) Whether the proposed subdivision will provide building sites suitable for the zoning district;
 - (D) Whether the proposed street names are unique in the City and Borough or are continuations of existing streets and are otherwise acceptable;
 - (E) Whether the director of engineering and public works has reviewed the application and determined that:
 - (i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;
 - (ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align, and, where appropriate, connect with streets and pedestrian ways serving adjacent properties;
 - (iii) Any proposed improvements conform to the requirements of this title and can feasibly be constructed in accordance with this title; and
 - (iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.
 - (5) In issuing its notice of decision on a preliminary plat, the commission may accept, amend, or reject the director's proposed recommendations. The decision of the commission approving or denying a preliminary plat application will be set forth in a notice of decision, and will specify any conditions or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, within 180 days from the date of the notice of decision.
- (d) *Construction plans.* Upon approval of the preliminary plat, the applicant shall submit complete sets of construction plans for all required improvements to the department for review by the director of engineering and public works for compliance with CBJ 49.35.140.

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- (e) *Survey and monumentation.* Once the construction plans are approved, the applicant shall complete required surveying and monumentation in accordance with CBJ 49.15, article IV, division 6.
 - (f) *Final plat.* An application for a final plat shall be on a form provided by the department, accompanied by a final plat and the appropriate fee. The final plat shall meet the standards set forth in CBJ 49.15.412.
 - (1) Once the application is deemed complete, the director shall schedule the final plat for commission action. If commission action on the final plat will occur more than 12 months after approval of the preliminary plat, public notice of impending commission action on the final plat may be required.
 - (2) The director shall prepare and submit a report to the commission that addresses compliance of the final plat with this title and the criteria for final plat approval, and that specifies any conditions of approval or plat notes recommended by the director.
 - (3) The commission may place conditions upon the granting of final plat commission as are necessary to preserve the public welfare. The commission shall approve the application for a final plat if the following criteria are met:
 - (A) The applicant has complied with any conditions or plat notes required in the notice of decision approving the preliminary plat;
 - (B) The applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010; and
 - (C) The final plat meets the standards set forth in CBJ 49.15.412.
 - (g) *Plat recording.*
 - (1) The chair of the commission shall sign the plat upon a determination that the final plat meets all of the requirements of this title, that all plat certificates have been signed and notarized, and that all required documents have been submitted for recording with the final plat in accordance with CBJ 49.15.412.
 - (2) The department shall file the original plat, at the applicant's expense, with the State Recorder's Office at Juneau.

(Serial No. 2015-03(c)(am), § 10, 8-31-2015 ; Serial No. 2020-06, § 2, 3-16-2020, eff. 4-16-2020)

49.15.330 Conditional use permit.

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

-
- (B) Whether the application is complete; and
 - (C) Whether the development as proposed will comply with the other requirements of this title.
- (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.
- (f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:
- (1) Materially endanger the public health or safety;
 - (2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or
 - (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.
- (g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:
- (1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.
 - (2) *Use.* Use of the development may be restricted to that indicated in the application.
 - (3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.
 - (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.
 - (5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.
 - (6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.
 - (7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.
 - (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.
 - (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.
 - (10) *Habitat.* Development in the following areas may be required to minimize environmental impact:

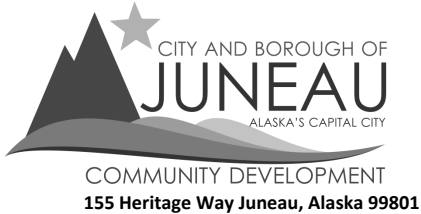
(A) Developments in wetlands and intertidal areas.

- (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBa at the property line during the day or 55 dBa at night.
 - (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
 - (13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
 - (14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.
 - (15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.
 - (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
 - (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
 - (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.
- (Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c)(am), § 9, 8-31-2015 ; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018)

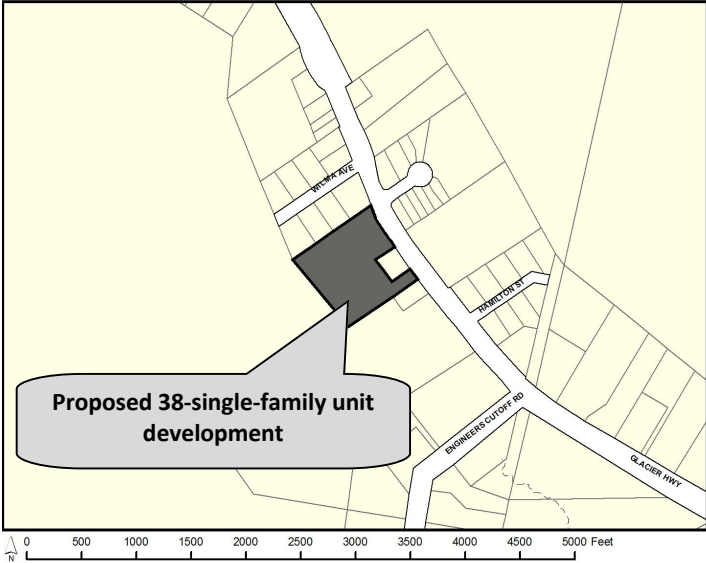
Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



TO



A Conditional Use Permit has been submitted for consideration and public hearing by the Planning Commission for a **38 unit single-family development** off of **Glacier Hwy** in a **D10** 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 **Tuesday, April 1, 2025** at
<https://juneau.org/community-development/planning-commission>
Find hearing results, meeting minutes, and more here, as well.

Now through March 20	March 21 - April 4	HEARING DATE & TIME: 6:00 pm, April 8, 2025	April 9
Comments received during this period will be sent to the Planner, Jolene Murphy , 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/85421744892 and use the Webinar ID: 854 2174 4892 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.	The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4131
Email: pc_comments@juneau.gov or jolene.murphy@juneau.gov
Mail: Community Development, 155 Heritage Way, Juneau AK 99801

Case No.: USE2025 0004
Parcel No.: 4B2201060050
CBJ Parcel Viewer: <http://epv.juneau.org>



Attachment B – Abutters Notice and Public Notice Sign Photo

Jolene Murphy

From: Schuler, Michael K (DOT) <michael.schuler@alaska.gov>
Sent: Monday, March 24, 2025 9:30 AM
To: Jolene Murphy; Melcher, Jill (DOT)
Subject: RE: 30-38 Single-Family Home Development off Glacier Highway

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi Jolene,
DOT&PF does have some concerns and we’re dealing with most of them in permitting (requiring an approach road, guardrail issues, etc.) Unfortunately, the development isn’t large enough to legitimize a TIA or any special traffic flow mitigation. The access is about to go into our departmental review, and we’ll see what comes out of that.

I’ll keep you posted.

Michael K. Schuler

Property Management Officer
State of Alaska Dept. of Transportation
Southcoast Region

(907) 465-4499 Desk
(907) 419-4510 Mobile



From: Jolene Murphy <Jolene.Murphy@juneau.gov>
Sent: Monday, March 24, 2025 8:16 AM
To: Melcher, Jill (DOT) <jill.melcher@alaska.gov>; Schuler, Michael K (DOT) <michael.schuler@alaska.gov>
Subject: RE: 30-38 Single-Family Home Development off Glacier Highway

Some people who received this message don't often get email from jolene.murphy@juneau.gov. [Learn why this is important](#)

Good morning,

I was wondering if there were any updates for this inquiry?

Thank you,

Jolene Murphy | Planner I

[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street | 4th Floor Marine View Building
Office: 907.586.0753 x4131



Fostering excellence in development for this generation and the next.

From: Melcher, Jill (DOT) <jill.melcher@alaska.gov>
Sent: Tuesday, March 18, 2025 8:49 AM
To: Jolene Murphy <Jolene.Murphy@juneau.gov>; Schuler, Michael K (DOT) <michael.schuler@alaska.gov>
Subject: RE: 30-38 Single-Family Home Development off Glacier Highway

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

Morning Jolene,
Thanks for inquiring. I'm going to forward this on to our engineering and traffic data collection folks.

Best,
Jill

From: Jolene Murphy <Jolene.Murphy@juneau.gov>
Sent: Tuesday, March 18, 2025 8:47 AM
To: Schuler, Michael K (DOT) <michael.schuler@alaska.gov>; Melcher, Jill (DOT) <jill.melcher@alaska.gov>
Subject: 30-38 Single-Family Home Development off Glacier Highway

Some people who received this message don't often get email from jolene.murphy@juneau.gov. [Learn why this is important](#)

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am following up about a Conditional Use Permit application to develop 30 to 38 single-family homes off of Glacier Hwy near Hamilton St. According to my analysis, the project will generate between 286 to 362 ADTs. I've attached the site plan and application to this email. There are some neighbors that are concerned about potential traffic impacts on Glacier Highway.

If there are any concerns from the DOT, please reach out to me by March 25th.

Thank you!

Jolene Murphy | Planner I

[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street | 4th Floor Marine View Building
Office: 907.586.0753 x4131



Fostering excellence in development for this generation and the next.

From: [Theresa Ross](#)
To: [Jolene Murphy](#); [General Engineering](#); [Jeffrey Hedges](#)
Subject: RE: USE25-04: Harris Homes LLC Agency Comment Review
Date: Thursday, February 20, 2025 3:18:32 PM
Attachments: [image.png](#)

Thank you, Our only concern, from a fire standpoint, will be hydrant location, that will be addressed during review.

Theresa Ross, Fire Marshal
Capital City Fire Rescue
820 Glacier Avenue
Juneau AK 99801
907-586-5322 ext. 4323
<https://www.juneau.org/fire>



From: Jolene Murphy <Jolene.Murphy@juneau.gov>
Sent: Thursday, February 20, 2025 3:04 PM
To: Theresa Ross <Theresa.Ross@juneau.gov>; General Engineering <General_Engineering@juneau.gov>; Jeffrey Hedges <Jeffrey.Hedges@juneau.gov>
Subject: USE25-04: Harris Homes LLC Agency Comment Review

Good afternoon,

We recently received a Conditional Use Permit application to develop 30 single-family homes off of Glacier Hwy near Hamilton St. The applicant initially planned to develop up to 38 units but has decided on 30 to not trigger the secondary access route requirement. I've attached the revised site plan, application, and pre-application report to this email.

If you have any questions or concerns, please reach out to me by March 20th. Let me know if you need an extension.

Thank you!

Jolene Murphy | Planner I

[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street | 4th Floor Marine View Building
Office: 907.586.0753 x4131



Fostering excellence in development for this generation and the next.

From: [Bridget LaPenter](#)
To: [Jolene Murphy](#); [Theresa Ross](#); [General Engineering](#); [Jeffrey Hedges](#)
Subject: RE: USE25-04: Harris Homes LLC Agency Comment Review
Date: Friday, February 21, 2025 2:20:50 PM

Jolene,

I'm not sure we really get involved with CUP applications, but the applicant will need a water meter.

Bridget LaPenter, P.E. | Chief GE Engineer
General Engineering Department | City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0800 ext. 4187 Cell: 907.500.4170

From: Jolene Murphy <Jolene.Murphy@juneau.gov>
Sent: Thursday, February 20, 2025 3:04 PM
To: Theresa Ross <Theresa.Ross@juneau.gov>; General Engineering <General_Engineering@juneau.gov>; Jeffrey Hedges <Jeffrey.Hedges@juneau.gov>
Subject: USE25-04: Harris Homes LLC Agency Comment Review

Good afternoon,

We recently received a Conditional Use Permit application to develop 30 single-family homes off of Glacier Hwy near Hamilton St. The applicant initially planned to develop up to 38 units but has decided on 30 to not trigger the secondary access route requirement. I've attached the revised site plan, application, and pre-application report to this email.

If you have any questions or concerns, please reach out to me by March 20th. Let me know if you need an extension.

Thank you!

Jolene Murphy | Planner I
[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street | 4th Floor Marine View Building
Office: 907.586.0753 x4131



Fostering excellence in development for this generation and the next.

From: Voice Message <wildthings@gci.net>
Sent: Monday, March 3, 2025 11:53 AM
To: Jolene Murphy
Subject: Case#:USE2025 0004, Parcel#:4B2201060050

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

Hello Jolene Murphy,

This email is regards to commenting on the Case#USE2025 0004 and Parcel #4B2201060050.

The project mentioned above will result in traffic and safety issues in the area between Engineers cutoff and Auke Lake.

Vehicles driving out the road from The Valley already pass on the right driving over the walkway/bikeway in order to pass. The guard rail from the top of the hill down to the lake has damage along its entire length. This is because impatient drivers who have already had to slow down or wait for vehicles turning left or right when going south up the hill would rather risk someone else's life than slow down for a few seconds.

The guard rail is damaged because those drivers who pass at the top of the hill and drive down the paved pathway realize there's a guardrail and have to get back into the road before they hit it. At which time there may be other vehicles in the outgoing lane, being unable to get back into that lane they strike the guard rail instead. Same thing happens on the inbound lane as well, except in that case drivers try to pass, using the outbound lane when they have such limited visibility they can't see over the top of the hill.

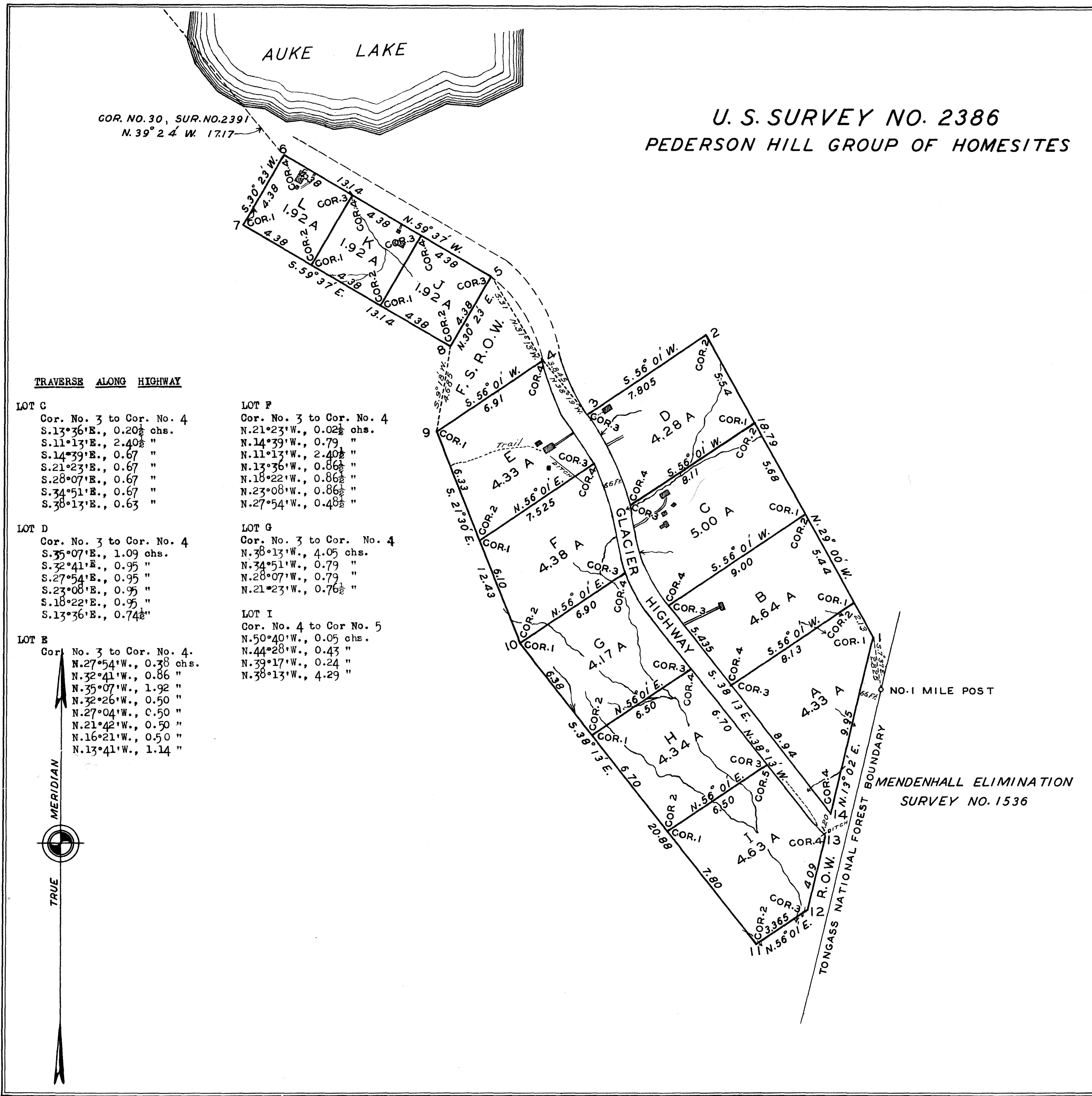
This situation has increased substantially since the Mormon Church and the development behind the Calvary Fellowship property across from Wilma Avenue. The parcel herein lies right between the church and Wilma Avenue. To place another substantially larger development at that same juncture will create even more congestion and substantially more vehicle accidents. To approves this project at the substantial risk of citizens lives in return for property taxes that will likely never pay off and for the economic well being of the landowner and builder is simply irresponsible and will likely result in the city paying out lawsuits to anyone injured or worse on that section of road.

If the city really wants to represent all its citizens then this project will not be approved. It will save you a ton of money and law suits as well. You have already been accused of negligence from issuing building permits in places along the Mendenhall River where they never should have been. Big difference here is the situation is 24/7 365 days a year, not just when the river floods.

Take these conditions to heart or you will very likely find yourselves regretting it in the long run. During the time of construction which will be lengthy, the traffic congestion and resulting dangerous driving conditions will be even more substantial. In addition building sewer, water, lights, etc. will cost

the city a fortune because the thin layer of soil is overlying bedrock and hardpan will also add to the cost and construction time. This is just the worse place you could approve such a project.

Sincerely,
John Hyde



PLAT
of
U.S. SURVEY NO. 2386
of the
PEDERSON HILL GROUP OF HOMESITES

Executed under the Act of Congress,
Approved **MAY 26, 1934**
situated
ON GLACIER HIGHWAY, APPROXIMATELY 10 MILES
NORTHWEST OF JUNEAU
TERRITORY OF ALASKA
GROSS AREA: 50.96 ACRES
LOT Area: 45.86 acres
Declination: 31° 30' E.
Scale: 4 chains to the inch
Latitude 58° 21' 49" N. Longitude 134° 37' 07" W.

Survey executed by
LEONARD M. BERLIN, SURVEYOR, G.L.O.
APRIL 23 - MAY 14,
1938

CERTIFICATE OF APPROVAL
PUBLIC SURVEY OFFICE
Juneau, Alaska, **OCTOBER 12, 1939**
The original field notes of Survey No. 2386, of the
PEDERSON HILL GROUP OF HOMESITES

from which this plat has been made, 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 identify the premises, and that such reference is made therein to natural objects and permanent monuments, as will perpetuate and fix the Locus thereof.
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.

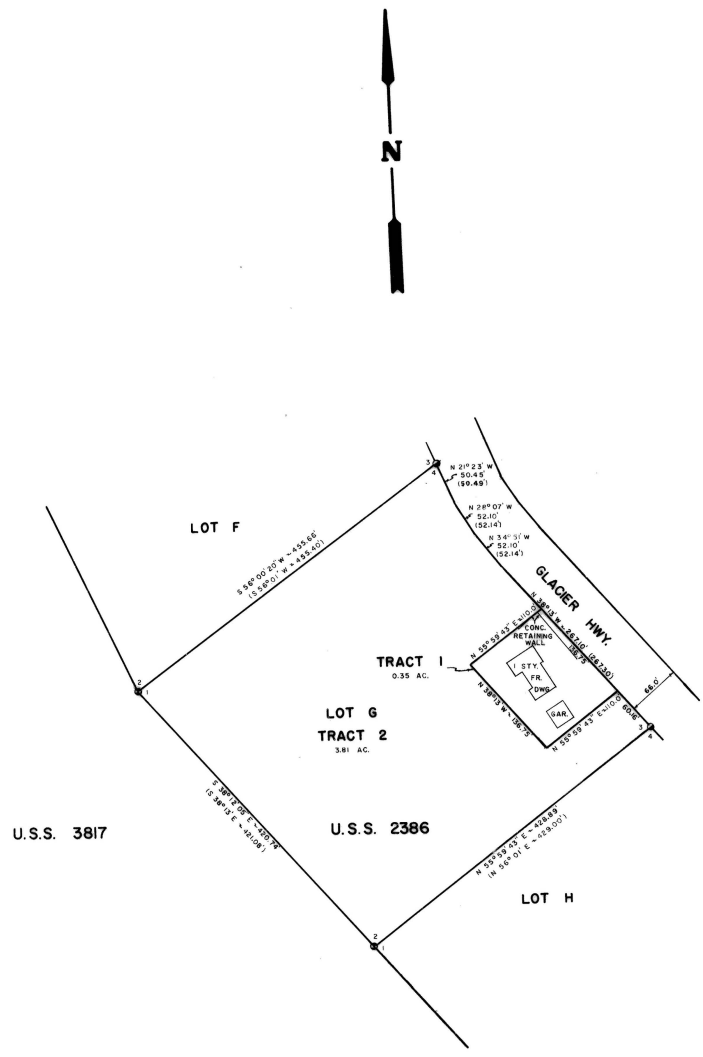
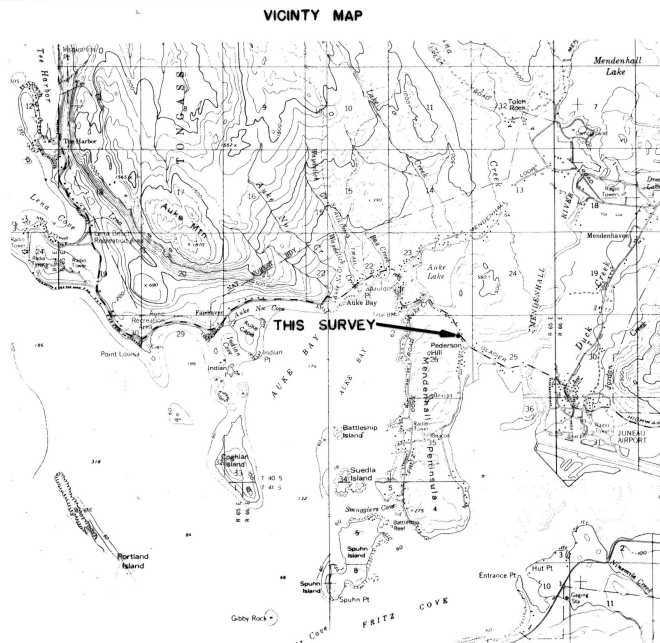
Geo. A. Parker
District Cadastral Engineer

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington, D.C., APRIL 6, 1940

The survey represented by this plat having been correctly executed in accordance with the requirements of law and the regulations of this office, is hereby accepted.

Joseph David Holford
ACTING ASSISTANT COMMISSIONER

1940-3



CERTIFICATE OF REGISTERED PROFESSIONAL LAND SURVEYOR
I hereby certify that I am a registered professional land surveyor and that this plat represents the survey made by me or under my direct supervision, and that all dimensional and other details are correct to the best of my knowledge.
Date: Oct 29, 1978



78-48
RECORDED - FILED
JUNEAU, REC. DIST.
DATE: 12/13 - 1978
TIME: 1:24 P.M.
Submitted by: Wm. GOERTZEN

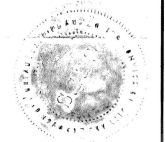
NOTE:
The origin of bearings for this survey originated between existing GLO brass cap monuments at corners 3 and 4 of Lot G, computed from the official record to be N 34° 33' 12" W.
Record bearings and distances shown in parentheses if different from that determined this survey.

- LEGEND
- Existing GLO brass cap monument
 - Existing aluminum monument by others

CERTIFICATE OF OWNERSHIP AND DEDICATION
We hereby certify that we are the owners of the property shown and described hereon and that we adopt this plan of subdivision with our free consent, and dedicate all streets, alleys, and other open spaces to public or private use as noted.
Date: Oct 20, 1978
Witnessed by: William J. T...
Christine E. Goertzen
Flora Hamilton
Sally Hamilton
Sharon C. Denton
Juneau Recording District: Bruce C. Denton
STATE OF ALASKA
On this 20th day of Oct, 1978, before me the undersigned, a Notary Public in and for the State of Alaska, residing at Juneau in said State, personally appeared Wm. E. Christine Goertzen, Flora and W.J. Hamilton, Sharon C. and Bruce C. Denton known to me to be the persons who executed the foregoing certificate and acknowledged to me that they executed said certificate freely and voluntarily for the uses and purposes therein mentioned.
In Witness Whereof, I have herunto affixed my signature and official seal the day, month and year in this certificate first above and therein
C. R. Nordling
Notary Public in and for the State of Alaska
My commission expires: Nov. 23, 1980



CERTIFICATE OF APPROVAL BY THE COMMISSION
I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the City and Borough of Juneau Planning Commission and that said plat has been approved by Plat Resolution No. 554 dated October 24, 1978 and that the plat shown hereon has been approved for recording in the office of the District Judge, Juneau.
Kathleen H. Deibel
Chairman
Attest: W. R. Neuzies
Clerk



PLAT OF
SUBDIVISION OF LOT G, U. S. SURVEY 2386
Located at
Mile 11, Glacier Highway
Scale: 1" = 100'
October 18, 1978
Toner & Nordling, Registered Engineers, Juneau, Alaska

CITY AND BOROUGH OF JUNEAU, ALASKA
PLANNING COMMISSION

PLAT #78-48

Platting Resolution, Serial No. 554

Wm. & Christine Goertzen, Florita and W.J. Hamilton, Sharon C. and Bruce C. Denton.

WHEREAS,

(Applicant(s))

has applied to the City and Borough Planning Commission in proper form for approval of the following described subdivision

Subdivision of Lot G, U.S. Survey 2386

WHEREAS, the Commission finds that the proposed subdivision complies with the subdivision regulations of the City and Borough of Juneau, Alaska,

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

That the said application for a subdivision plat of the above described property is hereby granted.

Dated October 24, 1978

CITY & BOROUGH OF JUNEAU, ALASKA
PLANNING COMMISSION

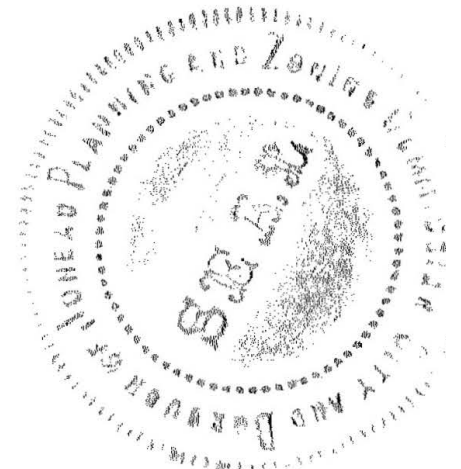
By

Koelle J. Deibel
Chairman

Attest:

Mary Puzos
Clerk

5
RECORDED - FILED
JUNEAU REC.
DISTRICT
DEC 13 1 24 PM '78
GOERTZEN
REQUESTED BY
ADDRESS





**CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY**

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: November 14, 2012
File No.: AME2010 0008

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Application For: Re-zone of area recently connected to city water and sewer along Glacier Highway on Pederson Hill from D1 to D10 zoning.

Legal Description: Hilltop Lot 1, Lot 2; Lot 3, Lot 4; McGhee Lot 1A, Lot 1B; USS 2136 Lot 1; USS 2386 & 3817 Tract Ah; USS 2386 Block A Lot 1, Lot 2, Lot 3, A Lot 4, Lot 4, Lot 5; Block B Lot 1, Lot 2, Lot 3, Lot 5; USS 2386 Lot 1, Lot B, Lot C, Lot D Tract 1, Lot D1, Lot D2, Lot F Lot 1, Lot F Lot 2, Lot F Lot 3, Lot F Lot 4A, Lot F Lot 4B, Lot F Lot 5, Lot F Lot 6, Lot F Lot 7, Lot F Lot 8, Lot G Tract 1, Lot G Tract 2, Lot H Fraction; USS 2570; USS 3260 Lot 11, Lot 2, Lot 3, Lot 4A, Lot 4B, Lot 5, Lot 6, Lot 7 & 8, Lot 9; USS 3406 Fraction

Property Address: Glacier Highway, Hamilton Street and Wilma Avenue

Parcel Code No.: 4B2201010010; 4B2201050132; 4B220105013;
4B2201070010; 4B2201060070; 4B2201050100; 4B2201050020;
4B2201020080; 4B2201060020; 4B2201040020;
4B2201040010; 4B2201060020; 4B1701130010; 4B2201070090;
4B2201070080; 4B2201050140; 4B2201070070; 4B2201050120;
4B2201070060; 4B2201070020; 4B2201070030; 4B2201070040;
4B2201050110; 4B2201070050; 4B2201060080; 4B2201060090;
4B2201060050; 4B2201060100; 4B2201050060; 4B2201060060;
4B2201050070; 4B2201050080; 4B2201020090; 4B2201050090;
4B2201020080; 4B2201060040; 4B2201050050; 4B2201060030;
4B2201050040; 4B2201050030; 4B2201020070; 4B2201050010;
4B2201020060; 4B2201020050; 4B2201020030; 4B2201020040;
4B2201020020; 4B2201020012; 4B2201020011.

Hearing Date: November 13, 2012

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 8, 2012, and approved staff's recommendation for immediate zone change requested. This zone change would allow the current D1(T)D10 zoning to transition to D10.

The Commission per CBJ§49.70.720 adopts this zone change

Attachments: November 8, 2012 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2010 0008.

155 So. Seward Street, Juneau, Alaska 99801-1397

City & Borough of Juneau
File No.: AME2010 0008
November 16, 2012
Page 2 of 2

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

This Notice of Decision constitutes a final decision of the Planning Commission in accordance with CBJ§49.70.720. 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).

Project Planner: Beth McKibben
Beth McKibben, Planner
Community Development Department

Dennis Watson
Dennis Watson, Vice-Chair
Planning Commission

Elizabeth J. Meera 11/16/2012
Filed With City Clerk Deputy Clerk Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - Tractained architect or other ADA Tractained 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.



Attachment H – 2023 Aerial Imagery



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

Peterson Hill West

Case Number: PAC2024 0062
Applicant: Rich Harris
Property Owner: Harris Homes LLC.
Property Address: USS2386 Lot G, Tract 2.
Parcel Code Number: 4B2201060050
Site Size: 165,964 square feet/3.81 acres
Zoning: D10 - Multifamily
Existing Land Use: Vacant Land

Conference Date: December 18, 2024
Report Issued: January 31, 2025

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

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

Name	Title	Email address
Harris Homes	Applicant	harrishomesjnu@gmail.com
David Peterson	Planning	David.Peterson@juneau.gov
Jeff Hedges	Building	Jeffrey.Hedges@juneau.gov
	General Engineering	xxx.xxx@juneau.gov
Theresa Ross	CCFR, Fire Marshal	Theresa.Ross@juneau.gov
David Sevdy	Permitting	David.Sevdy@juneau.gov

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

- Will ROW be maintained by CBJ?
- Note: Future plans to subdivide may be completed by way of an ARS.

Project Overview

Applicant is proposing (30) single family rental units on a 3.8 acre lot. Per the table of permissible uses, major development will require Planning Commission approval through a Conditional USE permit (USE).

Step 1: The Developer shall submit to the Permit Center one copy of the completed permit along with a site plan and a construction plan. The site plan will address vegetative coverage, parking, building layout with setbacks shown, and rights of way. The construction plan will address drainage, ROW improvements, open space and conditions related to.

Step 2: Schedule Planning Commission meeting.

- Planning Commission will review for, public safety, whether project would substantially decrease the value of or be out of harmony with the neighboring area, or whether proposal would not be consistent with the comprehensive plan.
- The Planning Commission may request specific conditions.
 - Per 49.15.330(g)
 1. Development Schedule
 2. Use
 3. Owners Association
 4. Dedications
 5. Performance Bonds
 6. Commitment Letter
 7. Covenants
 8. Revocation of Permits
 9. Landslide and Avalanche areas
 10. Habitat
 11. Sound
 12. Traffic Mitigation
 13. Water access
 14. Screening
 15. Lot/Development Size
 16. Drainage
 17. Lighting
 18. Other Conditions as may be reasonably necessary pursuant to the standards listed in this subsection.

Planning Division

1. **Zoning** – D10 zoning allows for a density of 10 dwelling units per acre. The 3.8 acres would allow for a total of 38 dwelling units.

- The minimum permissible lot size is 6,000 square feet with a minimum width of 50 feet.
- Common wall dwellings must be at least 5,000 square feet with a minimum width of 40 feet.
- Bungalow lots must be at least 3,000 square feet with a minimum width of 25 feet.

2. **Table of Permissible Uses** – Single family homes are an approved building type. Per 49.15.402(a) – A subdivision resulting in more than 14 lots will be considered a Major Subdivision.

3. **Subdivision** – N/A

4. **Setbacks** – Per 49.25.400:

Front and Rear setbacks = 20 feet.

Side Yard setbacks = 5 feet.

Street side yards = 13 feet.

Separation between units: Per 49.65.310(b)(1)(D)(iii), No wall, post, or column supporting a roof of any mobile home shall be placed less than 15 feet away from any other mobile home, accessory buildings or addition.

5. **Height** – Permitted building heights are limited to 35 feet. Accessory and Bungalow structures are limited to a maximum height of 25 feet.
6. **Access** – Site would have direct and practical access to Glacier Highway (an arterial roadway).
7. **Parking & Circulation** – Per section 49.40.210 - Single family and Duplex, dwelling units are required to provide two (2) parking spaces.
8. **Lot Coverage** – **Maximum lot coverage for permissible and conditional uses is 50%.**
9. **Vegetative Coverage** – D10 zones require a minimum of 30% vegetative coverage.
10. **Lighting** – Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site. Industrial and exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.

Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at §49.40.230(d) [and Historic District Design Guidelines, if applicable]. All exterior lighting fixtures shall be of a “full cutoff” design.

11. **Noise** – Per 42.20.095(c) It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official.
12. **Flood** – Per panel 02110C1219E effective 9/18/2020, no flood zones present in CBJ record.

- 13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – Per 49.70.210(a) - Excavation or creation of any slope in excess of 18% will require a Hillside endorsement.
- 14. **Wetlands** – N/A
- 15. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
- 16. **Plat or Covenant Restrictions** – PENDING
- 17. **Traffic** – Per 49.40.300(a) Should a development generate between 250 Average Daily Trips(ADT) and 500 ADT shall be required to have a Traffic Impact Analysis.
- 18. **Nonconforming situations** – As-built will help determine the presence of nonconforming situations.

Building Division

- 19. **Building** – Be aware of separation distances. Anything less than 10’ separation will create a need for fire rated construction, as well as limit openings and projections.
- 20. **Outstanding Permits** – No outstanding building permits.

General Engineering/Public Works

- 21. **Engineering** – No comments at this time.
- 22. **Drainage** –
- 23. **Utilities** – (water, power, sewer, etc.)

Fire Marshal

- 24. **Fire Items/Access** – If applicant decides to develop more than 30 units, a secondary fire access location shall be provided. D107.1

Other Applicable Agency Review

- 25. DOT&PF
- 26.

List of required applications

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

- 1. Development Permit Application (DPA).
- 2. Conditional Use Permit (USE)

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 (PAC) report.
- 2. Site Plan
- 3. Construction Plan

Exceptions to Submittal Requirements

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

1. N/A

Fee Estimates

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

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

1. Public Notice Sign fee and Deposit (\$150). \$100 will be refunded upon return of the Public Notice sign.
2. Class III uses, \$750 for Residential Structures, 11-30 dwelling units.
OR
3. Class IV uses, \$1,000 for Residential Structures, 31-60 dwelling units.

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

Submit your Completed Application

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

OR in person with payment made to:

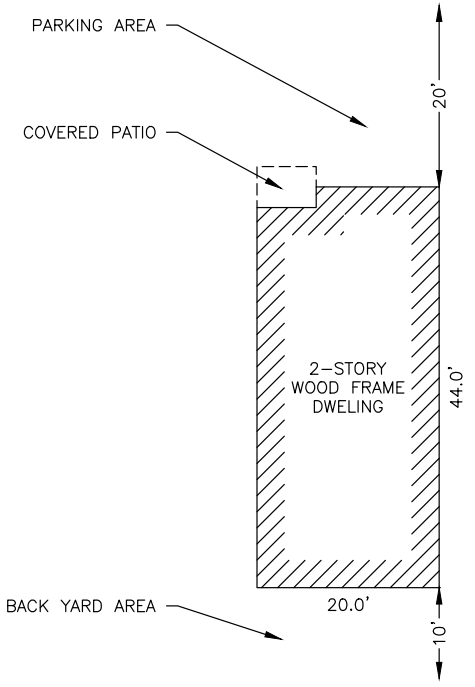
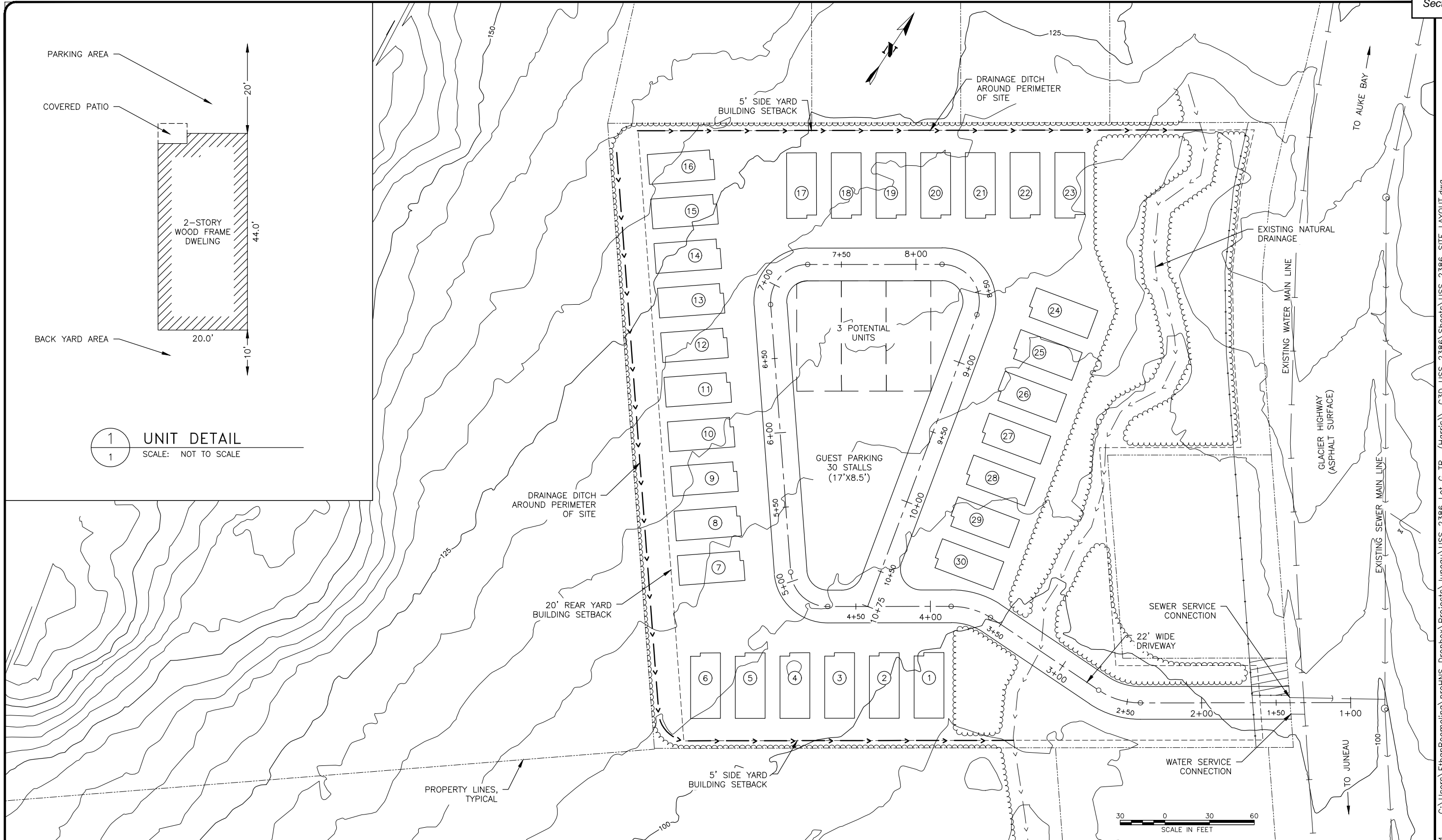
City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

- 49.70 Article IV – if in a flood zone
- 49.15.330 – if a Conditional Use Permit



1 UNIT DETAIL
SCALE: NOT TO SCALE

RECORD OF REVISIONS			
No.	DATE	DESCRIPTION	BY



DRAWN BY: E. ROEMELING
 DESIGNED BY: E. ROEMELING
 CHECKED BY: L. CHAMBERS

USS 2386 DEVELOPMENT
 RICHARD HARRIS

SITE LAYOUT

SHEET NUMBER	1
OF	1

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

ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

49.15.900 Purpose.

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

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

49.15.910 Application.

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

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

49.15.920 General provisions.

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

- (3) The commission may award a density bonus as an incentive for enhancements to the development. The total bonus shall not exceed 50 percent in the RR, D1, D3, D5, D10 zoning districts, and 25 percent in the D-10SF, D15, D18 and LC zoning districts of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses as follows:
 - (A) Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required;
 - (B) Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
 - (C) Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale:
 - (i) In which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or
 - (ii) In which 20 percent of the dwelling units are set aside for workforce households earning no more than 120 percent of the area median income.
 - (D) Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors;
 - (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with chapter 49.35;
 - (F) Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services;
 - (G) Five percent for designing all dwelling structures to a five-star plus energy efficiency rating; ten percent for designing all dwelling structures to a six-star energy efficiency rating; and
 - (H) Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.
- (4) A density bonus may be limited or denied if it will more probably than not:
 - (A) Materially endanger public health or safety;
 - (B) Substantially be out of harmony with property in the neighboring area;
 - (C) Lack general conformity with the comprehensive plan or another adopted plan; or
 - (D) Create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.
- (f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from [chapter] 49.35 and be privately owned and maintained if it complies with the following requirements:
 - (1) The access shall be located completely on the parent lot;
 - (2) The access does not endanger public safety or welfare and provides for safe pedestrian and vehicular traffic circulation;

- (3) The access complies with the emergency service access requirements of CBJ [chapter] 19.10;
- (4) Access to and within the development is paved;
- (5) The developer submits adequate evidence that upon approval of the development, a homeowners' association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and
- (6) The alternative residential subdivision does not abut a developable parcel that lacks alternative and practical frontage on a publically maintained right-of-way.
- (g) *Utilities.* An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.
- (h) *Parking.* Parking required for each dwelling unit may be located on either the parent lot or the unit-lot.
- (i) *Open space.* Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-3, D-5 and D-10 zoning districts; 15 percent in the D-10SF district. Open space is not required in the D-15, D-18, or LC zoning districts.
- (j) *Buffer.* There are no setback requirements on the unit-lots. A perimeter buffer is required in lieu of the setback requirements of this title on the parent lot. The presumptive buffer width shall not be less than the setback set by the underlying zoning district to ensure neighborhood harmony and minimize off-site impacts. The commission may enlarge a buffer or a portion of a buffer up to 25 feet in total width, and the commission may reduce a buffer or a portion of a buffer by 75 percent of the setback for the underlying zoning district. The commission may only enlarge or reduce the buffer width upon considering, but not limited to: type of buffer, location of the subdivision structures and uses therein; the location and type of surrounding uses or development; topography; and the presence of existing visual and sound buffers. A buffer shall be vegetated unless the commission requires non-vegetated screening. A buffer may include fencing, natural berm, or other similar features. No parking areas, dwelling units, unit-lots, or permissible uses may be located within the perimeter buffer. Access to the development may cross a portion of the buffer.
- (k) *Parent lot.* Portions of the parent lot not subdivided into unit-lots shall be owned in common by a homeowners' association, or similar entity, comprised of the owners of the unit-lots located within the parent lot.
- (l) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development and areas draining through the development. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the open space may be used for stormwater management at the development. The developer shall provide the CBJ Engineering and Public Works Department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the alternative residential subdivision. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.
- (m) *Permitted uses.* No primary uses are permitted on the parent lot except a recreational center, community facility, or a child care center. Consistent with the table of permissible uses, 49.25.300, only residential uses and associated accessory structures are allowed on the unit-lots. Accessory dwelling units are prohibited on the parent lot and on any unit-lots. A home occupation or a child care home is permissible on the unit-lots. If an alternative residential subdivision creates a lot that complies with the table of dimensional standards, 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition of this subsection does not apply.
- (n) *Street sign.* Street signage is required. The developer shall install a street sign provided by the City and Borough of Juneau at the developer's expense. The director shall determine the type of street sign—

addresses or street name—upon considering public health, safety, and welfare given the size of the subdivision.

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

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

49.15.930 Alternative residential subdivision review process.

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

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

49.15.940 Preliminary alternative residential subdivision plan approval.

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

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

- (6) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire alternative residential subdivision;
 - (7) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment; and
 - (8) If the approval includes an allotment of a density bonus, the density bonus complies with section 49.15.920(e)(4).
- (e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.
- (Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

49.15.950 Final alternative residential subdivision plan approval.

- (a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.
 - (b) *Homeowners' association.* The formation of a homeowners' association, or similar entity, is required.
 - (1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.
 - (2) The homeowners' association shall be responsible for the maintenance of open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.
 - (3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.
 - (4) The homeowners' association documents shall be recorded with the approved final plat.
 - (c) *Commission action.* The commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.
 - (d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.
- (Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

49.15.960 Phased development.

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

- (b) *Completion of an individual phase.* Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire alternative residential subdivision. Construction and completion of open space and common facilities serving each phase in an alternative residential subdivision shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete and homeowners' association documents have been approved.
- (c) *Standards for phases.* Each phase of an alternative residential subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an alternative residential subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

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

49.15.970 Amendments to approved alternative residential subdivision plan.

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

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

49.65.310 Mobile home parks.

(a) *Park permit required exemptions.*

- (1) No person shall establish, maintain, expand, alter, modify, reconstruct or operate a mobile home park, or expand a mobile home park existing at the time the ordinance codified in this article becomes effective except pursuant to a valid conditional use permit issued pursuant to chapter 49.15, article III, as modified by this article.
- (2) Mobile home parks existing on September 5, 1981, are exempt from the provisions of subsections (b)(2)—(5) of this section, except that if such an exempted park is expanded, the entire park shall be made to substantially conform with the requirements for new parks except those establishing street widths and mobile home space layout. The remaining sections of this chapter are applicable to such existing parks.

(b) *Park design requirements.*

(1) *Dimensional site standards.* Dimensional site standards are as follows:

- (A) Minimum mobile home park area, two acres;
- (B) Minimum setback from public streets, 25 feet;
- (C) Minimum side and rear yard setback from the exterior lot line, 15 feet;
- (D) Standards for mobile home lots within mobile home parks are as follows:
 - (i) *Lot occupancy.* No more than one mobile home shall occupy a mobile home lot. No other dwelling unit shall occupy a mobile home lot.
 - (ii) *Minimum lot size.* All single mobile home lots shall be at least of 3,000 square feet in area, except that a doublewide mobile home lot shall be at least 4,500 square feet in area.
 - (iii) *Separation of mobile homes.* No wall, post, or column supporting a roof of any mobile home, accessory building, or addition to any mobile home shall be placed less than 15 feet away from any other mobile home, accessory buildings or addition. A mobile home, or its addition or accessory building having an interior finish of gypsum board or equivalent fire resistive materials, may be placed no less than ten feet from one likewise finished, and no less than 12½ feet from one not so finished. An accessory building to a mobile home may be placed less than ten feet away from that mobile home or its addition. Eaves and other projections may extend no more than 12 inches into the separation distance. Uncovered ramps and associated landings needed for access by people with disabilities may project five feet into the separation distance.
 - (iv) *Maximum lot coverage.* Coverage of a mobile home lot shall not exceed 50 percent of the total land area.

(2) *Road and parking standards.*

- (A) Two driveway entrances may be permitted to serve a mobile home park when spaced not less than 200 feet apart. Additional driveway entrances may be allowed upon approval by the commission if such entrance or entrances are spaced not less than 200 feet from any other entrance. The driveway entrances shall be at right angles to the public road from which they are served. This angle shall be maintained for a distance of at least 100 feet.
- (B) Access roads within the mobile home park shall have a minimum width of 30 feet. Every mobile home lot shall abut an access road. Direct access to any public right-of-way from individual

mobile home lots shall not be permitted. Streets shall be surfaced with all-weather material such as gravel, cinders, asphalt or concrete to a minimum surface width of 22 feet.

- (C) Minimum off-street parking spaces on each mobile home lot shall be as provided in section 49.40.210 of this title for single-family residences.
 - (3) *Recreation; playgrounds.* A minimum of 200 square feet of playground in the mobile home park shall be provided for each mobile home lot. No playground area shall contain less than 2,500 square feet.
 - (4) *Transient camper spaces.* Transient camper spaces are permitted in any mobile home park as an accessory use subject to conditional use approval. Such spaces shall be provided with toilet and shower facilities meeting applicable state requirements, segregated according to sex, and adjacent to the transient unit area. Transient campers shall have separate lots and shall meet the same setback requirements as permanent units. Transient units shall not be allowed to exist as permanent units.
 - (5) *Sales lots.* Sales lots upon which unoccupied trailers are displayed for sale shall not be located within a mobile home park, provided that mobile home units for sale or rent in place may be located within the park providing they meet all the criteria set forth in this chapter.
- (c) *Park establishment.*
- (1) Mobile home parks may be established as a conditional use only in the following zoning districts: D-10 SF residential district, D-10, D-15, D-18, multifamily residential districts, LC, light, and GC, general commercial districts.
 - (2) A preliminary plan shall be submitted for concept review by the commission. The preliminary plan need not include complete engineering drawings but should be sufficiently complete to allow for review of all design standards.
 - (3) After concept approval by the commission, the developer shall submit a final plan. The final plan shall contain the following information:
 - (A) The name, address and interest in the property of the applicant;
 - (B) The location and legal description of the mobile home park; and
 - (C) Complete engineering plans and specifications for the proposed mobile home park. The plans and specifications shall include:
 - (i) The area and dimensions of tract of land;
 - (ii) The number, location, and size of all lots with the required yard setback designated on each lot;
 - (iii) The location, width and surface of access streets and walkways;
 - (iv) The location of water and sewer lines;
 - (v) The location, type, and size of sewage disposal facilities;
 - (vi) The location of water source;
 - (vii) The location and size of any buildings existing or proposed for construction within the mobile home park;
 - (viii) A plan for refuse disposal;
 - (ix) The location and distribution of electrical systems;
 - (x) The location and storage of heating fuel; and
 - (xi) The location and size of playground areas.

- (4) Building permit required. It is unlawful for any person to construct, alter or extend any mobile home park except pursuant to a valid building permit. The permit shall not be issued until the plans and specifications have been approved by the commission, state department of environmental conservation or other review agencies.
- (d) *Expiration of permits.* Any final approval of a development permit issued under this article shall expire according to the expiration schedule for development permits in chapter 49.15, article II.
- (e) *Submission of park drawing.* Each mobile home park in existence on the effective date of the ordinance codified in this article shall submit a complete and accurate park drawing. The drawing shall show above ground improvements and setback measurements. An engineer's or surveyor's certification is not required. All new mobile home parks shall have the four corners of each lot staked with a permanent surveyor's monument.
- (f) *Annual inspection.* An annual inspection by the City and Borough building department shall be required for operation of any mobile home park within the City and Borough. A certificate of inspection of mobile home parks will be issued annually after the park has satisfactorily passed an inspection by the building official. The inspection will be made for the purpose of examining the park for compliance with this Code, the building codes, and other applicable codes. If deficiencies are found to exist in any portion of the mobile home park a provisional certificate of inspection may be issued. The provisional certificate of inspection shall define the deficiencies together with an established time to correct the same. Unless such deficiencies are corrected within the established time the provisional certificate of inspection shall be revoked and the City and Borough may proceed with legal action against the park owner. The park owner shall be responsible for correction of any deficiencies within the time limit specified.
- (g) *Responsibilities of management.*
 - (1) The person to whom a conditional use permit for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
 - (2) The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.
 - (3) The park management shall supervise the placement of each mobile home on its mobile home stand.
 - (4) The park management shall provide and maintain the proper size electrical receptacle, breaker and grounding at the electrical service for each mobile home lot.
 - (5) The park management shall maintain a current register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.
 - (6) The park management shall maintain roads within the mobile home park in a condition which will permit the park occupants safe access to and from each mobile home. The roads shall meet maintenance standards acceptable to the City and Borough.
- (h) *Responsibilities of occupants.*
 - (1) Each park occupant shall comply with all applicable requirements of this chapter and shall maintain his or her mobile home lot, facilities, and equipment in good repair and in a clean and sanitary condition.
 - (2) Each park occupant shall be responsible for proper placement of the mobile home on the mobile home stand and proper installation of utility connections in accordance with City and Borough standards.
 - (3) Porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed they shall be maintained in good repair.

- (4) Each park occupant shall store and dispose of all rubbish and garbage in a sanitary and safe manner. The garbage container shall be rodentproof, insectproof and watertight.
- (5) Smoke alarms and fire extinguishers for Class B and Class C fires shall be kept at each park occupant's premises and maintained in working condition.
- (6) The area beneath the mobile home shall be enclosed by skirting.

(Serial No. 87-49, § 2, 1987; Serial No. 2000-39, § 2, 10-16-2000; Serial No. 2007-39, § 13, 6-25-2007)

49.15.402 Major subdivisions.

- (a) *[Permit required.]* A major subdivision permit is required for subdivisions resulting in 14 or more lots.
- (b) *Pre-application conference and sketch plat.* A pre-application conference and sketch plat (CBJ 49.15.410) is required prior to submitting an application for a major subdivision.
- (c) *Preliminary plat.* The commission shall be responsible for approval of the preliminary plat.
 - (1) Application for a preliminary plat shall be on a form provided by the department, accompanied by a draft preliminary plat and the appropriate fee. The draft plat shall meet the standards set forth in CBJ 49.15.411.
 - (2) Public notice of the application shall be provided pursuant to CBJ 49.15.230.
 - (3) Reserved.
 - (4) The director shall prepare and submit a report to the commission noting any conditions of approval or plat notes recommended and addressing the following criteria:
 - (A) Whether the preliminary plat complies with CBJ 49.15.411;
 - (B) Whether the applicable subdivision development standards of this title are met, or can reasonably be met with conditions;
 - (C) Whether the proposed subdivision will provide building sites suitable for the zoning district;
 - (D) Whether the proposed street names are unique in the City and Borough or are continuations of existing streets and are otherwise acceptable;
 - (E) Whether the director of engineering and public works has reviewed the application and determined that:
 - (i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;
 - (ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align, and, where appropriate, connect with streets and pedestrian ways serving adjacent properties;
 - (iii) Any proposed improvements conform to the requirements of this title and can feasibly be constructed in accordance with this title; and
 - (iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.
 - (5) In issuing its notice of decision on a preliminary plat, the commission may accept, amend, or reject the director's proposed recommendations. The decision of the commission approving or denying a preliminary plat application will be set forth in a notice of decision, and will specify any conditions or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, within 180 days from the date of the notice of decision.
- (d) *Construction plans.* Upon approval of the preliminary plat, the applicant shall submit complete sets of construction plans for all required improvements to the department for review by the director of engineering and public works for compliance with CBJ 49.35.140.

- (e) *Survey and monumentation.* Once the construction plans are approved, the applicant shall complete required surveying and monumentation in accordance with CBJ 49.15, article IV, division 6.
- (f) *Final plat.* An application for a final plat shall be on a form provided by the department, accompanied by a final plat and the appropriate fee. The final plat shall meet the standards set forth in CBJ 49.15.412.
 - (1) Once the application is deemed complete, the director shall schedule the final plat for commission action. If commission action on the final plat will occur more than 12 months after approval of the preliminary plat, public notice of impending commission action on the final plat may be required.
 - (2) The director shall prepare and submit a report to the commission that addresses compliance of the final plat with this title and the criteria for final plat approval, and that specifies any conditions of approval or plat notes recommended by the director.
 - (3) The commission may place conditions upon the granting of final plat commission as are necessary to preserve the public welfare. The commission shall approve the application for a final plat if the following criteria are met:
 - (A) The applicant has complied with any conditions or plat notes required in the notice of decision approving the preliminary plat;
 - (B) The applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010; and
 - (C) The final plat meets the standards set forth in CBJ 49.15.412.
- (g) *Plat recording.*
 - (1) The chair of the commission shall sign the plat upon a determination that the final plat meets all of the requirements of this title, that all plat certificates have been signed and notarized, and that all required documents have been submitted for recording with the final plat in accordance with CBJ 49.15.412.
 - (2) The department shall file the original plat, at the applicant's expense, with the State Recorder's Office at Juneau.

(Serial No. 2015-03(c)(am), § 10, 8-31-2015 ; Serial No. 2020-06, § 2, 3-16-2020, eff. 4-16-2020)

49.15.330 Conditional use permit.

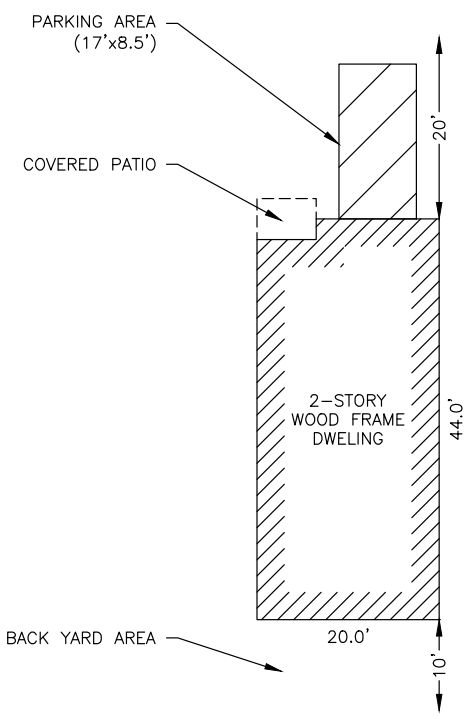
- (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations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

- (B) Whether the application is complete; and
 - (C) Whether the development as proposed will comply with the other requirements of this title.
- (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.
- (f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:
- (1) Materially endanger the public health or safety;
 - (2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or
 - (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.
- (g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:
- (1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.
 - (2) *Use.* Use of the development may be restricted to that indicated in the application.
 - (3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.
 - (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.
 - (5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.
 - (6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.
 - (7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.
 - (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.
 - (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.
 - (10) *Habitat.* Development in the following areas may be required to minimize environmental impact:

(A) Developments in wetlands and intertidal areas.

- (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBa at the property line during the day or 55 dBa at night.
- (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
- (13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
- (14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.
- (15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.
- (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
- (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
- (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.

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

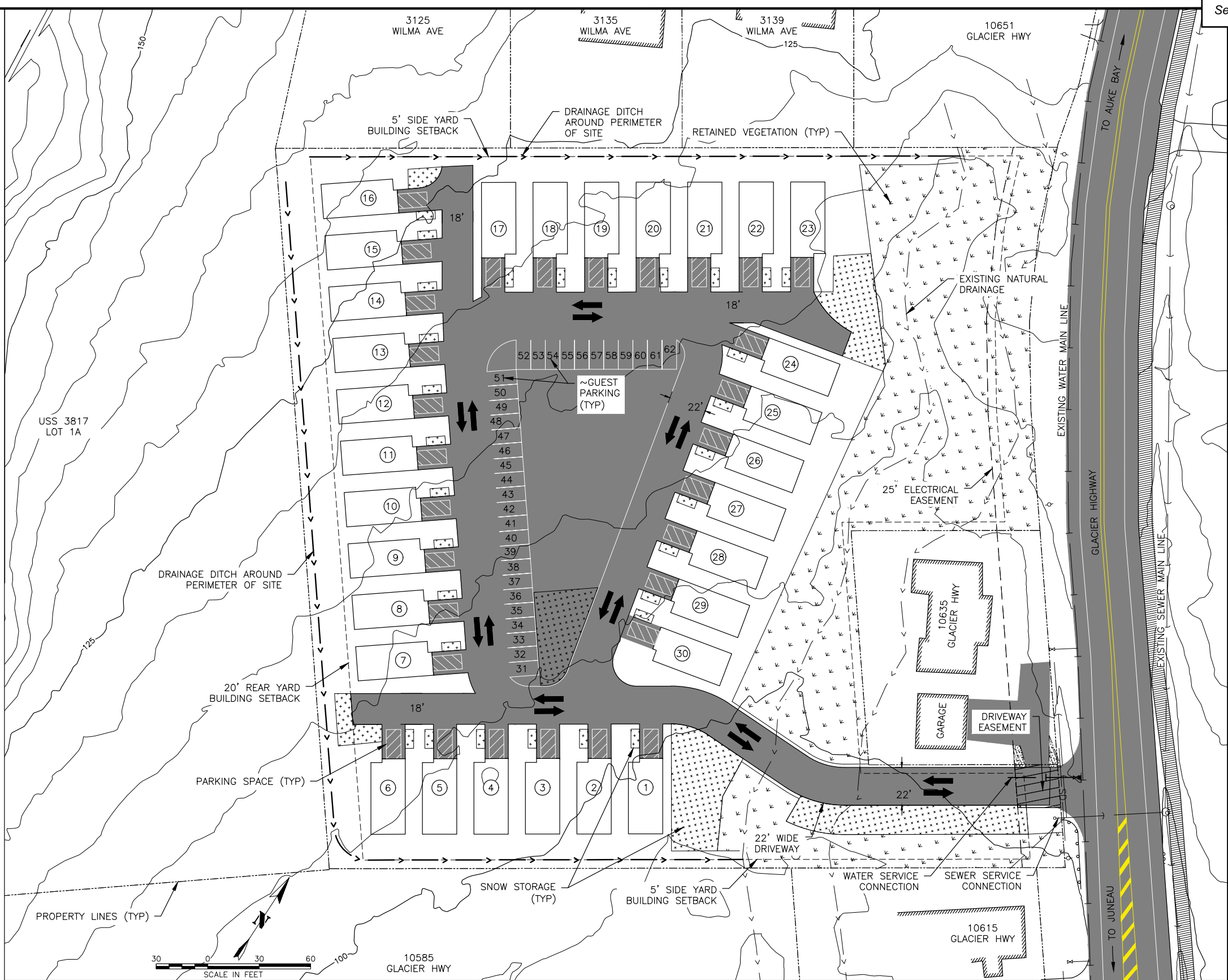


1 UNIT DETAIL
SCALE: NOT TO SCALE

SNOW STORAGE CALCULATIONS:
TOTAL PAVED AREA = 48,741 SF
AVAILABLE SNOW STORAGE = 9,750 SF (20% OF PAVED AREA)

SHEET NOTES:

1. THE PROPOSED DRIVEWAY WILL TAKE ACCESS FROM THE EXISTING DRIVEWAY APRON FOR 10635 GLACIER HWY. THIS EXISTING DRIVEWAY APRON IS WITHIN AN EXISTING DRIVEWAY EASEMENT ON THE APPLICANT'S PROPERTY. SEE PLAT MAP OR EASEMENT EXHIBIT FOR MORE DETAILS ABOUT THIS EASEMENT.
2. ALL PARKING SPACES ARE 17'x8.5'. PARKING SPACES #31-62 WILL BE GUEST PARKING DELINEATED WITH PAVEMENT MARKINGS. PARKING SPACES IN FRONT OF HOUSING UNITS ARE SHOWN FOR REFERENCE ONLY AND WILL NOT HAVE PAVEMENT MARKINGS. ONE ADDITIONAL PARKING SPACE WILL BE PROVIDED INSIDE THE GARAGE OF EACH UNIT.
3. EXISTING GROUND CONTOURS SHOWN ARE FROM CBJ'S 2014 LIDAR DATA.



RECORD OF REVISIONS			
No.	DATE	DESCRIPTION	BY

proHNS LLC
CERTIFICATE OF AUTHORIZATION #100662

DRAWN BY: C. BYDLON
DESIGNED BY: C. BYDLON
CHECKED BY: L. CHAMBERS

2201 DUNN ST #2 JUNEAU, AK 99801
(907) 780-4004

solutions@proHNS.com
www.proHNS.com

USS 2386 DEVELOPMENT

RICHARD HARRIS

SITE PLAN

SHEET NUMBER	1
OF	1

February 20, 2025 C:\Users\ChrisBydlon\proHNS Dropbox\Projects\Juneau\USS 2386 Lot G TR (Harris)\C3D USS 2386\Sheets\USS 2386_SITE_LAYOUT.dwg