



PLANNING COMMISSION REGULAR MEETING AGENDA

October 11, 2022 at 7:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/85809309527> or 1-253-215-8782 Webinar ID: 858 0930 9527

A. LAND ACKNOWLEDGEMENT

B. ROLL CALL

C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. September 13, 2022 Draft Minutes, Regular Planning Commission - APPROVED

E. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

G. ITEMS FOR RECONSIDERATION

H. CONSENT AGENDA

I. UNFINISHED BUSINESS

J. REGULAR AGENDA

2. ARP2022 0001: Preliminary plan approval for an Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres - CONTINUED TO THE NOVEMBER 8, 2022 PLANNING COMMISSION MEETING

Applicant: Rooftop Properties, LLC

Location: 7400 Glacier Highway

RECOMMENDATION

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

This approval is subject to the following conditions:

1. Reevaluate figures provided in "Greenspace by Phase."
2. Revise site plan to show pedestrian paths or multi-use paths in Phase 3.
3. When the connection to Vista del Sol Drive is constructed, change the name of Seymour Way to Vista del Sol Drive.
4. For each Final Plan, provide updated off-street parking plans that show required ADA spaces, or denote if they are included in garage parking.
5. For the Final ARS Plan for the first phase, a Traffic Impact Analysis for the entire development must be approved by CBJ. ADOT&PF will be consulted regarding impacts from the development.

6. Plan and install a continuous vegetated barrier along the entire property line to the development's property line at Glacier Highway. The vegetated barrier will be depicted on the preliminary and final plats of each Phase located in this area with an associated plat note.
7. Prior to approval of the Final Alternative Residential Subdivision Plan for each phase, the applicant shall submit homeowners' association, or similar, documents that comply with the requirements of CBJ 49.15.950(b).
8. Per CBJ 49.15.920(o), prior to approval of the Final Alternative Residential Subdivision Plan, the CDD Director will approve the final mailbox location.

DIRECTOR'S REPORT

The applicant requests Preliminary Plan approval for an Alternative Residential Subdivision developing up to 444 dwelling units on 19.71 acres zoned D18 at 7400 Glacier Highway. The proposed 444 units will be provided through a combination of apartments and townhouses, and is proposed to be constructed in six phases. The proposal requests a 25% density bonus based on provision of open space, public Right-of-Way access, and shared use pathways. Common areas will be managed through a required homeowners' association. Staff recommends approval of the preliminary plan, with a condition that a Traffic Impact Analysis for the whole lot be completed before Final Plan approval on the first phase.

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

- [3.](#) Additional Materials for October 11, 2022 Planning Commission

S. ADJOURNMENT

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

DRAFT MINUTES

Agenda

Planning Commission

Regular Meeting

CITY AND BOROUGH OF JUNEAU

Paul Voelckers, Vice Chair

September 13, 2022

I. LAND ACKNOWLEDGEMENT – Read by Commissioner Cole.

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

Paul Voelckers, Vice Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:02 p.m.

Commissioners present: Commissioners present in Chambers –Paul Voelckers, Vice Chair; Travis Arndt, Clerk; Joshua Winchell; Erik Pedersen; Mandy Cole

Commissioners present via video conferencing – Michael LeVine, Chairman;

Commissioners absent: Dan Hickok, Deputy Clerk; Ken Alper; Matthew Bell

Staff present: Jill Maclean, CDD Director; Joseph Meyers, CDD Senior Planner; Chelsea Wallace, CDD Administrative Assistant; Lily Hagerup, CDD Administrative Assistant; Sherri Layne, Law Assistant Municipal Attorney

Assembly members: Not in Attendance

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

IV. APPROVAL OF MINUTES

A. August 9, 2022 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Arndt to approve the August 9, 2022 Planning Commission Regular Meeting minutes.*

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Vice Chair Voelckers explained the process for participating via Zoom or in person

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS –
Kayla Buerger – spoke to explain she owns a boat condo in Jordan Avenue area and has questions regarding her usage of CBD ingredients in her beverage production in a light commercial zone and wanted information to clarify the zoning guidelines.

VII. ITEMS FOR RECONSIDERATION – None

VIII. CONSENT AGENDA – None

IX. UNFINISHED BUSINESS – None

X. REGULAR AGENDA

AME2022 0005: A rezone of approximately 10 acres from a D10 single-family to a D10 residential zone

Applicant: Moline Investment Management

Location: Pederson Hill

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of **APPROVAL** to the Assembly for the requested rezone application of 10.97 acres of Pederson Hill to D10 from D10SF.

STAFF PRESENTATION by Director Maclean.

QUESTIONS FOR STAFF

Mr. Voelckers asked, for clarification, if the rezone runs with the land. Ms. Maclean confirmed it does.

Mr. Pedersen noticed the side of the property has a street right-of-way, if a new street was adjacent to this, would it be a problem with it being a different zoning. Mr. Voelckers had similar questions. Ms. Maclean said it is a public city street built to City standards at the time of construction with intent to access undeveloped lands, if needed.

APPLICANT PRESENTATION

Becky Selle spoke on behalf of the applicant and made herself available for questions.

PUBLIC COMMENT

Erin Carriker, 10193 Kwalx Street – spoke in opposition to the rezone saying the increase in density would have a negative impact on traffic congestion in their area.

Ms. Cole asked Ms. Carriker if she clearly understood the difference between D10SF and D10 residential zoning. Ms. Carriker said if the rezone is approved, then it would allow high density. Ms. Cole referenced the staff report online saying the current D10SF zoning allows up to 133 dwelling units and the proposed D10 zoning would allow up to 80 to 110. Ms. Carriker's issue is the congestion in the neighborhood already and adding to it will make it worse.

Mr. Winchell asked if her concern is with the congestion currently as well as the impact that adding more dwellings would impose. Ms. Carriker confirmed her concern is that it is currently congested and additional development will make it worse.

Toni Hinkle – 3000 Karl Reishus Boulevard – spoke in opposition to the rezone saying when they purchased, they were told the area would be single family only and the neighborhood would be built in phases. She expressed concerns that Karl Reishus Blvd is congested and it will be an access point. She is concerned the area is already dangerous and adding more development will make it worse.

Mr. Winchell asked how many and at what times are cars parking on Karl Reishus to access the horse trail. Ms. Hinkle did not have an exact number but explained that the cars park on the corner and makes it dangerous. Mr. Pedersen asked if pedestrians are using the equestrian trail as well. Ms. Hinkle explained people bring their horses from Swampy Acres, cross-country teams use it, people walk their dogs, and it is getting a lot of use.

Ms. Cole asked if she would have the same opposition if the proposal was for the same number of single dwelling units. Ms. Hinkle confirmed she would be opposed to any development and stated it is a safety issue.

Mr. Winchell asked if it would help to have a roundabout and parking for the equestrian trail were added. She said it would be hard to tell.

Shelly Leis – was confused by the maps in the packet and asked which is the subject of the permit. Director Maclean suggested she contact CDD Planner Joseph Meyers tomorrow.

ADDITIONAL APPLICANT COMMENTS

Ms. Selle explained the applicants are local Juneau residents and clarified the zoning change would not increase the number of dwelling units allowed. Nor would it effect the infrastructure requirements.

Mr. Winchell asked if Ms. Selle was aware of or shared concerns with congestion or the horse trail that had been brought up. Ms. Selle reiterated the density is not changing and their proposal will not have an effect.

QUESTIONS FOR STAFF

Mr. Pedersen asked how long D10SF zoning has been around. Ms. Maclean said it dates back to about 2010. The intent was to make the Flats neighborhood conforming.

Ms. Cole asked staff to clarify the number of dwelling units are possible under the two zones. Ms. Maclean explained the dwelling units are the same at 10 per acre. D10SF allows only single-family homes and D10 would allow opportunity for other types of dwellings.

Addressing the traffic congestion concerns, Ms. Maclean explained single family homes have higher average daily trips. With all single-family homes, they expect an average of 1,266 vs 532-732 for multi-family development.

Mr. Voelckers referenced the safety and congestion issues brought up in public testimony and asked if or how the department plans to address that as the development grows. Ms. Maclean explained it is planned as a multi-phase development and she believes infrastructure improvements such as roads would happen as needed.

Ms. Arndt asked how many units in total are planned in the total of the phases. Ms. Maclean did not have that number at hand and said she would get back to him with that.

MOTION: *by Ms. Cole to accept staff's findings, analysis, and recommendations, and approve AME2022 0005.*

Ms. Cole spoke to the motion saying she understands the concerns of the neighbors. However, the rezone does not increase the number of dwelling units or the access to them.

Mr. Winchell spoke in support of the motion adding that the record reflects the traffic concerns in the area. Mr. Levine also expressed support for the motion adding that he recognizes the concerns of the neighborhood residents. However, at the time of purchasing their properties, it was not a secret that there would be more development in the future. Given the community need for affordable housing, he feels it is appropriate to approve this rezone. Mr. Arndt spoke in support stating the rezone is primarily a change of style of housing but not of density. He said the community concerns regarding traffic will be pertinent when the developer comes back with a conditional use permit application.

Mr. Pedersen is not in support of the motion because it feels like spot zoning rather than a rezone. Ms. Maclean explained this exceeds two acres and does not qualify as spot zoning.

ROLL CALL VOTE

Yea: Cole, Winchell, Arndt, LeVine, Voelckers

No: Pedersen

The motion passed 5-1 on Roll Call Vote.

PAD2022 0001:	A Land Disposal of 3,000 square feet
Applicant:	Jon & Susanne Reiswig
Location:	North Douglas Highway

Staff Recommendation

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

STAFF PRESENTATION by Director Maclean.

APPLICANT PRESENTATION

Jon Reiswig presented his proposal for purchase of the land. He would like to purchase and develop the parcel.

QUESTIONS FOR APPLICANT

Mr. Arndt asked if Mr. Reiswig has asked for a Right of Way. Mr. Reiswig had not. Mr. Arndt asked if he would be interested in a right of way. Mr. Reiswig said the right of way option would be acceptable to him. Ms. Maclean clarified the applicant is planning to subdivide in the future and, in that case, an easement would not be an allowable option.

Ms. Cole asked how the shared driveway would create an impact on water or electric lines. Mr. Reiswig said then he would not have to worry about his neighbor's water or electric lines across

the driveway. He added that a shared driveway would make for a very long driveway for the neighbor.

COMMISSIONER DISCUSSION

Mr. Pedersen asked if the recommendation of denial was based on a restriction against further subdividing the lots. Ms. Maclean said her recommendation was based on her determination that this proposal does not conform to the Lands Management and other adopted plans.

Mr. Voelckers asked if there was a concern that this decision could set a precedent. Ms. Maclean said that it could be an issue but that is not the main reason for her recommendation for denial. She reiterated the application does not seem to meet the objectives of the Land Management Plan. She added that she understood this may be the convenient access for the applicant, but she didn't see that it matches the plans or is necessary for them to subdivide and meet current standards.

Mr. Winchell asked what the strategic purpose is for the CBJ retaining a 3,000-foot parcel. Ms. Maclean said CDD neither approves nor adopts the Land Management plan. It is adopted by the assembly. CDD then has to follow and uphold it. This parcel is retained or dispose but this proposal does not meet the land management objectives for disposal.

Ms. Cole asked what the overall size of the CBJ lot is that this 3,000-foot parcel would come from. It is approximately 65,340 square feet.

MOTION: *by Mr. Arndt to accept staff's findings, analysis, and recommendations, and **DENY** PAD2022 0001.*

Mr. Arndt spoke against the motion saying he disagreed with the Director's findings that the proposal is not in line with the plans. He added that he agrees the applicant could develop differently, but that is not what he wants to do. The CBJ isn't utilizing the land and after the disposal, the CBJ will still have a large parcel leftover.

Mr. Winchell and Mr. Pedersen also spoke against the motion.

Mr. LeVine spoke in support of the motion saying we don't know what will happen in the future and wouldn't want to limit future options based on preference of the current owner.

Ms. Cole said she is unsure how she will vote saying she can see both sides. Mr. Voelckers also felt this was tricky but said he is swayed to vote against the motion.

Roll Call Vote:**YES:** LeVine**NO:** Arndt, Pedersen, Winchell, Cole, Voelckers**The motion failed 1-5 on Roll Call Vote.**

MOTION: by Mr. Arndt to recommend approval to the assembly for the land disposal PAD2022 0001 with the following findings:

- *It demonstrates the public interest by creating another option to subdivide property and create more housing within the borough. That housing could be in-fill lots. It could also be affordable or workforce housing.*
- *It conforms to the housing action and land management plans.*
- *It does not limit the options the CBJ*
- *It does not negatively affect life, health and safety.*
- *It possibly increases the tax rolls, whether through a new subdivided lot or affordable/workforce housing.*

Mr. Winchell, Ms. Cole and Mr. Pedersen spoke in support of the motion.

Mr. LeVine spoke against the motion citing the same reasons that he supported the original motions.

Roll Call Vote:**YES:** Arndt, Pedersen, Winchell, Cole, Voelckers**NO:** LeVine**The motion passed 5-1 on Roll Call Vote.****XI. OTHER BUSINESS – None****XII. STAFF REPORTS**

Director Maclean reported

- Assembly liaison Hughes-Skandijs is at Southeast Conference and unable to attend this meeting
- Welcome Lily Hagerup, Admin Assistant to CDD
- CDD has recently hired a Planner II. They will begin on October 10
- DOT will hold listening sessions about the second crossing project. This is a DOT project and not CBJ
- Assembly met and adopted Alternative Development Overlay District. It will be in effect in 30 days
- Assembly approved the Catholic Community Services rezone to light commercial
- Regarding the public testimony on non-agenda items, using marijuana products in products is not considered light commercial. It currently requires industrial zoning.

Mr. Levine congratulated the commission and Ms. Maclean on the passage of the Alternative Development Overlay District. Director Maclean extended thanks to Planner Gallion for her work as well.

XIII. COMMITTEE REPORTS

Mr. Arndt reported Title 49 will meet next Thursday, September 22.

Mr. Voelckers reported Juneau Commission on Sustainability met last week. CBJ Wastewater presented and explained CBJ is experiencing problems with local restaurants dumping cooking grease down the drains. An interesting fact he learned is the biosolids dryer process uses more oil than the entire CBJ Transit system buses.

Ms. Cole reported Lands Committee met and discussed Tlingit/Haida Regional Housing Authority acquiring Pederson Hill. They also discussed Telephone Hill and the concerns of the current residents there. Lands manager Dan Bleidorn also presented and told the committee the majority of acquisitions do not result in the loss of tax revenue. Land disposals have been helpful to the city and to meeting land management goals.

XIV. LIAISON REPORTS – None

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS – None

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 9:06 p.m.

Next meeting is scheduled September 27, 2022 7:00 p.m.



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

DATE: October 4, 2022

TO: Michael LeVine, Chair, Planning Commission

BY: Irene Gallion, Senior Planner

THROUGH: Jill Maclean, Director, AICP

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

STAFF RECOMMENDATION: Approval with conditions

KEY CONSIDERATIONS FOR REVIEW:

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

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

ALTERNATIVE ACTIONS:

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

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

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

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

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES

North (D5)	Vacant CBJ
South (D5)	Glacier/Egan
East (D5)	Single-family residential
West (zone)	Vacant *AMHT

*Alaska Mental Health Trust Authority (AMHT)

SITE FEATURES

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

TIMELINE

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

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

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

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

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

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

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

BACKGROUND INFORMATION

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

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

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

Terms used in this report include:

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

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

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

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

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

ANALYSIS

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

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

Dimensional Standard Table:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Utilities, Drainage, and Stormwater Management –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Condition: None recommended.

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

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

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

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

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



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

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

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

What Does 80% AMI Mean?

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

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

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

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

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

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

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

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

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

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

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

AGENCY REVIEW

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

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

PUBLIC COMMENTS

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

The group proposed three modifications.

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

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

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

CONFORMITY WITH ADOPTED PLANS

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

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

FINDINGS

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

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

Analysis: No additional analysis needed.

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

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

Analysis: No additional analysis needed.

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

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

Analysis: No additional analysis needed.

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

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

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

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

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

Analysis: No additional analysis needed

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

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

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

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

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

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

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

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

Analysis: No additional analysis required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION

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

This approval is subject to the following conditions:

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

5. For the Final ARS Plan for the first phase, a Traffic Impact Analysis for the entire development must be approved by CBJ. ADOT&PF will be consulted regarding impacts from the development.
6. Plan and install a continuous vegetated barrier along the entire length of the development from the platted connection with Vista del Sol Drive along the shared property line to the development's property line at Glacier Highway. The vegetated barrier will be depicted on the preliminary and final plats of each Phase located in this area with an associated plat note.
7. Prior to approval of the Final Alternative Residential Subdivision Plan for each phase, the applicant shall submit homeowners' association, or similar, documents that comply with the requirements of CBJ 49.15.950(b).
8. Per CBJ 49.15.920(o), prior to approval of the Final Alternative Residential Subdivision Plan, the CDD Director will approve the final mailbox location.



STAFF REPORT ATTACHMENTS

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



DEVELOPMENT PERMIT APPLICATION

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


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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

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

**ALTERNATIVE RESIDENTIAL SUBDIVISION APPLICATION**

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

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

PROJECT SUMMARY

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

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

☒ Alternative Residential Subdivision (ARP)
Preliminary Plan Approval

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

☐ Amendment to Approved (ARP)
Preliminary Plan*

☐ Amendment to Approved (ARF)
Final Plan*

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

LEGAL DESCRIPTION(S) OF PROPERTY INVOLVED

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

PROPOSED USE OF LAND AND BUILDING(S)

Zoning District(s) D-18

Percent Open Space 31

Right-of-Way Frontage Proposed 750

Percent Buffer 5

Number of Dwelling Units Proposed 444

Density Proposed 22.5 Du/Acre

Parking Proposed 580

Density Bonus ☒ YES ☐ NO

ALL REQUIRED MATERIALS ATTACHED

☒ Complete application per CBJ 49.15.940 (preliminary) or CBJ 49.15.950 (final)

☒ Pre-Application Conference notes

☒ Narrative including:

☒ Current use of land or building(s)

☒ Unique characteristics of land or building(s)

☒ How the proposed project conforms to the Comprehensive Plan and CBJ Title 49 How

☒ the proposed project effects public health, safety, and welfare

☒ How the proposed project is in harmony with the surrounding neighborhood

☒ Preliminary development plan (detailed on page 2)

☒ Density Bonus

☒ Open Space

☐ Stream Setback

☐ Lower Income Households / Workforce Households

☐ Unusual Enhancements

☒ Public Right-of-Way Access

☒ Shared Use Pathways

☐ 5-Star Plus Energy Efficiency

☐ 6-Star Energy Efficiency

☐ High-efficiency Primary Heating Methods

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number

Date Received

ARP 22-001

7/22/22



SUBDIVISION AND DEVELOPMENT PLAN APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.

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

PROJECT SUMMARY

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

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

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

☐ NO

☐ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR DEVELOPMENT

(changing or creating 13 or fewer lots)

- ☐ Preliminary Plat (MIP)
- ☐ Final Plat (MIF)
- ☐ Panhandle Subdivision
- ☐ Accretion Survey
- ☐ Boundary Adjustment
- ☐ Lot Consolidation (SLC)
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

MAJOR DEVELOPMENT

(changing or creating 14 or more lots)

- ☐ Preliminary Plat (SMP)
- ☐ Final Plat (SMF)
- ☐ Preliminary Development Plan – PUD (PDP)
- ☐ Final Development Plan – PUD (PDF) Preliminary
- ☒ Development Plan – ARS (ARP) Preliminary
- ☐ Development Plan – ARS (ARF) Final
- ☐ Bungalow Lot Subdivision
- ☐ Common Wall/Zero Lot Subdivision
- ☐ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

☒ Pre-application conference notes

☒ Narrative including: Per ARS Application

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

☐ Preliminary Plat checklist Not applicable

DEPARTMENT USE ONLY BELOW THIS LINE

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number

ARP 22-001

Date Received

7/22/2021

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Alternative Residential Subdivision Application Instructions

Alternative Residential Subdivision outlined in CBJ 49.15.900

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

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

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

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

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

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

Preliminary Plan Approval**Application Review & Hearing Procedure:**

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

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

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

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

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

Final Plan Approval

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

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

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

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

Amendments

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Project Narrative

Ridgeview Subdivision 7400 Glacier Highway

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

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

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

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

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

Density Bonuses:

- Open Space:**

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

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

- **Public Right-of-Way Access:**

PCI proposes the construction of approximately 1,500 LF of dedicated public right-of-way that will allow people to travel across designated private property to access their homes and public areas.

- **Shared Use Pathways:**

There will be several pathways enabling pedestrians access to and from their homes, open / common space and public services.

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

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

**LIMITED LIABILITY AGREEMENT
OF
ROOFTOP PROPERTIES, LLC**

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

RECITALS

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

**ARTICLE 1.
DEFINITIONS**

1.1 The following terms shall have the indicated meanings:

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

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

"*Agreement*" is defined in the introductory paragraph above.

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

"*Book Value*" of an asset means, as of any particular date, the asset's adjusted basis for federal income tax purposes, except as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 2. FORMATION OF COMPANY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 3.

CAPITAL CONTRIBUTIONS; CAPITAL ACCOUNTS

3.1 Capital Contributions.

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

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

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

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

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

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

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

Capital Contribution.

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

ARTICLE 4.

BOOKS; ACCOUNTING; TAX ELECTIONS; REPORTS

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

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

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

ARTICLE 5.
ALLOCATIONS

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

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

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

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

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

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

ARTICLE 6.
DISTRIBUTIONS

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

ARTICLE 7.

RIGHTS AND OBLIGATIONS OF MEMBERS

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

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

ARTICLE 8.

RIGHTS AND OBLIGATIONS OF THE MANAGER

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

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

8.3 Liability of Managers to Members; Indemnification.

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

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

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

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

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

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

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

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

ARTICLE 9.

RESTRICTIONS ON TRANSFERS OF MEMBERSHIP INTERESTS

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

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

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

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

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

9.4 Company Option.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 10.

DISSOLUTION

10.1 Events of Dissolution.

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

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

10.2 Application of Assets. In the event of dissolution:

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

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

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

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

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

ARTICLE 11.
MISCELLANEOUS

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

11.2 Notices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Signature page follows.]


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

MANAGERS:



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

Vance Barrett



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

Ryan Johnson



Garrett Johnson

MEMBERS:

V &M Investment Holdings, Inc.



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

Vance Barrett, President

Salem Hills Properties, LLC



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

Ryan Johnson, Manager

Tango H.C. LLC



By: Garrett Johnson, Manager

Schedule I

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



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

Ridgeview Subdivision - reorientation and first phase

Case Number: PAC2022 0023

Applicant: Brandon Gray

Property Owner: Rooftop Properties LLC

Property Address: 7400 Glacier Highway

Parcel Code Number: 5B1401010010

Site Size: 858,568 Square Feet, 19.71 acres

Legal Description: USS 1568 Tract B1

Zoning: D18

Existing Land Use: Vacant

Conference Date: May 4, 2022

Report Issued: May 17, 2022

DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.

List of Attendees

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

Name	Title	Email address
Brandon Gray	Applicant	Brandon@pci1980.com
Garrett Johnson	Partner	Garrett@pci1980.com
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David Peterson		David.Peterson@juneau.org
Jill Maclean	Community Development Director	Jill.Maclean@juneau.org
Scott Ciambor	Planning Manager	Scott.Ciambor@juneau.org
Dan Jager	CCFR Fire Marshall	Dan.Jager@juneau.org
Ken Hoganson	General Engineering	Ken.Hoganson@juneau.org
Sydney Hawkins	Permit Technician II	Sydney.Hawkins@juneau.org

Pre-Application Conference Final Report

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

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

What density provisions are you hoping to take advantage of?

Is Seymour Way intended to be a ROW at some point?

Take me through your math on the density bonus, I get 443 units available.

For the entire development, you come up with 515 parking spaces required, I come up with 612. Difference?

Project Overview

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

The Applicant would like to:

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

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

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

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

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

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

If the applicant would like to:

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

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

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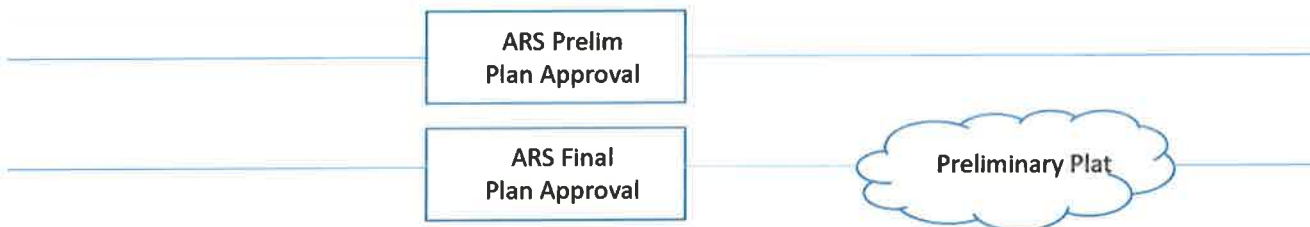
If the applicant would like to:

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

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



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



Planning Division

1. Zoning – D18.

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

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

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3. **Setbacks** – The lot is a D18 island that abuts D5 land on all sides except the frontage. Where one district abuts another, the greater of the two setbacks is required.
 - a. **Front:** 20 feet
 - b. **Rear:** 20 feet (D5 setback)
 - c. **Side:** 5 feet (same for D5 and D18)
 - d. **Street side:** 13 feet (same for D5 and D18)
 - e. Under an ARS, dimensional standards are applied to the parent lot rather than to unit lots [CBJ 49.15.920(D)].
4. **Density** – The lot is 19.71 acres, and can accommodate 355 units. The applicant suggests they could get a 25 percent density bonus under ARS code [CBJ 49.15.520(e)(3)] for a total of 444 units. Applicant is proposing 454 units.

$$19.71 \text{ acres} \times 18 \text{ units/acre} = 355 \text{ units}$$

$$355 \text{ units} \times 0.25 = 89 \text{ units}$$

$$355 \text{ units} + 89 \text{ units} = 444 \text{ units}$$

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

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

858,568 square feet total

5% density bonus for **85,857 square feet, or 1.97 acres**, of open space

10% density bonus for **171,714 square feet, or 3.94 acres**, of open space

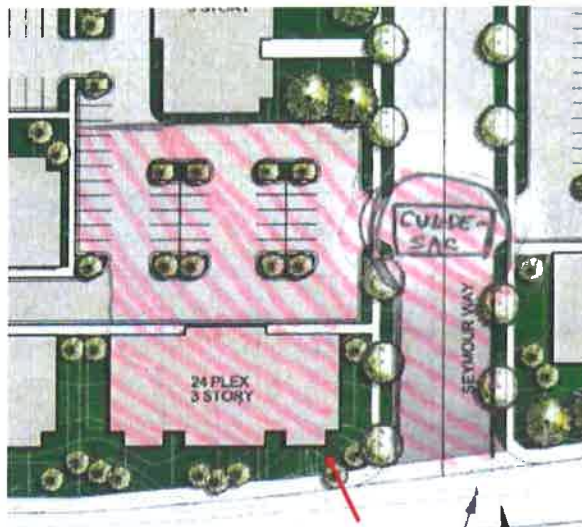
15% density bonus for **257,571 square feet, or 5.91 acres**, of open space

5. **Height** – 35 feet for permissible uses, 25 feet for accessory uses.
6. **Access** – Access is proposed from Glacier Highway, classified as a Collector under Ordinance 2013-9. Under subsequent ARS subdivision, the access can be either a driveway managed by the homeowners association, or a right-of-way given to the CBJ [CBJ 49.15.920(f)].

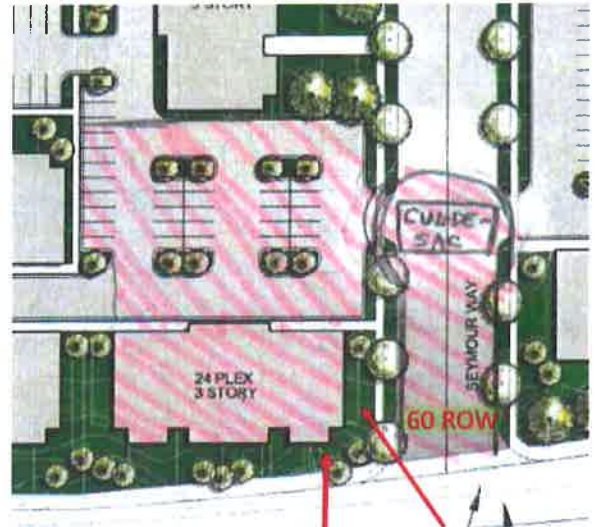
Keep in mind that if the intent is to subdivide and create a right-of-way, the proposed multi-family structure will need to meet front yard setbacks from both the Glacier Highway and the eventual right-of-way.

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

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FRONT = 20' setback



FRONT = 20' setback

STREET SIDE YARD = 13'

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

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

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

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

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

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

Total parking proposed is 515.

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

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

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

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

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

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

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

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9. **Vegetative Coverage** – Required vegetative cover in D18 is 30 percent.
10. **Lighting** – A lighting plan should demonstrate full cut-off fixtures and should not illuminate neighboring property.
11. **Noise** – Noise is not anticipated to be in excess of that usually occurring in this zoning district
12. **Flood** – The lot is NOT located in a flood zone (Panel 02110C 1531D).
13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The lot is not in a mapped hazard zone.

Excavation of, or creation of, slopes of 18% or more will require a hillside endorsement from a qualified engineer. In general terms, this will require an engineered site plan, a vegetation plan, and a geotechnical memo, in addition to the construction and drainage plans usually required.

The Commission must sign off on the Hillside Endorsement for the CUP and for the ARS. Staff suggests that the Applicant either provide the information for hillside endorsement, or explain why the hillside endorsement is not needed. Refer to 49.70 Article II, attached to this report.

14. **Wetlands** – Wetlands are mapped on the lot. A United States Army Corps of Engineers permit will be required for fill. You can contact them at (907) 753-2689.
15. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
16. **Plat Restrictions** – On the preliminary plat (never finalized) for the previous subdivision, there was a plat note that said:

“6. A THROUGH CONNECTION TO VISTA DEL SOL DRIVE IS REQUIRED FOR THE DEVELOPMENT OF LOT 14.”

It appears the intent was a connection if Tract B1A was developed. It is not known if the Planning Commission would require a connection for the development proposed in this application. The requirement is not included on the 1975 survey on record.

17. Traffic –

A Traffic Impact Analysis (TIA) will not be required for the apartment complex constructed alone:

Use	Units	Trips Generated per Unit	Total Trips
Apartment	24	6.65	159.6

A TIA will be required for the ARS development:

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

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

Building Division

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

General Engineering/Public Works

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

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Fire Marshal**23. Fire Items/Access –**

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

Hydrants – no more than 500 feet between them.

Apparatus turn-around capability

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

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

Other Applicable Agency Review**24. Alaska Department of Transportation and Public Facilities:****a. Driveway permitting**

Michael K. Schuler, Property Management Officer

(907) 465-4499 Desk

(907) 419-4510

michael.schuler@alaska.gov

b. Traffic Analysis

Nathan Purves, Traffic and Safety Engineer

(907) 465-4521

nathan.purves@alaska.gov

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

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

List of required applications

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

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

Additional Submittal Requirements

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

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

Exceptions to Submittal Requirements

Pre-Application Conference Final Report

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

1. N/A

Fee Estimates

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

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

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

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

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

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

Submit your Completed Application

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

OR in person with payment made to:

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

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

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

49.15.330 Conditional use permit.

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

Pre-Application Conference Final Report

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

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

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

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

ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

49.15.900 Purpose.

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

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

49.15.910 Application.

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

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

49.15.920 General provisions.

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

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

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

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

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

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

49.15.930 Alternative residential subdivision review process.

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

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

49.15.940 Preliminary alternative residential subdivision plan approval.

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

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

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

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

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

49.15.950 Final alternative residential subdivision plan approval.

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

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

49.15.960 Phased development.

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

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

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

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

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

49.15.970 Amendments to approved alternative residential subdivision plan.

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

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

PART II - CODE OF ORDINANCES
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ARTICLE II. HILLSIDE DEVELOPMENT

ARTICLE II. HILLSIDE DEVELOPMENT

49.70.200 Purposes.

The purposes of this article are to:

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

(Serial No. 87-49, § 2, 1987)

49.70.210 Applicability and scope.

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

- (B) Does not create a cut slope greater than five feet in height or steeper than one and one-half horizontal to one vertical.
- (6) A fill less than one foot in depth and intended to support structures which fill is placed on natural terrain with a slope flatter than five horizontal to one vertical, which does not exceed 20 cubic yards on any one lot and which does not obstruct a drainage course.
- (7) A fill less than three feet in depth and not intended to support structures which fill is placed on natural terrain on a slope flatter than five horizontal to one vertical, which does not exceed 50 cubic yards on any one lot and which does not obstruct a drainage course.
- (8) Minor development.

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

49.70.220 Hillside development endorsement application.

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

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

49.70.230 Fees.

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

(Serial No. 87-49, § 2, 1987)

49.70.240 Application.

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

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

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- (C) Lot boundaries and easements for the site and adjacent lots; and
 - (D) Existing improvements on the site and adjacent lots, including structures, roads, driveways and utility lines.
- (3) The application shall include a finished proposed site plan at a clear and legible scale that includes the following information:
- (A) Finished grade at two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line.
 - (B) Water bodies, tidelands and drainage ways, and temporary and permanent drainage systems from the development site to the accepting natural waterbody.
 - (C) Lot boundaries, easements and setback lines.
 - (D) The location of improvements including structures, roads, driveways, utility lines, culverts, walls and cribbing.
 - (E) Clearing limits of existing vegetative cover.
 - (F) A cross section of the development site.
- (4) The application shall include detailed engineering drawings of roads, driveways, parking areas, structural improvements for foundations, off-site stormwater runoff systems; cross sections and road elevations.
- (5) A description of the source and type of any off-site fill, and the site for depositing excess fill.
- (6) A landscaping plan, including all trees to be retained in excavation areas, all plant species and locations; temporary slope protection measures; erosion and siltation control measures; seeding or sodding materials, a planting and maintenance program; and methods of stabilization and protection of bare slopes.
- (7) An engineering geologic report, including a summary of the relevant surface and bedrock geology of the site, a discussion of active geologic processes with conclusions and recommendations regarding the effect of geologic factors on the proposed development; data regarding the nature, distribution and relevant parameters of existing soils, recommendations for grading procedures; design criteria for corrective measures as necessary, and recommendations covering the suitability of the site for the proposed development.
- (8) A work schedule, by phase.
- (9) Such other different or more detailed submissions as may be required.
- (Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 54, 8-31-2015)

49.70.250 Standards for approval.

Hillside development shall meet the following minimum standards:

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

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

(Serial No. 87-49, § 2, 1987)

49.70.260 Criteria.

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

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

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

49.70.270 Conditions on approval.

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

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

(3) *Construction guarantees.* The commission or director may require the posting of a bond or other surety or collateral providing for whole or partial releases, in order to ensure that all required improvements are constructed as specified in the approved plans.

(4) *Lot size.* If justified by site topography, the commission or director may require larger lot areas than prescribed by zoning requirements.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 55, 8-31-2015)

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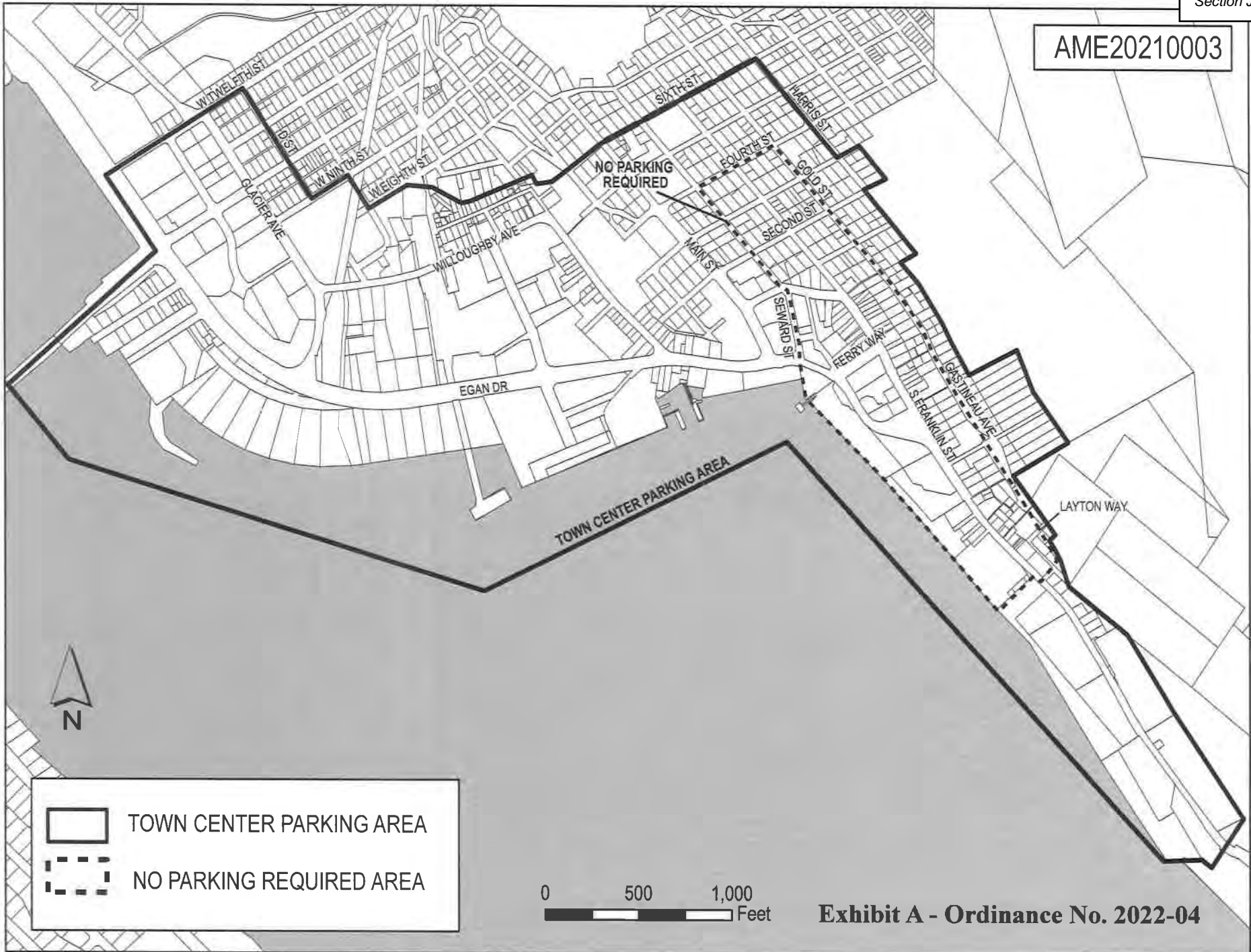


Exhibit A - Ordinance No. 2022-04

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-04(b)

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

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

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

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

ARTICLE II: PARKING AND LOADING

49.40.200 General applicability.

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

(a) Special Parking Areas.

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

1
2 projection, the rear lot lines of property between 370 through Distin Avenue, Sixth
3 Street and its projection, Harris Street, projection of Third Street, projection of East
4 Street, projection of Second Street, projection of Harris Street, the rear lot lines of
5 property between 143 and 400 Gastineau Avenue, the rear lot lines of property
6 between 511 and 889 South Franklin Street, and Gastineau Channel.

7
8 (2) *No Parking Required Area.* The No Parking Required Area, as depicted in
9 Ordinance 2022-04 is adopted. The lots within the area bound by Gastineau
10 Avenue, Fourth Street, Seward Street, Gastineau Channel, 490 South Franklin
11 Street, and Layton Way are excluded from the parking requirements of this
12 chapter. No additional parking is required for development in this area.

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

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

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

20
21 (e) *Determination.* The determination of whether the parking requirements of this chapter
22 are satisfied, with or without conditions, and deemed necessary for consistency with this title,
23 must be made by:

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

- 1
- 2 (3) The commission if the development application relates to a series of applications for
- 3 minor developments that, taken together, constitute major development, as
- 4 determined by the director.

5 (f) *Expansion.* In cases of expansion of a structure on or after the effective date of

6 Ordinance 2022-04,

- 7
- 8 (1) The number of additional off-street parking spaces required must be based on the
- 9 gross floor area added.

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

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

15 (g) *Change in use.* In cases of a change in use on or after the effective date of Ordinance

16 2022-04, the number of spaces required will be based on this chapter.

17 (h) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking

18 requirements for the replacement and reconstruction of certain nonconforming structures in

19 residential districts must be governed by chapter 49.30.

20

21 (i) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210

22 share the same lot(s). For mixed occupancy, the total requirement for off-street parking

23 facilities is the sum of the requirements for the uses computed separately.

24 (j) *Uses not specified.* The requirements for off-street parking in 49.20.320 are based on the

25 requirements for the most comparable use specified, as determined by the director for minor

development or by the commission for major development.

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

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

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

49.40.210 Number of off-street parking spaces required.

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

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

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

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

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

Table 49.40.210(b)

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

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

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

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

49.40.215 Parking alternatives.

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

1
2 (a) *Joint use.* Joint use occurs when the same off-street parking space is used to meet the
3 parking requirement of different uses at different times. Joint use of off-street parking spaces
4 may be authorized when the developer demonstrates there is no substantial conflict in the
5 principal operating hours of the structures and uses involved and subject to the following
6 requirements:

- 7
8 (1) Any structure or use sharing the off-street parking facilities of another structure or
9 use must be located within 500 feet of such parking facilities, unless a lesser radius
10 is identified in this chapter. A developer may apply to provide off-street parking in
11 an area greater than 500 feet distant, if approved by the commission.
12 (2) The developer demonstrates with appropriate analysis or data that there is no
13 substantial conflict in the principal operating hours of the structures or users for
14 which joint use of off-street parking facilities is proposed.

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

19
20 (b) *Loading spaces off-site.* The required loading space(s) may be met by an alternative
21 private off-site loading parking space, if the alternate space is determined by the director of
22 adequate capacity and proximity. In no case will the distance exceed standards established in
23 49.40.200(k).

24 **49.40.220 Parking reductions.**

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

1
2 reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces must
3 not be reduced and must be provided in accordance with subsection 49.40.210(c).

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

6 (1) *Standards.* Any waiver granted under this section must be in writing and must
7 include the following required findings and any conditions, such as public
8 amenities, imposed by the director or commission that are consistent with the
9 purpose of this title:
10

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

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

16 (2) *Relevant information.* The following information may be relevant for the director or
17 commission's review:
18

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

20 (B) Provision for alternative transportation.

21 (C) Traffic mitigation measures supported by industry standards.

22 (D) Bicycle and pedestrian amenities.

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

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

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

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

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

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

(a) *Standard spaces.*

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

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

(b) *Accessible spaces.*

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

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

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

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

(c) *Facility loading spaces.*

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

49.40.230 Parking area and site circulation review procedures.

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

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

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

- 1
- 2 (A) Parking and loading space plans drawn to scale and adequate to show
- 3 clearly the circulation pattern and parking area function;
- 4 (B) Existing and proposed parking and loading spaces with dimensions, traffic
- 5 patterns, access aisles, and curb radii;
- 6 (C) Improvements including roads, curbs, bumpers and sidewalks indicated with
- 7 cross sections, designs, details, and dimensions;
- 8 (D) A parking schedule indicating the number of parking spaces required, the
- 9 number provided, and how such calculations were determined;
- 10 (E) Topography showing existing and proposed contour intervals; and
- 11 (F) Landscaping, lighting and sign details, if not provided in conjunction with
- 12 the required review of another aspect of the proposed development.
- 13

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

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

16 this chapter and chapter 49.15.

17 (d) *Public improvements required.* As a condition of plan approval, the department may

18 require a bond approved as to form by the municipal attorney for the purpose of ensuring the

19 installation of off-site public improvements. As a condition of plan approval, the applicant is

20 required to pay the cost of providing reasonable and necessary public improvements located

21 outside the property limits of the development but necessitated by construction or

22 improvements within such development.

23

24 **49.40.230 Parking and circulation standards.**

25 (a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent

to the site must address layout of parking areas, off-street loading and unloading needs, and the

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

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

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

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

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

1
2 must not overhang or extend over sidewalk areas, unless an additional sidewalk
3 width of two feet is provided to accommodate such overhang.

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

9
10 (6) Back-out parking. Parking space aisles must provide adequate space for turning
11 and maneuvering on-site to prevent back-out parking onto a right-of-way. If the
12 director or the commission, when the commission has authority, determines back-
13 out parking would not unreasonably interfere with the public health and safety of
14 the parking space aisles and adjacent right-of-way traffic, back-out parking is
15 allowed in the following circumstance:

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

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

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

20
21 (c) *Drainage.*

22 (1) Parking areas must be suitably drained.

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

1
2 (d) *Lighting.* Parking areas must be suitably lighted. Lighting fixtures must be “full cutoff”
3 styles that direct light only onto the subject parcel.

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

6 (f) *General circulation and parking design.*

7
8 (1) Parking space allocations must be oriented to specific buildings. Parking areas
9 must be linked by walkways to the buildings they serve.

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

14
15 **Section 3. Amendment of Section.** CBJ 49.65.530 Standards, is amended to read:
16 **49.65.530 Standards.**

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

19
20 (b) Video rentals, a laundromat, and an automatic teller machine may be permitted as
21 accessory uses. Automobile fuel sales may be permitted as an accessory use in locations with
22 adequate space for queuing. The retail area for liquor sales may occupy no more than 50
23 percent of the gross floor area. Automotive service and exterior merchandising shall not be
24 permitted. Drive-up window service may be permitted only if vehicle queues will not extend into
25 adjacent streets.

1
2 (c) Except as authorized by the bonus provisions of this article, gross floor area shall be
3 limited to 3,000 square feet.

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

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

8 (f) The site perimeter and parking area shall be landscaped and screened with live material
9 installed within ten months of the date of final construction permit approval or issuance of a
10 certificate of occupancy, whichever is the later. The commission may authorize a bond or other
11 security or collateral required pursuant to CBJ 49.15.330(g)(5) a provision specifying that the
12 bond shall be forfeited if landscaping is not complete by the time required or if any plants dying
13 within one year of installation are not replaced. Development abutting a lot zoned for
14 residential use shall include landscaped strips or landscape boxes at least five feet wide unless
15 the applicant demonstrates that a narrower landscape strip meets the intent of this section.
16 The strips shall be covered with ground cover and shall be maintained throughout the year such
17 that:
18

- 19
20 (1) On a property line shared with the residential lot the strip shall include a
21 continuous shrub screen, fence, or both, six feet high and 95% opaque. The screen
22 shall include one tree at least six feet high at installation per 30 lineal feet;
23 (2) On a property line adjacent to a street the strip shall include a continuous low
24 shrub screen on a berm or other raised facility which is at least five feet wide,
25 landscaped at a slope not greater than the natural angle of repose, and consistent
with sight distance requirements for vehicle egress. The strip width may be reduced

to not less than 18 inches to accommodate planter boxes and sight obscuring fences.

The screen shall include one tree per 30 lineal feet;

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

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

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

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

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

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

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

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

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

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

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

1
2 **Section 4. Amendment of Section.** CBJ 49.80.120 Definitions, is amended to
3 include the following new definitions in alphabetical order, to read:

4 **49.80.120 Definitions.**

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

7 ...

8 ...
9 Mobile food vendor means a type of food service that is located in a vehicle, trailer or cart, and
10 is capable of moving easily daily. Unless a push cart, these units must be capable of being
11 licensed by the state as a motor vehicle, and can be moved without special conditions (such as a
12 pilot car, flagging, or restricted hours of movement). Mobile units must completely retain their
13 mobility at all times.

14 ...

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

19 ...

20 ...
21 Walking distance is the distance measured by the shortest route, using pedestrian facilities,
22 from the public entrance of the building in which a use occurs to the outer boundaries of
23 another use.

24 ...

49.85.100 Generally.

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

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

Adopted this _____ day of _____, 2022.

Elizabeth J. McEwen, Municipal Clerk



ISSUE DATE		PROJECT NUMBER		PLAN INFORMATION		PROJECT INFORMATION		DEVELOPER / PROPERTY OWNER / CLIENT		LANDSCAPE ARCHITECT / PLANNER		LICENSE STAMP		DRAWING INFO	
9/16/2022		AK21001						PCI ATT:BRANDON GRAY 801-358-5381 BRANDON@PCI1980.COM		PKJ DESIGN GROUP Landscape Architecture • Planning & Visualization 3450 N. TRIUMPH BLVD. SUITE 102 LEHI, UTAH 84043 (801) 753-5644 www.pkjdesigngroup.com		JTA ACP JMA 9/16/2022		LANDSCAPE PLAN COLOR PRELIMINARY PLANS NOT FOR CONSTRUCTION LP-COLOR	

NO. REVISION

1	XXXX
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XX-XX-XX

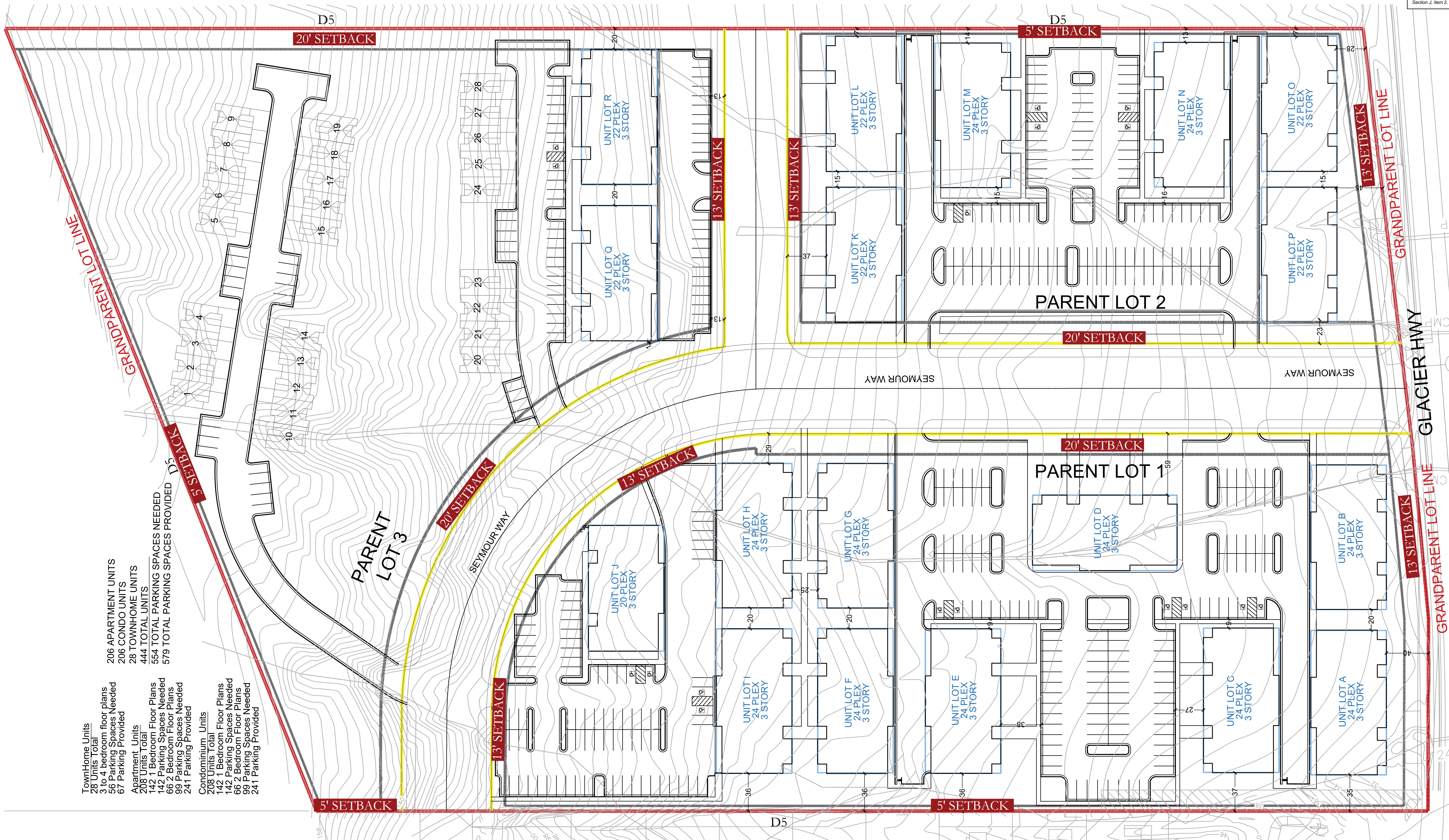
811 BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
1-800-662-4111
www.bluestakes.org

0' 20' 40' 80' 160'

GRAPHIC SCALE: 1" = 40'

ALASKA 20 ACRE
JUNEAU, ALASKA

Attachment B - Revised Plan Documents, 9/16/2022



TownHome Units
28 Units Total
3 to 4 bedroom floor plans
56 Parking Spaces Needed
67 Parking Provided

Apartment Units
208 Units Total
142 1 Bedroom Floor Plans
142 Parking Spaces Needed
66 2 Bedroom Floor Plans
99 Parking Spaces Needed
241 Parking Provided

Condominium Units
208 Units Total
142 1 Bedroom Floor Plans
142 Parking Spaces Needed
66 2 Bedroom Floor Plans
99 Parking Spaces Needed
241 Parking Provided

206 APARTMENT UNITS
206 CONDO UNITS
28 TOWNHOME UNITS
444 TOTAL UNITS
554 TOTAL PARKING SPACES NEEDED
579 TOTAL PARKING SPACES PROVIDED

ISSUE DATE		PROJECT NUMBER		PLAN INFORMATION		PROJECT INFORMATION		DEVELOPER / PROPERTY OWNER / CLIENT		LANDSCAPE ARCHITECT / PLANNER		LICENSE STAMP		DRAWING INFO	
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NO.

REVISION

DATE

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0' 20' 40' 80' 160'

GRAPHIC SCALE: 1" = 40'

ALASKA 20 ACRE
JUNEAU, ALASKA

Attachment B - Revised Plan Documents, 9/16/2022

105



TownHome Units
28 Units Total
3 to 4 bedroom floor plans
56 Parking Spaces Needed
67 Parking Provided

Apartment Units
208 Units Total
142 1 Bedroom Floor Plans
142 Parking Spaces Needed
66 2 Bedroom Floor Plans
99 Parking Spaces Needed
241 Parking Provided

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208 Units Total
142 1 Bedroom Floor Plans
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206 APARTMENT UNITS
206 CONDO UNITS
28 TOWNHOME UNITS
444 TOTAL UNITS
554 TOTAL PARKING SPACES NEEDED
579 TOTAL PARKING SPACES PROVIDED

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NO. REVISION

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DATE

XX-XX-XX

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UTILITY NOTIFICATION CENTER, INC.
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GRAPHIC SCALE: 1" = 40'

0' 20' 40' 80' 160'

ALASKA 20 ACRE
JUNEAU, ALASKA

Attachment B - Revised Plan Documents, 9/16/2022

106

Greenspace By Phase		
Parent Lot 1	Phase 1	SF
	Greenspace By Phase	35,060
	Parking / Building	80,780
	<i>Total</i>	<i>115,840</i>
	Phase 2	
	Greenspace By Phase	54,560
	Parking / Building	236,700
	<i>Total</i>	<i>291,260</i>
Parent Lot 2	Phase 3	
	Greenspace By Phase	60,200
	Parking / Building	54,790
	<i>Total</i>	<i>115,840</i>
Parent Lot 3	Phase 4	
	Greenspace By Phase	20,020
	Parking / Building	64,370
	<i>Total</i>	<i>84,390</i>
	Phase 5	
	Greenspace By Phase	173,090
	Parking / Building	52,160
	<i>Total</i>	<i>225,250</i>

MINUTES

Regular Planning Commission Meeting CITY AND BOROUGH OF JUNEAU Mike Satre, Chairman

April 14, 2015

I. ROLL CALL

Mike Satre, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 pm.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Michael LeVine, Ben Haight, Nicole Grewe, Gordon Jackson, Paul Voelckers, Dan Miller

Commissioners absent:

Staff present: Hal Hart, Planning Director; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Laura Boyce, Senior Planner; Eric Feldt, Planner II; Jonathan Lange, Planner II; Chrissy McNally, Planner I; Tim Felstead, Planner I; Allison Eddins, Planner I; Rob Steedle, Deputy City Manager; Greg Chaney, Lands and Resource Manager; Amy Mead, City Attorney; Robert Palmer, Assistant City Attorney; Rorie Watt, Engineering and Public Works Department Director

II. APPROVAL OF MINUTES

- March 10, 2015 – Special Joint Assembly and Planning Commission Meeting
- March 10, 2015 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the March 10, 2015, Special Joint Assembly and Planning Commission meeting minutes and the March 10, 2015, Regular Planning Commission meeting minutes with any minor modifications by any Commission members or by staff.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. **PLANNING COMMISSION LIAISON REPORT**

Assembly Liaison Loren Jones reported that the Assembly heard the Haven House appeal, with a decision from the Assembly due within the next 45 days. At the last meeting the Assembly approved the reorganization and subsequent creation of an Engineering and Public Works department, said Mr. Jones. The Assembly also granted authority to the City Manager to extend the Memorandum of Agreement with Goldbelt on the West Douglas road for another five years, said Mr. Jones. The zoning change on North Douglas was approved; this was rezoning the properties from D3 to D5, said Mr. Jones. The Hidden Valley zoning map change was also approved, said Mr. Jones. A tweak in the Subdivision Ordinance may be required for that, which was on the Commission’s agenda for this evening, he said.

V. **RECONSIDERATION OF THE FOLLOWING ITEMS** – None

VI. **CONSENT AGENDA**

CSP2015 0004: Land trade of 0.9 acres of land between Christ Evangelical Lutheran Church and the City and Borough of Juneau to provide right-of-way access for Pederson Hill Subdivision.
Applicant: CBJ Lands and Resources
Location: 10300 Glacier Highway

Staff Recommendation

Staff recommends the Planning Commission forward the subject City Consistency Project review to the Assembly with a recommendation of approval.

CSP2015 0005: A City Consistency permit for a short telecommunication tower on Mendenhall Peninsula, north of Engineer’s Cutoff.
Applicant: CBJ
Location: North half of Mendenhall Peninsula

Staff Recommendation

Staff recommends the Planning Commission forward the subject City Consistency Project review to the Assembly with a recommendation of approval.

PDF2015 0001: Final plan approval for a 12 unit Planned Unit Development in the D-3 zoning district.
Applicant: Corvus Design
Location: 5405 North Douglas Highway

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Final Plan for the Sunset Heights Planned Unit Development. The permit would allow the development of a 12 unit Planned Unit Development in accordance with the plans

submitted in this application. Approval of the final plan would also allow for the recording of the plat for Lot 7A1 & Lot 7B1 of USS 2950. Approval is subject to the following conditions:

1. Prior to final plat recording note #9 shall be amended to read “there shall be no disturbance or development within 25 feet of the exterior boundary of the Planned Unit Development on Lot 7B1 of this survey”.
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons.

SMP2015 0002/

SMF2015 0002: A combined Preliminary and Final plat review for a major subdivision involving the consolidation of 6 lots into 2 along Jordan Avenue near Nugget Mall.

Applicant: R & S Construction, LLC.

Location: 2035 and 2037 Jordan Avenue

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Preliminary and Final Plat review. The permit would allow the consolidation of six lots into two.

VAR2015 0004: Variance request to side yard setback to allow a garage to be rebuilt.

Applicant: Barbara Craver and Mark Kirchhoff

Location: 506 West Ninth Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2015 0004. The Variance permit would allow for the construction of a new garage in the same footprint as the existing garage, which is one foot from the street side property line with the following condition:

1. Provide an as-built survey to confirm the 1 foot setback prior to the issuance of a certificate of occupancy.

MOTION: *by Mr. Miller, to approve the Consent Agenda as read with staff's findings, analysis and recommendations.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS – None

IX. REGULAR AGENDA

AME2015 0001: A rezone request to change 5.13 acres from Industrial to Mixed Use.
 Applicant: Errol Champion
 Location: Mill Street and Eastaugh Way

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change 5.13 acres from Industrial to Mixed-Use.

Ms. McKibben stated that this a rezone request for 5.13 acres in the area of the large rock dump. The application was received in January, one of the two months when rezone requests can be received, the other month being July. Each piece of the land is over two acres, said Ms. McKibben. The lots in question are surrounded by industrial land, she said.

The land is identified as Heavy Industrial on the Comprehensive Plan future land use designation, noted Ms. McKibben. In this zoning residential, office, retail and personal service uses are not allowed, with the exception that a residential caretaker facility is permitted, she said.

In Development Guideline One, said Ms. McKibben, "Land designated for heavy industrial use of the Comprehensive Plan land use maps should not be converted to use. It is not allowed in the Heavy Industrial land use definition of Chapter 11, unless it is an essential public purpose as is deemed by the Planning Commission and the Assembly warrants such a conversion."

The long range Waterfront Plan calls for this area to continue on as an important economic engine and logistics point for the community, by preserving and encouraging a continuation of waterfront dependent and industrial uses, said Ms. McKibben. The Plan also calls for the removal of tourist related retail as a permissible use, with the exception of the uses that are necessary and located on the same lot as the cruise ship docks, she said.

The Waterfront Plan also calls for continued utilization of a part of this area for the operation of the CBJ Wastewater Treatment Plant, reported Ms. McKibben. Mixed-Use zoning has no setbacks, said Ms. McKibben, in contrast to the Waterfront and Industrial zone designations, which require 10 foot side yard setbacks on all four sides. The biggest difference is that for Industrial zoned land only one caretaker residence is allowed per lot, said Ms. McKibben, in contrast to the Mixed-Use zoning district, where no maximum density is set.

Ms. McKibben reviewed the relevant portion of the Table of Permissible Uses for the Commission. She said that the City Assessor has concerns about the rezone request. In a portion of her assessment the CBJ Assessor stated that, "...a precedent of rezoning Industrial land to Mixed-Use is a disservice to the industrial base for which it is believed that Juneau needs to provide viable, useful space at attractive land rates...." The City Assessor expressed concern over the possible impact a rezone of this type would have on neighboring land and

values, said Ms. McKibben. The Director of Engineering and Public Works also expressed concern, said Ms. McKibben, particularly regarding its proximity to the Wastewater Treatment Plant.

There were quite a few public comments received, noted Ms. McKibben, a number of them expressing concern over the incompatibility of residential use with surrounding industrial uses. She said this includes comments from the Utilities Advisory Board for the City and Borough. There are also some comments in support of the project, said Ms. McKibben, primarily citing the need for additional housing.

The land is identified as Heavy Industrial on the Comprehensive Plan maps.

The staff recommends denial of the rezone request, said Ms. McKibben, because it is not in substantial conformance with the maps of the Comprehensive Plan.

Commission Comments And Questions

Mr. Watson asked if Ms. McKibben knew how many uses were designated for the land in the rock dump area.

Ms. McKibben said she did not know the exact number of uses.

Mr. Watson asked if the Assessor's Office comments were in response to the routine request for input from all of the various departments.

Ms. McKibben responded that this is true, and that it was part of the agency review.

Applicant

Mr. Errol Champion said that he represents North Pacific Erectors, which is developing Lot 2, and has plans to develop the remaining lots.

Mr. Champion said they began discussing the rezone of the seven lots last spring, and that they met with Community Development Department (CDD) staff in July. They had initially thought that a zone change of General Commercial was the right approach. However, said Mr. Champion, the CDD staff counseled them that it would be better if they requested Mixed-Use zoning.

Mr. Champion said housing development was part of the reason for the rezone request, but that this would also be for storage units, and that there is a dire need in the downtown Juneau area for storage.

Mr. Champion outlined the need for housing in Juneau by citing housing sales and prices over the past few years. For example in 2012 there were 197 single family housing sales, said Mr. Champion. The average sales price was \$353,000, he noted. In 2013 there were 219 single-family homes sold with the average price of \$373,000, he said. Prices continue to climb, said Mr. Champion, and so does the demand, with the exception of single-family housing sales in 2014.

The real demand in the community is for units that sell for less than the \$200,000 price range, said Mr. Champion. The demand for housing is so high that many housing units are not even listed with the Multiple Listing Service, said Mr. Champion, and therefore do not show up in these numbers.

Today there are 41 single family housing units on the market, with the average asking price of \$439,000, said Mr. Champion. There are currently eight attached homes on the market with the average list price of \$281,000, he said. There are 23 condos on the market at \$176,434, he added.

The rock dump area is not fully developed, said Mr. Champion. Most of the uses in the area are not Industrial, he said, they are Commercial. The rezone has a lot of support, said Mr. Champion, mostly from business owners in the area who lack storage. He said all of them would like the capability for residential use for the upper story of the buildings, he said.

Mr. Champion said in all of his experience both on the Planning Commission and as a realtor he has never experienced the Assessor commenting on a rezone request before. Mr. Champion read comments in favor of the rezone from the President of the Alaska Appraisal Association, which cited the need to provide housing in the area in order to attract a workforce. Housing within Industrial zoning is consistent with green growth goals, read Mr. Champion.

Mr. Champion said they understand that Alaska Marine Lines (AML) is opposed to the rezone request. He added that it is not uncommon to see residential areas behind waterfront commercial zones.

Heavy industrial development is not in Juneau's future, said Mr. Champion. He said there is not industrial development in Juneau's future as is defined in the code. He said as an Industrial zone, the property has sat idle for 65 years. The land will not be used and developed as long as it is Industrial, said Mr. Champion. He said that uses need to be created for land within the existing infrastructure so that funds are not needed for the provision of additional services.

Granting the rezone would enable them to add to the housing inventory of Juneau, said Mr. Champion. It would also increase the assessed role, said Mr. Champion, because the buildings would not be assessed only as a storage unit but also as a residential dwelling.

Commission Comments And Questions

Mr. Voelckers asked if Mr. Champion has run into any storage limitations for the property with the current zoning.

Mr. Champion replied that the current zoning would allow for the storage units but that would be all; no mezzanines would be allowed.

Public Comments

Joan Cahill, who owns a rock dump storage condominium, spoke in favor of the rezone, stating that they had hoped that they could develop an apartment for the second floor of their

property. She said she is frequently in the area and that her impression of the area has never been that of heavy industrial use.

Jake Mampa, Terminal Manager for AML, said that AML is opposed to the rezone request. He said they have safety concerns if residents lived in the area. In the summer there are two bus businesses, and 90% of the Juneau fuel and commodities come through that area, he said. The area is already full of people off of the cruise ships walking the area in the summer, said Mr. Mampa.

He said they are constantly getting complaints from Douglas over the existing noise level created by AML, and that if there were residential dwellings in the area those complaints would increase, he said.

Commission Comments and Questions

Mr. Haight asked if AML has had the opportunity to measure its existing noise levels.

Those levels have been measured, but he did not have that information with him, responded Mr. Mampa.

Mr. Watson commented that since Northland used AML barges in the winter that there really was not a change in the traffic flow for the area. He said that AML is protected by interstate commerce regarding noise levels.

Ms. Grewe asked Mr. Champion how he would respond to AML's concern that there would be complaints about the noise level if there were residences in the area.

Mr. Champion responded that Juneau has a noise ordinance in effect. The barge traffic is not constant and is periodic activity, said Mr. Champion. These would not be starter homes with families with children, said Mr. Champion. People would like to be able to be absent from Juneau in the winter, while using the storage units to store their possessions, said Mr. Champion.

Mr. Levine asked Mr. Champion to relate the reasons given to him by the CDD staff to seek Mixed-Use rather than Commercial zoning for their property.

The staff felt it was a more fitting zone for the downtown general area, said Mr. Champion. He said he yielded to the expertise of the staff.

Mr. Jackson said that he disagreed with the assessment that there are no children living in the more recent condominiums. He said he notices plenty of children outside in the Jordan Creek Condominium area, and that there is no place for them to play.

Mr. Watson asked how many feet the property in question is from AML.

Mr. Champion responded that it varies, but that their property is located probably 500 feet from the AML area with the most activity.

MOTION: *by Mr. Voelckers, that the Commission adopt the Director's analysis and findings, and deny the proposed rezone request to rezone 5.13 acres from Industrial to Mixed-Use.*

In support of his motion, Mr. Voelckers stated that although he is highly sympathetic to the arguments raised about the need for housing and the values of Mixed-Use zoning, that he felt very firmly this was the wrong place to enact this zoning. He said he felt the staff did a good job outlining the issues, and that there is a very good reason that Heavy Industrial zoned land is valuable in its own right, and that there is a reason why there is that type of zoning separation. He said the property under consideration is surrounded by a tank farm on one side, an active barge company on the other, with the sewage treatment plant on the third side.

Mr. Miller spoke against the motion, citing the dire housing situation in Juneau, and stating that the need for housing is so great that these condominium projects with housing attached to them are very popular. He said that the Costco area where land in the Industrial area was mostly commercial, was similar in this area. People need to be able to develop commercial uses, said Mr. Miller. Mr. Miller said that he did not perceive noise being an issue for future residents in the area. Most industrial areas get extremely quiet at the end of the workday, noted Mr. Miller. Mr. Miller said he feels that the rezone request does comply with the policies and guidelines of the Comprehensive Plan. The Comprehensive Plan is in support of the location and growth of locally-based basic sector industry that provides year-round full-time employment and provides tax revenues that support public services, said Mr. Miller.

The Development Guideline for 5.11 does provide for this type of rezone if an essential public purpose as deemed by the Planning Commission and the Assembly warrants such a conversion, said Mr. Miller. Mr. Miller said he did not think there is any use more essential than housing for the people that live and work in the community.

Ms. Grewe asked where else in the Borough approximately five acres of industrial land is available.

Ms. McKibben responded that she believes there is a similar parcel on Sherwood Lane.

Ms. Grewe commented that these potential units would be placed between a tank farm, shipping business and a wastewater treatment plant. She said when she is in other cities and sees the condo residential mix that they are typically located within warehouse districts that are being redeveloped.

She asked the staff if they had given any thought to the trend for these types of developments.

Ms. McKibben said that she has not given a lot of thought to the issue currently but that it is potentially an issue that can be addressed once the industrial land inventory is completed.

Mr. Hart noted that this is a trend that is taking place up and down the West Coast. They have also noted the trend of more office use in industrial areas because the nature of manufacturing has changed, he said.

Thousands of cruise ship passengers each season walk up the street in this area, said Mr. Watson. He added that eventually the sea walk will run up against this area. There is also a gentleman planning a marina for the area, said Mr. Watson. He added that this is one of the slowest growth areas in Juneau. Mr. Watson said that he feels Mr. Champion made an excellent presentation, and that he would vote against the motion.

Speaking in the in favor of the motion, Mr. LeVine said that while he agreed with Mr. Miller that the need for housing is an essential purpose which could lead the Planning Commission to rezone this property, just because the Commission has the ability to approve the rezone request, it did not mean that this land was the right choice for a rezone. Mr. LeVine said he felt this was the wrong location for a residential development, and that if the area were rezoned it could lead to the development of other projects such as a hotel.

Mr. Haight said he saw the merit of both arguments, for both the need for housing in the community and also the merits of the integration of housing into a Mixed-Use zoning district. Mr. Haight said the Commission has received complaints in the past about the Mendenhall Sewage Treatment Plant and its odor impact on neighboring residents. They have also received complaints about the noise in the industrial Costco Lemon Creek environment, said Mr. Haight. Mr. Haight said because of the number of conflicts in the area, that he would vote in favor of the motion.

Speaking in support of the motion, Ms. Grewe said the request is not in compliance with the Comprehensive Plan land use map and associated policies. She said that Industrial land composed of five acres is very difficult to acquire in this community, and she did not think enough thought had been given to the future of this area. The surrounding land use activities are not compatible with residential development, said Ms. Grewe.

Mr. Jackson said he was in favor of the motion, and that this Industrial area would be needed for future industrial use.

Mr. Peters said he saw merit to both sides of the argument for the rezone request, but that having observed similar developments in Anchorage, that he spoke against the motion and was in favor of rezoning the area to enable residential use.

Chairman Satre said that while he is very open to housing in Industrial land, that he did not feel that rezones were up the way to accomplish this. He said that he would be voting in support of this motion, and that perhaps it was time to open up the code to enable the construction of housing units in Industrial areas.

Roll Call Vote:

Yeas: Voelckers, Jackson, Grewe, Haight, LeVine, Satre

Nays: Miller, Peters, Watson

Motion Passes.

AME2015 0002: A rezone request to change 4.5 acres from Waterfront Industrial to Industrial.
 Applicant: CBJ
 Location: Juneau Douglas Wastewater Treatment Plant on Thane Road

Staff Recommendation

Based upon the proposed project (Attachments 1-3) and the findings and conclusions stated above, staff recommends the Planning Commission adopt the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for the rezone of the subject 4.5 acres of the parcel from Waterfront Industrial to Industrial.

This land is owned by the City and Borough of Juneau and the rezone request comes through the Department of Engineering and Public Works, said Ms. McKibben. The land is adjacent to Industrial land, she noted. The rezone request is for more than two acres and it is adjacent to an existing zoning district, said Ms. McKibben. In the Comprehensive Plan maps the land is designated for Institutional and Public Uses (IPU). Rezones must substantially conform to the maps of the Comprehensive Plan, she noted. Land of this type would include the University of Alaska, community gardens, along with schools, libraries and fire stations, said Ms. McKibben.

The public use of these lands would vary widely, and IPU designated lands can be under any zoning district with uses that are appropriate to the zone as dictated by the Table of Permissible Uses, said Ms. McKibben. A Public Use must be in the same district as the surrounding or abutting lands, she added.

Policy 5.10 is, "To designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program", cited Ms. McKibben. She cited policy 5.11, which states, "To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services."

Lands designated for heavy industrial use would not be converted unless the Planning Commission or the Assembly found a central public purpose, noted Ms. McKibben. Deepwater ports and navigable waters are valued assets and are critical to the sustainability of the economy and livability of Juneau, said Ms. McKibben, reading Development Guideline One.

The difference between Waterfront Industrial and Industrial zoning is the fact that Waterfront Industrial zoning must have water-focused uses, explained Ms. McKibben. The rezoning request has come forward in order to allow a wider variety of uses in the area, said Ms. McKibben.

Mr. Watson asked why amending the Table of Permissible Uses was not the approach taken for this piece of property. He added that he is apprehensive about taking away rare, waterfront

property with the rezone. Mr. Watson said he did not recall the removal of waterfront land through a rezone being done in the community before.

Ms. McKibben responded that she found an ordinance from the nineties that did amend the Comprehensive Plan maps from Waterfront Industrial to Industrial. She admitted it is unusual. She said it was her understanding that there is no Waterfront Industrial or Commercial land that is not zoned Waterfront Industrial or Commercial.

Mr. Voelckers asked for verification that some of the wastewater treatment functions that occur are now allowed within Waterfront Industrial zoning.

Mr. Watt said he is fine pursuing any option that would provide the City flexibility in its use of the land. He added that as the community grows, the City needs the use of all of the available Industrial land that it can access. If the Waterfront Industrial zone is left on the periphery of the property, Mr. Watt said he feared a ribbon of Waterfront Industrial zoned land which would never get used for any purpose. It could be a possible potential site of the future biosolids plant, noted Mr. Watt.

Commission Comments and Questions

Mr. Voelckers asked if the City would own the Waterfront Industrial strip of property in perpetuity.

Mr. Watt responded in the affirmative.

Public Comment

Howard Lockwood said his primary business has always been Juneau contracting and land development, and that he was appearing before the Commission as the owner of Alaska Metal Extraction Mining company. He said that this business holds the current operating agreement on state mining claims in this area. He said they have an agreement with the City to build a harbor in the area and that they have title to the mineral estate.

Speaking in opposition to the rezone request, Mr. Lockwood said zoning this particular piece of property from Waterfront Industrial to Industrial would nearly destroy all of the years of work that have gone into planning construction of a harbor in the area. The harbor is designed to accommodate the larger private vessels that come to the area that are too large to use the other harbors, said Mr. Lockwood. The rezone request did not follow due process, and they were not given a chance to comment on it, said Mr. Lockwood.

Commission Comments and Questions

Mr. Voelckers asked Mr. Watt for his understanding of how the mining claims overlap with the City's legal interest in the property.

This is a legal question, said Mr. Watt, adding that the City attorneys disagreed with Mr. Lockwood’s assessment of property rights.

Mr. LeVine asked Mr. Watt if the change that they are requesting would affect a legal lease held by Mr. Lockwood for the property.

Mr. Watt said his answer was no, and that Mr. Lockwood’s lease was complicated. There were a number of steps Mr. Lockwood was required to take under the initial lease which has been extended several times, noted Mr. Watt. One of those steps involves surveying the property to determine the actual location of the lease boundary, said Mr. Watt. The survey has not taken place, he added. There is a lease, and Mr. Lockwood has some rights to pursue his project, said Mr. Watt. He said their request did not affect the lease.

MOTION: *by Mr. Watson, that the rezone request be denied.*

In support of his motion, Mr. Watson said that this is waterfront property and there is precious little of that type of property available in the community. He added that he felt a rezone would further compound the problems of two entities which seem to disagree.

Mr. Haight said that he was in support of the motion. He said that it appears the rezone may enter the City into a conflict. He said he felt the existing treatment facility could continue to operate in the area without the rezone, and that the Table of Permissible Uses could be amended if needed, such as for a biosolids facility.

Mr. Miller also spoke in favor of the motion, stating that a rezone is not the right approach.

Mr. Levine said he also supported the motion. He said they did not appear to be an imminent need for the rezone at this time, which gives the City time to come up with a better solution.

Ms. McKibben reminded the Commission that to pass the motion denying the rezone request that the findings would need to be amended.

The motion passed with no objection.

Chairman Satre said to amend the findings he felt they should recognize the existing findings, while adding; “Waterfront Industrial zoned land is in very short supply, and the Commission does not see the need to change the zoning at this time.”

AME2015 0003:	Text amendment to CBJ 49.45.410, increasing the sign enforcement fee.
Applicant:	CBJ
Location:	Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

This is a text change to Title 49 and to Title 3, said Ms. Boyce. This request comes from the Historic Resources Advisory Committee (HRAC) of the City, she explained. One of their tasks is giving advice on historical resources, including development in the Historic District of Juneau, said Ms. Boyce. Signs are a type of development, she added.

The Advisory Committee has been concerned about the image of the Downtown Historic District over the years, and they have noticed that signage is becoming more of an issue, especially in the Downtown Historic District, said Ms. Boyce. They formed a signage subcommittee to address this issue, said Ms. Boyce. The proposed change would be Borough-wide, said Ms. Boyce, not just for the Downtown Historic District.

The existing code calls for a \$25 fine for the first offense, a \$50 fine for the second offense, and a \$100 fine with a mandatory court appearance for the third offense, said Ms. Boyce. The change would change the criminal infraction piece of this enforcement to a civil fine, said Ms. Boyce.

The proposed change calls for 15 days for the owner to come into compliance after being cited. On a first offense the fine would be eliminated if the business owners came into compliance within 15 days, noted Ms. Boyce. The proposed change for a sign violation would be \$500 a day per sign until compliance with the code, said Ms. Boyce.

Because of the current fine structure, it is currently cheaper to put up a sign without a permit than it is to pay for the permit, said Ms. Boyce.

The Title 49 Subcommittee is in support of the proposal, said Ms. Boyce. This request is in support of the goals and policies of the Comprehensive Plan, she said.

Commission Comments and Questions

Mr. Watson asked if the fines collected would go into the general fund or into the CDD's fund.

The collected fines would not go into the CDD fund, answered Ms. Boyce.

Mr. Watson asked how this would be enforced.

The staff would enforce this, said Ms. Boyce.

Mr. Watson asked if sign infractions could not be enforced before, then how would they be enforced now.

Currently they send a certified letter notifying the business that a sign has been erected without a permit, and to contact the CDD office, said Ms. Boyce. They include an application with the letter, she said. If they received no response the offender would receive another letter notifying them that they had 15 days to come into compliance before they were fined.

With the proposed change a letter can still be sent initially, but they could also be issued a citation giving them 15 days to rectify the situation, said Ms. Boyce. There were at least 22 businesses in the Downtown Historic District last summer that did not apply for a signage permit, noted Ms. Boyce.

Mr. Miller asked what the signage requirements entailed.

To be compliant the business would need to contact the CDD office and submit their application, said Ms. Boyce.

Mr. Miller asked if a realtor for-sale sign required a permit.

While they are considered signs, they are exempt from the signage requirements, said Ms. Boyce.

Mr. Levine asked how the 15 day compliance time frame was selected, and if a business began the application process if that brought the business into compliance, even if it left up a noncompliant sign over that time frame.

Code dictates that a sign be approved within three days of the application, said Ms. Boyce. Approving the application for a sign in the Historic District takes a little more time, she added. Ms. Boyce said the 15 day time period offers enough time for the application process.

Mr. Watson said he would feel more comfortable with this change if it were directed just at the Downtown Historic District.

Mr. Voelckers asked how long the signage compliance requirements have been in effect.

The Downtown Historic District standards were approved at the end of 2009, and they have been in effect since 2010, said Ms. Boyce.

Mr. Miller asked if a sign could remain standing while it was determined if the sign was in compliance or not. He also asked if the 15 day deadline was enforced while the business was getting its sign fabricated to be in compliance.

Ms. Boyce replied that it is a 15 day window with noncompliant signs being taken down at the end of that period, or the sign was approved during that period.

Public Comment

Zane Jones, Chair of the HRAC Committee, spoke in support of the enforcement change. He said with the current fee structure it was cheaper not to apply for a permit. They plan on the process being self-regulating to a major extent, said Mr. Jones. He said notice of receiving a \$500 fine would encourage the business to want to comply with the code.

Downtown business owner Michael Tripp spoke in favor of the enforcement change. He said preparing a sign application for the District is not overly demanding or laborious. Once his application for signage within the Historic District was complete, said Mr. Tripp, it only took a few days for it to be approved. He said the current \$25 enforcement fee is absolutely powerless. The staff needs a tool that it can use to bring businesses into compliance quickly, said Mr. Tripp.

Commission Comments and Questions

Mr. Watson asked Mr. Tripp if he knew what the fines were for hocking.

Mr. Tripp said he did not know what the fines were for hocking.

Ms. Mead said the hocking findings were \$150 for the first offense and \$300 for the second offense. The third offense within two years requires a mandatory court appearance, said Ms. Mead.

Public Comment

Daryl Miller, owner of Commercial Signs and Printing, spoke against the fine change. He said that he believes requesting permits from the CDD in Juneau on behalf of his clients has made him very familiar with the process. He said he has reservations about the level of the fee structure. The \$500 a day proposed fee for noncompliance would require all sign products for the downtown area to use methods and materials that are not contemporary. The proposed materials are not as durable and would not last as long in the Juneau environment, said Mr. Miller. He said he was a proponent of current vinyl materials for sign construction. As the owner of his business he said it felt it put him at huge risk if the business that he fabricated a sign for was issued a \$20,000 fine because the sign was not in compliance. He suggested changing the code to a civil infraction as was discussed, and then to have a fee for noncompliance, but not to go “crazy” with the fee.

Commission Comments and Questions

Mr. LeVine asked if the signage rules were changed to Mr. (Daryl) Miller’s satisfaction, if he would still object to the fine structure as it is currently proposed.

Mr. (Daryl) Miller said under those circumstances he would not object because the City and Borough of Juneau would have made every effort to allow improvements in the Historic District.

Mr. LeVine clarified with Mr. (Daryl) Miller that one of his concerns was ultimately being held liable for noncompliant signs.

Having his clients receive a \$500 a day fine for having a matte surface or vinyl letters on their signs is what concerned him, said Mr. (Daryl) Miller.

Mr. (Commissioner) Miller asked if there was a fine amount for a sign deemed in danger of falling and potentially hurting a citizen.

Ms. Boyce said she did not know the answer to that question.

MOTION: *by Ms. Grewe, that the Commission adopt AME2015 2003 with staff's findings, analysis and recommendations, and that the amendment as written in the staff report be forwarded to the Assembly with a recommendation for approval.*

In support of the motion Ms. Grewe said sign standards, policies and guidelines were fully vetted in 2009, and if there are problems that remain in that section of the code that it be dealt with as a separate issue. The issue is enforcement of what is currently within the ordinance, said Ms. Grewe.

Mr. Voelckers said he was in support of the motion, and that he recognized that parts of town have become an "anarchistic mess". Mr. Voelckers said he felt it was appropriate to begin the process by tightening the fine structure within the ordinance.

Mr. (Commissioner) Miller said he felt that raising the fees was a good first step in sign enforcement, but that he did have issues with the \$500 a day fine for every day a business was without compliance. He said he felt this was true especially in light of testimony that there is still a requirement for painted signs in the Juneau climate, said Mr. Miller. People hardly put paint on houses anymore, let alone on signs, said Mr. Miller.

Mr. (Commissioner) Miller said he would like to submit a friendly amendment removing the \$500 fine for each day of noncompliance and instead have a flat \$500 fine, with the knowledge that the Commission has work to do on the code requirements in this area. This would give the fine more teeth for the coming summer, and give the Commission a year to remedy any weaknesses in the code, said Mr. Miller.

Ms. Grewe said she would not accept the friendly amendment. She said she felt that the 15 days given to businesses to come into compliance was fair.

MOTION: *by Mr. Miller, to amend Ms. Grewe's motion to a single flat offense fee of \$500.*

Roll Call Vote:

Yeas: Miller, Watson

Nays: Voelckers, Jackson, Grewe, Haight, LeVine, Peters, Satre

Motion fails.

Mr. Peters spoke in favor of the main motion saying he felt this was the correct first step in enforcing the code. It has teeth, and those in noncompliance have 15 days to come into compliance, he said.

Mr. Watson spoke against the main motion saying that after tonight’s testimony that he has some concerns. He said he felt work needed to be done cleaning up the code before businesses were issued a daily \$500 fine for noncompliance.

Roll Call Vote: *(on main motion by Ms. Grewe):*

Yeas: Voelckers, Jackson, Grewe, Haight, LeVine, Peters, Satre

Nays: Miller, Watson

Motion Passes.

AME2015 0005:	A rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).
Applicant:	RH Development
Location:	7400 Glacier Highway

Staff Recommendation

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director’s analysis and findings and **RECOMMEND APPROVAL** to the Assembly to rezone the subject parcel from D-5 to D-18.

However, if the Planning Commission chooses to recommend to the Assembly that the lot be rezoned to a mix of D-18 (12.71 acres) and Light Commercial (7 acres), staff recommends the following condition be considered:

1. Adequate buffering should be considered at the time of development proposal and or subdivision, in order to buffer the multi-family residential development and commercial uses from the adjacent D-5 subdivision.

Mr. Lange described this land as a D5 parcel surrounded by D5 zoning. It is located on Old Glacier Highway located between Walmart and Fred Meyers on the uphill side. To the west of the property is land zoned D15 Light Commercial (Fred Meyers, Humane Society and doctor’s office), and to the east of the property there is land zoned D 18 Light Commercial, said Mr. Lange.

It is the front portion of the property which the owner proposes be developed into Light Commercial, said Mr. Lange, with the back portion of the parcel proposed to be D 18 zoning. Mr. Lange said the applicant is requesting the Light Commercial zoning to act as a buffer between the noise from Egan and Old Glacier Highways and the residential property.

This area is Medium Density Residential in the Comprehensive Land Use plan, said Mr. Lange. Medium density residential has the characteristics of multi-family dwellings with densities of five to 20 units per acre. Light Commercial zoning carries with it a density of 30 units per acre, said Mr. Lange. Areas currently zoned Light Commercial are in land use designations that are Commercial, Traditional Town Center, and Marine Mixed-Use, said Mr. Lange. These areas allow for high density, multi-family residential developments ranging from 10 to 60 units per acre, said Mr. Lange.

With its current D5 zone, this parcel of land could have up to 99 dwelling units, said Mr. Lange. If it was rezoned to D18 it could have up to 355 dwelling units, and a mix of D18 and Light Commercial Zoning could result in up to 439 dwelling units, he added. The D5 zoning district is intended to accommodate primarily single family and duplex residences, with the D 18 definition addressing multi-family developments at 18 units per acre, said Mr. Lange. The definition for Light Commercial zoning states that it is generally located adjacent to residential areas, but with less intense development than a General Commercial zoned district, said Mr. Lange.

Hotels, day care centers and restaurants are all allowed in the Light Commercial zoned areas, said Mr. Lange. To the west of the parcel is the Vista Del Sol housing development which is zoned D5, said Mr. Lange.

Commission Comments and Questions

Mr. Voelckers asked about the extent of wetlands on property.

The wetlands maps do not indicate that there are wetlands in this area, said Mr. Lange, but the applicant has stated there are four listed wetlands which the Army Corps of Engineers would regulate.

Mr. Watson asked what the CDD would consider “adequate buffering”.

Staff needed to research the answer to that question.

Chairman Satre noted that the meeting will proceed past the 10:30 p.m. threshold when the Commission is allowed to consider additional items on the agenda. The remaining items on the agenda barring any motions from the Commission will need to be pushed to the next agenda, noted Chairman Satre. He proposed that TXT2009-00001, Proposed Title 49 and Title 4 changes regarding the subdivision of land be referred to back up to the Subdivision Review Committee to address several issues which the staff was going to present to the Commission this evening,

and that the remaining items on the agenda be moved to Unfinished Business on the next agenda.

The Commission voiced no objections to Chairman Satre's proposal.

Applicant

Applicant Richard Harris said that Light Commercial zoning can be and has in the past been allowed within Mixed Density Residential designations regardless of density. There will be a fair amount of wetlands involved with this property, said Mr. Harris. The lot location and the streets will all be dictated by the location of the wetlands, said Mr. Harris.

As they were reviewing the property, they noticed that the portion of the property along Glacier Highway is very loud, said Mr. Harris. He said that is why they changed their initial application for all D 18 zoning to Light Commercial zoning along the Highway. He said he feels that is a far better use for that portion of the land.

Mr. Harris said the Comprehensive Plan does state that there should be Light Commercial development along busy thoroughfares and high visibility areas. He referenced the newly adopted Juneau Economic Development Plan which states that an adequate supply of properly zoned land should be made available for commerce and industry as well as residential development. The Plan encourages support of neighborhood-based small business growth that creates jobs and provides services, said Mr. Harris, reading from the Plan.

The Juneau Economic Development Plan survey showed that lack of land for commercial and residential use was the biggest concern of the community. With the above concerns, said Mr. Harris, he said he found it difficult to believe that density would be a reason for denying a rezone request.

Commission Comments and Questions

Mr. Watson asked if Mr. Harris found that due to wetlands he could not construct as many dwellings as he had planned for the land behind the Light Commercial zone, if he would consider reducing the amount of space in the Light Commercial zone in favor of residential development, or would the Light Commercial land remain that way regardless of how many units could be constructed on the residential land abutting it.

They want to block sound coming up to the residential lots from the roads, said Mr. Harris, and he said that he believed Light Commercial zoning was the best zone selection for that property along Glacier Highway.

Public Comment

Mike Ban, Associate Broker for Exit Realty, spoke in support of the rezone request. He said the residential lots were important but that options could remain open with the Light Commercial

zoning that was proposed.

Commission Comments and Questions

Mr. Haight asked from a marketing perspective when speaking of Light Commercial zoning, what type of development would Mr. Ban consider for this particular area.

Mr. Ban said he would think of Commercial zoning that would encourage walkable neighborhoods as supported by the Juneau Economic Development Plan. He said he envisions smaller businesses and professional offices for the proposed Light Commercial portion of the land.

Public Comment

Greg Stopher, President of the Southeast Alaska Building Industry Association, said he fully supported the rezone request. He said if he lived in the area, he would like to be able to walk to a yoga studio, which is the type of development he envisioned for the Light Commercial portion of the property. He added that Juneau needed the density in zoning. Higher density results in lower cost to the buyer for their homes, he said.

Resident Doug Wesley said that higher density housing for the community may be needed, but that it was needed in a different location. He said that the area is composed of primarily single family residences, and that he hears the same argument that single-family dwellings are needed for the community. Regarding the claim by the applicant that the commercial zoning strip was needed as a buffer, Mr. Wesley stated that to him a buffer is composed of open space. He said there was no guarantee that high density housing would equal affordable housing.

Marciano Duran, developer of the adjacent Vista Del Sol housing development, spoke against the proposed rezone. He said the noise along the road is not that loud and that Commercial Light zoning was not the way to lessen its effects. Mr. Duran said the zoning should remain at its current D5 zoning.

Josette Duran, a co-developer of the adjacent Vista Del Sol housing development, also spoke against the proposed rezone. Ms. Duran said in the past the Commission had placed a least a 200 foot buffer between D15 zoning and multi-family housing on a parcel of land in the area. There are ways to mitigate noise which do not include the necessity of erecting a commercial building, said Ms. Duran. Ms. Duran questioned how the Assessor could make the assessment that the rezone would have no impact on the area when there were not yet plans to show what the development would entail.

Area resident Steve Havig spoke against the proposed rezone request. He said there do currently exist small business concerns in the area which do not negatively impact the residents by increasing traffic or noise such as a small charter operation and electrical business.

MOTION: *by Mr. Watson, to extend the meeting until 11:15 p.m.*

The motion passed with no objection.

Resident in the area Roger Sams said he has lived in the area for 40 years and that his property is adjacent to the parcel up for rezone. He said he is opposed to the project, and that he does not feel the density levels of the requested zoning are appropriate for the area. They would like to maintain a stable environment for their neighborhood, said Mr. Sams.

Dave Hannah also spoke against the proposed development, stating that he is usually in favor of development in Juneau, but that zoning changes were a different situation than when discussing particular uses in already approved the zoning districts. People buy property and homes expecting that their land will remain the zone it was when they purchased it, said Mr. Hannah. D5 zoned property is actually getting difficult to obtain, said Mr. Hannah, adding that he felt Mr. Duran has showed that successful developments can occur within D5 zoning. If higher density is desired, Mr. Hannah suggested that the Commission consider D10 single-family residential zoning.

Real estate agent Marciano Duran Jr. spoke against the rezoning request. He expressed concern about the potential “500 units” [sic] which would be allowed on the rezone property contributing to an already heavy traffic problem. He said that development should occur on land already zoned for those purposes, and that rezoning this land was not necessary.

Applicant

Mr. Harris said there is currently no proposed project, because at this juncture they are following standard procedure for assessing the viability of a parcel of land. The first step in land development is to obtain the proper zoning, said Mr. Harris. Mr. Harris said their proposal follows the guidance of both the Comprehensive Plan and the Juneau Economic Development Plan which state that Juneau should encourage, promote and provide for Commercial and Mixed-Use zoning. Mr. Harris stated that he feels the proposed rezone would fit nicely within the area.

MOTION: *by Mr. Watson, to extend the meeting until 11:30 p.m.*

The motion passed with no objection.

Commission Comments and Questions

Ms. Grewe asked Mr. Harris if he had thought of D10 or D15 zoning instead of the D18 zone request.

The D18 zone is where they want to be for creating the maximum amount of housing in relation to the cost of the land, said Mr. Harris.

Mr. Watson asked Mr. Harris if they understood there may be additional buffer requirements for the property.

Mr. Harris said he understood that buffers may be required.

Mr. Jackson said his biggest concern was an adequate buffer between the Light Commercial and D18 zones. Mr. Jackson said he was not in favor of the rezone request at this time.

Chairman Satre asked Mr. Harris if he would be comfortable if the Commission followed the staff's recommendation for zoning the entire parcel D18.

Mr. Harris said they would have to evaluate if they could proceed if the entire parcel was zoned D18 with no Light Commercial property. Zoning will dictate what they build, said Mr. Harris, and the Light Commercial and D18 zones are what he thinks are the best options for the property.

Commission Comments and Questions

Mr. Watson said Vista Del Sol had been required to put in an access road, and he asked how that abutted the applicant's property line.

Mr. Lange said it appears that the Vista Del Sol road would connect to the parcel of land in the reserve portion, not at the housing portion of the development.

Mr. Watson repeated his question earlier for the staff regarding what the Department considers an adequate buffer between either Light Commercial or D18-zoned land.

One of the requirements for adjacent zoning districts is that the abutting district have a setback where it abuts the other zone equal to the less densely zoned land that it abuts, said Mr. Lange.

Mr. LeVine asked if D18 zoning was approved for the entire parcel, if additional adequate buffers potentially in addition to the setback requirements could be recommended.

Buffers can be added as a condition on a rezone when it is approved, said Mr. Lange.

MOTION: *by Mr. Voelckers, on AME2015 0005, to rezone the 19.71 acres from D5 to D10.*

In support of his motion Mr. Voelckers stated that he agrees with a lot of the testimony against Light Commercial zoning for this particular area. He added that he feels even D18 zoning is too abrupt a change from the existing residential D5 zones. While saying that he is fully in support of walkable communities, Mr. Voelckers said those types of communities are contingent upon a more urban structure.

MOTION: *by Mr. Watson, to extend the meeting until 11:45 p.m..*

The motion passed with no objection.

Mr. Watson spoke against the motion, stating he felt the applicant has made a good argument for D18 zoning, and that it is consistent with the Comprehensive Plan. Mr. Watson said he was not in favor of the Light Commercial rezone request.

Mr. Peters also spoke against the motion, stating that he felt D18 zoning was appropriate for the area.

Ms. Grewe stated that she supported the motion in favor of rezoning the entire parcel to D10, and that D18 zoning would be too abrupt of a change for the adjacent property owners. An informed buyer when buying their home checks the zoning of the area, and they assume a certain consistency of that zone, said Ms. Grewe.

Mr. LeVine said he agreed with Ms. Grewe; that a D10 zone would be a fair compromise.

Neighborhood harmony is an important component of any rezone, said Mr. Haight. He said he feels this area is comprised of single family housing and that there are other areas defined for multi-family dwellings. Mr. Haight said he felt with D10 zoning, the harmony and balance of the neighborhood could still be maintained.

Chairman Satre said on the topic of buffers, that they do not work. He said in his 10 years on the Planning Commission that the proper way to buffer is by zoning appropriately. One should not put buffers in place to correct zoning mistakes, said Chairman Satre. Even though D18 zoning may be consistent with the land use maps of the Comprehensive Plan, when you look at the actual area it is not appropriate, said Chairman Satre. Chairman Satre said that he felt D5 zoning at this time was the correct zoning for the area. He would vote in favor of the motion if he was the deciding vote simply to let it progress for the Assembly's review, said Chairman Satre.

Roll Call Vote:

Yeas: Voelckers, Grewe, Haight

Nays: Miller, Jackson, LeVine, Peters, Watson, Satre

The motion fails.

MOTION: *by Mr. Levine, that the Commission deny the zoning request and that the Commission recommend to the Assembly that the land remain zoned D5.*

Speaking in opposition to the motion, Mr. Watson said that he maintains his position of D18 zoning for the entire parcel.

Roll Call Vote:

Yeas: Miller, Voelckers, Jackson, Grewe, Haight, LeVine, Satre

Nays: Peters, Watson

The motion passes.

TXT2009-00001:	Proposed Title 49 and Title 4 changes regarding the subdivision of land.
Applicant:	CBJ
Location:	Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission forward proposed TXT2009-00001 to the Assembly with a recommendation for adoption.

To be referred to the Subdivision Review Committee.

X. BOARD OF ADJUSTMENT *(The following two items will be taken up at the next Regular Planning Commission meeting under “Unfinished Business” on April 28, 2015.)*

VAR2015 0006:	Variance request to reduce the street side yard setback from 13 feet to 4 feet.
Applicant:	Northwind Architects
Location:	635 Alder Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director’s analysis and findings and **deny** the requested Variance, VAR2015 0006. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until any requirements of the building inspection are complete.
2. A lot consolidation shall be required to eliminate setback encroachments by the deck and new structure.

3. Without a lot consolidation, no Certificate of Occupancy will be issued until the deck receives a Variance to the required setbacks.
4. During construction the driveway shall be realigned with the new garage four feet to the south.

VAR2015 0007: Variance request to reduce the rear side yard setback from 20 feet to 6 feet.
 Applicant: Northwind Architects
 Location: 635 Alder Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **deny** the requested Variance, VAR2015 0007. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until all requirements of the building inspection are complete.
2. Without a lot consolidation, no Certificate of Occupancy shall be issued until the deck receives a Variance to the required setbacks.
3. During construction the driveway shall be realigned with the new garage four feet to the south.

XI. **OTHER BUSINESS** - None

XII. **DIRECTOR'S REPORT** - None

XIII. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

XIV. **PLANNING COMMISSION COMMENTS AND QUESTIONS** - None

XV. **ADJOURNMENT**

The meeting was adjourned at 11:36 p.m.

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes June 11, 2015

MEETING NO. 2015-18: The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 5:00 p.m. by Mayor Merrill Sanford.

I. CALL TO ORDER / ROLL CALL

Assembly Present: Mary Becker, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Kate Troll and Debbie White.

Assembly Absent: Karen Crane.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Robert Palmer, Assistant Attorney; Hal Hart, Community Development Director; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Rorie Watt, Engineering/Public Works Director.

II. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

III. AGENDA TOPICS

A. Rezone Process

The Assembly reviewed the Law Department memo on process from Ms. Mead.

Ms. McKibben provided a presentation on how a request for rezoning occurs. She said that a rezone must substantially conform to the maps of the comprehensive plan. Mayor Sanford said the comprehensive plan was broad. What took precedence, the plan or the maps? Ms. McKibben said Title 49 was specific and called out the maps as taking precedence.

She said when a request for a rezone was submitted, the CDD staff scheduled a neighborhood meeting to take public comment and then provided a staff report to the Planning Commission for consideration. A rezone had to be reviewed with the idea in mind that any use in the spectrum of uses listed in the Table of Permissible Uses in the requested zoning designation could be developed on the property subject to rezoning. The Planning Commission heard all information, and either recommended approval or denial to forwarded the matter to the Assembly.

B. Planning Commission Minutes April 14, 2015 (DRAFT)

The draft minutes of the April 14, 2015 Planning Commission meeting were provided to the Assembly for review, as all three rezoning requests on the agenda were heard by the Planning Commission at that meeting.

C. Protest of Planning Commission's Recommendation to Deny Request to Rezone Tract B1 of USS 1568, Located at 7400 Glacier Highway.

Beth McKibben provided staff report on AME2015 0005, saying that the request was to rezone 19.71 undeveloped acres from Residential D-5 to mix of Residential D-18 (12.71 acres) towards the back of the lot and LC (Light Commercial) towards the Glacier Highway frontage. The CDD staff recommended the property be rezoned to D-18, and the Planning Commission denied the request in order to maintain D-5 zoning.

She showed an aerial photo of the area with an overlay of the current zoning in the area and the comprehensive maps showing the Medium Density Residential (MDR) designation of the property and area, with Urban Low Density Residential behind it. She read the definition of MDR: "These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (TPU) (CBJ49.25.300)." The staff recommendation was for D-18. The TPU allows some commercial uses in D-18 and they are low in intensity. Light Commercial allows for up to 30 units per acre and a wider variety of commercial uses, some not consistent with a residential neighborhood. The Planning Commission, based on public testimony, recommended D-5 and therefore recommended denial of the rezone request.

Mr. Jones asked if there were any guidance regarding access. Ms. McKibben said that through the subdivision process, a right of way access is required to provide access to large unsubdivided tracts of property. In this case, if this piece is subdivided, that type of access would be required to be provided to future development to adjacent parcels. Regarding access onto Glacier Highway, the CDD staff sought comments from DOT, but DOT preferred to reserve its comments to specific developments rather than rezone proposals, due to the variety of uses that could take place within a zoning designation.

Richard Harris spoke about his request for a rezone and his protest of the Planning Commission's recommendation for denial. He said the Comprehensive Plan was a guide. He said the actual numeric density of a district was not the deciding factor. It stated LC zoning should be adjacent to residential uses. Many of the uses in the LC were controlled by the Conditional Use Permit process, not the zone change process. The Assembly and PC should aim towards developing land to its highest and best use. He said his plan substantially fit within the confines of the comprehensive plan and maps. D-5 would not be a good use of the property to get affordable housing as the lots would be too large and the homes would need to be more expensive, similar to Mr. Duran's development next door. He showed the nearby D-18 lots and commercial businesses within a half mile of each direction of the subject property on a map, and he predicted further future subdivisions, as the area was underdeveloped. It was very common in the area to have commercial development in the front of a property. The Comprehensive Plan stated in Map G, the lower east Mendenhall Valley sub area should be utilized for light commercial and higher density mixed use type developments. He referenced several sections of the Juneau Economic Development Plan, including that Juneau should ensure "...an adequate supply of appropriately zoned land is available for commerce, and industry, as well as residential development." There is not enough residential or commercial land available in Juneau as stated in the plan, and the number one concern in the household community survey was affordable housing. Employers had the same concern and added a concern about the lack of availability of land for commercial development. D-18 was a great residential zoning, and light commercial on the front where there is more noise from traffic was

appropriate and could provide nice projects. The Assembly and committees have done studies and have requested help to implement the plan and he was trying to help by providing development.

Mr. Jones asked what kind of development was allowed in D-18 zoning and what different type of development was anticipated in the request for LC in the front. Mr. Harris said LC would allow for mixed use development he liked low level commercial and offices, etc. in the front with higher density multi-storied housing in the back. He did not have specific plans but the benefits were lot size and it would allow him to create different types of housing.

Ms. White asked about the number of units and said there were a lot of boggy wet spots and she asked how much property would be excluded from developable areas? Mr. Harris said the Corps of Engineers showed a majority of this property as wetlands, which was another reason he was asking for higher density. The 98 units could be fit within 3.25 acres of commercial ground. In D-18 there could be 98 units in 5.5 acres. There would be a lot of extra land that could be utilized as buffers to lessen the impact, but that would not be obtained with D-5 zoning.

Ms. Gladziszewski said MDR in the land use maps allowed 5-20 units per acre and LC allowed 30 units, so the LC zoning by definition did not fit in MDR. Mr. Harris said that case had been previously decided, that MDR was not meant to have a density designation as a deciding factor, in the matter of AME2013 0003 on Atlin Drive.

Ms. Troll asked why D-10 was not acceptable. Mr. Harris said the cost of the roads were significant and if more housing could be compacted into a smaller area he could develop at a lower cost which resulted in greater affordability. Mr. Harris said he had not calculated D-10 but D-15 D-18 was generally the ballpark to make things work.

Mr. Nankervis asked how much of the 19 acres were wetlands and Mr. Harris said approximately 12 acres. The property was currently being delineated.

Mr. Kiehl said he was a no vote on the previous case cited and said he still had some concerns about incompatible uses in LC zones with MDR. D-18 allowed a number of commercial uses that might be compatible and asked if any of those were allowed in D-15. Mr. Harris said D-18 was necessary for commercial use. Mr. Kiehl said the zoning in the area seemed to be a patchwork and in that context, the Chair of the PC said "there was no buffer big enough to fix a zoning mistake," and he asked about how potentially incompatible uses could be mitigated. Mr. Harris said that could be addressed through the conditional use process, when a project was brought forward, and that was when the decision about whether or not a specific development fit into an area. A zone change was giving a general a direction of how the area was headed. D-5 was an old designation and did not pencil out in Juneau today. He said he was trying to make the property work.

Ms. Becker asked how many units could be developed with D-18 zoning. Mr. Harris said roughly 400 but the controlling factors were the topography, parking, wetlands and other factors, so that number was generally reduced. It was not possible to condense housing due to wetland factors in D-5 only in D-18. Mayor Sanford asked Ms. McKibben to confirm that and she said yes.

Public Comment:

Josette Duran said she and her husband Marciano were developing the Vista del Sol subdivision next to this parcel and she supported increased housing and commercial space, but were opposed to this rezone request. Spoke about the fact that much of Juneau's lands did contain wetlands and she thought the Assembly would open a can of worms by approving rezones just because developers can not achieve maximum density. In this case this would quadruple density. There were ways to develop this parcel to achieve maximum density through off-site mitigation and the Planned Unit Development code section allowed for on-site preservation of wetlands and a mixture of residential types with no minimum lot size and lesser street standards, which was achievable without the impact to the neighborhood. They developed Vista Del Sol at less than D-5 to preserve the existing neighborhood. D-5 opened rentals by allowing people to buy homes. Commercial space was not compatible with D-5 neighborhoods. She said the applicant sketch did not provide a buffer or shield and a prior rezone near Fred Meyer's from D-5 to D15 required a 200 foot buffer during the Assembly rezone process. The Comprehensive Plan encourages maintenance of the density of existing neighborhoods.

Marciano Duran thanked the Assembly for the focus on increasing housing in the community. This parcel could be developed at a D-5 and they had made it work next door. There was a demand for D-5 housing types and if this property was rezoned it would create a bigger mess and they had people waiting for homes that had front and back yards, and D-18 did not work in this area. Developers had an obligation to not sit on property and to develop the property when there was a need. The highest use of the property was not necessarily the best.

Ms. Gladyszewski asked what about this parcel made it inappropriate for D-18 in the area since it was on the bus line and had sewer and water. Mr. Duran said there was a potential for 400 units and that was a tremendous amount of traffic and that would be difficult to combine with commercial traffic. Adding 400-500 cars would not reduce the vehicle noise.

Ms. Becker asked if the homes he had built were affordable. Mr. Duran said that was debatable. Ms. Becker said she believed \$250,000 was the level of affordability and he said that their houses were more expensive but they would open up other housing when people moved into their homes.

Mr. Jones asked about the wetlands and Mr. Duran said they ran into that problem but developed their lots at 7000 sf. per lot.

Doug Wesley said he knows there is a need for high density housing but also a need for housing with larger lots. He and his wife had been exasperated in trying to find a place to live after being in the community for a year. They decided to buy a home on the tract next door and he said there was a need for D-5 housing as any home for sale on Craig's List was bought before a call could be made. He said there needed to be housing type options.

Roger Sams said he had lived near the property in question for 40 years. He was opposed to the projected project at the density level requested. D-5 was appropriate and he could not imagine the traffic and congestion problems with the type of housing units discussed whether 300 or 500 units. The neighbors in the area were long term residents and he was concerned with his status quo.

Dave Hanna said Mr. Hart and the Planning Department had done an excellent job encouraging development over the past few years and they had been very thorough. The Planning Commission was correct to say that the current zoning should stay in effect. There was a need

for more development in the D-5 area and Juneau needed more stand alone single family homes. D-10 sf may also be appropriate, but there was not need for commercial property on this parcel with Walmart on one end and Fred Meyer on the other. LC was the least restrictive zoning in this area and this neighborhood does not need a liquor store, or 400 apartments. We have reached the point in this community for getting development in place and we don't need to push it further and we should support the Planning Commission on this issue.

Mr. Jones said the Auke Bay plan looked at the problem of the hodge podge of zoning, and looking at this roadway, would this area be a candidate for this type of review considering all of the uses in the area. Mr. Hanna said it would be appropriate to look at and maybe include it in the Lemon Creek planning.

Ms. Gladziszewski said the staff recommended D-18 and the PC did not. Mr. Hanna said yes, there were caveats and he thought D-18 was inappropriate due to neighborhood incompatibility and the need for more D-5 housing.

Ms. Troll asked about a traffic analysis and Ms. McKibben said that action would take place when a development permit application was expected to generate more than 500 trips per day and was only triggered with a development permit application and not a rezoning request.

Ms. White said that almost everything in LC required a conditional use permit (CUP) so wouldn't that allow review for neighborhood compatibility. Ms. McKibben said a CUP required findings for neighborhood compatibility, however it would be difficult for the PC to deny a CUP and to make findings that an activity was not compatible and in her time at CBJ she had not seen this finding made and so the Planners considered that any one of the uses in the TPU could take place.

Mr. Jones asked if there were significant wetlands and the property was developed at D-5, how could the density be moved around. Ms. McKibben said if there was one acre zoned D-18 and 18 units per acre, and half was in wetlands, all 18 units could still be put on the one acre, but setbacks, parking and rights of way and height would still be a factor. In D-5, a one acre lot would equal one home, and to get the maximum density the lot has to be subdivided into lots of 7000 s.f., so it was more challenging to concentrate the density into a smaller area. D-10 s.f. have a minimum lots size of 3600 s.f., so that is more flexible. Ms. McKibben said that in the single family zoning districts it was more challenging because the minimum lot sizes needed to be maintained. Montana Creek West was an example of a Planned Unit development. It was zoned D-3 and they were able to set aside a large area of wetlands for conservation and built single family homes and duplexes on smaller lots than what D-3 zoning generally allows.

Assembly Action:

MOTION, by Becker, to forward for introduction an ordinance, directing that staff incorporate the proposed rezoning, incorporating language that D-18 and LC be allowed.

Mr. Jones objected to LC being included.

Ms. Becker said Juneau needed more homes and more jobs and putting in commercial businesses in the area would bring in more workers and more jobs..

Ms. Troll objected and said it was hard to say LC was compatible with MDR and this would set a precedent and the need was not worth the precedent of such an incompatible interpretation.

Mr. Nankervis spoke against the motion and said he attended the Planning Commission meeting and heard the arguments and thought the Planning Commission ended up with the right decision. This would be a 25% increase in average daily trips in the area. The neighbors stated that was a significant increase. This was the wrong spot to go to LC and D-18 and he referred to the zoning map.

Ms. Gladziszewski spoke against the LC zoning in MDR.

Mr. Keihl said there were several incompatible uses in LC but disagreed with Mr. Nankervis that this would be an inappropriate place for increased density. He could not support the motion with LC included.

Ms. White said the property was surrounded by light commercial uses, we have the comp plan saying one thing but the economic plan and housing plan telling us to increase our density everywhere on public transit. If we can't do it here, surrounded by other commercial uses and an airport, why spend money on plans if they conflict. She said LC development would be subject to the CUP process and she favored the motion.

Mayor Sanford supported higher density residential to D-18 but did not support the commercial development.

Mr. Jones said there were commercial developments in the present zoning districts presently so he thought this should stay D-5.

Roll call:

Aye: Becker, White.

Nay: Jones, Gladziszewski, Kiehl, Nankervis, Troll, Sanford.

Motion failed, 2 aye, 6 nays.

MOTION, by White, to direct staff to draft an ordinance for introduction to rezone the property to D-18 only with no LC, based on the CDD staff recommendation and that MDR allowed 5 - 20 residential units per acre.

Mr. Jones objected and encouraged the Assembly to uphold the Planning Commission's decision.

Ms. Troll said she could support D-10 zoning, but thought D-18 was too intense. We have heard D-5 housing was a need, and should provide for a mix of uses and needs.

There was some discussion about D-10 and D-15 development.

Mr. Kiehl supported the motion to allow the Assembly to consider increasing the density in the area.

Ms. White said CBJ made an investment of water sewer transit and there were already two large businesses in a walkable area and the Assembly should increase density in this area to the highest extent possible.

Roll Call:

Aye: Becker, Gladziszewski, Kiehl, White, Sanford

Nay: Jones, Nankervis, Troll
Motion passed, 5 ayes, 3 nays.

- D. Protest of Planning Commission's Recommendation to Deny Request to Rezone Lot 5 Block B Alaska Juneau IV-11; Lot 10 – 15 Block B Alaska Juneau V; and Lot 2 Block A Alaska Juneau IV-11, Located on Mill Street and Eastaugh Way.

Beth McKibben provided presentation of the request to rezone in AME 20150001 from Industrial to Mixed Use (MU). The CDD staff and the Planning Commission recommended denial of the request.

The comprehensive plan indicates that the property in the area is designated HI Heavy Industrial, and residential, office, retail and personal service uses are not to be allowed, except that residential caretaker facilities could be permitted. She read the MU designation from the code. Residential in MU was allowed at 60 units per acre. MU required no setbacks and no height restrictions. MU allowed variety of uses and HI specifically excludes many of those uses. MU zoning did not conform with the maps of the comprehensive plan.

Mayor Sanford asked if residential was done in some industrial areas above the industrial use and Ms. McKibben said yes, it happened, but the comprehensive plan and zoning code did not provide the tools to accomplish that.

Mr. Jones said the applicant sought general commercial but was told by staff to pursue mixed use and asked for an explanation. Ms. McKibben described general commercial designations and provided the developmental standards, stating that 50 residential units per acre were allowed in GC.

Ms. Becker asked about housing already allowed in the area. Ms. McKibben said that Industrial zoning allowed one caretaker per lot but there may be non-conforming uses in existence throughout the borough.

Ms. Gladziszewski asked if the primary unit was boat storage, if an apartment could be above each lot and Ms. McKibben said each unit would need to be on an individual lot.

Errol Champion said he was asked by the owner/developer of this property how he could do something about housing in this area in the downtown core. They sought zone change to general commercial and provided power point presentation showing an number of examples of living accommodations above storage units and said this was trend. They were encouraged by CDD staff that GC might be too far from Industrial and changed the request to MU. They were denied in their application. Mr. Champion said that Alaska was one of 11 non-disclosed states so it was difficult to find information about sales. He recapped three year history of MLS sales. He spoke about the popularity of condo development. He showed a picture of one of the two buildings already on Lot 2 of the subject site. He said with former print shop and rock climbing wall on the "Rock Dump" location, it was becoming a commercial development area. He showed several slides of the type of development that the owner of the lot was interested in developing. He said the reality of the Rock Dump to be used as a major industrial area was limited and potentially unobtainable. Affordable housing units were needed downtown, and the taxable value would increase to the community. He supported a GC or MU designation.

Ms. White stated a conflict of interest because her adult son worked on the construction of the buildings under discussion. Hearing no objection, Mayor Sanford excused Ms. White from the discussion.

Public Comment:

Jake Manala, works for Alaska Marine Lines in the area and was very concerned about the potential restrictions his business would face if the area was rezoned to MU. There were currently complaints about industry noise from Douglas Island residents from across the Channel, and he was concerned that adding residential units would lead to people requesting that their business hours be decreased. Their business required timely delivery of freight. He distributed a letter of complaint received from a Douglas Island resident about their business noise, and a picture of the view that residents on the site proposed for rezoning would see, which was a wall of containers. He said eventually someone would ask to have the containers moved for their view, and would complain about their freight noise. Their business handles hazardous materials and explosives safely, but there were regulations regarding distances to inhabited buildings that needed to be maintained. These materials were needed by the mines in the area, which were a large economic engine for the community.

Mr. Jones asked if it was permissible for the Assembly to change this zoning designation to General Commercial, despite the Planning Commission recommendation. Ms. Mead said it could be done with findings to the effect that it was within substantial conformance with Heavy industrial in the comprehensive use map. She said that general commercial allowed single family residential.

Ms. Gladziszewski said that mixed use was more incompatible than general commercial, and Ms. McKibben agreed.

Ms. Becker asked if the freight line would be allowed in general commercial. Ms. McKibben said that she interpreted that the testimony to mean that the impacts of the freight operation would be objectionable to those uses that would be allowed in a MU or GC use, such as a residence.

Ms. Troll asked if the Assembly declined to introduce the ordinance, could the applicant apply for another rezone request for GC. Ms. Mead said yes, in January, the time periods for submitting zoning applications. Ms. Mead said that a comment was made that Heavy Industrial was an outdated description and should be updated. If the Assembly amended the comprehensive plan code to allow different uses in HI or changed the map, that would be enough of a different situation to allow the applicant to submit another request in January, otherwise it would not be a substantial enough change.

Mayor Sanford asked if the Assembly could amend the code to change heavy industrial? Ms. Mead said yes, the Assembly could table this matter and initiate a code change and bring back an appropriate ordinance to do a rezone. The Assembly could rezone independent of an application.

Mr. Jones spoke about the marijuana issue and those type of uses being limited to industrial uses, so if the assembly rezoned the area to something that allowed residential uses, that could be problematic.

Assembly Action:

MOTION, by Gladyszewski, to approve introducing an ordinance to affect this zone change, and requested ~~no~~ vote.

Ms. Gladyszewski said the PC and staff both disagreed with recommending this change, and there was very little industrial land available in Juneau. People in mixed use have an expectation that their residential rights will be protected and that did not seem like a good expectation for the rock dump.

Mr. Kiehl objected in order to vote no.

Roll call:

Aye:

Nay: Becker, Jones, Gladyszewski, Kiehl, Nankervis, Troll, Sanford

Abstain: White

Motion failed: 0 ayes, 7 nays, 1 abstention.

Ms. White rejoined the meeting.

- E. Protest of Planning Commission's Recommendation to deny a Request to Rezone ATS 556 TR A, Located at 1540 Thane Road

Beth McKibben gave a presentation of the request for rezone in AME2015 0002 submitted by the CBJ Public Works and Engineering Director. The CDD staff recommended approval of the zone change and the Planning Commission denied the request.

The request is to change 4.5 acres from Waterfront Industrial (WI) to Industrial (I) in the rock dump area. She showed a zoning map and aerial photo of the area. The majority of the parcel was zoned Industrial and the ribbon of property along the shore was zoned WI. The property was the site of the Juneau Wastewater Treatment Plant. The Comp Plan designation was Institutional and Public Uses (IPU) and a small part was Waterfront/Commercial/Industrial (WCI). Ms. McKibben reviewed the Comp Plan designation descriptions. She said the dilemma was that IPU was intended to support a variety of public uses. The applicant indicated the purpose of the rezone was to expand public uses that may be permitted in the Industrial district but not in the WI district. She referred to the Table of Permissible Uses and the note "n" which indicated a restriction to water dependent, water oriented or water related. The uses allowed in WI were not as broad as the uses allowed in Industrial. Another factor was that the lot for rezone was split in two different zoning districts and it was challenging to do split lot zoning to designate where the line was drawn between districts. The CBJ owned the property, it was in use as an IPU described designation, and no matter the zoning it would always be used for an institutional public use. The PC decision was based on the scarcity of waterfront lands and this change would result in the only industrial land on the waterfront that was not designated for waterfront use.

Rorie Watt said that when he became the Engineering and Public Works Director, a lot of opportunities and ideas were combined. Juneau was a small town with limited property availability and the Assembly has a goal to find more industrial land. CBJ was trying to provide efficient services and make the best use of the land that exists. The placement of the treatment plant in this location was a 100 year decision. The biosolid project may be a 20 year decision. The piece of land he was most interested in was the area outside of the fence and there is some developable land that could be used. He indicated the land on a projected map. He spoke about the need for areas of

expansion of operations of the treatment plant and said even if this request was not successful, he would never agree to give up that land to a Waterfront Industrial use as some treatment plant manager in the future would need land for another facility into the future. He did not have any waterfront use other than an outfall pipe. In the short run he would like to find a better place to park snow plow equipment in place of the abandoned bridge public works facility. He would like to manage the city's available lands for uses related to the biosolids project. The zoning district followed mean high tide for 100 feet, which was challenging, as it did not follow the property line. He asked the Assembly to take the planner's recommendation in support of this rezone request, that finding made sense. He said he thought the Planning Commission did not believe the matter was timely, but he said that it was, and now he could not apply for another year.

Mr. Nankervis asked why he was asking for Industrial use vs. public use. Mr. Watt said that was the zoning designation and IPU was the comp plan designation. He did not actually need the whole ribbon, but was particularly interested in the upland area of the property.

Mr. Watt explained a short history of the rock dump. The treatment plant was built in the 1970's. The rock dump was filled tidelands as a result of historic mining operations. The city owned the tideland surveys. He indicated on a map the areas that the Assembly gave to the Docks and Harbors Board to manage. Mr. Lockwood had a lease with the Docks and Harbors and part of the lease was to provide a survey of the leased area, which he had not done, and it got more complicated due to overlapping mineral claims. Everything was CBJ property barring mineral claims, which overlaid much of the rock dump.

Ms. Becker asked for clarification of what portion he was interested in rezoning. He outlined on the map.

Ms. Troll said the PC discussed amending the TPU and the lack of imminent need. Mr. Watt said that the method of achieving his ends was not an issue for him, and it had been suggested to him that modifying the TPU was a worse idea, but he had no opinion on that. Because he spoke about two possible uses for the property the PC may not have felt the need was imminent.

Mr. Kiehl said he could not see what use would not be currently allowed in the present designations, as it appeared that an associated parking lot to a public utility was allowed as a water related use. Mr. Watt said the definitions of water oriented definition did not fit his potential uses. Parking snow removal equipment or the biosolids project were not dependent to the water or related to being on the waterfront. The short term use was snow plowing but the long term use was expanded sewage treatment. He would like to secure and use the land so to make more beneficial use of other CBJ land, such as the former valley public works shop site. Ms. McKibben said that Mr. Kiehl was referring to a code section regarding Coastal Management and the relevant code section was the Table of Permissible Uses. Mr. Watt read CBJ 49.80 regarding the definition of water related/dependent/oriented. Ms. Mead said that all the definitions were somewhat similar, and were included in the discussions on marijuana zoning because she went back to the 1987 code and the concepts with respect to land uses evolved and were splintered into different sections of the code, including in the Coastal Management Plan. The idea of what is water dependent/related had remained the same since the late 80's, and she apologized for the lack of clarity.

Mr. Jones said the entire section should be done or not, not a patchwork. Mr. Jones asked if there was any activity that Mr. Lockwood would be doing that would be in conflict with the industrial zone. Ms. McKibben said moorage was allowed in waterfront and industrial zones, but perhaps some of the upland uses would be affected.

Public Comment:

Howard Lockwood said he was the manager of the Juneau Port Development LLC and handed out a packet of information to the Assembly. He said he was opposed to the zone change to Industrial designation as presented. He has an active lease on ATS 556A, which was signed in 2007 with CBJ and the area was designated WCI at that time. The WCI zoning was needed to construct the harbor and upland development for the mega-yacht (up to 250') harbor, that would be constructed with private capital at no cost to the taxpayers. A change to Industrial zoning would eliminate approximately 54 of the servicable slips out of the 112 in design. In addition, there are two major land title issues that had not been properly addressed to date. The CBJ did not own ATS556A in fee simple title in the same manner that they did the uplands. ATS556A is filled and submerged tideland which lied seaward of the mean high tide 154. ATS556A was granted to the city after statehood under Tideland Patent 224, a municipal preference right and contained a mineral reservation which reserved the gold, silver, lead and zinc to the benefit of the State of Alaska, its heirs and assigns. This property is left open for appropriation and Dr. Roger Eichmann staked 5 mining claims on nearly all of ATS556A sometime in the 1980's. These mining claims were valid and current with annual rents being paid as required to date. Both of these property title equities must be eliminated before anyone can legally do anything with that land. His packet contained more information. He spoke against the rezone. He said when the lease was signed in 2007, the first requirement was to take the survey from 556A and incorporate that into the lease document, eliminating only the city's sewer treatment plant at the time. He showed a state plat showing 556A which showed that ATS556A includes the treatment plant.

Ms. Troll said that the layout of the harbor did not appear to conflict with Mr. Watt's plans. Mr. Lockwood said that there needed to be upland support of the harbor and rezoning would remove 52 - 54 slips that would not be compatible in an industrial zone.

Mayor Sanford asked about the placement of the sewer treatment plant. Mr. Watt said the Assembly gave the Dock and Harbors authority over the land and he understood some was leased to Mr. Lockwood and the sewer treatment plant was not part of that lease. Mr. Watt said there was a long story going back to 2007, the lease was issued to Mr. Lockwood, with several conditions, including the requirement for a survey, easements, permits and starting construction, and those, in his opinion, had not been met and the lease had been extended a few times.

Ms. Becker asked if the area Mr. Watt wants to use is part of the lease. Mayor Sanford said he wants the Assembly to have the lease information when these issues arise.

Ms. McKibben said that private moorage was allowed in waterfront and industrial zones. Mayor Sanford said that the issue was the upland lots and the support services of the harbor uses, which was the big rub.

Mr. Kiehl said the TPU at 9.6 said that marine commercial facilities, including passenger traffic, were not allowed in industrial zoning, so that was the concern. Ms. McKibben said that TPU 9.600, marine commercial facilities, was a kind 10.510 and 10.520, private moorage was allowed in WI.

Ms. Mead said there was a provision in the lease that spoke to CBJ's use. After the first 36 months of the lease being signed, in 2010, it allowed CBJ to put on any public facility that did not conflict with the lease holder's plan, but part of the problem in defining the lease area was the survey, which had not been done to define the lease area. The Planning Commission mentioned the mining claim, which I have researched and spoken about with DNR, but they are two different things.

Ms. McKibben said 49.25.110 (f) said that district boundary lines are to follow property lines, streets, etc., as in existence when the maps are adopted.

Mayor Sanford asked when the lease with Mr. Lockwood was up and it was determined to be at the end of this year.

Mayor Sanford suggested letting this go and waiting to see what happened with the lease and let another request come back in January. Ms. Mead said that was possible if that was how the Assembly wished to act. The Assembly had the right to rezone property without concurrence of a property owner and spoke about the options. It was also noted that the CDD Director or Assembly could initiate a rezone.

Assembly Action:

MOTION, by Nankervis, to request staff draft an ordinance to introduce a rezone from WI to I using the CDD staff's findings and recommendations.

Ms. Gladziszewski objected as there seemed to be a lack of clarity about the mining claims and the lease and Mr. Lockwood had been working on this project for several years.

Mr. Kiehl said there were a few of unanswered questions and a few answers. He was not ready to forward this for approval and he was willing to wait to get answers. He questioned the need, the existence of a snow dump that may be incorrectly permitted and it went too deep. He had concerns about different standards applying to CBJ or private projects.

Ms. Becker asked if there could be answers about the confusion tonight. Ms. Mead said there is no confusion about the mining claims. If you have questions about the lease with Docks and Harbors we can follow up.

MOTION, by Becker, to table the motion until questions could be answered.

Ms. Troll objected.

Roll call to table:

Aye: Becker, Jones, Gladziszewski, Kiehl, White, Sanford

Nay: Nankervis, Troll.

Motion passed, 6 ayes, 2 nays.

Ms. Mead asked for clarity on the questions to be answered and after those were provided, an Assemblymember would need to make a motion to take the matter off the table.

Mayor Sanford said the Assembly needed to see and understand the lease. The Assembly needed to learn what would be affected with Mr. Lockwood's development in the uplands area by such a zone change.

Ms. Troll asked if it made sense to reduce the amount of property to be rezoned to the specific area that Mr. Watt would like to develop.

Mr. Kiehl said he wanted to understand waterfront uses and the standards related to waterfront related, dependent and oriented uses in historical perspective.

IV. ASSEMBLY COMMENTS AND QUESTIONS

None.

V. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 9:00 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Merrill Sanford, Mayor

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - July 20, 2015

MEETING NO. 2015-21: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Merrill Sanford.

I. ROLL CALL

Assembly Present: Mary Becker, Karen Crane, Jesse Kiehl, Jerry Nankervis (teleconference), Merrill Sanford, Kate Troll and Debbie White.

Assembly Absent: Maria Gladziszewski, Loren Jones.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Rorie Watt, Engineering/Public Works Director; Hal Hart, Community Development Director; Beth McKibben, Planning Manager; Greg Chaney, Lands and Resources Manager; Aaron Landvik, Admin. Asst.- Assessors; Patti DeLaBruere, Airport Manager; Aaron Dean, Airport Field Maintenance; Audrey Dean, Litigation & Support, CBJ Law.

II. SPECIAL ORDER OF BUSINESS

A. Aaron Dean, Equipment Operator II at JIA

Mayor Sanford read a letter of commendation to Aaron Dean, who while performing a routine runway inspection check at the airport, found a large bolt on the runway and shared his concern that the component was part of a major aircraft. It was found to be missing from a Boeing 737 freighter, which was loading on the runway, and his discovery, initiative and actions led to the prevention of a major airline accident.

III. APPROVAL OF MINUTES

A. June 29, 2015 Regular Assembly Meeting No. 2015-20

Hearing no objection, the minutes of the June 29, 2015 Regular Assembly Meeting 2015-20 were approved with minor corrections.

IV. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Kay Smith said on behalf of the Black Awareness Association, they appreciated the invitation to participate in the conversation regarding the flags on Egan Drive. Because of the actions of a small group of citizens who spoke out and worked through the appropriate channels, the community was able to say that it was time to exchange one Mississippi flag with another Mississippi flag.

Albert Judson spoke about his concern regarding the CBJ code criminal trespass section and a sample form called "Order to Leave and Stay Away from the Premises" that had been available on the CBJ website. He said the use of the form and implementation of the trespass code could violate a person's due process rights, a person's right to privacy and it opened the door to discrimination. The order could be issued based on allegations rather than facts and it could bar people from their liberty and freedom. He provided the City Attorney with a copy of an event that happened to him. He asked the Assembly to repeal the order and refrain from its use.

VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
None.

B. Assembly Requests for Consent Agenda Changes

Ms. Troll asked if all the issues had been resolved with the liquor license changes at the airport and Ms. Kiefer said that Ms. McEwen distributed an email to the Assembly from Mr. Ford, the Building Official, indicating that the outstanding building code issued had been addressed, and she recommended that the Assembly waive its right to protest.

C. Assembly Action

MOTION, by Becker, to adopt the consent agenda. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

- a. Ordinance 2014-24(AV) An Ordinance Appropriating to the Manager the Sum of \$7,830 as Funding to Provide for Commercial Motor Vehicle Inspections; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate a \$7,830 grant from the Alaska Department of Transportation and Public Facilities to provide commercial motor vehicle inspections.

The inspections are intended to determine the appropriateness of driver credentials as well as road worthiness of commercial vehicles with the ultimate goal of improving commercial vehicle safety in Juneau.

There is no match requirement for this grant.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- b. Ordinance 2015-20(E) An Ordinance Appropriating to the Manager the Sum of \$642,300 as a Transfer to the General Fund as Partial Funding for the Housing First Grant, Funding Provided by the Sales Tax Funds in the Housing Land Development Capital Improvement Project (CIP) D14-095.

This ordinance would appropriate \$642,300 as a transfer from the Housing Land Development capital improvement project (D14-095) to fund the Housing First Grant. The funding source is sales tax.

The CIP was never expended because the Assembly had not finalized an order of priority for CBJ's housing development projects. In lieu of placing the funds into the Peterson or Switzer CIPs, the Assembly decided to create a new CIP called "Housing Land Development" to hold the funds until the Assembly made a decision on transferring the funds.

This funding represents a portion of the CBJ's \$1.5 million commitment to the Juneau Housing First Project.

After this appropriation is completed, CIP D14-095 will be closed.

The Finance Committee approved this action at its March 28, 2015, regular meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- c. Ordinance 2015-20(G) An Ordinance Appropriating to the Manager the Sum of \$100,000 as Funding for the Lemon Creek Gravel Scale Replacement Capital Improvement Project (CIP) D14-020, Funding Provided by the Lands Fund's Fund Balance.

This ordinance would appropriate \$100,000 as a transfer from the Lands Fund's fund balance to the Lemon Creek Gravel Scale Replacement CIP (D14-020).

The existing Lemon Creek truck scale, which serves two CBJ material sources in Lemon Creek, has worn out to the point that it cannot be repaired and a replacement scale is necessary. This appropriation is required to establish a CIP for the purchase and installation of the replacement scale.

The Lands Committee approved this action at its July 13, 2015, regular meeting, and recommended forwarding it to the full Assembly for approval.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- d. Ordinance 2015-20(H) An Ordinance Authorizing the Manager to Accept the State of Alaska, Department of Environmental Conservation's Offer of Grant Amendment No. 1 for Partial Funding of the Salmon Creek Secondary Disinfection Capital Improvement Project and Appropriating to the Manager \$3,000,000 in additional Grant Funding Provided by the State of Alaska, Department of Environmental Conservation.

This ordinance would appropriate an additional \$3,000,000 in Municipal Matching grant funding in addition to the \$1,000,000 already on the project, from the Alaska Department of Environmental Conservation (ADEC) Division of Water for the following project:

Water Treatment Improvements - Salmon Creek LT2 Upgrades
\$3,000,000

This grant has a 40% match requirement which will be provided with the funds already on the CIP.

ADEC Grant 44593 originally appropriated \$1,000,000 with Ordinance 2014-24(Q) and ADEC Grant Amendment No. 1 increases the grant amount by \$3,000,000, which this ordinance 2015-20(H) will put on the project, bringing the total grant to \$4,000,000.

The Public Works and Facilities Committee will review this item at its August 3, 2015 regular meeting.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- e. Ordinance 2015-32 An Ordinance Amending the Land Use Code Relating to Child and Day Care Facilities.

This ordinance would amend CBJ Title 49 as it relates to child and day care homes and centers, in order to address an identified need in the community for child care.

The ordinance would amend the Table of Permissible Uses to expand where child care homes and centers can operate, would add minimum standards for these operations, and would amend the definitions for child care centers and homes.

At its regular public meeting on June 23, 2015, the Planning Commission adopted the analysis and findings in the Community Development Department's staff report and, with some revisions, recommended that the Assembly approve the ordinance.

The Lands Committee considered the ordinance at its July 13, 2015, meeting, and recommended that the Assembly approve the ordinance.

The Manager recommends the ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- f. Ordinance 2015-33 An Ordinance Amending the Uniform Sales Tax Code Relating to the Single Item Tax Exemption.

This ordinance would exclude jewelry sales from the single item sales tax cap exemption. The Finance Committee addressed this issue at its April 22, 2015, meeting and recommended forwarding this change to the full Assembly for adoption.

This ordinance would be effective January 1, 2016, to allow for the current summer and holiday retail season to continue uninterrupted, and to allow affected merchants adequate time to prepare.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- g. Ordinance 2015-36 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 2386 Lots N, J1 and J2, Located near Glacier Highway at the South End of Auke Lake, from D1(T)D10 to D-3.

In May 2015, the Community Development Department initiated an application to transition Lots N, J1 and J2 of USS 2386, located near Glacier Highway at the south end of Auke Lake, from D1(T)D10 to D10. These three lots were part of a larger transition area granted a zoning upgrade by the Planning Commission in November 2012, when it transitioned 49 lots east of the subject lots from D1 (T)D10 to D-10. The subject lots were not ready to be transitioned at that time however.

At the June 23, 2015, Planning Commission meeting the Commission heard public testimony on the proposed transition. Based on the public testimony received, the Planning Commission declined to finalize the zoning upgrade and instead approved recommending to the Assembly a rezone of the three lots to D-3.

Two of the subject lots have a Comprehensive Plan land use designation of Medium Density Residential (MDR). The third lot is designated MDR and Urban Low Density Residential (ULDR). The MDR designation calls for between 5 and 20 units per acre. The ULDR designation calls for 1 to 6 units per acre.

Per CBJ 49.75.120, Restrictions on rezones, rezones shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan. In considering rezone requests, Staff makes a threshold determination as to whether the proposed zoning district meets the density limitations specified by the land use designation of the comprehensive plan land use maps.

CBJ 49.25.210(b) provides that D-3 has a density of 3 units per acre, is located primarily outside the urban service boundary where public utilities are not provided, and that the limited amount of D-3 zoned land within the urban service boundary is appropriate where a lower density is deemed appropriate or, in the case of transition zones, where the zoning is intended to be changed to a higher density when sewer and water are provided.

At its meeting on July 13, 2015, the Lands Committee considered the proposed rezone and recommended forwarding it to the full Assembly for its approval.

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

- h. Ordinance 2015-37 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$1,300,000 to Finance the cost of Educational Capital Improvements and Districtwide Major

Maintenance Projects, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 6, 2015.

This ordinance authorizes placing on the October 6, 2015, general election ballot the question of issuing \$1.3 million in 10 year general obligation bond for the purpose of funding a variety of school district deferred maintenance capital projects.

For several years the District, working together with CBJ Engineering, used prior bond money from the major maintenance capital improvement project. This source of money was fully expended. The 2015 State Legislature suspended the school-related debt reimbursement program for five years. The District need for these small projects will continue even though the state suspended its program. The Board of Education passed a motion at its June 9, 2015, meeting requesting that the Assembly provide \$1.3 Million for district-wide deferred maintenance and minor capital improvements.

At the June 22, 2015, Assembly Committee of the Whole meeting, a motion was passed directing staff to prepare this ordinance. If this is approved by voters during the October general election, beginning in FY17 the debt service component of the mill rate for the new bonds would be .038 mills. This amount of debt service would raise annual property tax revenues of \$160,000 to pay the annual debt service for 10 years. The .038 mill levy would collect approximately \$4 per \$100,000 of assessed value or approximately \$14 for the average single family home (estimated at \$350,000).

The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

2. Liquor License

- a. Liquor License Restaurant Designation Permit Modification for Premises Expansion at Juneau Airport - Jacobsen Daniels d/b/a Romeo's Tap Room

During the Summer of 2014, the Airport began the long-term concept of a consolidated food and beverage operation on the second floor of the airport terminal by introducing food and beverage in the departure lounge of the Juneau International Airport terminal. The Airport Board at its meeting on January 14, 2015 approved expansion of the food and beverage concession area to provide a larger bar area and to add a prep kitchen to enhance menu options.

Jacobsen Daniels representative Dan Brown has been working with Alcohol Beverage Control staff and CBJ staff to ensure the reconfiguration is compatible with the liquor license requirements. ABC Licensing Supervisor Sarah Oates indicated that this action does not require a new liquor license but is rather a change to the restaurant designation permit application. As such, it does not need to go back to the ABC Board for approval, however, it is still subject to approval by the local governing body and then approval by the ABC Director.

CBJ liquor license review staff in the Police, Fire, Finance, Community Development, and the Engineering/Public Works Departments have all had a chance to review and comment on this change to the liquor license premises. Building Official Charlie Ford has stated that there are one or two issues that remain outstanding and should be finalized and approved by Friday, July 17, 2015 and otherwise, staff from all departments recommend the Assembly approve this modification to the Restaurant Designation Permit as shown on the attached maps found in your packet.

The Manager recommends the Assembly approve the modification to the Restaurant Designation Permit provided all issues are resolved and approved by the Building Code Official prior to this meeting.

- b. Liquor License Transfer of Restaurant/Eating Place License #4192 Seongs S. Kim d/b/a Seong's Sushi Bar & Chinese Takeout to Jeong H. Kim d/b/a Seongs Sushi Bar

The following liquor license transfer of ownership and application for a Restaurant Designation Permit (RDP) is before the Assembly to either protest or waive its right to protest and approve or deny the RDP.

Restaurant/Eating Place License #4192

Transfer from: Seong S. Kim d/b/a Seong's Sushi Bar & Chinese Takeout

Transfer to: Jeong H. Kim d/b/a Seongs Sushi Bar

Location: 740 W. 9th Street, Juneau, AK 99801

The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, Engineering/Public Works, and Community Development Departments have reviewed the above business and found it to be in compliance with CBJ Code.

In the event the Assembly does protest the transfer of this license, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

The Manager recommends the Assembly waive its right to protest this liquor license transfer and approve the Restaurant Designation Permit.

VII. PUBLIC HEARING

- A. Ordinance 2014-24(AU) An Ordinance Appropriating and De-appropriating to the Manager the Sum of \$14,300 and \$4,778 Respectively as Additional Funding for the Salt Water Pump House Stabilization CIP; Additional Funding Provided by the Alaska Department of Natural Resources and In-Kind Services and Supplies.

The project is now complete and this ordinance would appropriate additional grant funds made available from the Alaska Department of Natural Resources Office of History and Archaeology to install a new roof structure and new roofing material on the Salt Water Pump House located on Sandy Beach and part of the historic Treadwell Mine Complex. In

addition this action would appropriate in-kind services and materials to the project budget which was used and approved as a portion of the required match for the grant.

The Treadwell Historic Preservation and Restoration Society provided funds to the CBJ as a match to the grant. The amount of funds provided proved to be in excess of what was required due to the additional funds provided by the state and in-kind supplies and services supplied by outside vendors. Thus, excess funds would be returned to the Society for future projects at the Treadwell Historic Mine Site.

The specific amounts subject to this ordinance are as follows:

- Appropriation of additional funds received from the Alaska Department of Natural Resources Office of History and Archaeology totaling \$5,023.51.
- Appropriation of donated services and materials totaling \$9,275.84.
- De-appropriation of donated funds from Treadwell Historic Preservation and Restoration Society totaling \$4,777.16.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2014-24(AU). Hearing no objection, it was so ordered.

- B. Ordinance 2015-20(A) An Ordinance Appropriating to the Manager the Sum of \$72,000 as Funding for the Accessory Apartment Grant Incentive Program, Funding Provided by the Juneau Affordable Housing Fund's Fund Balance.

This ordinance would appropriate \$72,000 for an Accessory Apartment Grant Incentive Program.

The Affordable Housing Commission has designed a program to incentivize the development of accessory apartments. The basic concept behind the program is to provide homeowners a sum of money, after a certificate of occupancy is obtained, for newly constructed accessory apartments.

Originally, the funding for this program was proposed to come from \$77,000 remaining in an affordable housing grant from the State of Alaska. That ordinance failed at the Assembly's March 16, 2015, meeting.

At the June 8, 2015, Assembly meeting, a motion was passed to direct staff to prepare an ordinance that allows for the project to be funded by the Juneau Affordable Housing Fund, in the amount of \$72,000.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Troll, to adopt Ordinance 2015-20(A).

Mr. Kiehl objected. He said he maintained his objections from the last time this issue was before the Assembly because there was a Housing Action Plan underway and we do not know the results of that plan yet. This program would issue grants without a return of funds. By the time this ordinance would become effective, this program would not missing a building season. We have not heard from the consultant about the recommendations and we are using money to incentivize things that are probably going to happen anyway.

Ms. Troll said the Affordable Housing Commission (AHC) was tracking the Housing Action Plan closely and there was nothing in the plan to suggest that this effort was not a good move. The AHC was very involved with this and thought this moderate spending would return a good result.

Roll call:
Aye: Becker, Crane, Nankervis, Troll, White, Sanford
Nay: Kiehl
Motion passed, 6 ayes, 1 nay.

- C. Ordinance 2015-20(B) An Ordinance Appropriating to the Manager the Sum of \$5,270,000 as Funding for Various Water and Wastewater Capital Improvement Projects; Funding Provided by Water Utility Revenues, Water Fund’s Fund Balance, and Wastewater Fund’s Fund Balance.

This ordinance would appropriate \$5,270,000 for Water and Wastewater Utility capital projects with funding provided by the Water and Wastewater Fund's fund balances. The FY16 Water and Wastewater Capital Improvement Projects (CIPs) were included in the overall FY2016 -2021 CIP Resolution 2713(b) in the unscheduled funding section.

This ordinance would appropriate \$1,000,000 of Water Utility funds and \$330,000 of Water Fund’s fund balance to the following FY16 Water Utility CIPs. The estimated remaining Water Fund’s fund balance will be \$4,010,000 after this appropriation.

WATER UNSCHEDULED FUNDING		
Water Utility	Cope Park Water Main	\$ 350,000
Water Utility	Crow Hill Reservoir improvements	500,000
Water Utility	Front Street Douglas (Savikko to D St)	150,000
Water Utility	W Juneau Reservoir - Cathodic Protection and mixer	140,000
Water Utility	Utility Adjustments: Lakewood	20,000
Water Utility	Utility Adjustments: Pavement Management	20,000
Water Utility	Distin / W Eighth Reconstruction	150,000
Water Enterprise Fund Total		\$ 1,330,000

This ordinance would appropriate \$3,940,000 of Wastewater Fund’s fund balance to the following FY16 Wastewater Utility CIPs. The estimated remaining Wastewater Fund's fund balance will be \$1,750,000 after this appropriation.

WASTEWATER UNSCHEDULED FUNDING		
Wastewater Utility	MWWTP Headworks Improvements	\$ 1,500,000

Wastewater Utility	MWWTP Roof Repair	500,000
Wastewater Utility	Areawide Sewer Cleanout replacements	150,000
Wastewater Utility	Utility Adjustments: Eagles Edge	20,000
Wastewater Utility	Utility Adjustments: Pavement Management	20,000
Wastewater Utility	Front Street Douglas (Savikko to D St)	150,000
Wastewater Utility	Downtown, Whittier St Improvements	150,000
Wastewater Utility	Lakewood Subd Reconstruction	150,000
Wastewater Utility	SCADA	250,000
Wastewater Utility	Facilities Planning	250,000
Wastewater Utility	MWWTP Instrumentation Upgrades	300,000
Wastewater Utility	Long Run Dr Lift Station Improvements	300,000
Wastewater Utility	Distin/ Indian Reconstruction	100,000
Wastewater Utility	Cope Park Sewer improvements	100,000

Wastewater Enterprise Fund Total \$ 3,940,000
Water and Wastewater Funding Total \$ 5,270,000

The final design of the Cope Park Improvements project discovered additional unforeseen sewer and water repairs necessary during the project that were not accounted for in the FY16 CIP. These increases are reflected in the \$50,000 increase for Cope Park Water Main and the addition of \$100,000 for Cope Park Sewer Improvements.

Two water utility projects from the FY16 CIP are not included in this list due to being ADEC grant requests – Salmon Creek Secondary Disinfection (\$3 million) and Last Chance Basin Well Upgrade (\$2 million). Salmon Creek appears to be successful in receiving the full \$3 million, but is awaiting the Governor's signature.

The projects receiving grant and loan funding will be presented to the Assembly for appropriation at a future date, when the applications are complete and the funding is made available to the CBJ.

The Public Works and Facilities Committee reviewed this ordinance at its June 22, 2015 meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2015-20(B). Hearing no objection, it was so ordered.

- D. Ordinance 2015-20(C) An Ordinance Appropriating to the Manager the Sum of \$850,000 as Funding for the City Shop Sand and Salt Storage Shelter; Funding Provided by Waste Management Fund's Fund Balance.

This ordinance would appropriate \$850,000 from the Waste Management Fund's fund balance as support for the sand and salt storage shelter to be located at the City Shop in Lemon Creek.

As discussed at the March 2nd and March 23rd Public Works and Facilities Committee meetings, there are significant operational efficiencies to be gained by constructing a new sand and salt storage shelter at the City Shop. Allocating more

space to the Household Hazardous Waste program will allow that program to grow and to increase diversion from the landfill and provide the community with additional free chemical products.

The combination of this appropriating ordinance, the transfer of \$176,135, approved at the June 8, 2015 Assembly meeting, and the FY16 CIP Resolution 2713d of \$300K will provide the funding to complete this project. A conservative project estimate for the sand and salt storage shelter is \$1.4M (the estimate has increased \$200,000 since we last reported to PWFC), but we expect very competitive bidding from contractors and suppliers of fabric building systems.

Moving forward with this project will position the CBJ to achieve three important goals:

1. Save money on street maintenance.
2. Incrementally grow the HHW Program
3. Open the opportunity in the future to combine the HHW and Recycling programs and save on the costs of those programs.

The Manager recommends this ordinance be adopted.

Public Comment:

Geoff Larson, said he represented the Alaska Brewing Company, located next to the facilities referenced. He asked for clarification that the salt storage facility proposed was being located at the seven mile city shop. He asked how this action fit into the long term plan for the area. and said long term planning for Lemon Creek was important to do before making decisions that shackled future development. CBJ needed to put this industrial land to the best use for the community.

Ms. Kiefer said that the salt storage facility was planned to be located at the seven mile shop.

Mr. Watt said there is not a long term plan for Lemon Creek, but there were two different programs at two different facilities and in the long term it would make sense to co-locate recycling and hazardous waste, but that decision had not been made and was a good question to investigate.

Mr. Kiehl said that putting a fabric building at the seven mile shop increased the flexibility of the program, rather than decreasing it. Mr. Watt agreed and said that it removed a complicating factor, the salt storage, from the current site and made the salt use more efficient, and improved the ability to use the current Lemon Creek site for other purposes.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2015-20(D). Hearing no objection, it was so ordered.

- E. Ordinance 2015-20(D) An Ordinance Appropriating to the Manager the Sum of \$500,000 as Funding for the Juneau International Airport Runway Rehabilitation Capital Improvement Project, Funding Provided by the Juneau International Airport Operating Reserves.

This ordinance would appropriate \$500,000 for the Runway Rehabilitation capital project.

Funding is provided as follows:

Juneau International Airport Operating Reserves: \$500,000

These funds would be reimbursed from a pending Federal Aviation Administration (FAA) grant amendment.

This airport capital project would resurface the runway, and install new drainage. The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport.

The Airport Board approved this action at its June 23, 2015, Special meeting, and recommended forwarding to the full Assembly for approval.

The Manager recommends this ordinance be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Crane, to adopt Ordinance 2015-20(D). Hearing no objection, it was so ordered.

F. Ordinance 2015-34 An Ordinance Amending the Land Use Code Relating to Transitional Housing.

This ordinance would amend Title 49 as follows:

1. By creating a transitional housing category in the Table of Permissible Uses (CBJ 49.25.30) and related definition, consistent with the Board of Adjustment's unlisted use decision, dated August 26, 2014.
2. By amending the definition of "correctional facility" to include "halfway houses," and by amending the Table of Permissible Uses to delete references to "halfway houses."
3. By eliminating the "group home" category and definition for consistency with federal law.
4. By amending the "assisted living" definition to distinguish that category as it has historically been understood from transitional housing and multifamily housing.

The Planning Commission considered this ordinance at its July 14, 2015, meeting and, with an amendment to the definition of "transitional housing", recommended forwarding it to the Assembly for its approval. As the ordinance had already been introduced, the Planning Commission's recommendation is reflected in the memorandum included in your packet.

The Manager recommends this ordinance be adopted.

Ms. Mead referred to her memo in the packet which spoke about the language in the draft ordinance defining "Transitional Housing," and a change recommended by the Planning Commission, to add that "Residents live in transitional housing by choice." She explained her

concern about that wording, that it appeared to require an inquiry into the subjective intent of the residents before a permit for transitional housing could be approved. She offered a change to their recommendation based on their intent to further distinguish between correctional facilities and transitional housing in her memo.

Ms. Crane said AWARE referred to their new housing complex as transitional housing, but those residents are not being released from incarceration. Ms. Mead said that facility was a multi-family living facility, not technically a transitional housing unit.

Mr. Nankervis agreed with Ms. Mead's recommended language and the Planning Commission intended to flesh out the language.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2015-34.

MOTION, by Kiehl, to amend, on page 4 line 17 - 20, by replacing that definition of transitional housing, with the recommended language from Ms. Mead, "Transitional housing means residential use for people released from a correctional facility or similar facility. Residents may be on probation and parole. Although approval by the Department of Corrections may be necessary for a resident to reside in transitional housing, unlike a correctional facility, a resident is not ordered to live in transitional housing. An owner or manager must live on site." Hearing no objection, it was so ordered.

Hearing no objection, Ordinance 2015-34 was approved as amended.

G. Ordinance 2015-35 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Tract B1 of USS 1568, Located at 7400 Glacier Highway, from D-5 to D-18.

In January 2015, the applicant applied to have Tract B1 of USS 1568, located at 7400 Glacier Highway, rezoned from D-5 to a mix of D-18 and Light Commercial. On February 26, 2015, staff held an informational meeting to discuss the proposed rezoning with all property owners in the affected area.

The Planning Commission, at its April 14, 2015, meeting, recommended denial of the proposed rezone to the Assembly. The applicant, on April 24, 2015, submitted a timely protest to the Planning Commission's recommendation of denial.

On June 11, 2015, the Assembly took comments from the applicant and the public and received information from staff. The Assembly requested staff draft an ordinance for public hearing that, if adopted, would rezone the above-identified area from D-5 to D-18.

The rezone from D-5 to D-18 conforms to CBJ land Use Code requirements as follows:

1. The request is more than 2 acres.
2. No similar request has been made in the past year.
3. The request conforms to the 2013 Comprehensive Plan land use maps.

The Manager recommends this ordinance be adopted.

Public Comment:

Rich Harris said approving this zone change ordinance would be the right thing to do. A consultant who assisted the Housing Action Plan told the AHC that increasing density was one of the best ways to improve the housing situation in Juneau, and by approving this ordinance, it would be a step in the right direction.

Dave Hanna said at the original Planning Commission hearing, there were several residents that spoke against this and the Planning Commission (PC) recommended denial. He thought there people were not present to speak because some were discouraged with the process and some were not aware this issue was before the Assembly tonight. He knew Mr. Duran was trying to attend this meeting. This change would impact this neighborhood's residents investments and their lives. Juneau needs land for more single family homes and this area is zoned for that. Please consider the Planning Commission's comments and that single family housing is underserved.

Ms. Troll said that in reading the PC minutes, the zone change was seen as too abrupt, and thought that D-10 may be a compromise. She asked Mr. Hanna for his comments. Mr. Hanna said he supported D-10 and he would be applying for a rezone in Douglas for an area that could be built to D-18, but would propose D-10 for that type of housing. He thought owner occupied houses in a lower residential zoning district had a different character.

Assembly Action:

MOTION, by White, to adopt Ordinance 2015-35.

Ms. Troll objected. She said that after considering the neighborhood input, looking at the comprehensive plan, she believes the Planning Commission was correct. She could support an increase to D-10.

Ms. White said that Tamarak Condominiums were highly valued and their proximity to Mountainside Estates did not affect the Mountainside Estate property values. We need to utilize land on the transit system the best we can.

Mr. Kiehl said that traffic was one of the main concerns for the residents in the area, but there had been a lot of work in the area and the design specifications allowed a greater traffic load than was present. The state had essentially made a major infrastructure investment in that area. He said the comprehensive plan allowed for zoning up to this density of D-18.

Roll call:

Aye: Becker, Crane, Kiehl, White, Sanford

Nay: Nankervis, Troll

Motion passed, 5 ayes, 2 nays.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

A. Hardship Real Property Exemption - Darnell

Ms. Kiefer said that there were three hardship real property tax exemption applications and two senior citizen property tax exemption applications that were all filed late, and therefore could not be considered by the Assessor for action without permission of the Assembly. Backup from the applicants with some confidential information was emailed directly to the Assemblymembers, which included the applicants reasons for filing late. Ms. Kiefer said the first two requests, A and B, cited medical and age related issues for the late file. The other three requests in items C, D, and E cited that it was either their first time to apply, they were not aware of the process, and in all cases it was the first time the persons were eligible to apply. She was concerned about a "slippery slope" when we state a deadline and then ignore the deadline. She recommended approving A & B and not approving C, D and E.

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to allow the Assessor to process the late filed application from the Darnell household for a2015 Hardship Exemption.

Ms. Troll said she did not object but questioned the "high end" of valuation of property for qualification for a hardship exemption. She said the property was approximately valued at \$.5 million, and this was generous in the concept of "hardship."

Aaron Landvik said he oversaw the senior and hardship exemption applications for the Assessor's office. The hardship exemption was determined on a sliding scale and was dependent on the 2014 median income level for Juneau. For a two person household, the maximum income was \$84,000 and for a three person it was \$92,800.

Hearing no objection, it was so ordered.

B. Hardship Real Property Exemption - Felipe

Public Comment: None.

Assembly Action:

MOTION, by Kiehl, to allow the Assessor to process the late filed application from the Felipe household for a2015 Hardship Exemption. Hearing no objection, it was so ordered.

C. Hardship Real Property Exemption - Fratzke

Public Comment:

Assembly Action:

MOTION, by Crane, to allow the Assessor to process the late filed application from the Fratzke household for a2015 Hardship Exemption.

Ms. Troll objected and concurred with the city manager, that we begin to start a slippery slope with people not filing in a timely manner.

Roll call:

Aye: Becker, Crane, Nankervis, Sanford

Nay: Kiehl, Troll, White

Motion failed, 4 ayes, 3 nays.

D. Senior Citizen Exemption Late File - Lockhart

Public Comment: None.

Assembly Action:

MOTION, by Crane, to allow the Assessor to process the late filed application from Ann M Lockhart for a2015 Senior Citizen/Disabled Veteran Exemption.

Ms. Troll objected.

Roll call:

Aye: Becker, Crane, Nankervis, Sanford

Nay: Kiehl, Troll, White

Motion failed, 4 ayes, 3 nays.

E. Senior Citizen Exemption Late File - Miller

Public Comment: None.

Assembly Action:

MOTION, by Crane, to allow the Assessor to process the late filed application from Scott Miller for a2015 Senior Citizen/Disabled Veteran Exemption.

Ms. Troll objected.

Roll call:

Aye: Becker, Crane, Nankervis, Sanford

Nay: Kiehl, Troll, White

Motion failed, 4 ayes, 3 nays.

X. STAFF REPORTS

A. Airport Supplemental Agreement #2 - E14-259 JNU Runway 8-26 Rehabilitation

Ms. Kiefer provided a staff report for the Assembly's information regarding her action to approve an Airport Supplemental Agreement #2, E14-259 JNU, Runway 8-26 Rehabilitation, for work on Alex Holden way as she made a finding that it was in the best interest of CBJCurrent playtimeer CBJ 53.50.040. As the work fell under her authority, there was no action required of the Assembly.

Ms. Kiefer said she followed up on an Assembly request regarding an interest in some off street parking being provided for access to fishing at the end of the cul-de-sac on Channel Drive. She said the property has been identified as Alaska Department of Transportation right of way and she has attempted to contact them about this issue but has not been able to speak with anyone directly yet. Mr. Nankervis thanked Ms. Kiefer for looking into this.

XI. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Sanford said information about HB46 regarding a tax abatement for subdivisions would be coming before the Committee of the Whole on August 3.

Mayor Sanford said he complied with the terms of the friendly bet and wore his Yukon hat as a result of the efforts of those in the tennis challenge with Sister City Whitehorse, Yukon.

Mayor Sanford asked for a report on how many senior citizen sales tax exemption cards had been issued.

Mayor Sanford encouraged the Assembly to keep moving forward on projects as they come forward, even if planning efforts are on-going, as planning takes time and we need to take action no to the best of the ability of the Assembly. He asked the Assembly to keep an open mind on projects that come before the Assembly.

B. Committee Reports

Committee of the Whole: Chair Becker reported on the COW meeting on June 13. The next meeting was set for Monday, July 27, at 5 pm to discuss the subdivision ordinance.

Finance Committee: Chair Crane said the next meeting was set for Thursday, July 30, at 5:30 p.m.

Human Resources Committee: The next meeting of the HRC was set for August 10, 2015, at 6 p.m.

Lands and Resources Committee: Chair Kiehl said the committee met on and considered land use code changes regarding childcare facilities, recommended creation of a new CIP for a CBJ truck scale at the gravel pit, and reviewed a question regarding a rezone request at the south end of Auke Lake. It is a transitional zone and the PC recommended against the transition - this would proceed forward and a procedural question for zoning protests he asked if the Assembly should have them come forward to committees before they go to the full Assembly. This one was an application by CBJ, and we do not want the public to feel the city gets an extra step in this process, even though the staff did not want to bring something forward to the Assembly without a review in the committee. Mayor Sanford said he was concerned about duplicating efforts in committees, but would like to hear Ms. Mead's comments on that issue.

Marijuana Committee: Chair Kiehl said the next meeting was Thursday, July 23 at 6:00 p.m.

Public Works and Facilities Committee: Chair Nankervis said the next meeting was set for August 3.

C. Liaison Reports

Airport Board: Liaison White said the Airport Board would hold a special Committee of the Whole meeting on Tuesday, July 28 at 2 p.m. The Board may move its regular meetings to Tuesday.

Bartlett Regional Hospital Board: Liaison Crane said the next meeting was set for Tuesday, July 28, at 5:30 p.m.

Affordable Housing Commission: Liaison Troll said the AHC met Thursday, June 21, and the actions coming out of the Housing Action Plan were items that all of the Assembly should be paying attention to. The AHC pushed for specific actions from the consultant. We are doing what we can to upzone, but the developers are not responding and there may be a more active role to play. Ms. Troll said the plan was out in draft form for comments and Ms. Kiefer would ensure all Assemblymembers would receive a copy.

Chamber of Commerce: Liaison Becker said Pat Pitney spoke to the Chamber members about the state economy and she was very upbeat, despite the state of the state. Cathy Munoz would be the next guest speaker.

Downtown Improvement Group: Ms. Becker said that JPD met with downtown business owners about safety and protecting stores from theft.

Juneau Commission on Sustainability: Liaison Troll said the committee met on June 10 and said it can address many of the concerns that Mr. Watt has about electric buses and would like an opportunity to make those comments to the Assembly. Ms. Kiefer said staff had received comments from the JCOS and in addition to the bus being electrified is the issue of the charging stations needed. The diesel buses to be purchased this year do not tie us into future purchases.

Juneau Convention and Visitors Bureau: Liaison White said Liz Perry was hired as the new executive director.

Juneau Economic Development Council: Liaison Troll said JEDC was very busy with summer camps, the "Storefront Star" award went to "Trove," and JEDC completed a visitor satisfaction survey. It was interesting to learn that the walkability of downtown had the highest satisfaction score and the look and feel of downtown had improved in the perception of the public and visitors. She suggested the results be provided to the Assembly COW.

Southeast Conference: Liaison Becker said the Southeast Conference received a presentation on the pending changes to the fall/winter ferry schedule.

School Board: Liaison Kiehl said the Board would hold a work session on July 23 to discuss charter schools, budget impacts and the evaluation of the superintendent.

UAS Campus Council: Liaison Kiehl said a few Assemblymembers were able to meet Jim Johnson, candidate for UAS Statewide President, and Mr. Kiehl said Mr. Johnson has a good understanding of UAS within the overall system.

D. Presiding Officer Reports

Ms. Mead said the a draft decision on the Bicknell v Planning Commission appeal was due July 30, 2015.

XII. ASSEMBLY COMMENTS AND QUESTIONS

Mayor Sanford wanted to ensure that the members are comfortable with his writing of the performance evaluation of Ms. Kiefer and invited members to review the draft. Mr. Nankervis said he objected to the evaluation. Ms. Troll and Ms. Becker said Mayor Sanford captured the Assembly's comments. Ms. Crane and Mr. Kiehl asked to take a look at the final draft, Mayor Sanford said he would ask the Assembly to vote on its adoption at the next meeting.

Ms. Becker said that the IGA had a ribbon cutting and would also be purchasing Super Bear so another ribbon cutting would be held in the future.

Mr. Kiehl said he attended the free day at the pool supported by the Rotary and the pool was filled to capacity. He congratulated the pool staff for their patience and great work to provide a safe, fun event. He reported on attending a ceremony to welcome a new cruise ship to town which begins and ends their tours in Juneau so they use the airport and hotels and provides a great economic benefit to Juneau. The governor mentioned Juneau's resolution of support for the expansion of the medicaid program and this will create jobs and provide better health care to many. He rode along with JPD on Friday night and it was busy and a remarkable learning experience. JPD officers do a lot of peace making and prevent crime and injuries. He said CBJ would greatly benefit from someone tasked with Public Information, to serve as a point of contact for press inquiries. The public doesn't have any one point of contact. He referred to the Housing Action Plan - Mr. Steedle explained the draft was not ready for public distribution. He referred to closure of Twin Lakes and said there should have been more information out.

Ms. Crane, attended National Association of County Officials (NACO) in Charlotte NC, where the U.S. Secretaries of Defense and Transportation. PILT and secure rural schools continues to be a priority for NACO. She spoke about the topics, and attending the board meeting and western region meeting.

Ms. Troll thanked the city manager for the information on shoreside power and said she learned a lot. She was thankful for the recognition of Aaron Dean and the good news to counterbalance the bad news recently with accidents and the plane crash. She encouraged participation in the upcoming National Night Out Tuesday on August 4.

Mr. Nankervis asked for follow up information on the status of the recycling baler, the completion date for the Centennial Hall Roof project and about trucks/containers for biosolids at the WWTP that are not being used.

Ms. Becker asked for follow up information about why there is not a handicap button on the door at Centennial Hall.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

A. Juneau Arts and Cultural Center Lease Agreement

B. City Attorney Evaluation

MOTION, by Becker, to enter into executive session, to discuss a matter in which attorney client privilege applies, namely the Juneau Arts and Cultural Center Lease Agreement, and to discuss the city attorney performance evaluation. Hearing no objection, the Assembly entered into executive session at 8:50 p.m., with Mr. Chaney, Mr. Steedle, Ms. Kiefer and Ms. Mead in attendance for the first issue, and Ms. Mead in attendance for the second issue.

The Assembly returned to regular session at 10:20 p.m. Mr. Kiehl said the Assembly heard information and gave direction about the JACC lease agreement, and considered the city attorney's evaluation.

At some point, Mr. Nankervis left the meeting.

MOTION, by Kiehl, to approve the City Attorney's evaluation aswritten and to provide a5% pay increase. Hearing no objection, it was so ordered.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:21 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Merrill Sanford, Mayor

LEGEND

- ⊕ PRIMARY T&N ENG. MONUMENT RECOVERED THIS SURVEY
- ⊙ PRIMARY DOT MONUMENT IN CASING RECOVERED THIS SURVEY
- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- 3" ALUM. JW BEAN
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- SECONDARY JW BEAN MONUMENT RECOVERED THIS SURVEY

_____ SURVEYED
 _____ UNSURVEYED
 _____ CENTERLINE
 _____ SURVEY TIE LINE
 _____ EASEMENT
 [Pattern] DRAINAGE EASEMENT

J.W. BEAN
 L-5 TR B S1568
 2008
 TYPICAL SECONDARY MON.
 1-1/4" YELLOW PLASTIC CAP
 5/8" REBAR, 36" LONG

R=PLAT NO. 2011-16

RECORD DIMENSIONS DIFFERENT FROM MEASURED OR CALCULATED DIMENSIONS ARE SHOWN IN PARENTHESIS. ALL RECORDED INFORMATION THIS SURVEY FROM PLAT NO. 95-56 AND VISTA DEL SOL SUBDIVISION, PHASE I, PLAT NO. 2011-16 UNLESS OTHERWISE NOTED.

BASIS OF BEARING

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

CORPORATE OWNERSHIP CERTIFICATE:

I HEREBY CERTIFY THAT DURAN CONSTRUCTION CO. LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS MANAGER/ MEMBER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Date June 26, 2012Owner Marciano G. Duran

MARCIANO G. DURAN
MANAGER/ MEMBER

NOTARY ACKNOWLEDGMENT:

UNITED STATES OF AMERICA)

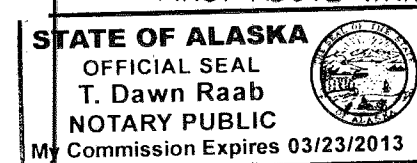
) S.S.

STATE OF ALASKA)

THIS IS TO CERTIFY THAT ON THIS 28th DAY OF June, 2012 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED MARCIANO G. DURAN, MANAGER/ MEMBER

TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

Notary Public for Alaska T. Dawn RaabMy Commission Expires 3/23/12

PLANNING COMMISSION CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. 516-2011-0001 DATED: June 26, 2012, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

DATED: July 2, 2012.

ATTEST:

CHAIRMAN
CITY & BOROUGH OF JUNEAU
PLANNING COMMISSION

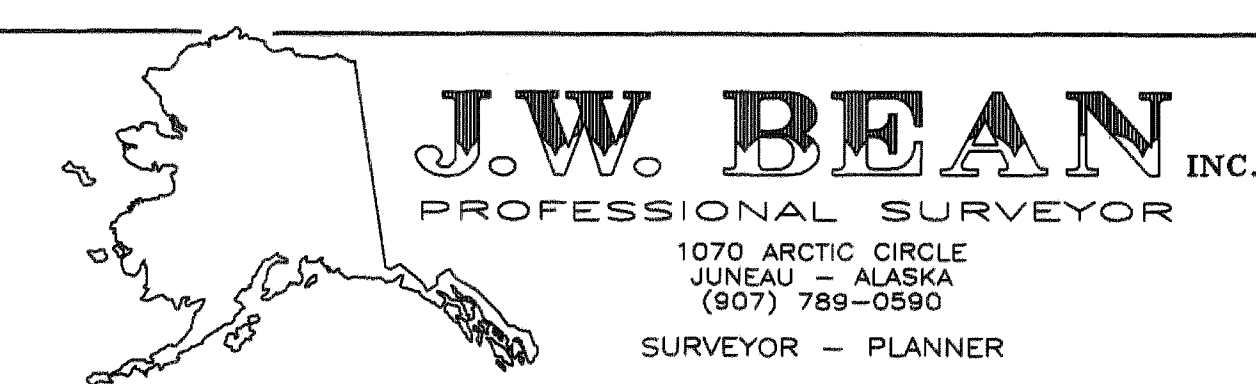
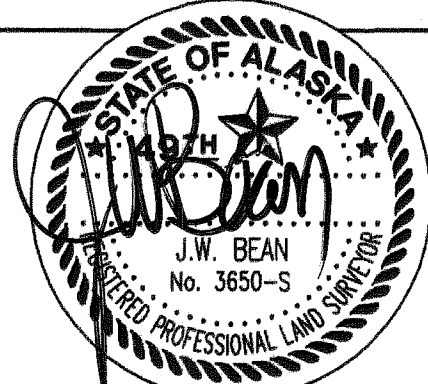
CLERK
CITY & BOROUGH OF JUNEAU
PLANNING COMMISSION

Julie Hui
Municipal Club CBT



CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE 6-27-2012

CURVE TABLE				
CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE
C1	85°22'28" (85°21'42" R)	30.08	44.82	N51°23'34"E 40.79'
C2	42°03'22"	77.00	56.52	N21°01'41"W 55.26'
C3	34°36'37"	100.00	60.41	S24°45'03"E 59.49'
C4	82°33'15"	25.00	36.02	N48°43'36"W 32.99'
C5	48°11'30"	25.00	21.03	S65°29'24"W 20.41'
C6	51°26'59"	50.00	44.90	N67°44'34"E 43.41'
C7	86°31'57"	50.00	75.51	S43°15'58"E 68.54'
C8	86°32'03"	50.00	75.52	S43°16'01"W 68.54'
C9	51°26'55"	50.00	44.90	N67°44'18"W 43.40'
C10	48°11'17"	25.00	21.03	S65°29'57"E 20.41'
C11	97°26'45"	25.00	42.52	N41°16'38"E 37.58'
C12	2°40'11"	317.07	14.77	N08°46'51"W 14.77'
C13	13°18'20"	317.07	73.63	N16°46'06"W 73.47'
C14	7°19'23"	317.07	40.52	N27°04'57"W 40.50'
C15	12°01'43"	178.33	37.43	S24°43'48"E 37.37'
C16	22°49'30"	178.33	71.04	S07°18'11"E 70.57'
C17	12°58'41"	178.33	40.39	S10°35'54"W 40.31'
C18	57°32'48"	105.00	105.46	S61°13'36"W 101.08'
C19	57°32'48"	55.00	55.24	S61°13'36"W 52.95'
C20	15°07'28"	128.33	33.88	S09°31'31"W 33.78'
C21	32°42'28"	128.33	73.26	S14°23'26"E 72.27'
C22	12°03'02"	367.07	77.20	N24°43'08"W 77.06'
C23	11°14'51"	367.07	72.06	N13°04'11"W 71.94'
C24	34°36'37"	50.00	30.20	S24°45'03"E 29.75'
C25	36°23'09"	127.00	80.65	N23°51'47"W 79.30'
C26	42°03'22"	102.00	74.87	N21°01'41"W 73.20'
C27	34°36'37"	75.00	45.30	S24°45'03"E 44.62'
C28	23°17'54"	342.07	139.10	N19°05'42"W 138.14'
C29	47°49'54"	153.33	128.00	S08°49'42"E 124.32'
C30	57°32'48"	80.00	80.35	S61°13'36"W 77.02'
C31	48°58'57"	25.00	21.37	N05°28'42"W 20.73'
C32	19°12'28"	50.00	16.76	S20°20'05"E 16.68'
C33	34°23'05"	50.00	30.01	S08°27'41"W 29.56'
C34	34°22'19"	50.00	30.00	S40°50'23"W 29.55'
C35	34°25'40"	50.00	30.04	S75°14'22"W 29.59'
C36	45°27'02"	50.00	39.66	N04°49'17"W 38.63'
C37	48°43'10"	50.00	42.52	N42°15'50"E 41.25'
C38	48°36'24"	25.00	21.21	S41°47'05"W 20.58'

EASEMENT CURVE TABLE				
CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE
C39	020°52'39"	50.00'	18.22'	S70°18'46"W 18.12'

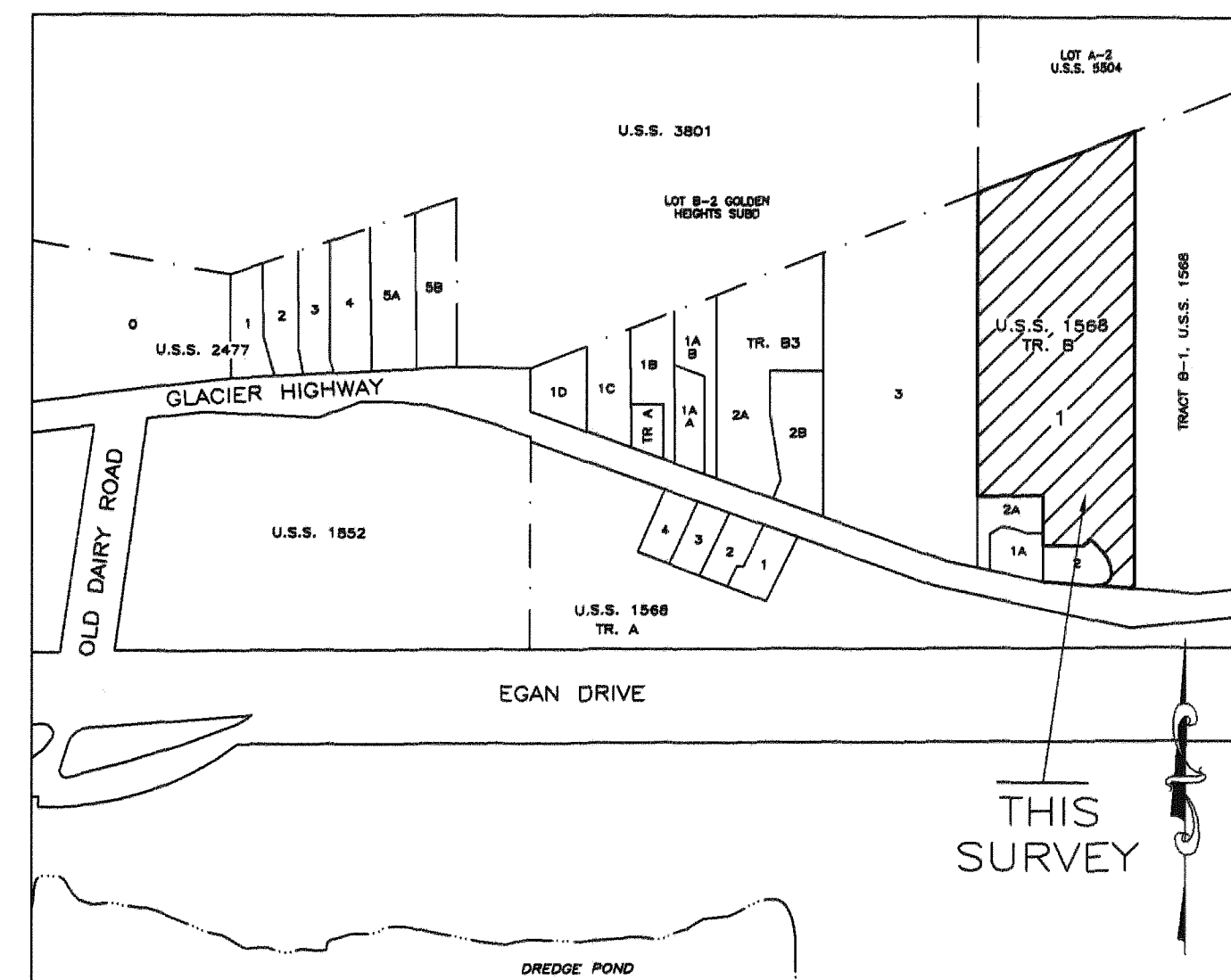
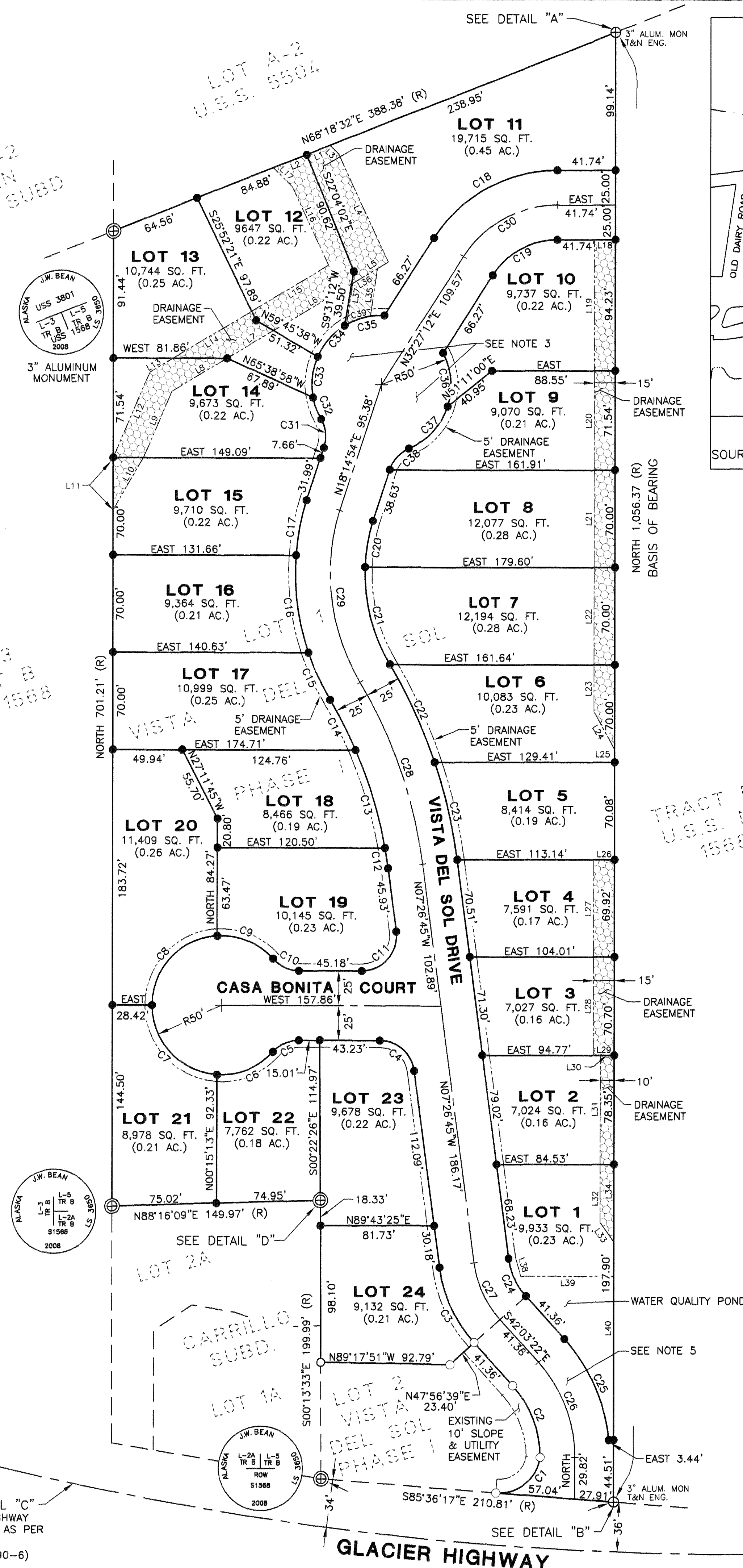
EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L1	N68°18'32"E	17.94'
L2	N68°18'32"E	25.82'
L3	S45°36'42"E	8.78'
L4	S24°46'51"E	85.56'
L5	S59°02'23"W	30.79'
L6	S59°02'23"W	64.47'
L7	S59°02'23"W	39.78'
L8	S59°02'23"W	46.31'
L9	S24°08'50"W	51.90'
L10	S24°56'07"W	43.59'
L11	NORTH	37.77'
L12	N23°08'50"E	66.92'
L13	N59°02'23"E	19.45'
L14	N59°02'23"E	65.87'
L15	N59°02'23"E	64.44'
L16	N24°46'51"W	82.43'
L17	N45°36'42"W	19.18'
L18	EAST	15.00'
L19	NORTH	94.23'
L20	NORTH	71.54'
L21	NORTH	70.00'
L22	NORTH	70.00'
L23	NORTH	33.85'
L24	S28°48'39"E	31.13'
L25	NORTH	8.87'
L26	NORTH	15.00'
L27	NORTH	69.92'
L28	NORTH	70.70'
L29	EAST	15.00'
L30	EAST	10.00'
L31	NORTH	78.35'
L32	NORTH	41.81'
L33	S35°02'56"E	17.41'
L34	NORTH	56.06'
L35	S8°21'23"W	34.46'
L36	S59°02'23"E	20.67'
L37	N10°15'31"E	28.88'
L38	S16°23'08"E	13.99'
L39	EAST	66.78'
L40	NORTH	117.48'

50' 0 100'
 Scale in feet
 SCALE: 1"=50'

SEE DETAIL "C"
 GLACIER HIGHWAY
 CENTERLINE AS PER
 FM-0955(3)
 (PLAT NO. 90-6)

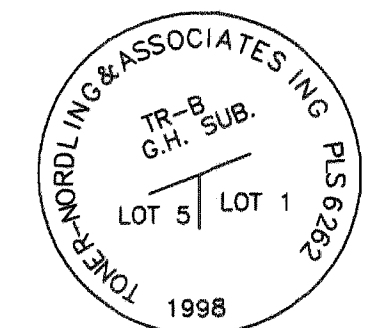
LOT B-2
GOLDEN
HEIGHTS SUBD

LOT 3
TRACT B
U.S.S. 1568

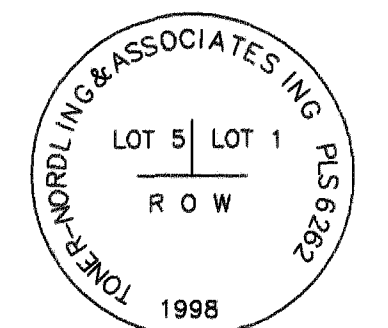


VICINITY MAP

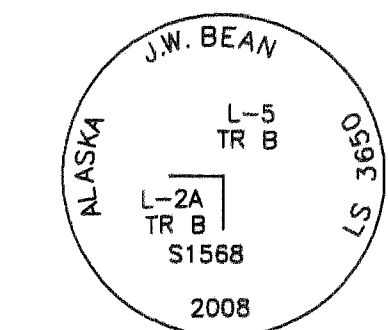
SOURCE: C.B.J. BASEMAP SERIES (M-1, M-4, M-5) - SCALE: 1" = 400'



3" ALUMINUM MONUMENT
DETAIL "A"



3" ALUMINUM MONUMENT
DETAIL "B"



3" ALUMINUM MONUMENT
DETAIL "D"

2012-18
 Plat #
Juneau
 Rec Dist
7-3
 Date
2012
 Time
2:33 PM

NOTES:

- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
- ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
- IF VISTA DEL SOL DRIVE IS EXTENDED TO THE ADJACENT PROPERTY, CONSTRUCTED TO CBJ STANDARDS, AND ACCEPTED FOR MAINTENANCE BY CBJ PUBLIC WORKS, PORTIONS OF THE CUL DE SAC RIGHT-OF-WAY MAY BE VACATED THROUGH AN APPROPRIATE SUBDIVISION PROCESS.
- DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES
- VISTA DEL SOL SUBDIVISION PHASE I ACCESS AND UTILITY EASEMENT VACATED THIS PLAT AND DEDICATED AS RIGHT-OF-WAY.

PLAT OF
**VISTA DEL SOL SUBDIVISION
 PHASE II**
 A SUBDIVISION OF
**LOT 1, VISTA DEL SOL
 SUBDIVISION PHASE I**
 WITHIN U.S. SURVEY NO. 1568
 CITY & BOROUGH OF JUNEAU, ALASKA
 JUNEAU RECORDING DISTRICT

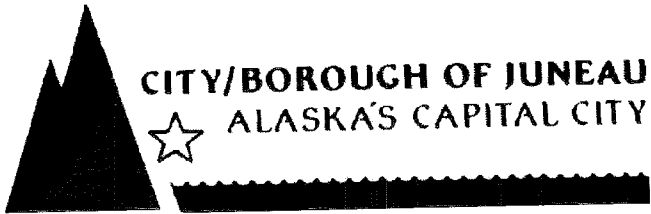
OWNERS:
 DURAN CONSTRUCTION CO. LLC
 PO BOX 32634
 JUNEAU, ALASKA 99803

SURVEYOR:
 JW BEAN, INC.
 PROFESSIONAL SURVEYOR
 1070 ARCTIC CIRCLE
 JUNEAU, ALASKA 99801

SHEET 1 OF 1
 SCALE: 1"=50' DATE: 6-27-2012 PROJ: 8751-CASA-DEL-SOL-PH2

Juneau 2012-18

Section J, Item 2.



Treasury Division
155 S. Seward Street
Juneau, AK 99801
(907) 586-0375 Phone
(907) 586-5367 Fax

CERTIFICATION OF PAYMENT OF TAXES

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Federal District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described property is carried on the tax records in the name of:

DURAN CONSTRUCTION COMPANY LLC

Current Owner


VISTA DEL SOL LT 1

Description

5-B14-0-101-002-3

Parcel Code Number

and that, according to the records in my possession, all taxes assessed against said lands and in favor of the City and Borough of Juneau are paid in full; that current taxes of the year 2012, due on or before September 30, 2012, have been paid.


Randy L. Wiley Treasurer

July 3, 2012

Date

This Certification of Payment of Taxes is valid through June 15, 2013

	Number of...																
	Units	One Bedroom	Two Bedroom	Three (+) Bedroom	Total parking spaces required	Garage Parking	Surface Parking Needed	Surface Parking provided	Cumulative Parent Lot 1	Cumulative Parent Lot 2	Cumulative Parent Lot 3	Phase ADA Required Parent Lot 1	Phase ADA Provided Parent Lot 1	Phase ADA Required Parent Lot 2	Phase ADA Provided Parent Lot 2	Phase ADA Required Parent Lot 3	Phase ADA Provided Parent Lot 3
Phase 1																	
A	24	12	12	0	30	8	22										
B	24	16	8	0	28	8	20										
C	24	16	8	0	28	8	20										
	72				86	24	62	67	86	0	0	4	4	0	0	0	0
Phase 2																	
D	24	16	8	0	28	8	20										
E	24	16	8	0	28	8	20										
F	24	16	8	0	28	8	20										
G	24	16	8	0	28	8	20										
H	24	16	8	0	28	8	20										
I	24	16	8	0	28	8	20										
J	20	16	4	0	22	6	16										
	164				190	54	136	136	276	0	0	6	6	0	0	0	0
Phase 3																	
K	22	16	6	0	25	7	18										
L	22	16	6	0	25	7	18										
M	24	16	8	0	28	8	20										
N	24	16	8	0	28	8	20										
O	22	16	6	0	25	7	18										
P	22	16	6	0	25	7	18										
	136				156	44	112	112	276	156	0	0	0	6	6	0	0
Phase 4																	
Q	22	16	6	0	25	7	18										
R	22	16	6	0	25	7	18										
	44				50	14	36	50	276	156	50	0	0	0	0	2	2
Phase 5																	
Townhomes	28				56				276	156	106	0	0	0	0	0	0
TOTALS																	
	444								276	156	106	10	10	6	6	2	2

Appendix B: 2021 Income Limits and Rental Limits

City and Borough of Juneau Income Limits for 2022 (effective 4/18/22)

4-person AMI \$120,900

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
30% AMI	25,380	29,010	32,640	36,270	39,180	42,060	44,970	47,880
60% AMI	50,760	58,020	65,280	72,540	78,360	84,120	89,940	95,760
80% AMI	67,680	77,360	87,040	96,720	104,480	112,160	119,920	127,680
100% AMI	84,600	96,700	108,800	120,900	130,600	140,200	149,900	159,600
120% AMI	101,520	116,040	130,560	145,080	156,720	168,240	179,880	191,520

Source: HUD User Datasets:

https://www.huduser.gov/portal/pdrdatas_landing.html

City and Borough of Juneau Rental Limits for 2022 (effective 4/18/22)

Bedrooms (People)	Fair Market Rent	30% AMI	60% AMI	80%AMI	100% AMI	120% AMI
Efficiency (1.0)	958	634	1,269	1,692	2,115	2,538
1 Bedroom (2.0)	1,154	725	1,450	1,934	2,417	2,901
2 Bedrooms (3.0)	1,442	816	1,632	2,176	2,720	3,264
3 Bedrooms (4.0)	2,048	906	1,813	2,418	3,022	3,627
4 Bedrooms (5.0)	2,432	979	1,959	2,612	3,265	3,918
5 Bedrooms (6.0)	N/A	1,051	2,103	2,804	3,505	4,206

Source: HUD User Datasets: https://www.huduser.gov/portal/pdrdatas_landing.html



Myths and Realities about Public Housing

Oct 17, 2019

Myths and Realities about Public Housing

Myth #1: Public housing is crumbling everywhere!

Reality: 85% of public housing meets or exceeds federal quality standards and more than 40% of developments are considered “excellent.”

Myth #2: Public housing is a hotbed for criminal activity!

Reality: Researchers agree that high crime rates in areas with lots of public housing are not due to the housing itself, but more likely to the lack of opportunity in the area in which the housing is built. Public housing in neighborhoods with access to employment, commerce, good schools, and other community institutions have crime rates similar to the rest of the neighborhood.

Myth #3: Residents hate it there! They want to get out!

Reality: Surveys consistently show large majorities of public housing residents are satisfied with their housing. So many people are eager to live in public housing and benefit from its affordability that nearly all of the nation’s more than 3,000 PHAs have waiting lists that are more than one year long.

Myth #4: They are all just ugly high-rise projects!

Reality: Most public housing buildings are three stories tall or less, with townhomes buildings the most common architecture. When public housing was at its peak in terms of total units, only 27% of public housing was in high-rises, and that number has dropped since the early '90s.

Myth #5: Low-income white people in America do not benefit from public housing.

Reality: 53% of households living in public housing identify as white. “The Long Wait for a Home,” NLIHC’s 2016 report on PHA waiting lists, shows that 58% of households currently on waiting lists are low-income white renters.

Myth #6: Public housing is only for poor people!

Reality: Households with incomes up to 80% of area median income are eligible to move into public housing. For a 4-person household, this would be \$129,150 in an expensive city like San Francisco, or \$67,300 in a more affordable area like Fargo, ND. These standards are well above the poverty line. PHAs can set their standards below the maximum, and many of them do, but public housing can serve middle-income as well as poor households. Once living in public housing, resident incomes are allowed to climb above average for their community, up to 120% of AMI.

Myth #7: Residents in public housing have no power!

Reality: Public housing’s concentration of subsidized renters in one location, the allocation of tenant participation funds for organizing activities, and required resident participation in PHA planning create an environment for better tenant mobilization than most other forms of affordable rental housing.

The data and information for this article is largely drawn from two excellent books. *In Defense of Housing* by David Madden and Peter Marcuse was released by Verso in 2016. *Public Housing Myths: Perception, Reality, and Social Policy*, edited by Nicholas Dagen Bloom, Fritz Umbach, and Lawrence J. Vale was released in 2015 by Cornell University Press.

COLLECTIVE BARGAINING AGREEMENT

between the

**ALASKA STATE EMPLOYEES ASSOCIATION,
AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES
LOCAL 52, AFL-CIO**



and the

STATE OF ALASKA



covering the

GENERAL GOVERNMENT BARGAINING UNIT

July 1, 2022 through June 30, 2025

The Fund shall be sponsored and administered by the Union. The Employer shall have no voice in the amount or type of service provided by this plan; however, services provided by the Fund shall not be used in actions involving, or in a position adverse to the State of Alaska. The Fund shall attempt to obtain the maximum service possible for the bargaining unit member.

This Article confers only the right to demand and enforce payment of the required contributions. No dispute under or relating to such benefits or claims shall be subject to the grievance-arbitration procedure in the Collective Bargaining Agreement except a claim that the Employer failed to make the agreed upon contributions. Only the State's failure to make the required contribution is subject to the grievance-arbitration procedure. The provision or retention of legal assistance under this Article is the sole and exclusive responsibility of the Union and/or the member.

Unless such actions are taken to demand and enforce payment by the State of the required contributions, the Union agrees to defend, indemnify and hold harmless the State against any and all legal actions, orders, judgments or other decisions rendered in any proceeding as a result of the implementation of this Article.

ARTICLE 21 –Wages

21.01 Wages.

Wage tables can also be found at the Division of Finance website. ASEA General Government wage tables are located midway on the webpage: http://doa.alaska.gov/dof/payroll/sal_sched.html

- A. The following shall be the wage schedule for bargaining unit members who are subject to AS 23.40.200(a)(2) and (3) (Class Two and Three) occupying positions which are assigned to a normal workweek of thirty-seven and one-half (37:30) hours.

Range	Step A	Step B	Step C	Step D	Step E	Step F	Step G
5	1,058.25	1,086.00	1,116.75	1,149.00	1,183.50	1,214.25	1,250.25
	14.11	14.48	14.89	15.32	15.78	16.19	16.67
6	1,116.75	1,149.00	1,183.50	1,214.25	1,250.25	1,285.50	1,327.50
	14.89	15.32	15.78	16.19	16.67	17.14	17.70
7	1,183.50	1,214.25	1,250.25	1,285.50	1,327.50	1,368.00	1,408.50
	15.78	16.19	16.67	17.14	17.70	18.24	18.78
8	1,250.25	1,285.50	1,327.50	1,368.00	1,408.50	1,449.75	1,498.50
	16.67	17.14	17.70	18.24	18.78	19.33	19.98
9	1,327.50	1,368.00	1,408.50	1,449.75	1,498.50	1,542.00	1,587.00
	17.70	18.24	18.78	19.33	19.98	20.56	21.16
10	1,408.50	1,449.75	1,498.50	1,542.00	1,587.00	1,635.75	1,690.50
	18.78	19.33	19.98	20.56	21.16	21.81	22.54
11	1,498.50	1,542.00	1,587.00	1,635.75	1,690.50	1,742.25	1,803.75
	19.98	20.56	21.16	21.81	22.54	23.23	24.05
12	1,587.00	1,635.75	1,690.50	1,742.25	1,803.75	1,865.25	1,928.25
	21.16	21.81	22.54	23.23	24.05	24.87	25.71

13	1,690.50	1,742.25	1,803.75	1,865.25	1,928.25	2,000.25	2,071.50
	22.54	23.23	24.05	24.87	25.71	26.67	27.62
14	1,803.75	1,865.25	1,928.25	2,000.25	2,071.50	2,148.75	2,217.75
	24.05	24.87	25.71	26.67	27.62	28.65	29.57
15	1,928.25	2,000.25	2,071.50	2,148.75	2,217.75	2,301.75	2,386.50
	25.71	26.67	27.62	28.65	29.57	30.69	31.82
16	2,071.50	2,148.75	2,217.75	2,301.75	2,386.50	2,471.25	2,556.00
	27.62	28.65	29.57	30.69	31.82	32.95	34.08
17	2,217.75	2,301.75	2,386.50	2,471.25	2,556.00	2,644.50	2,731.50
	29.57	30.69	31.82	32.95	34.08	35.26	36.42
18	2,386.50	2,471.25	2,556.00	2,644.50	2,731.50	2,832.75	2,922.00
	31.82	32.95	34.08	35.26	36.42	37.77	38.96
19	2,556.00	2,644.50	2,731.50	2,832.75	2,922.00	3,029.25	3,121.50
	34.08	35.26	36.42	37.77	38.96	40.39	41.62
20	2,731.50	2,832.75	2,922.00	3,029.25	3,121.50	3,235.50	3,337.50
	36.42	37.77	38.96	40.39	41.62	43.14	44.50
21	2,922.00	3,029.25	3,121.50	3,235.50	3,337.50	3,458.25	3,573.00
	38.96	40.39	41.62	43.14	44.50	46.11	47.64
22	3,121.50	3,235.50	3,337.50	3,458.25	3,573.00	3,707.25	3,828.75
	41.62	43.14	44.50	46.11	47.64	49.43	51.05
23	3,337.50	3,458.25	3,573.00	3,707.25	3,828.75	3,972.00	4,106.25
	44.50	46.11	47.64	49.43	51.05	52.96	54.75
24	3,573.00	3,707.25	3,828.75	3,972.00	4,106.25	4,243.50	4,401.75
	47.64	49.43	51.05	52.96	54.75	56.58	58.69
25	3,828.75	3,972.00	4,106.25	4,243.50	4,401.75	4,566.00	4,733.25
	51.05	52.96	54.75	56.58	58.69	60.88	63.11
26	3,972.00	4,106.25	4,243.50	4,401.75	4,566.00	4,733.25	4,910.25
	52.96	54.75	56.58	58.69	60.88	63.11	65.47
27	4,106.25	4,243.50	4,401.75	4,566.00	4,733.25	4,910.25	5,082.75
	54.75	56.58	58.69	60.88	63.11	65.47	67.77

- B. The following shall be the wage schedule for bargaining unit members who are subject to AS 23.40.200(a)(1) (Class One) occupying positions which are assigned to a normal workweek of thirty-seven and one-half (37:30) hours.

Range	Step A	Step B	Step C	Step D	Step E	Step F	Step G
5	1,068.00	1,096.50	1,126.50	1,161.00	1,196.25	1,226.25	1,260.00
	14.24	14.62	15.02	15.48	15.95	16.35	16.80
6	1,126.50	1,161.00	1,196.25	1,226.25	1,260.00	1,297.50	1,337.25
	15.02	15.48	15.95	16.35	16.80	17.30	17.83

Units proposed		Square Feet Provided Parent Lot			Open Space Required Parent Lot			Parking Required ^B Parent Lot			ADA Required Parent Lot		
		1	2	3	1	2	3	1	2	3	1	2	3
Phase 1	72	115,840			35,060			86			4		
Phase 2	164	291,260			54,560			190			6		
Phase 3	136		115,840			60,200			156			6	
Phase 4	44			84,390			20,020			50			2
Phase 5	28			225,250			173,090			56			0
TOTALS		407,100	115,840	309,640	89,620	60,200	193,110	276	156	106	10	6	2
Acres		9.35	2.66	7.11	2.06	1.38	4.43						

A: See "Density Bonus" section for density discussion

B: See Attachment B for parking figures



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

August 11, 2022

Regulatory Division
POA-2022-00359

Ms. Irene Gallion
City and Borough of Juneau
Community Development Department
230 South Franklin Street
Juneau, Alaska 99801

Dear Ms. Gallion:

The United States Army Corps of Engineers, Alaska District (USACE) is providing this letter as a written comment to your August 3, 2022, Rooftop Properties LLC Scoping request. The project has been assigned number POA-2022-00359, Gastineau Channel, which should be referred to in all correspondence with the USACE. The project site is located within Section 32, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.360434° N., Longitude 134.544145° W.; at 7400 Glacier Highway in Juneau, Alaska.

The USACE regulatory authorities derive from two laws: Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 403), which prohibits the obstruction or alteration of navigable waters of the United States (U.S.) without a Department of the Army (DA) permit from the USACE; and Section 404 of the Clean Water Act (CWA), which prohibits the discharge of dredged or fill material into waters of the U.S. without a DA permit.

Waters of the U.S. include, but are not limited to, tidal waters, rivers both perennial and intermittent streams and wetlands. Wetlands are defined as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include "muskegs," swamps, marshes, bogs, and similar areas.

Based on a review of the information you furnished and that available to the USACE, it has been determined that the above described property contains waters of the U.S., including wetlands, subject to the USACE regulatory jurisdiction under Section 404 of the CWA.

The USACE evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including the following:

1. Evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325),
2. Determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and
3. In the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there were a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the USACE' decision whether there is a less damaging practicable alternative to the proposal.

If an application for a DA permit has not yet been submitted, the project proponent may request a pre-application consultation meeting with the USACE to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the U.S., or if it is a large or controversial project.

Nothing in this letter precludes compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact the USACE via email at Randal.P.Vigil@usace.army.mil, by mail at the address above, or by phone at (907) 201-5022, if you have questions. For more information about the Regulatory Program, please visit the Alaska District website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randal P. Vigil', with a large, stylized initial 'R'.

Randal P. Vigil
Project Manager

Irene Gallion

From: Bizzarro, Caleb T (DOT) <caleb.bizzarro@alaska.gov>
Sent: Thursday, August 25, 2022 2:01 PM
To: Irene Gallion
Cc: Schuler, Michael K (DOT); Harp, Kelly M (DOT)
Subject: RE: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway
Attachments: 01 APP_ARP22-01.pdf; Agency Comments Form ARP22-01.pdf

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

Thank you Irene for the opportunity to provide feedback on Rooftop Properties, LLC's proposed 444 dwelling units at 7400 Glacier Hwy.

Please see the following from DOT&PF Southcoast Region:

- It would be preferable for emergency services to have alternate access routes within Vista Del Sol and Seymour Way. DOT&PF also understands residents of Vista Del Sol would be opposed to having the street connected due to the elevated traffic levels.
- Full build out of this subdivision would trigger AK Administrative Code 17 AAC 10.060, where development of a project generates more than 100 vehicle trips on a highway during any hour of the day, an applicant must perform a traffic impact analysis.
- DOT&PF expects the development to honor previous plat restrictions and intents.
- Existing easement agreements to DOT&PF during project FM-0955(3) shall continue to be honored. No construction on private land shall interfere with the Department's right to replace and maintain these drainage facilities.
- Rooftop Properties, LLC shall apply for an acceptable permanent access, which meets or exceeds DOT&PF Preconstruction Manual standards as well as CBJ requirements for an approach road.
- The timber must be removed from the property line to sidewalk within state right of way. The owner shall not leave a "landscape barrier" within the right of way between cleared private land and the roadway, as required within temporary access permit DW #31519.
- Finally, there is environmental as well as hydrology implications with such a proposal. DOT&PF expects both fields of interest to be addressed prior to final approval. The applicant should provide documentation that any drainage volumes will not hinder/damage or otherwise diminish the operation of state right of way and its drainage infrastructure.

Thank you for the opportunity to review,

Caleb Bizzarro
 Right Of Way Agent
 Department of Transportation & Public Facilities
 Southcoast Region Design & Engineering Services

Ph: (907) 465 4519
Email: caleb.bizzarro@alaska.gov

Section J, Item 2.

Telework: Tuesday & Thursday, 7:30AM – 4:30PM
Office: Monday, Wednesday, Friday, 7:30AM – 4:30PM

From: Irene Gallion
Sent: Wednesday, August 3, 2022 9:50 AM
To: Bizzarro, Caleb T (DOT)
Cc: Irene Gallion
Subject: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Caleb,

Attached are application materials for an Alternative Residential Subdivision at 7400 Glacier Highway. This is on 19.71 acres zoned D18. They plan to use bonus procedures to increase density allowed.

If ADOT&PF could provide any comments by **September 15, 2022**, that would be very helpful. If you need more time let me know.

After the preliminary plan, the developer will be making relatively large investments in design, platting and traffic analysis.

A public meeting is tentatively scheduled for September 8, 2022.

The Planning Commission hearing is currently scheduled for October 11, 2022.

I've attached the application, and an agency comments form for your use if you are inclined. Page 5 of the application has the proposed layout, and page 8 starts the applicant's narrative.

Let me know if you need more information. Thanks!

Irene Gallion | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street | 4th Floor Marine View Building
Office: 907.586.0753 X2



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

COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT

DEPARTMENT: Fire
STAFF PERSON/TITLE: Daniel Jager, Fire Marshal
DATE: 9/6/2022
APPLICANT: Rooftop Properties LLC
TYPE OF APPLICATION: Preliminary Plan Approval for an Alternative Residential Subdivision

PROJECT DESCRIPTION:

Developing up to 444 dwelling units on 19.71 acres, zoned D18, at 7400 Glacier Highway. After preliminary plan approval the applicant will make large investments in traffic study, design, and platting.

LEGAL DESCRIPTION: USS 1568 TR B1
PARCEL NUMBER(S): 5B1401010010
PHYSICAL ADDRESS: 7400 Glacier Highway

SPECIFIC QUESTIONS FROM PLANNER:

The plan currently proposes street access to Vista Del Sol. Is that required for emergency response purposes, or could it be reduced to a trail with emergency access only? Asking in order to get ahead of neighbor concerns about traffic.

AGENCY COMMENTS:

- 1) All buildings shall be provided with sprinkler and fire alarm systems.
- 2) Hydrants will be required to be added and spaced no more than 500 feet apart starting with nearest hydrant to project.
- 3) Shall provide adequate emergency apparatus turn around capability according to 2012 IFC Appendix D as adopted in State Regulation.
- 4) Slopes are not to exceed 10 percent grade.
- 5) Once development goes over 100 dwellings units, a separate and approved apparatus access road shall be provided.

Irene Gallion

From: Alec Venechuk
Sent: Friday, September 9, 2022 10:32 AM
To: Irene Gallion
Subject: RE: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

Hi Irene – No comments from Engineering here. Looks like its all Code and preliminary submission requirements up to this point.

Thank you,
 Alec

From: Irene Gallion
Sent: Wednesday, August 3, 2022 10:18 AM
To: General Engineering ; Charlie Ford ; Dan Jager ; Quinn Tracy ; Dan Bleidorn
Cc: Guy Gleason ; Alec Venechuk
Subject: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

Hello all,

Attached are application materials for an Alternative Residential Subdivision at 7400 Glacier Highway in Juneau, AK. This is on 19.71 acres zoned D18. They plan to use bonus procedures to increase density allowed.

If you could provide any comments by **September 15, 2022**, that would be very helpful. If you need more time let me know.

After this preliminary plan is approved, the developer will be making relatively large investments in design, platting and traffic analysis.

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Let me know if you need more information. Thanks!

Irene Gallion | Senior Planner

[Community Development Department](#) | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street | 4th Floor Marine View Building
 Office: 907.586.0753 X2



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Irene Gallion

From: Quinn Tracy
Sent: Tuesday, September 13, 2022 2:53 PM
To: Irene Gallion
Subject: RE: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

Hi Irene,

One issue from my end of things...if Seymour Dr is built to connect to Vista Del Sol Dr in a continuous way without any discernable distinction between the two streets, we will need to name the entire loop as Vista Del Sol Dr. If the development is completed but Seymour Dr does not connect to Vista Del Sol Dr, then it can remain as Seymour Dr, however at some point in the future, if a connection with Vista Del Sol is made, we would need to change the name of the entire loop to Vista Del Sol and change the addressing for all the units. If the development plans are revised and Seymour Dr connects with Vista Del Sol at a more discernable intersection, it can remain as Seymour Dr. The important thing is that we don't create a street that arbitrarily changes names at some location...we already have a few of those within CBJ and they're a pain.

Thanks,
 -Quinn

Quinn Tracy | GIS Specialist

[Community Development Department](#) | City & Borough of Juneau, AK
 Location: 230 S. Franklin Street, 4th Floor Marine View Building
 Office: 907.586.0715 Ext. 4122



From: Irene Gallion <Irene.Gallion@juneau.org>
Sent: Tuesday, September 6, 2022 2:53 PM
To: General Engineering <General_Engineering@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; Quinn Tracy <Quinn.Tracy@juneau.org>; Dan Bleidorn <Dan.Bleidorn@juneau.org>
Cc: Jeffrey Hedges <Jeffrey.Hedges@juneau.org>
Subject: FW: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

Hello all,

Just wanted to let you know we'll be having a neighborhood meeting on this project. I'll do a presentation on the regulatory elements, then the Applicant will present, then we answer questions. Based in initial contacts, I'm anticipating it will be engaging. If you need further context on the project feel free to stop by.

September 8, 2022 (Thursday)
 Dzantik'I Heeni Middle School
 6:00 pm

CAVEAT: Know that, if there is a question on which you are the subject expert, you may be pulled into the conversation.

Thanks!

IMG

From: Irene Gallion

Sent: Wednesday, August 3, 2022 10:18 AM

To: General Engineering <General_Engineering@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; Quinn Tracy <Quinn.Tracy@juneau.org>; Dan Bleidorn <Dan.Bleidorn@juneau.org>

Cc: Guy Gleason <Guy.Gleason@juneau.org>; Alec Venechuk <Alec.Venechuk@juneau.org>

Subject: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

Hello all,

Attached are application materials for an Alternative Residential Subdivision at 7400 Glacier Highway in Juneau, AK. This is on 19.71 acres zoned D18. They plan to use bonus procedures to increase density allowed.

If you could provide any comments by **September 15, 2022**, that would be very helpful. If you need more time let me know.

After this preliminary plan is approved, the developer will be making relatively large investments in design, platting and traffic analysis.

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I've attached the application, and an agency comments form for your use if you are inclined. Page 5 of the application has the proposed layout, and page 8 starts the applicant's narrative.

Let me know if you need more information. Thanks!

Irene Gallion | Senior Planner

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

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

Office: 907.586.0753 X2



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Irene Gallion

From: Dan Jager
Sent: Thursday, September 15, 2022 3:14 PM
To: Irene Gallion
Subject: RE: ARP22-01: Follow up on access

Hi Irene, I agree with the concepts below. As long as the cul de sac met fire code measurements that would be an adequate turn around for phase 1. And yes once they build dwelling or apartment unit 101 then a second access road is required.

Thanks!

Daniel M. Jager

Fire Marshal



Capital City Fire Rescue
 820 Glacier Avenue
 Juneau, Alaska 99801
 907-586-5322 Ext. 4323 (Office)
 907-586-8323 (Fax)

*"If it is predictable, then it is preventable.
 If it is preventable then it is not an accident".*

From: Irene Gallion <Irene.Gallion@juneau.org>
Sent: Wednesday, September 14, 2022 11:01 AM
To: Dan Jager <Dan.Jager@juneau.org>
Subject: ARP22-01: Follow up on access

Hi Dan,

Thanks for your previous comments on this project (attached).

If these guys wanted to end Semour Way in a *cul de sac* (rather than hooking up to Vista del Sol Drive), what would you think of that (B in image below)?

Also, looks like they'd need to construct secondary access by Phase 2 (Phase 1 is 92 units). One idea is to use Alaska Mental Health Trust land to the east (A in image below).

These are comments the public recommended to make the development more palpable.



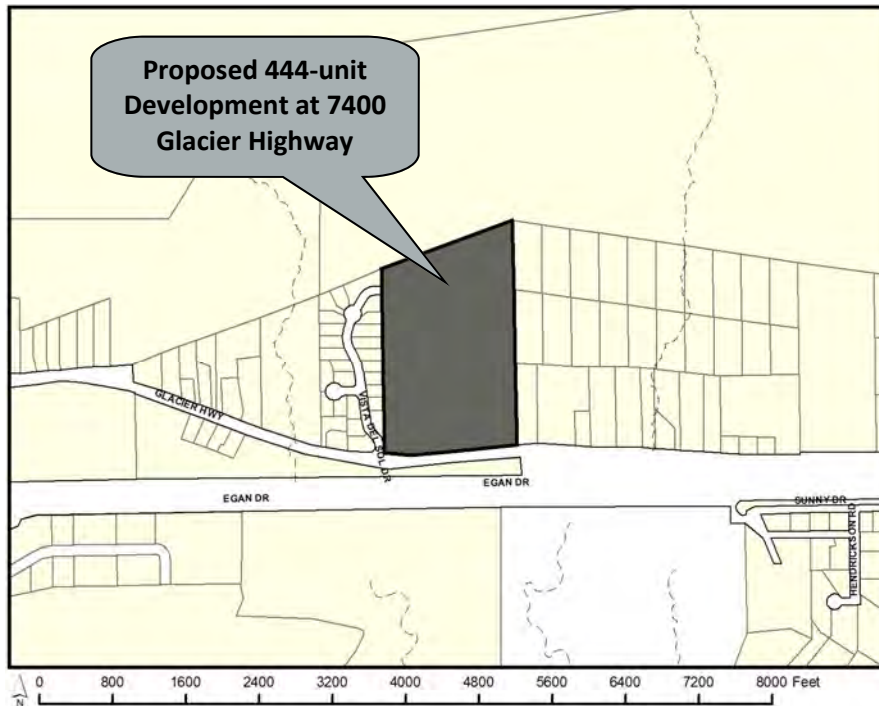
Thank you!

Irene Gallion | Senior Planner
[Community Development Department](#) | City & Borough of Juneau, AK
Location: 230 S. Franklin Street | 4th Floor Marine View Building
Office: 907.586.0753 X2



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Neighborhood Meeting Notice



155 S. Seward Street Juneau, Alaska 99801

TO:

The Community Development Department is hosting a neighborhood meeting to discuss a preliminary plan approval for an **Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres at 7400 Glacier Highway.**

More information at: <https://juneau.org/community-development/short-term-projects>



NEIGHBORHOOD MEETING
September 8, 2022, 6:00 p.m.
Location: Dzantik'i Heeni Middle School
Meeting will be held in person only.

If you are not able to attend this meeting but have questions or comments, please contact **Irene Gallion**, CDD Senior Planner, at (907) 586-0753 ext. 4130 or irene.gallion@juneau.org.

This project is scheduled for review by the Planning Commission on October 11, 2022. All property owners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify before the Commission.

Case No.: ARP2022 0001
Parcel No.: 5B1401010010
CBJ Parcel Viewer: <http://epv.juneau.org>

ARP2022 0001

Developing up to 444 dwelling units on 19.71 acres, zoned D18,
at 7400 Glacier Highway.

Neighborhood Meeting
September 8, 2022

Orientation

- Restrooms
- Fire extinguisher
- Emergency egress

Attachment L - Public Meeting Materials



Agenda

- CBJ presentation
- Applicant presentation
- Questions
- Difference between a Neighborhood Meeting and a Hearing



Proposal



Attachment L - Public Meeting Materials

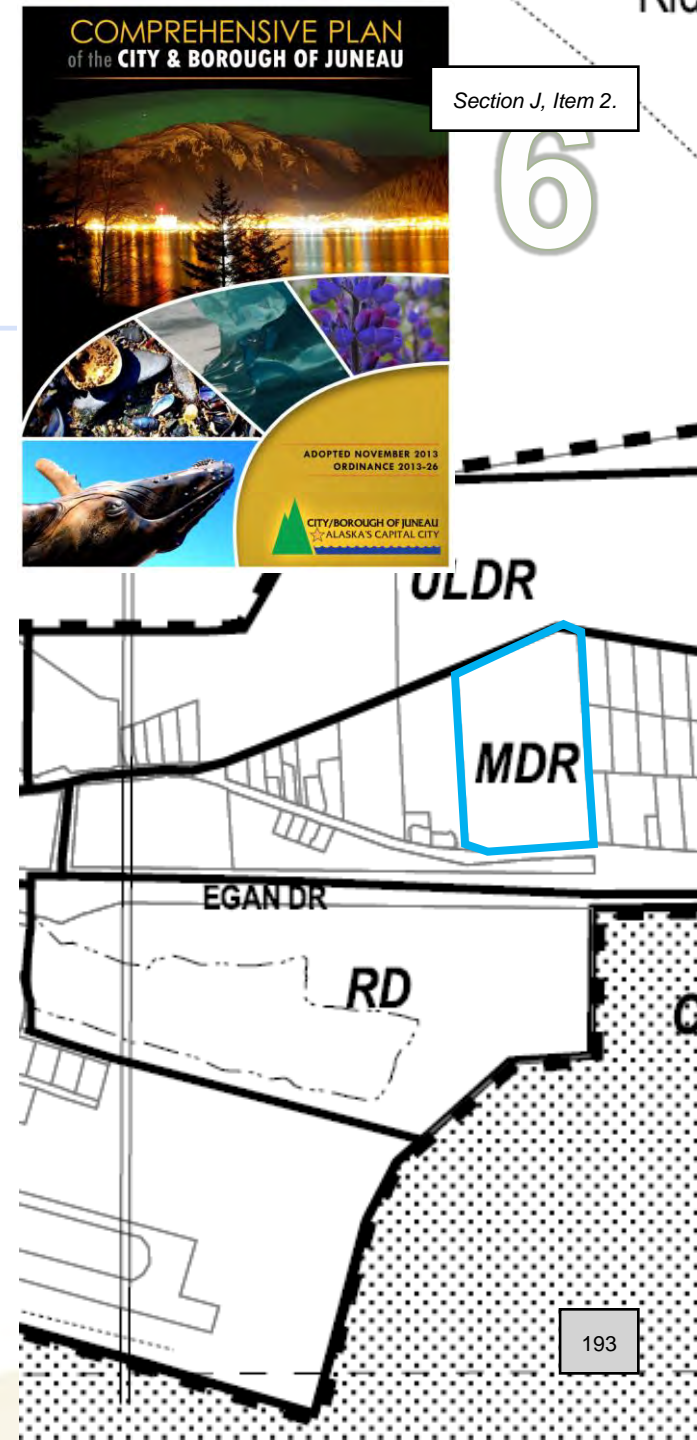
How did we get here? 2015

- Commission recommended denial (7/2)
- Consideration at Assembly COW (5/3)
- Assembly passes rezone to D18, (5/2)



Why?

- MDR = 5-20 units per acre
- On transit line
- Improvements along roadway for more capacity (Sunny Point)
- Juneau Economic Development Plan: Size, type and location
- Juneau Housing Action Plan (in the works)
 - Recognized need for trade-offs.
 - Encourage clustered, moderate-density, mixed-use that takes advantage of existing infrastructure.



Alternative Residential Subdivision (ARS)

- Flexible development
- Encourage planned developments
- Different types of housing
- Affordability
- Efficiency in utilities
- Harmony with surrounding area

Density Bonuses – D18



D18 – 355 Units

Up to 25% Density Bonus Available – 444 Units

Open Space – 5 bonus points for each 10% open space provided

Proposing 31%

Code allows up to 15 bonus points

Density Bonuses – D18

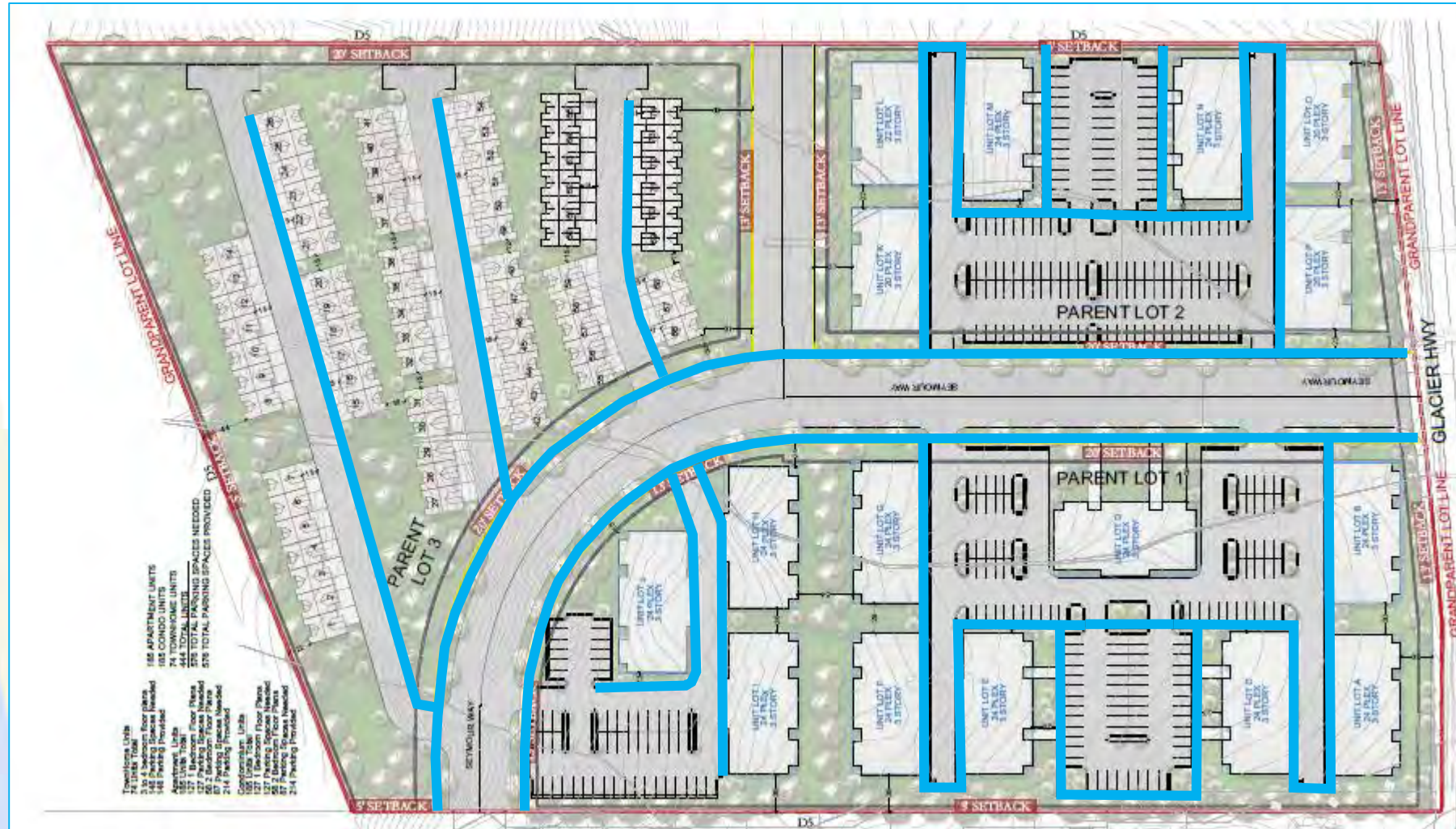


D18 – 355 Units

Up to 25% Density Bonus Available – 444 Units

Public Right-of-Way – possible 10 bonus points for dedication

Density Bonuses – D18



D18 – 355 Units

Up to 25% Density
Bonus Available –
444 Units

Non-motorized
Transportation -
Possible 10 bonus
points

Density Bonus – D18

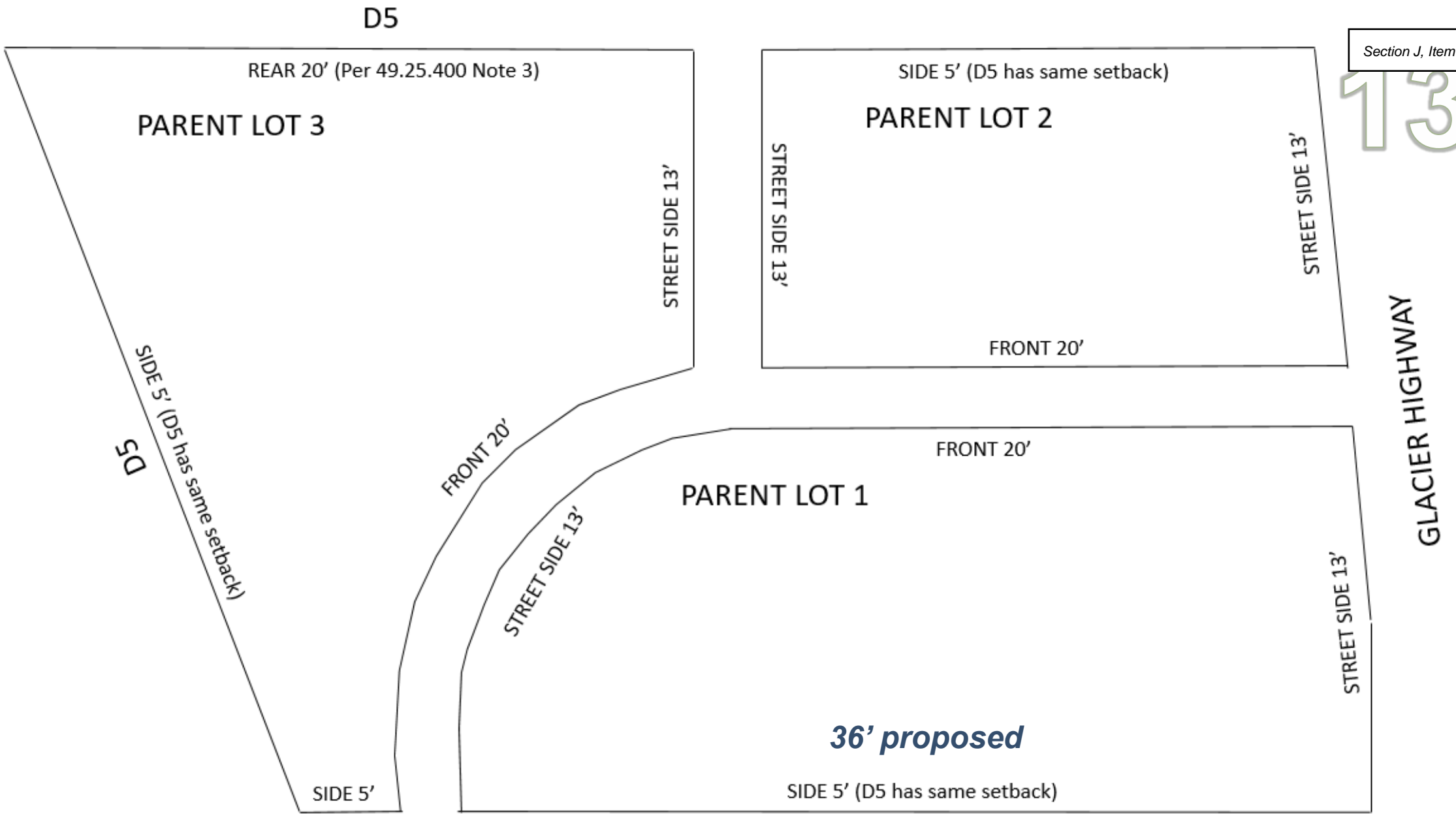
- Open Space – 15 bonus points
- Right-of-Way dedication – 10 bonus points
- Non-motorized Transportation – 10 bonus points

- Possible 35 bonus points
- Maximum density bonus allowed is 25%

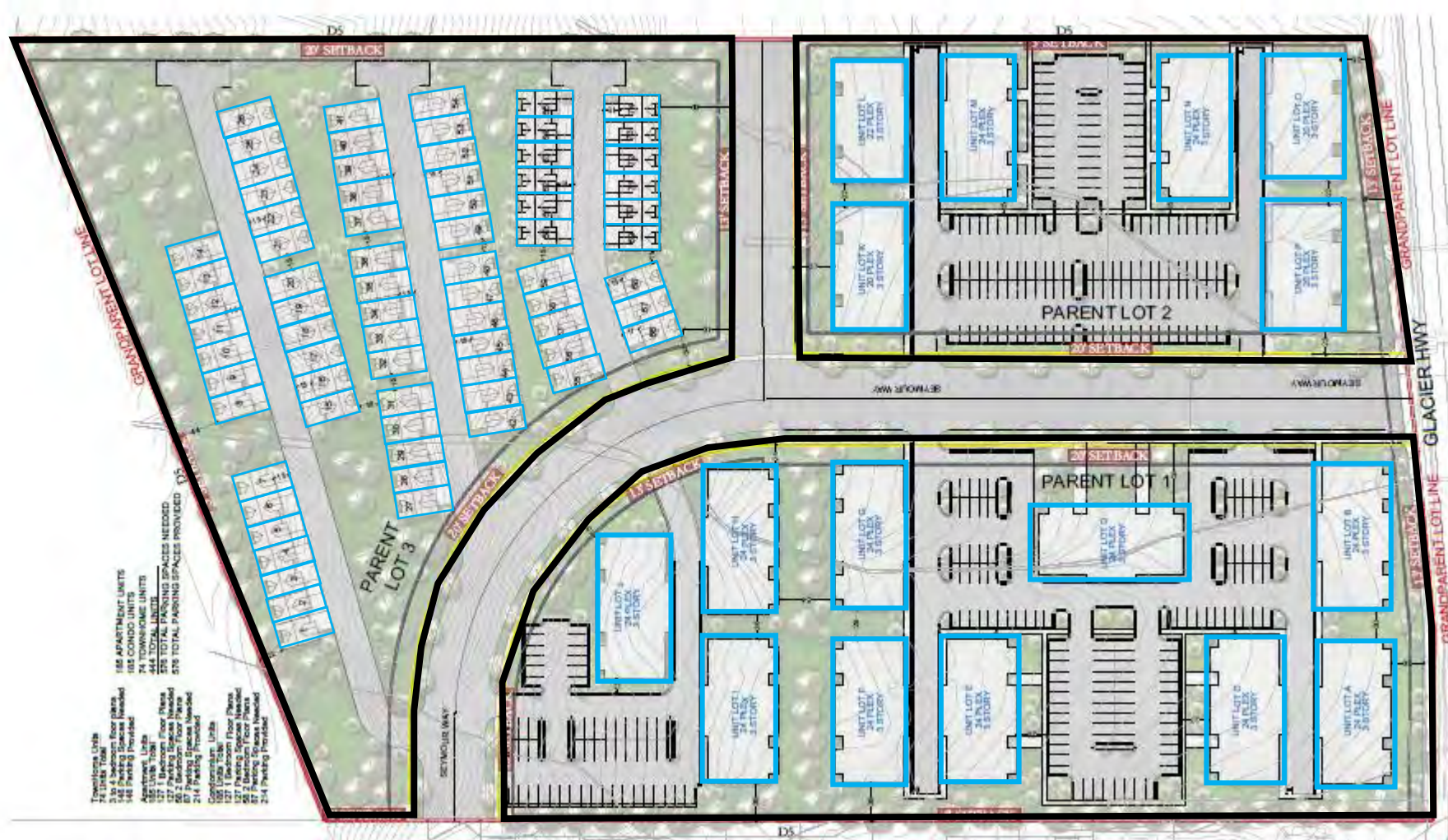
Organization



13



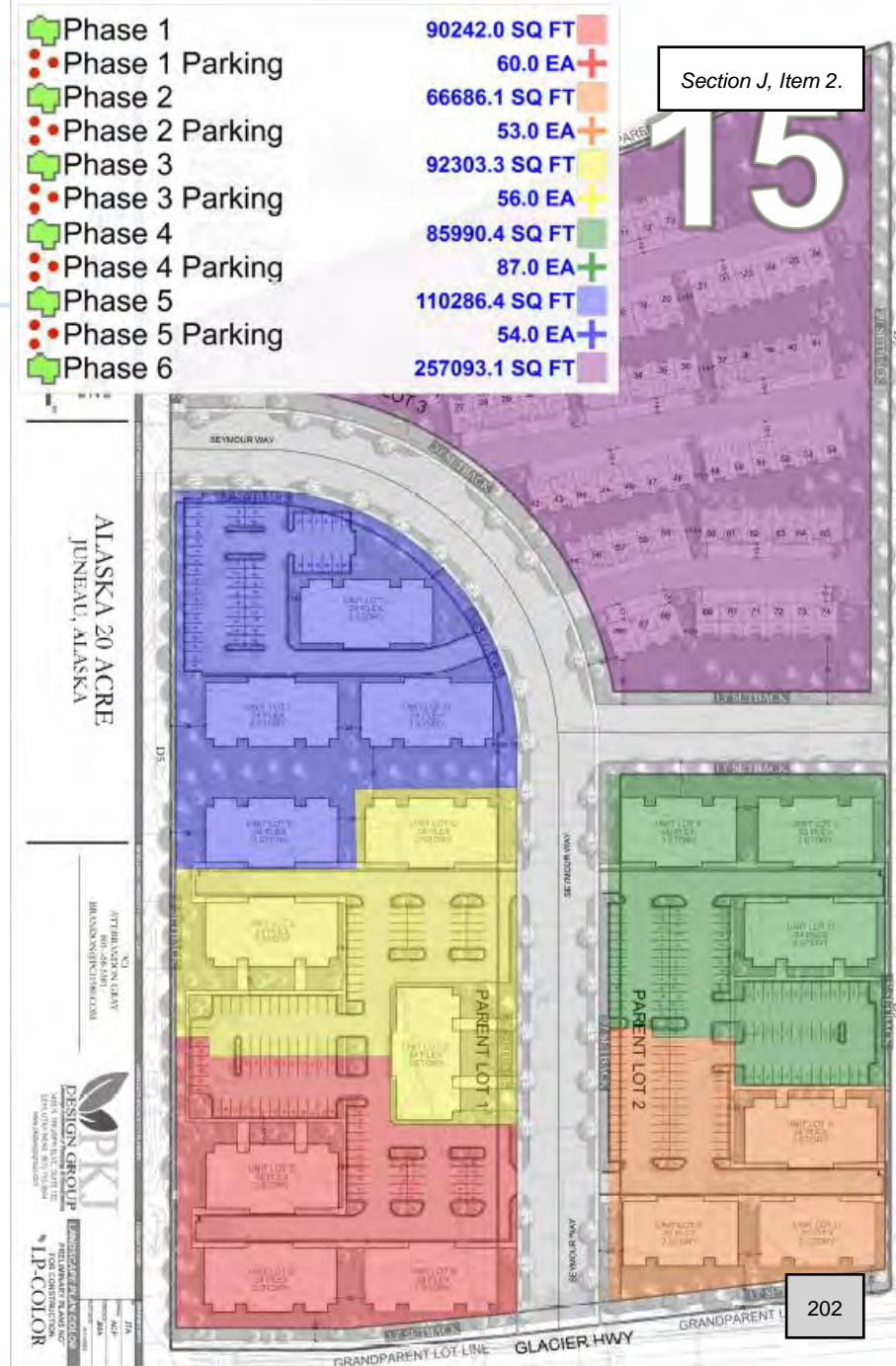
Organization



Attachment L - Public Meeting Materials

Parking

	Number of...							
	Units	One Bedroom (1)	Two Bedroom (1.5)	Three (+) Bedroom (2)	Total parking spaces required	Garage Parking	Surface Parking Needed	ADA Required
Lot 1	236	160	76	0	274	80	194	7
Lot 2	134	96	38	0	153	41	112	6
Two per townhome					148			



Traffic

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

Changes must be approved by the Commission



If approved, next steps:

- Preliminary Plan Approval
- Final Plan Approval
 - Traffic impact analysis
 - Tighten up parking and bonuses
 - Other conditions determined by the Commission
- Preliminary Plat
- Final Plat
 - Construction plans
 - Drainage plan
 - Wetlands permitting
 - Construction or bonding of improvements (road)

Summary

- 444 units
 - Open space
 - Right-of-Way
 - Non-motorized Transportation
- 3 parent lots, multiple unit lots
 - Association to manage common areas and services
- Over 2,500 AADT anticipated, over 400 surface parking spaces
- Proposed changes have to go through the Commission

Opportunity for Public Comment

Planning Commission Hearing: October 11, 7:00 PM

- In-person or ZOOM
- Will be asked your name and what part of town you live in
- May be limited on time – usually 2-3 minutes

Written Comments for Planning Commission Hearing

- By September 19, 2022 to be included in staff report
- By October 7, 2022 at Noon to be forwarded to Planning Commission before the hearing

Information About the Project

Project Information

- CBJ Community Development website on short-term projects
- <https://juneau.org/community-development/short-term-projects>
- Navigate to ARP2202 0001

Project Hearing Schedule

- CBJ recently changed to Municode software for public meeting
- <https://juneau-ak.municodemeetings.com/>
- Search for Planning Commission

THANK YOU!

CBJ Planner

Irene Gallion

Irene.Gallion@Juneau.org

(907) 586-0753 x4130

Applicant:

Garrett Johnson, Partner

Rooftop Properties, LLC

AME2022 0001:

Developing up to 444 dwelling units on 19.71 acres, zoned D18, at 7400 Glacier Highway.

PROJECT INFORMATION:

<https://juneau.org/community-development/short-term-projects>

Click the + sign next to “ARP2022 0001” for the map and application materials.

PROJECT HEARING SCHEDULE:

Planning Commission Hearing:

October 11, 2022

7:00 pm

In person: Assembly Chambers, 155 S Seward Street. Go in the door next to the raven on the mural, then turn right.



ZOOM: Connection information will be available at the scheduling site (see reverse). You can participate via computer or via phone.

By computer: Either paste the link into your browser, or navigate to ZOOM and join the meeting using the Webinar ID.

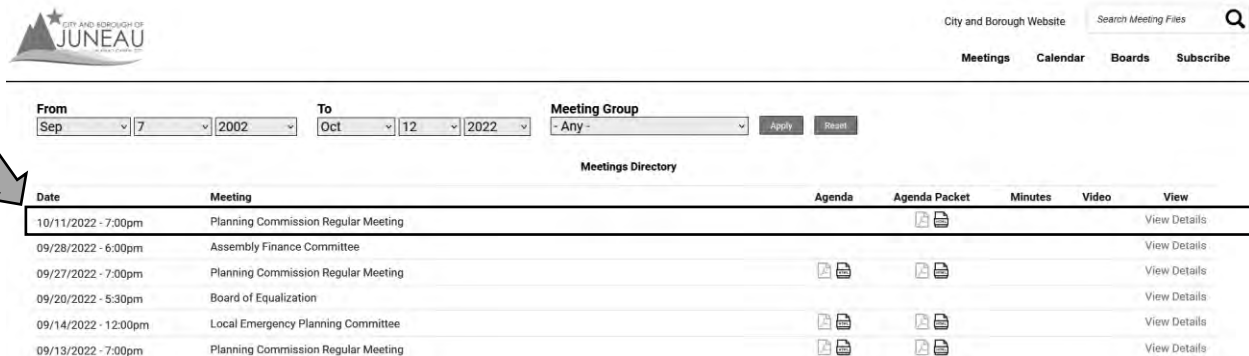
By phone: When ready to participate,

- Press *9 to raise your hand.
- Press *6 to unmute yourself (if needed).

PROJECT HEARING SCHEDULE, continued:

<https://juneau-ak.municodemetings.com/>

Locate the appropriate date:



City and Borough Website Search Meeting Files

Meetings Calendar Boards Subscribe

From: Sep 7 2022 To: Oct 12 2022 Meeting Group: - Any - Apply Reset

Meetings Directory

Date	Meeting	Agenda	Agenda Packet	Minutes	Video	View
10/11/2022 - 7:00pm	Planning Commission Regular Meeting					View Details
09/28/2022 - 6:00pm	Assembly Finance Committee					View Details
09/27/2022 - 7:00pm	Planning Commission Regular Meeting					View Details
09/20/2022 - 5:30pm	Board of Equalization					View Details
09/14/2022 - 12:00pm	Local Emergency Planning Committee					View Details
09/13/2022 - 7:00pm	Planning Commission Regular Meeting					View Details

Your options are:

Agenda : This is a .pdf of the agenda, which will have ZOOM contact info.

Agenda : This is a web page of the agenda, which will have ZOOM contact info.

Agenda Packet : This is a .pdf of the agenda and of supporting documents (including staff reports) for cases being heard this night. It can be lengthy.

Agenda Packet : This is a web page that has the agenda, and links to supporting documents (including staff reports). This may be the easiest way to navigate through a long agenda.

WRITTEN COMMENTS

Comments can be e mailed to:

pc_comments@juneau.org
(that is, pc UNDERSCORE comments)

Comments can be posted to:

Community Development Department
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Comments may be dropped off at:

Marine View Building
Corner of Ferry Way and S. Franklin Street
4th Floor permit center (hang a right out of the elevator, and it will be on your left)

COMMENTS DUE

By **September 19, 2022** to be included in the staff report.

By **October 7, 2022 at NOON** to be forwarded to the Planning Commission before the hearing.

If you cannot make these deadlines, you should plan on testifying or have someone read your comments at the hearing.

Public Comment Sign-In Sheet

Meeting: 9/8/2022

Name (please print)	Residence Address or Area of Town	Email Address – if you would like to receive project updates
Sample: Joe Juneau	555 Fifth St., Juneau	joe.juneau@juneau.org
Steve Liim	7526 Vista del Sol drive	Liim907@gmail.com
Jen Liim	" "	tongass teacher@gmail.com
ERICA SPOROOS	7539 Vista del Sol Dr	ERSporoos@gn.net
Jennifer Shields	CDD	CDD
John C. Mason Janice Mason	7514 Casa Bonita Ct.	JCLMASON@gmail.com
COLLIN L. McCLELLAND	7513 CASA BONITA CT.	collin.l.mcclelland1357@yahoo.com
LEE PARKER	7320 Glacier Hwy	leeparker@shipfrontier.com
Alyssa Storbek	7515 Vista del Sol Dr	
Holly Kvum / Sean Kvum	7518 Casa bonita Ct	HollyKvum@gmail.com
BARBARA SAMS	7340 Glacier Hwy	bjsams@chugach.net
Ruth Dean	7511 Vista Del Sol Dr.	RCCAKA13@yahoo.com
Marciano Duvu	7523 Vista Del Sol Dr	mduvu@acsalaska.net
Edric Carrillo	7520 Glacier Hwy	edriccarrillo.8@gmail.com
Marlyn Carrillo & Ed Carrillo	7520 Glacier Hwy	mrc19651@gmail.com

Public Comment Sign-In Sheet

Meeting: 9/8/2022

[illegible]

ARP2022 0001 – Public Meeting

Dzantik'i Heeni Middle School

September 8, 2022, 6:00 P.M

❖ In Attendance:

- 16 Members of the Public
- Irene Gallion, CDD Senior Planner
- Jennifer Shields, CDD Planner II
- Breckan Hendricks, CDD Administrative Officer
- Garrett Johnson, Applicant, Rooftop Properties LLC

❖ Presentation by Irene Gallion (IG):

- Meeting priority is to get questions answered, and then hear additional comments.
- Property was rezoned to D18 in 2015.
- Alternative Residential Subdivisions offer flexibility in development using density bonuses.
- Traffic Impact Analysis will be required and reviewed by CBJ and DOT/PF.
- Preliminary Plan is early in the design process.
- Planning Commission's first meeting will be on October 11, 2022.

❖ Presentation by Garrett Johnson (GJ):

- Rooftop Properties LLC has four total partners; one owns property on Admiralty Island.
- Experience with project consulting focusing on housing, healthcare, and education.
- Wants to build a safe community providing walkways, trails, and a good traffic plan.
- Decided not to build just one building at a time but to develop a plan for the entire property.
- Early in the design process for the project.

❖ Public Questions:

Q & A	Summary
Q1: IG:	Looking at slide 13 (map), how will Alaska Mental Health access their site? There is an existing access in place.
Q2: IG:	Will traffic be coming down Vista Del Sol? Asphalt is falling apart already and it has a dangerous entrance off of Glacier Hwy., especially in the winter. Right now design shows a connection to Vista Del Sol.
Q3: GJ:	Are any other traffic exit options being proposed? The experts we have consulted want to keep the two separate accesses.
Q4: IG:	Again, what about not allowing access onto Vista Del Sol? On one preliminary plat it showed the end of Vista Del Sol being vacated, but with the final plat it was recorded. Noted.
Q5: IG:	Has CCFR reviewed this proposal? Yes, and they would like the second access from Vista Del Sol.
Q6: GJ:	Why did the developers not take a better approach and come and talk to the neighbors first, before designing their project? Good point, we should have.
Q7: IG:	What defines a new project being in harmony with the existing neighborhood? Harmony would mean that D18 zoning takes advantage of existing infrastructure, especially with the current housing shortage.
Q8: GJ:	What are the project's anticipated economic impacts regarding labor and materials? Answer is complicated, no solutions at this time. This is probably a 10-year build out.

Q9:	Recommend you start pricing the cost of construction out now, so that just like with the Vista Del Sol subdivision, you build the first phase and then abandon the rest due to costs.
GJ:	We are going to be very cautious as we move forward.
Q10:	Will these be condos or single-family homes?
IG:	Townhomes and condo-style apartments with HOA's.
Q11:	What is the expected price point for the homes?
GJ:	Cannot give an exact price point at this time, but we are targeting workforce housing and healthcare workers.
Q12:	What is the timeline to start construction?
GJ:	We hope to start dirt work this fall, and begin Phase 1 construction by next spring.
Q13:	How many units per building? Will these be modulars?
GJ:	20-24 units per building, but we do not have any building drawings or renderings yet. However, our product will stand out above any others.
Q14:	What are previous examples or experience you have had with this type of development?
IG:	In downtown Provo, Utah we built a 600 unit multi-family housing development on about 3 acres; address is 312 S. University Avenue in Provo.
Q15:	Will there be a buffer or barrier on the west between the property and houses in Vista Del Sol?
GJ:	Beyond the 5' setback, they have not figured out that far into the design yet.
Q16:	How many Phase 1 total units? It should be in harmony with the density of Vista Del Sol re. crime, drugs, etc.
GJ:	72 units in Phase 1.
IG:	Worth in not characterizing an entire income group. Proposed open space will help with density.
Q17:	What about practical concerns like pets? Will there be a barrier like gates, a wall, or fencing?
IG:	Written comments can be submitted to the Planning Commission requesting conditions of approval like this.
Q18:	Switzer Village has several accesses, this should too.
IG:	That would be a written suggestion for the Planning Commission.
Q19:	Could there be a turnaround diverted a different way to a different access point?
IG:	Submit suggestions on an emergency turnaround/cul-de sac to the Planning Commission.
Q20:	Are we past the point of rezoning?
IG:	At this point I think so, especially given the current housing shortage.
Q21:	Is there already a lot of competition in the works regarding affordable housing projects?
IG:	Yes, there are several incentive programs right now.
Q22:	Since there are tools for studying traffic impacts, are there any tools for studying density impacts?
IG:	None other than for traffic.
GJ:	We've looked at this extensively regarding the regulations in place for noise, crime, and light.
Q23:	Will there be enough sewer capacity?
IG:	The engineering department has stated that the sewer system would have enough capacity to accommodate the project.
Q24:	When is the traffic analysis required?
IG:	With Phase 1.
Q25:	What about the existing situation with trees on the property falling into the Vista Del Sol subdivision? The previous owner of the property refused to take responsibility and we have had to pay the costs out of our own pocket.
IG:	That would be the responsibility of the owners of the trees.
GJ:	We have heard rumors of this being an issue and we will work with anyone to get any of our trees that are a danger removed.
Q26:	Would tree removal only be for Phase 1?
GJ:	We'll go phase by phase, unless other trees are a danger.
Q27:	How will drainage be handled on the west side? With an easement?
IG:	If drainage will be shared the easement will need to be platted to be recognized.

Q28:	Will any of the project partners be relocating to Juneau?
IG:	No
Q29:	Will there be a height limit to the buildings?
IG:	That will really depend on the number of units vs. density proposed – pre-planning will be important.
GJ:	A 35’ height cap will help keep the open green space.
Q30:	What about wetlands and drainage?
IG:	The Army Corps of Engineers gave a permit to the previous owner, and will handle permitting for this project to review again.
Q31:	Should we (the neighborhood) get a lawyer and a mediator?
IG:	As we learned with the Chilkat subdivision, that is an expensive endeavor.

❖ Public Comments:

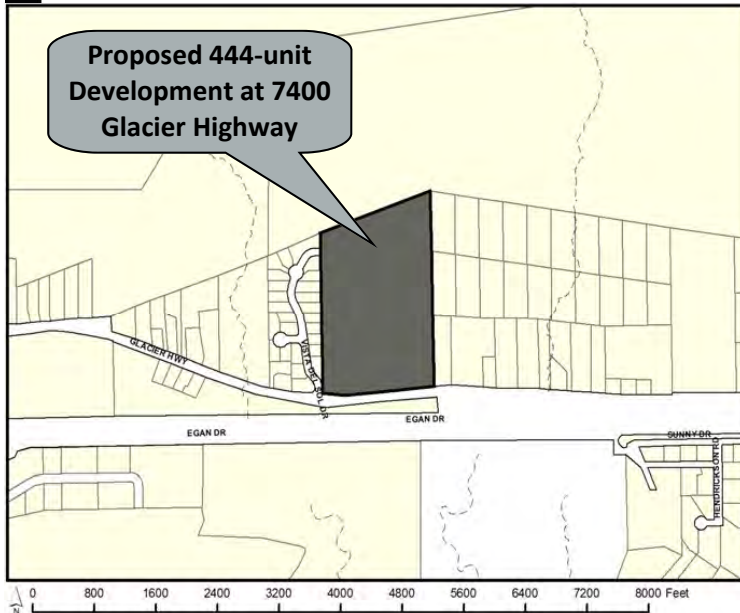
- Project needs tweaks.
- Push hard to go through the Alaska Mental Health property for access.
- Surprised by the property being zoned D18, expected a smaller subdivision.
- Keep the development separate from the smaller Vista Del Sol subdivision.

❖ Summary of Main Concerns:

- Fencing, barrier, or buffer on the west between property and Vista Del Sol subdivision.
- Routing traffic access through the Alaska Mental Health Trust land to the east.
- Ending the interior road into a turnaround or cul-de-sac instead of connecting to Vista Del Sol Drive.

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **preliminary plan approval for an Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres at 7400 Glacier Highway in a D18 Zone.**

PROJECT INFORMATION:

Project Information can be found at:

<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **Monday, October 3, 2022** at

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

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

Now through Sept. 19

Comments received during this period will be sent to the Planner, [planner], to be included as an attachment in the staff report.

Sept. 20 — noon, Oct. 7

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

HEARING DATE & TIME: 7:00 pm, October 11, 2022

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <https://juneau.zoom.us/j/85809309527> and use the Webinar ID: 858 0930 9527 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.

October 12

The results of the hearing will be posted online.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4130 ♦

Email: pc_comments@juneau.org

Mail: Community Development, 155 S. Seward Street, Juneau AK 99801

Case No.: ARP2022 0001

Parcel No.: 5B1401010010

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

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Let us know what you think!

EMAILS

collinmclelland@yahoo.com

Section J, Item 2.

NAME: COLLIN L. MCLELLAND

ADDRESS: 7513 CASA BONITA CT.

* IS THERE A WAY TO REQUEST A BARRIER FOR PETS/ PEOPLE BETWEEN PROPERTIES TO SERVE TO SEPERATE PEOPLE ~~AND~~ AND PETS FROM CROSSING OVER

* RECOMMEND INSTALLATION OF CULDESAC FOR EMERGENCY TURN AROUND ON TOP OF ROADWAY:

→ LOOSE 10% OF "BONUS" POINT

→ ALLOWS TO SATISFY CBS REQUIREMENTS

→ CAN LEAVE OPTION FOR OTHER PROJECT BEING MADE

→ ENSURES MEETING DEVELOPER'S GOALS OF ENSURING SEPERATION OF TRAFFIC

3 KEY CONCERNS TO ADD TO PLAN:

1.) ADD ROUND ABOUT AT TOP OF ROAD

2.) BARRIER ALONG PROPERTY

3.) ADDRESS TRAFFIC IMPACT



Juneau Commission on Aging

September 17, 2022

Irene Gallion
Juneau Planning Commission

RE: Conditional Use Permit ARP2022 0001
Alternative Residential Subdivision - 444 dwelling units at 7400 Glacier Highway

The Juneau Commission on Aging strongly encourages the developers of the proposed Ridgeview Subdivision to take into consideration senior friendly construction choices as well as federal/state/city ADA requirements

29% of the Juneau population is over 55. Seniors have a strong desire to live in a home that would allow them to "age in place", as indicated in the 2020 "Juneau Senior Survey." <https://www.jedc.org/sites/default/files/2020%20Juneau%20Senior%20Survey.pdf>

However, older homes are not usually designed to be age friendly leading seniors to look for new residences that meet their current needs. This proposed subdivision offers smaller townhomes, apartments, and condos that would be very attractive to seniors if they were constructed with this demographic in mind.

Listed below are a few examples of senior friendly construction that are practical for a developer to do in new construction but hard if not impossible to retrofit into an existing home

Building design needs to take into consideration mobility factors

1. Install an elevator in at least one of the apartment and condo buildings
2. Design the townhomes to have the master bedroom/bath + laundry on the 1st floor
3. Design the apartment & condo units to be single story within a multi-story building
4. All doorways (interior/exterior) should be at least 3 ft. wide, enhanced dimensions
5. One bathroom has a walk-in shower with a built-in bench seat and grab-bars
6. Zero step entrances/ramps into the building and zero step threshold entryways

7. If any incline into a building, provide a hand railing
8. Install phone jacks in master bedroom and kitchen
9. Raise electrical outlets (18") and lower light switches (below 48")
10. Select slip resistant flooring
11. Choose awning type windows
12. Consider pocket doors for bathrooms

Choose age friendly hardware & options

1. Select towel racks & toilet paper holders that serve a dual purpose as grab bars
2. Choose easy grip drawer and doorknobs (lever)
3. Install or paddle style light switches
4. Install lever doorknobs instead of standard ones
5. Utilize raised or high-profile "comfort" toilets
6. Have an adjustable-height showerhead
7. Provide closet rods at two levels
8. Install LED lighting, including dimmers

These accessibility features are not onerous and can be used positively in marketing the subdivision. We would like the developers of this proposed mixed-use complex to appreciate that the time to install age friendly features in a home is when it's being built, regardless of the age of all potential residents today.

A subdivision of this size should also have, at a minimum, at least one exercise park suitable for all ages, as well as a large multi-function community room.

The Juneau Commission on Aging supports increasing all types of housing options suitable for seniors in Juneau - including this proposal for a significant number of units - if they are constructed to be age friendly as described in this letter and meet ADA requirements.

Sincerely,



Kathleen Samalon
Juneau Commission on Aging, Commissioner

To Whom It May Concern,

My husband, two young children and I live in the Vista del Sol Drive neighborhood. I strongly oppose the preliminary plan which shows connecting the D5 and D18 neighborhoods with Vista del Sol Drive.

I'd like to offer some personal context around my opposition. I have had my own share of varied experiences living in different types of housing in Juneau. I was raised in a lower middle-class family here. I was even homeless for a short period of time. I lived in apartment housing, with the help of a Section 8 voucher, while completing my elementary education degree at UAS and working at the Boys and Girls Club. Apartment living certainly has its challenges. I lived next to convicted felons, and yes, actual drug dealers. Violence, property damage and theft were just an acceptable part of the apartment lifestyle. The point I am trying to make here is that, perhaps unlike some of my neighbors, I uniquely understand the housing struggle and cycle of poverty issues our community, and many other communities, face. I was one of those statistics mentioned in the Housing Development section of the Comprehensive Plan. I have climbed the "housing ladder," as the Housing Action Plan calls it, so I can see both sides of the equation through a different lens.

That being said, I support the proposed multi-family residential plan with the condition that the two very different density zones, D5 and D18, remain separate so that the Seymour Way and Vista del Sol Drives do not connect. We specifically sought out this neighborhood to build in because of how small and minimal traffic is on this road. Having lived on roads frequently used as a through road, I wanted to get away from that level of street traffic. We chose our lot in May 2019, put in countless hours designing our house from top to bottom, sold our Aspen house and moved into our finished Vista del Sol house in December 2020. As you can imagine, doing all of that in the midst of a pandemic was certainly a wild ride, but we built our dream home, and are very much invested in making it our forever home.

I have worked incredibly hard to get where I am today and raise my children in a neighborhood safer than ones I have known and lived in. I fully support responsible housing development within the framework of the Juneau Comprehensive Plan, but not at the expense of impacting an established single family housing option. Knowing that the Planning Commission did not recommend the 2015 rezone to D18, I think maintaining two separate neighborhoods is a comparable solution. With a few modifications to the proposed plan, I believe the two neighborhoods can coexist while simultaneously providing different housing options.

Sincerely,
Jen Lium

From: Steve Lium <tellu_lium@hotmail.com>
Sent: Sunday, September 18, 2022 9:42 AM
To: PC_Comments
Subject: Vista del sol neighboring development

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

Dear members of the planning commission,

I'm writing you today to express my concerns regarding the proposed development of the lot to the east of Vista Del Sol Drive. As a home owner, living on Visa Del Sol, I am excited at the prospect of another neighborhood in the area. My concerns are related to the size and density of the project. I understand that there may be a housing shortage in Juneau and that development is key to solving this problem. My hope is that we can develop our town responsibly and thoughtfully. A D18 lot filled over capacity using "density bonuses" is a stark contrast to a d5 neighborhood with 24 single family homes. Higher density is proven to increase crime, traffic and pollution as well as lower property value and overall happiness. I am pleading to you to help rein in this project.

Alternatively, if nothing is to be done about the density, please do not allow Seymour way to connect to Vista Del Sol drive. I would welcome a connecting road if the neighborhood were single family homes, but not 444 units with 2,500 cars.

Before having our home built, we lived on Aspen ave. One of our reasons for moving was to escape the through traffic. We've found a lovely place to live and have invested in it. Please help us protect our investment and our neighborhood. Thank you.

Sincerely,
Steve Lium

September 18, 2022

To Whom It May Concern,

Our adjacent neighborhood community appreciates the effort to provide additional housing, though we have some major concerns regarding the preliminary development plan and we would like the planning commission and developer to take them into consideration in their overall evaluation and decision. As individual property owners, many lifelong Juneau residents contributing and living in this community, we are requesting the following concerns be included in the report and noted by both the developer and the planning commission:

1. **Concern #1: Road connection.** Vista del Sol residents strongly oppose the Seymour Way/Vista del Sol connecting road. Part of the appeal of living in this current neighborhood is the small community we've created. Many of us specifically sought out this area to live in because of how secluded and quiet the neighborhood is. A connected road from our D5 development to a D18 development is a drastic change in density. Using Vista del Sol Drive as an access point for 444 family units would cause a significant amount of additional through traffic. *Alternative Residential Subdivision (ARS) Code: 4B, A density bonus may be limited or denied if it will more probable than not: Substantially be out of harmony with property in the neighborhood area. Substantially decrease the value of or be out of harmony with property in the neighboring area.* Vista del Sol residents contend that the proposed density substantially decreases the value of the property by connecting D5 lots to a much denser D18 residential area. The Vista del Sol subdivision includes 24 lots for 24 single family units. 444 additional units, essentially added to our neighborhood if a street is shared, is an increase of 1,850%.

Vista del Sol residents are requesting the developer revise their plan with alternative exit points that do not include Vista del Sol Drive as a through street.

2. **Concern #2: Buffer. Screening.** *The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.* This proposed plan will significantly impact the property owners sharing a backyard with a parking lot rather than the previously proposed subdivision plan that had backyard space adjacent to the property lines.

Vista del Sol residents are requesting a buffer and landscaping plan (evergreen trees and privacy shrubs strategically planted for a year-round visual barrier) for the benefit of both the proposed development residents and Vista del Sol residents.

3. **Concern #3: Safety.** A few houses in our neighborhood have had trees fall on them after the previous developer left sporadic trees standing which created a wind tunnel. As you can imagine, a tree falling through your living room is not ideal and is a huge hazard as someone could have been seriously injured or killed. From experience, we know a developer might not put our safety first.

Vista del Sol residents are requesting a written plan from the developer to prevent avoidable property damage and minimize safety hazards.

In closing, we would like to mention that we recognize there is a significant need for housing in Juneau. We're sure our concerns aren't new to developers or planning commissions. We are not simply a group of disgruntled neighbors that are anti-development. We are thoughtful, engaged Alaskans contributing daily to the place nearly all of us have lived for our whole lives. We are teachers, state workers, business owners, military families actually *living here in Juneau*, so we are invested in the longevity and economic progress. We sincerely hope you take our statements into thoughtful consideration as this process moves forward.

Respectfully,

Vista del Sol Drive and Casa Bonita Court residents

Erica Sjoroos
Rich Sjoroos
Kyle Sjoroos
Hannah Mitchell
Marciano Duran
Josette Duran
Jen Lium
Steve Lium
Alyssa Storbeck
Timothy Storbeck
Lot Santana
Collin McClelland
Brienne McClelland
Sean Kveum
Holly Kveum
Amanda Gornik
Alden Gornik
Raquel Solomon-Gross
Kenny Solomon-Gross

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00 p.m.
Meeting Date: October 11, 2022

1. ARP2022 0001:

- a. Public Comment – Erica & Rich Sjoroos, received 09-20-2022 (page 2)
- b. Public Comment – Holly & Sean Kveum, received 10-07-2022 (page 3)

2. Memo Regarding SGE2016 0001 (page 4-17)

From: Sjoroos <ersjoroos@gci.net>
Sent: Tuesday, September 20, 2022 2:48 PM
To: PC_Comments; Irene Gallion
Subject: 7400 Glacier Highway

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

To Whom It May Concern:

My husband and I live at 7539 Vista Del Sol Drive and both of us were born and raised in Juneau, Alaska. We have raised our children, work full time and own businesses here in Juneau. Rich is the head coach for the Juneau Huskies Football team and has coached sports teams in Juneau since 1993. We are dedicated residents and understand the need for housing as much as anyone else.

That said we are very concerned about the planned neighborhood design for 7400 Glacier Highway.

Vista Del Sol Drive is a quiet residential street with mostly single-family homes, only a couple have attached small apartments. What is currently being planned is not in harmony with what currently exists.

We are worried about Vista Del Sol Drive and Seymour Way potentially connecting. A planned 444 housing units and an estimated 2500 cars driving by daily creates traffic, safety, and noise concerns. We request the new developers plan to have entrance and exit streets within their own lot, or plan a cul-de-sac.

I'm looking forward to seeing the traffic analysis. From personal experience Glacier Highway can be a busy road, especially because it connects Fred Meyers and Costco! There have been many times I sit on Vista Del Sol Drive waiting for a break in traffic to pull out. The bend in the road where Vista Del Sol Drive and 7400 Glacier Highway connects does not help your vision. I find it hard to believe adding 2500 more vehicle trips per day through this area will pass inspection without further development.

We would also like to request a buffer between Vista Del Sol Drive and the new development. A fence and landscaping will help with the safety and noise for both neighborhoods.

We are concerned about the trees that will be left standing after 7400 Glacier Highway is clearcut. Unfortunately, residents on Vista Del Sol Drive already know how their houses can be at risk in this situation. Multiple houses have already experienced the scare, inconvenience, and expense of having trees fall on their roofs after only the lowest portion of the lot clearcut in the past.

We appreciate your time and willingness to read our letter and take our concerns into consideration.

Best Regards,

Erica and Rich Sjoroos

October 7, 2022

Commissioners,

In your review of project ARP2022 0001, please consider the impact of a D-18 neighborhood with density bonuses using secondary access via a D-5 neighborhood.

My husband and I purchased a home in the Vista Del Sol subdivision this May, the same month that Rooftop Properties acquired the adjacent subject property. It was quite alarming to receive a notice of a neighborhood meeting just a few months later about a development that would allow for an additional 444 housing units to be built next door. I find it unfortunate that although the 2015 Planning Commission originally recognized the issues of rezoning an existing D-5 lot to a D-18 lot when said lot is surrounded by D-5 zoned lots that the Assembly still approved the jump in density. Even though the lot has been re-zoned and supports a significantly higher density, please consider what the impact of a D-18 neighborhood, with density bonuses, will cause to a D-5 neighborhood by using it as secondary access. One impact is the value of my property- I'm confident that allowing for more than three times the amount of traffic in my small neighborhood will decrease the value of my home. Unfortunately, the City Assessor did not respond to Staff's request for comment on this project regarding property value. Another inevitable impact is the amount of anticipated traffic will affect the safety of the residents of the Vista Del Sol subdivision, which was a major talking point at the neighborhood meeting. I urge you to drive through the neighborhood- there are always children playing in the street and on the sidewalks.

At the meeting it seemed that there was an agreement that the applicant would discuss a secondary access through Alaska Mental Health Trust Authority land which, per the staff report, is interested in comparable density development of their property (Page 7, section 2- Analysis). After reviewing the staff report it doesn't seem that the conversation took place between the applicant and AMHTA. I urge the Commission to continue the review of this project to a future date and request analysis of the impact of secondary access traffic to the Vista Del Sol subdivision.

Thank you for your time,

Holly & Sean Kveum



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

October 7, 2022

MEMO

To: Michael LeVine, Chair, Planning Commission, and Members of the Commission

From: Jill Maclean, AICP, Director *Jill Maclean*

Case Number: SGE2016 0001 Stabler Point Quarry

RE: Notification of Extended Hauling Hours for Emergency Work at Hecla Greens Creek

This memo serves to update the Planning Commission on a recent hazard event that led to emergency extension of hauling hours at Stablers Quarry beyond the hours approved in the permit (SGE2016 0001).

On September 27, 2022, a landslide occurred adjacent to the haulage road at the Greens Creek mine on Admiralty Island. After consultation with Director Koester, CBJ Engineering and Public Works, I issued temporary emergency hours of hauling operations to facilitate mitigation of the event [CBJ 49.10.600(a)].

The SGE2016 0001 Permit states:

- Condition 3: The hours, days, and dates of operation shall be 8 a.m. — 4:30 p.m., Monday through Friday, all year except State holidays.

I extended these hours from 7 a.m. to 10 p.m. each day from September 30, 2022 through October 11, 2022. Hecla Greens Creek anticipates needing these hours through November 1, 2022. Director Koester has informed me that hauling has mostly been occurring between 7 a.m. and 7 p.m. (not 10 p.m.).

No changes to blasting times were requested or granted.

At this time, I recommend allowing the emergency hours to continue until November 1, 2022. I do not recommend a modification to the Permit at this time. CBJ Engineering and Public Works does not anticipate the need for extended hours outside emergency situations that may occur.

Attachments

Attachment A – SGE2016 0001 Notice of Decision

Attachment B – Email from Director Koester, CBJ Engineering and Public Works, dated September 30, 2022



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION NOTICE OF DECISION

Date: August 24, 2016

File No.: SGE2016 0001

City & Borough of Juneau
Lands Division
155 S. Seward Street
Juneau, AK 99801

Proposal: A Conditional Use Permit for an extension to year 2026 and expansion of blast size and area of rock quarry operations for Stabler Point Quarry.

Property Address: 13010 Glacier Highway

Legal Description: USS 3810 LT 1 FR

Parcel Code No.: 4-B30-0-102-002-0

Hearing Date: August 23, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 11, 2016, and approved the Conditional Use Permit for Stabler Point Quarry to be conducted as described in the project description and project drawings submitted with the application and with the following conditions. The Commission modified conditions 2, 21, and 26 – 28 as described below.

1. All vehicle loads shall be contained. Vehicles hauling from the site shall be operated with tailgates, covers or other similarly effective methods. The use of exhaust brakes on trucks entering or leaving the quarry shall not be used, unless required for safety reasons.
2. Public notification warning signs shall be erected a minimum of 24 hours prior to blasting. Written notification shall be given to Juneau Flight Services, Juneau Police Department and Capital City Fire / Rescue a minimum of 24 hours prior to blasting. The applicant shall issue email notification 24 hours prior to blasting to all those who request it.
3. The hours, days and dates of operation shall be 8am – 4:30pm, Monday through Friday, all year except State holidays.

4. Blasting operation shall be scheduled to occur between 10am-12pm and 1pm-3pm, Monday through Friday.
5. This quarry permit shall expire 10-years after the date of approval.
6. Each quarry operator shall submit an individual mining plan that is in conformance with this Conditional Use permit and is approved by the quarry manager prior to performing any work in the quarry. Each mining plan shall be prepared by a civil engineer or other authorized professional.
7. The operator is required to comply with the requirements of CBJ Standard Specifications 02090 Blasting Controls. A quarry operator shall submit a blast plan, reviewed by an independent blast consultant, to the CBJ Engineering Department/Quarry Manager for approval prior to each blast.
8. Quarry operators shall comply with the existing ADOT/PF approved Stabler Traffic Control Plan(s) for blasting operations, quarry access, and work within the ADOT/PF ROW.
9. Explosives shall not be stored on site, except for that which is immediately necessary for the next blast.
10. The applicant shall comply with ADEC regulations governing stormwater discharges from the quarry site, with particular attention paid to protecting Auke Nu Creek.
11. The applicant shall (or shall cause to) reclaim the quarry site with finished faces and established benches, and remove loose rock during the period between projects, even if the entire quantity of rock has not been removed.
12. The applicant shall (or cause to) control dust caused by excavation, truck hauling, rock crushing, or other aspects of the operation.
13. The applicant shall (or cause to) repair any damage to Glacier Highway as a result of the quarry operation. If there is visible damage to the roadway due to hauling or mining operations, the roadway shall be repaired in cooperation with ADOT/PF.
14. The applicant shall require the posting of a bond (or equivalent if project based) from all quarry operators to ensure spilled or tracked material are removed from public roads. The applicant shall (or cause to) remove all spilled materials immediately from public roadway and ensure that mud and debris tracked onto roads be cleaned daily with the City having the ability to allow less frequency on a case by case basis as warranted. ADOT/PF reserves the right to request sweeping at any time it sees a problem or complaint.
15. The applicant shall ensure that lighting (if any) does not glare onto adjacent roadways.
16. The applicant shall (or cause to) operate the quarry according to the application proposal, including attachments and drawings, except that all conditions contained herein shall take precedence.

17. The applicant shall ensure that the rock extraction is consistent with the recommendations of the US Fish & Wildlife Service for the protection of nesting eagles according to the past approved variances (VAR96-52, VAR2000-37, VAR2001-17, & VAR2008-6).
18. The applicant shall maintain a lockable security gate at the quarry entrance.
19. The applicant shall (or cause to) retain a natural buffer at the western end of the quarry similar to that at the eastern end for a visual and noise barrier. This buffer may be pierced to create the new western entrance roadway (Attachment A). Additionally, and when feasible, the buffer shall be retained during all quarry operations throughout the site for noise and visual buffering.
20. Prior to extracting the southwestern cliff face of the quarry, a qualified expert in geophysical hazard shall evaluate the site and recommend guidelines for its development. Further, these guidelines shall be made part of any approved mining plans for these areas and written notification given to all operators.
21. The noise levels (excluding blasting) as measured at the nearest property lines shall not exceed 65 dBA.
22. Rock crushers shall be operated on the lower quarry levels. Stockpiles shall be located in a way to provide additional noise screening barriers whenever possible.
23. The applicant shall have all operators of the quarry conduct their activities in accordance with all requirements of the noise management plan, blasting and noise controls, and temporary environmental controls.
24. The site clearing shall be consistent with needs to retain sound and visual barriers for the quarry operation. Prior to removal of substantial vegetation, the clearing limits shall be flagged and reviewed for approval by the Community Development Department.
25. Individual blasts shall be limited to a maximum of 25,000 cubic yards.
26. The pull out area adjacent to the quarry entrance drive near Glacier Highway is to be used for equipment transfer only. There shall not be temporary or long term parking on the pull out area. Transfer operations shall occur outside of the roadway clear zone. Access into the pull out area shall be limited to right in and right out turns.
27. A strip of land at the existing topographic level not less than 15 feet in width shall be retained at the periphery of the site wherever the site abuts a public way. This periphery strip shall not be altered except as authorized for access points. This section does not alter the applicant's duty to maintain subjacent support.
28. If the bank of any extraction area within the permit area is above the high water line or water table, it shall be left upon termination of associated extraction operations with a slope no greater than the angle of repose for unconsolidated material of the kind

composing it, or such other angle as the Commission may prescribe. If extraction operations cause ponding or retained water in the excavated area, the slope of the submerged working face shall not exceed a slope of 3:1 from the edge of the usual water line to a water depth of seven feet. This slope ratio may not be exceeded during extraction operations unless casual or easy access to the site is prevented by a fence, natural barriers, or both.

Attachments: August 11, 2016, memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding SGE2016 0001.

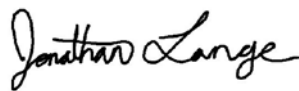
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

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, August 23, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or February 23, 2018, 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.

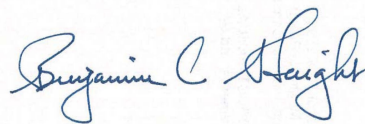
Project Planner:



Jonathan Lange, Planner Community
Development Department



Filed With City Clerk



Ben Haight, Chair
Planning Commission

8/30/16

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.

From: [Katie Koester](#)
To: [Jill Maclean](#)
Subject: FW: Notification of expanded hours at Stabler Quarry
Date: Friday, October 7, 2022 1:32:56 PM
Attachments: [CBJ landslide info.pptx](#)

From: Katie Koester
Sent: Friday, September 30, 2022 5:18 PM
To: Jill Maclean <Jill.Maclean@juneau.org>
Cc: Brian Erickson <BErickson@hecla-mining.com>; 'Aaron Marsh' <amarsh@hecla-mining.com>; Robert Barr <Robert.Barr@juneau.org>; Michael Eich <Michael.Eich@Juneau.org>
Subject: Notification of expanded hours at Stabler Quarry

CDD Director Maclean,

The purpose of this email is not notify you that Hecla Greens Creek Mining Company has requested altering day and hour operating limitations for the CBJ's Conditional Use Permit SGE2016-0001 for the Stabler Point Rock Quarry. As the land owner and applicant, CBJ Engineering and Public Works Director is notifying CDD that quarry operations associated with the Greens Creek haulage road landslide mitigation project will operate from 7AM to 7PM each day from now (October 1) through Tuesday October 11, 2022. Hecla Greens Creek anticipates needing to extend this request to November 1, 2022. ~~The number of daily truck loads is estimated to be 10, though that may change if additional materials or barge space becomes available.~~

On September 27th, a landslide occurred adjacent to the haulage road at the Greens Creek mine on Admiralty Island. Mitigation efforts require approximately 18,000 cubic yards of rock material in order to prevent haulage road failure and an indefinite cessation of mining operations at Greens Creek. This modification of CUP SGE2016-0001 is intended to allow the timely supply of geotechnically and geochemically suitable materials from the Stabler Point Quarry for barge shipment to the Greens Creek Mine during the mitigation efforts. Expanded days and hours of operation at the Stabler Point Quarry in the near term will include drilling and limited processing of rock, along with truck haulage of rock material from the Quarry. Blasting is currently planned on Tuesday October 4th between 10AM and 12PM or 1PM and 3PM following blasting requirements of the Conditional Use Permit.

Please see the attached slides documenting the impact of the landslide and the need for swift repairs.

I understand that the Planning Commission will be made aware of this discrepancy to the CUP at their October 11th meeting and will have the opportunity to express any concerns they may have. CBJ Engineering and Public Works has requested that Hecla and Seacon work to make sure disruption to the neighborhood is as minimal as possible.

Hecla Greens Creek Mining Company maintaining access and operations is in the interest of the public; thank you for your understanding as they work to repair damage to access and prevent failure.

Sincerely,

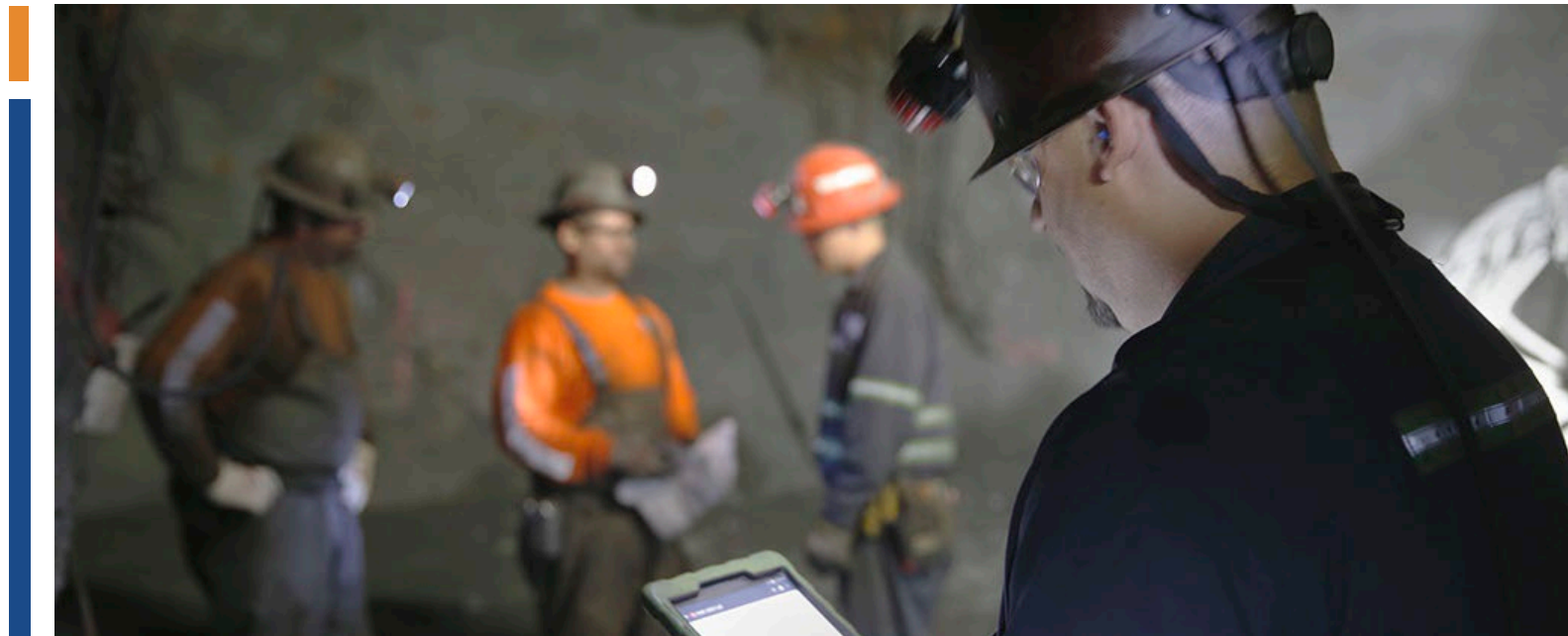
Katie Koester
EPW Director
City and Borough of Juneau



Greens Creek Landslide

Informational Packet - CBJ

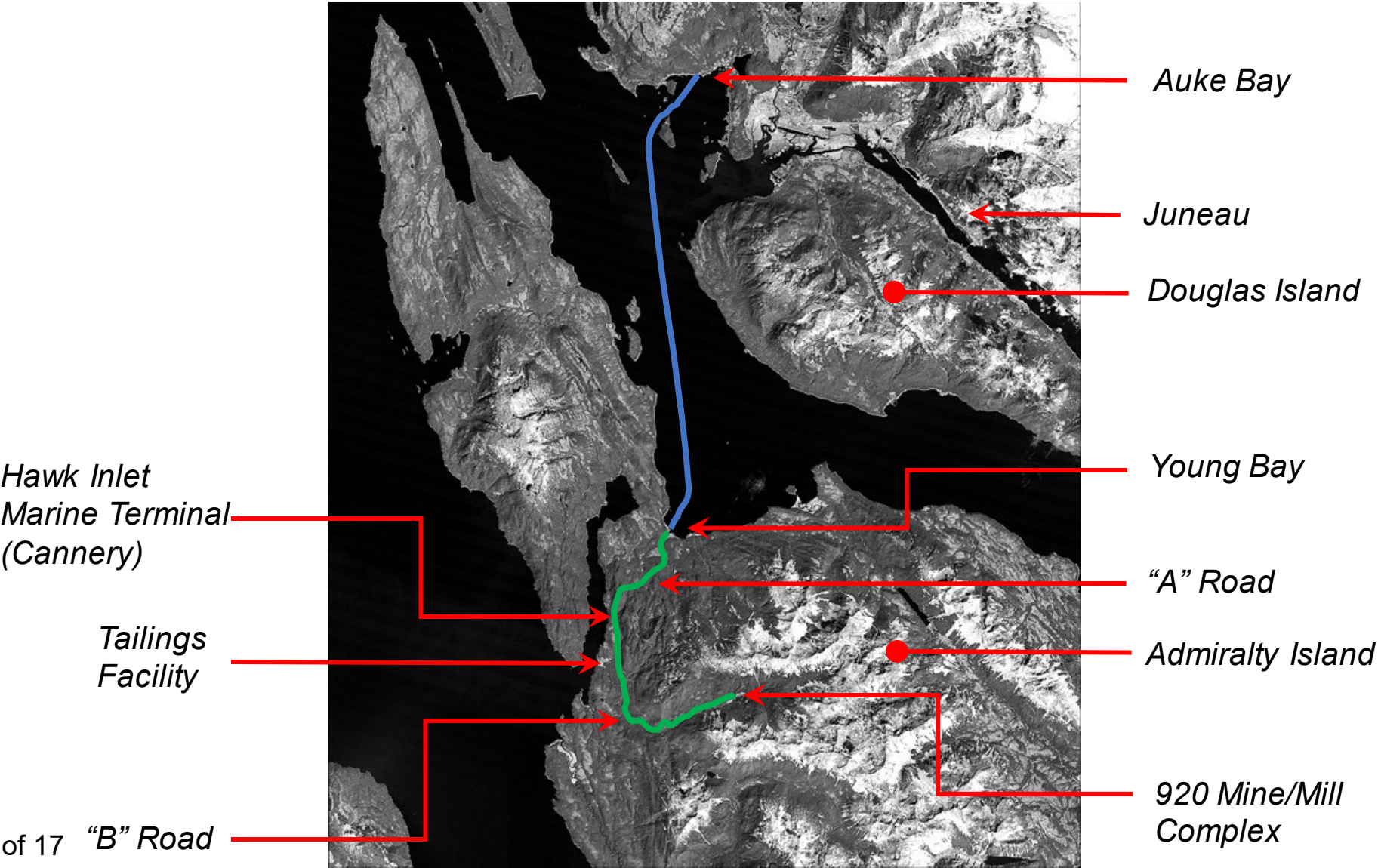
9/30/22



RESPONSIBLE. SAFE. INNOVATIVE.

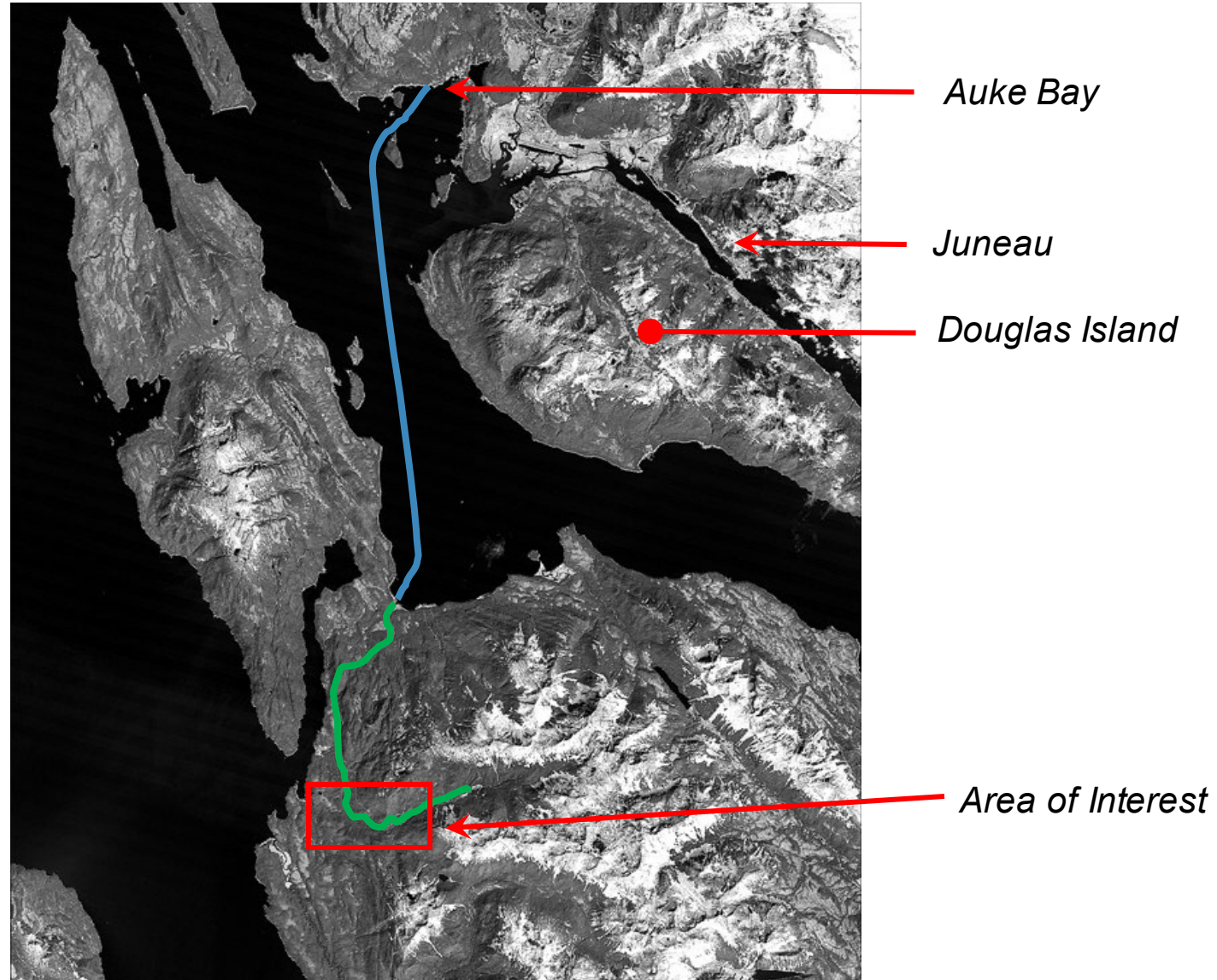
Greens Creek General Location Information

Attachment B - Email from Director Koester, CBJ Engineering and Public Works,
dated September 30, 2022



Greens Creek General Location Information

Attachment B - Email from Director Koester, CBJ Engineering and Public Works,
dated September 30, 2022



Greens Creek General Location Information



Landslide information

Attachment B - Email from Director Koester, CBJ Engineering and Public Works,
dated September 30, 2022

MSE Wall

Head
scarp
boundary



Head scarp limits



Edge of MSE Wall

Landslide information

Showing location of upper bounds of the head scarp and base of MSE Wall

