



REGULAR PLANNING COMMISSION AGENDA

March 14, 2023 at 7:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/83644882057> or 1-719-359-4580 Webinar ID: 836 4488 2057

A. LAND ACKNOWLEDGEMENT

B. ROLL CALL

C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. February 28, 2023 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 CONSIDERATION

H. CONSENT AGENDA

I. UNFINISHED BUSINESS

J. REGULAR AGENDA

2. **USE2023 0001:** Conditional Use Permit for an accessory apartment on an undersized lot - APPROVED AS AMENDED

Applicant: Mark Regan

Location: 1718 Evergreen Ave

DIRECTOR'S REPORT

The applicant requests a Conditional Use Permit for an accessory apartment on a substandard lot in a mapped moderate landslide/avalanche zone in the D5 zoning district. The applicant proposes an accessory apartment in the basement of the existing single-family dwelling. The proposal will not expand the footprint or height of the existing structure.

In conjunction with this permit, the applicant has applied for a Parking Waiver to waive the one (1) required parking space for the accessory apartment PWP2023 0001.

RECOMMENDATION

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

3. **PWP2023 0001:** Parking Waiver to waive one (1) parking space for an accessory apartment - APPROVED AS RECOMMENDED

Applicant: Mark Regan

Location: 1718 Evergreen Ave

DIRECTOR'S REPORT

The applicant requests a Parking Waiver to waive one (1) parking space required for an accessory apartment on a substandard lot in a mapped moderate landslide/avalanche area in the D5 zoning district.

This application relates to USE2023 0001.

RECOMMENDATION

Staff recommends the Planning Commission adopt Director's analysis and findings and APPROVE the requested Parking Waiver.

4. AME2023 0001: Repeal Wetland Review Board - RECOMMENDED FOR APPROVAL TO THE ASSEMBLY

DIRECTOR'S REPORT

The proposed ordinance would repeal 49.10.700, Wetlands Review Board. The Board's wetland permitting authority has expired, the Board has not met since 2018, and the Board is no longer needed.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and recommend approval of the ordinance to the CBJ Assembly.

5. AME2017 0001: Streams & other Waterbodies Ordinance (anadromous waterbodies buffer) - APPROVED TO THE ASSEMBLY AS AMENDED

DIRECTOR'S REPORT

The proposed ordinance would amend CBJ 49.70.310, Habitat, to revise the stream buffer ordinance. The revision would clarify uses allowed and prohibited within stream buffers, and streamline development for low impact uses.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment to revise the stream buffer ordinance.

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

6. Additional Materials

USE2023 0001 & PWP2023 0001- Comments

AME2017 0001- Memo from Director Mclean

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.

Agenda
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
 February 28, 2023

I. LAND ACKNOWLEDGEMENT – Read by Chair LeVine

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

II. ROLL CALL

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

Commissioners present: Commissioners present in Chambers – Michael LeVine, Chairman; Mandy Cole, Vice Chair; Paul Voelckers; Travis Arndt, Clerk; Matthew Bell; Erik Pedersen; Nina Keller; David Epstein

Commissioners present via video conferencing – None

Commissioners absent: Adam Brown

Staff present: Jill Maclean, CDD Director; Irene Gallion, Senior Planner; Ilsa Lund, CDD Administrative Assistant; Jennifer Shields, Planner II.

Staff present via video conferencing – Lily Hagerup, CDD Administrative Assistant;

Assembly members: ‘Wáahlaal Gíidaak (Barbara) Blake

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

IV. APPROVAL OF MINUTES

A. February 14, 2023 Draft Minutes, Regular Planning Commission

MOTION: *by Ms. Cole to approve the February 14, 2023 Planning Commission Regular Meeting minutes.*

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – by Mr. LeVine

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

VII. ITEMS FOR RECONSIDERATION - None

VIII. CONSENT AGENDA

Case Number: **USE2022 0012:** Conditional Use Permit for Pederson Hill Nursery with Retail Sales
Applicant: Bobbi J Epperly
Location: 10460 Glacier Highway

Staff Recommendation

Staff recommends the Planning Commission adopt the Director’s analysis and findings, and APPROVE WITH CONDITIONS the requested Conditional Use Permit. The permit would allow the development of a Nursery with retail sales.

MOTION: *by Ms. Cole to accept staff’s findings, analysis, and recommendations, and approve USE2022 0012.*

The motion passed with no objection.

Case Number: **WCF2022 0001:** Installation of new Wireless Communication Facility Tower
Applicant: CCTHITA
Location: 5750 Concrete Way

Staff Recommendation

Staff recommends the Planning Commission adopt the Director’s analysis and findings, and APPROVE WITH CONDITIONS the requested Special Use Permit. The permit would allow the development of a new 62-foot, non-concealed wireless communications tower.

MOTION: *by Ms. Cole to accept staff’s findings, analysis, and recommendations, and approve WCF2022 0001.*

The motion passed with no objection.

Case Number: ARF2023 0001: Design modifications to Phase 1, including structure reorientation and drainage modifications.

Applicant: Rooftop Properties LLC

Location: 7400 Glacier Highway

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and approve ARF2023 0001. The approval remains subject to the conditions of ARF2022 0001:

1. Establish unique names for the roadways in the subdivision.
2. Install signage where Vista del Sol Drive and the proposed subdivision road meet, with directional arrows depicting the split.
3. The developer will submit documentation of approval of the mail box location by the United States Post Office.

MOTION: *by Ms. Cole to accept staff's findings, analysis, and recommendations, and approve ARF2023 0001.*

The motion passed with no objection.

IX. UNFINISHED BUSINESS - None

X. REGULAR AGENDA - None

XI. OTHER BUSINESS - None

XII. STAFF REPORTS – Director MacLean reported:

- Thursday, March 2, 5:00 p.m. Assembly Open House regarding North Douglas crossing for public input
- March 14 meeting will include COW at 5:30 p.m. to discuss the Hazard Mapping ordinance
- March 28 regular meeting agenda is light. This may be a good time to include training for the new members
- A joint motion to stay the appeal with Mr. Falk and Bayhouse Properties has been submitted. The applicant will apply for a new engineer study for a new CUP. The appeal may not happen.

XIII. COMMITTEE REPORTS

- Mr. Arndt reported Title 49 meeting did not meet quorum. Next meeting will be March 16 at noon.

- Ms. Cole reported Lands Committee met and discussed housing and incentives to encourage new housing construction.

XIV. LIAISON REPORTS – Waahlaal Giidaak – nothing to report

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Levine announced the committee assignments

- Lands Liaison – Cole
- Public Works Liaison – Voelckers
- JCOS – Keller
- Title 49 – Arndt (Chair), Keller, Brown, Epstein, Bell, Voelckers
- Governance – Pedersen (Chair), Epstein, Cole

Commissioner Arndt asked about the ARS discussion that was brought up at Title 49. Mr. LeVine answered the code is not clear on what changes the director can approve or should come before the PC. Mr. Arndt felt that if the ARS is for a minor change and the Director and applicant are in agreement, that should remain with the department. However, if they are unable to come to an agreement or if the applicant prefers it be heard by the PC, then it should come to them. Mr. Voelckers agreed with Mr. Arndt in most cases, but felt it was appropriate to bring before the PC in the case in question considering the size of the project and the public interest that had been expressed.

XVII. EXECUTIVE SESSION - None

XVIII. ADJOURNMENT – 7:32 p.m.

Next regular meeting March 14 7:00 p.m. (following 5:30 p.m. COW)

Respectfully submitted by *Kathleen Jorgensen Business Assists (907)723-6134* .



PLANNING COMMISSION STAFF
CONDITIONAL USE PERMIT USE2023 0001
HEARING DATE: MARCH 14, 2022

Section J, Item 2.

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

DATE: March 3, 2023
TO: Michael LeVine, Chair, Planning Commission
BY: Emily Suarez, Planner II *Emily Suarez*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Conditional Use Permit for an accessory apartment on a substandard lot.

STAFF RECOMMENDATION: Approval with conditions

KEY CONSIDERATIONS FOR REVIEW:

- The lot is within a moderate landslide/avalanche zone.
- The lot and structure received a Nonconforming Certification for lot size, lot width, yard setbacks, and off-street parking (NCC2023 0001).
- Proposed accessory apartment is within the existing structure; engineered construction is recommended for the hazard zone.
- A Parking Waiver has been requested; no on-site parking is proposed.
- Proposal complies with adopted plans, which contain policies promoting in-fill housing development.

ALTERNATIVE ACTIONS:

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

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.15.330
 - 49.25.510(k)
 - 49.70.300
 - 49.80

GENERAL INFORMATION	
Property Owner	Mark Regan
Applicant	Mark Regan
Property Address	1718 Evergreen Avenue
Legal Description	Seater Addition Block 3 Lot 7 FR & 5 FR
Parcel Number	1C030D050080
Zoning	D5
Land Use Designation	Urban Low Density Residential (ULDR)
Lot Size	5,000 square feet
Water/Sewer	Public
Access	Evergreen Avenue
Existing Land Use	Residential
Associated Applications	NCC2023 0001; PWP2023 0001

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

Fostering excellence in development for this generation and the next.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D5)	Single-family dwelling
South (ROW)	Evergreen Avenue
East (D5)	Single-family dwelling
West (D5)	Vacant lot

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	Moderate
Hillside	Yes
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	ADOD

BACKGROUND INFORMATION

Project Description – The applicant requests a Conditional Use Permit for an accessory apartment on a substandard lot and located in a moderate landslide/avalanche zone in a D5 zoning district. In conjunction with this permit, the applicant has applied for a Parking Waiver to waive one (1) required parking space for the accessory apartment PWP2023 0001.

According to CBJ 49.25.510(k)(2)(E)(ii)(a), accessory apartments are allowed on lots that are less than the minimum lot size for the zoning district with an approved Conditional Use Permit. The proposed accessory apartment will measure approximately 580 square feet, and will be located within the basement of the existing single-family dwelling. The footprint and height of the building will not be expanded by the accessory apartment.

Additionally, all development greater than a single-family dwelling is required to obtain a conditional use permit in the moderate avalanche / landslide zone [49.70.300(a)(3)].

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

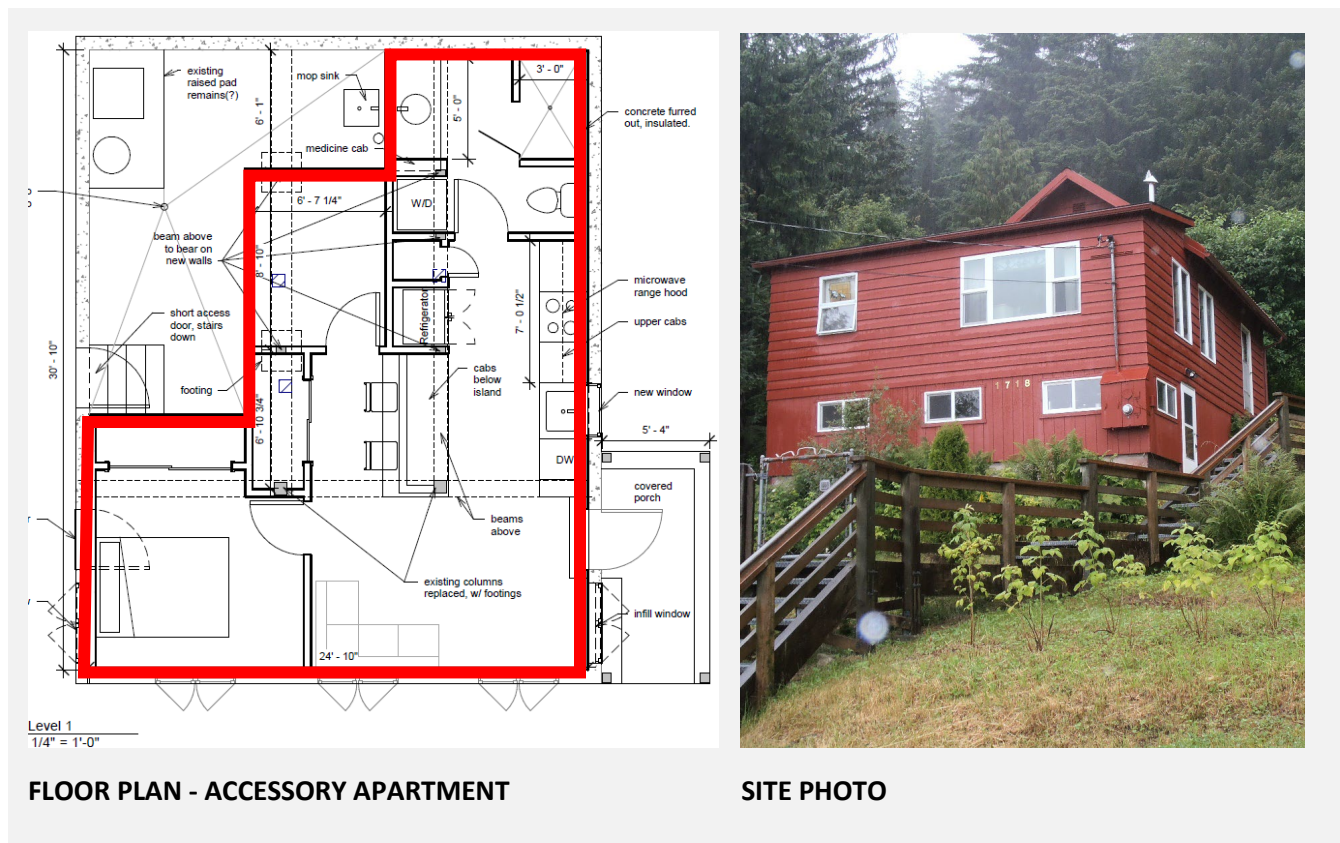
Item	Summary
Lot History	The single-family dwelling was built in 1911 and the lot created by deed in 1967.
Nonconforming Certificate	NCC2023 0001 – The lot is certified nonconforming for lot size, lot width, rear and side yard setbacks, and one (1) off-street parking space.
Parking Waiver	PWP2023 0001 – The applicant has applied for a Parking Waiver to waive the one (1) required parking space for the accessory apartment.
Memo	VR-34-96 – Community Development staff determined variance request was not necessary for proposed carport.
Building Permit	BLD-0991901 – Building permit issued in 1994 for the carport addition.

ZONING REQUIREMENTS

Standard		Requirement	Existing	Code Reference
Lot	Size	7,000 sq. ft.	5,000 square feet*	CBJ 49.25.400
	Width	70 feet	55 feet*	CBJ 49.25.400
Setbacks	Front (S)	20 feet	46.5 feet	CBJ 49.25.400
	Rear (N)	20 feet	16.4 feet*	CBJ 49.25.400
	Side (E)	5 feet	17.6 feet	CBJ 49.25.400
	Side (W)	5 feet	4.5 feet*	CBJ 49.25.400
	Street Side	13 feet	N/A	CBJ 49.25.400
	Street Side	13 feet	N/A	CBJ 49.25.400
Lot Coverage Maximum		50%	26%	CBJ 49.25.400
Vegetative Cover Minimum		20%	72%	CBJ 49.50.300
Height	Permissible	35 feet	Two-story < 35 feet	CBJ 49.25.400
	Accessory	25 feet	10 feet	CBJ 49.25.400
Maximum Dwelling Units (5/Acre)		1	1	CBJ 49.25.500
Use		Residential	Residential	CBJ 49.25.300
Parking		2	1*	

*Existing single-family dwelling is certified nonconforming for lot size, lot width, rear and side yard setbacks and off-street parking (NCC2023 0001); the accessory apartment requires one (1) off-street parking space.

FLOOR PLAN



ANALYSIS

Project Site – The project site is located in a mapped moderate landslide/avalanche zone and per 49.70.300(a)(3), a conditional use permit is required for an accessory apartment, in addition to the substandard lot size. The lot measures 5,000 square feet and contains a two-story single-family dwelling with a basement on the lower level. The dwelling was constructed prior to zoning requirements and is certified nonconforming to the D5 zoning district minimum standards (NCC2023 0001). The proposed accessory apartment will be within the basement of the existing single-family dwelling. The structure will not be expanded and the proposed development will not aggravate the existing nonconforming situations on the lot.

Project Design – The proposed accessory apartment measures approximately 580 square feet and will have one (1) bedroom, one (1) bathroom, a kitchen with living area and a covered porch entryway.

Traffic – According to CBJ 49.40.300(a)(2) a traffic impact analysis is not required; the proposed development is anticipated to generate less than 250 Average Daily Trips (ADTs). Additional traffic generated by the accessory apartment is expected to be minimal, and is not expected to be out of character with the existing neighborhood.

Use	Per Unit	Trips Generated	Total Trips
Single-family dwelling	1	9.52 per unit	9.52
Accessory Apartment	1	6.65 per unit	6.65
Total ADTs:			16.17

Vehicle Parking & Circulation – Parking is nonconforming and is not required due to the lot and single-family dwelling being established prior to zoning regulations. The single-family dwelling is certified nonconforming for off-street parking. According to CBJ 49.40.210(a), one (1) off-street parking is required for the proposed accessory apartment. Per 49.30.270(b), the nonconforming parking situation will not be aggravated if Parking Waiver PWP2023 0001 is granted.

Per CBJ 49.40.200(k)(1), off-street parking facilities for single-family dwellings shall be located on the same lot as the building served; this includes accessory uses to the single-family dwelling. The applicant has applied for a Parking Waiver PWP2023 0001, as an option to reduce the off-street parking space requirement.

Use	Units	Spaces Required	Total Spaces
Accessory Apartment	1	1	1
Total Parking Requirement:			1
Off-Street Loading Spaces Required:			0
ADA Accessible Spaces Required:			0

Condition: Prior to issuance of a building permit, the applicant must submit revised plans showing the required parking space is provided per CBJ 49.40, or must have a parking waiver approved by the Commission.

Non-motorized Transportation – The lot is located in the Highlands residential area, which is considered a more historic neighborhood. Sidewalks are not provided on either side of Evergreen Avenue, but the property

is located within one (1) mile walking distance from downtown. The downtown area and surrounding neighborhoods are identified as a walkable area with provisions for pedestrians.

Proximity to Transit – There are four (4) bus stops along Glacier Avenue; the bus stops are located within a half (½) mile walking distance from the property. The Comprehensive Plan encourages *Transit Oriented Development*. The proposed development would not cause an undue burden on existing public transportation.

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

Lighting – No new lighting is proposed. According to CBJ 49.40.230(d), lighting fixtures shall be “full cutoff” design. This will be verified during the building permit review.

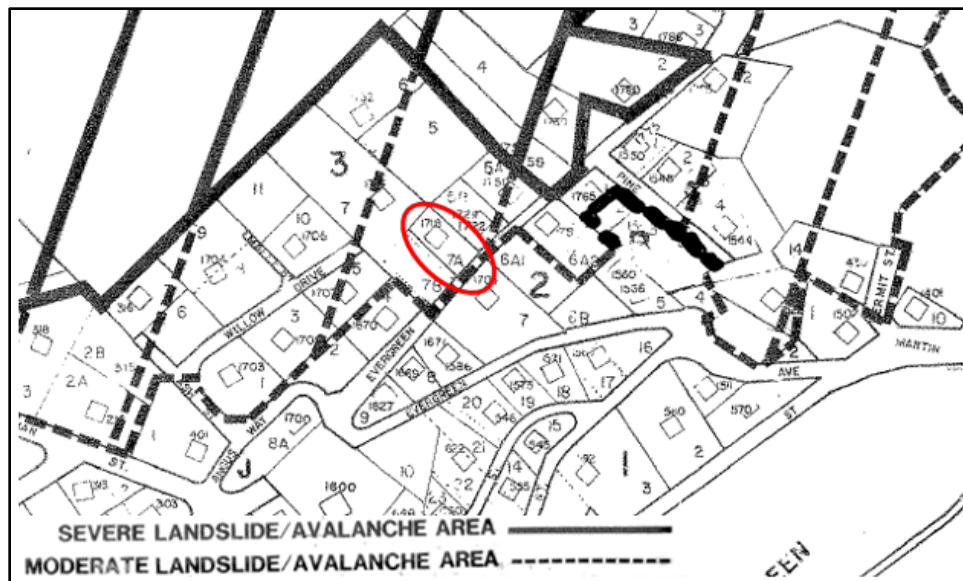
Vegetative Cover & Landscaping – A minimum of 20 percent vegetative cover is required in the D5 zoning district; the lot is 5,000 square feet and the footprint of the building is 891 square feet. The As-Built Survey and the GIS Aerial Imagery both show that this requirement is met, and the accessory apartment will not expand the building footprint.

Habitat – There are no known habitats governed by Title 49 land use code on the lot.

Drainage and Snow Storage – Any proposed grading or changes to drainage will be reviewed through the building permit process.

Historic District – The lot is not within the CBJ Historic District, but it is located in one of the older neighborhoods known as the Highlands.

Hazard Zones – The lot is located in a moderate landslide/avalanche zone, as identified in sheet 2 of 8 from the adopted 1987 Landslide and Avalanche Area Maps (Attachment H). The 1987 Maps do not separate landslide and avalanche areas.



The CBJ Comprehensive Plan contains policy that recommends limiting development in hazard zones to minimize threats to human safety and development. Additionally, the Comprehensive Plan also recognize that structures

can be built to mitigate and accommodate for landslides or avalanches; these structures would need appropriate structural and special engineering that respond to the specific hazards of the site. CBJ Title 49.70.300(a) establishes code provisions applicable to development in landslide/avalanche zone.

Title 49 and adopted plans call for limiting development in hazard zones, but also recognizes the ability to engineer structures to accommodate for a landslide/avalanche.,

Given the moderate avalanche / landslide designation, staff recommends an advisory condition that the owner's formally notify all future tenants of this designation.

Advisory Condition: Prior to renting the accessory apartment, the owner is advised to formally notify in writing all future tenants of the moderate avalanche / landslide designation.

Public Health, Safety, and Welfare –There is no evidence that suggests the proposed development with the appropriate conditions, will materially endanger the public health, safety and welfare.–The Commission may require additional mitigating measures deemed necessary to protect the public health, safety and welfare [49.70.300(a)(5)]. Staff recommends the Conditional Use Permit be conditioned to include engineering specifically to accommodate for a landslide or avalanche event.

Condition: Prior to the issuance of a building permit, mitigating measures certified as effective by a professional engineer for development in landslide and avalanche area must be provided to the Community Development Department for documentation.

Property Value or Neighborhood Harmony – There is no evidence that suggests the proposed development will be out of character with the existing neighborhood, or that it would reduce property values of neighboring property. The lot is in a D5 zoning district and is surrounded by residential uses; compact in-fill development is encouraged through the 2013 Comprehensive Plan.

AGENCY REVIEW

CDD conducted an agency review comment period between January 30 and February 6, 2023. Agency review comments can be found in Attachment C.

Agency	Summary
CBJ General Engineering	Additional dwelling unit will require water service to be metered.
CBJ Building Department	No comments submitted.
CBJ Fire Department	No fire code or fire department concerns for this application.

PUBLIC COMMENTS

CDD conducted a public comment period between January 31, 2023 and February 20, 2023. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. Public comments submitted at time of writing this staff report can be found in Attachment D.

Name	Summary
Joan Cahill	Does not support the development due to increased demand of on-street parking for current residents and visitors of the area. Expresses

Name	Summary
	concern for emergency and snow removal vehicle access. Believes development of undersized lot is not appropriate for the area.
Mary Ann Parke	Objects proposal of Parking Waiver for accessory apartment. Believes that current on-street parking hinders the traffic flow through the area.

CONFORMITY WITH ADOPTED PLANS

The proposal complies with the 2013 Comprehensive Plan and 2016 Housing Action Plan goals of providing housing in urban areas to utilize existing infrastructure, which allows for cost effective provision of community services.

The proposed development is in general conformity with the 2013 Comprehensive Plan and the 2016 Housing Action Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	3	20	Policy 3.2	Promotes compact urban development within the designated urban service area to ensure efficient utilization of land resources and to facilitate cost effective provisions of community services and facilities.
	4	37	Policy 4.2	Facilitates the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.
	7	97	Policy 7.17	Facilitates provisions to minimize the threat to human safety and development posed by landslide (mass wasting) and avalanches. All development in the hazard areas must include mitigating measures that respond to the specific hazards of that site.
	11	147	Land Use Designation	Complies with the Urban Low Density Residential land use designation; this land use designation allows single-family dwelling with accessory apartments.
	11	184	Subarea 6 Guideline 1	Complies with the preservation of the scale and density of the older single-family neighborhoods in the downtown area, including the Highlands.
	11	184	Subarea 6 Guideline 2	The lot is located in Subarea 6. Guidelines for Subarea 6 include the retention of existing dwelling units in or near the older residential neighborhoods.
2016 Housing Action Plan	2	35	Production Targets	Creates additional housing, which advances the City's goal of increasing housing stock.

FINDINGS

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

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

Analysis: No further analysis needed.

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

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

Analysis: The application is for an accessory apartment within an existing single-family dwelling in a moderate landslide/avalanche zone. The use is listed at CBJ 49.25.300, Section 1.130 for the D5 zoning district.

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

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

Analysis: No further analysis needed. The proposed development complies with Title 49 standards for accessory apartments.

Finding: Yes. With the recommended conditions, the proposed development will comply with Title 49, including parking, lighting, vegetative cover, and Hazard Zone requirements.

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

Analysis: Staff recommends mitigating measures certified as effective by a professional engineer for development in landslide and avalanche area prior to the issuance of a building permit. This is consistent with plans and policies that call for restricting development, or requiring engineering in order to protect human safety within hazard zones. Further, staff recommends an advisory condition that the owner formally notifies in writing all future tenants of the moderate avalanche / landslide designation.

Finding: No. There is no evidence to suggest that with the recommended conditions and advisory condition, the requested accessory apartment, in a D5 zoning district, will materially endanger the public health or safety.

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

Analysis: No further analysis is needed.

Finding: No. There is no evidence to suggest that with appropriate conditions, the requested accessory apartment, in a D5 zoning district will substantially decrease the value or be out of harmony with the property in the neighboring area.

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

Analysis: Policies in the Comprehensive Plan and Housing Action Plan call for compact in-fill development within the Urban Service Boundary. Staff finds the proposed development is in general conformity with the land use designation identified in the Comprehensive Plan.

Finding: Yes. The proposed accessory apartment, with the recommended conditions, will be in general conformity with the 2013 Comprehensive Plan and the 2016 Housing Action Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of an accessory apartment on an undersized lot in a moderate landslide/avalanche zone.

The approval is subject to the following conditions:

1. Prior to issuance of building permit the applicant must submit revised plans showing the required parking space per CBJ 49.40, or must have a parking waiver approved by the Commission.
2. Prior to the issuance of a building permit, mitigating measures certified as effective by a professional engineer for development in landslide and avalanche area must be provided to the Community Development Department for documentation.

ADVISORY CONDITION: Prior to renting the accessory apartment, the owner is advised to formally notify in writing all future tenants of the moderate avalanche / landslide designation.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	Agency Comments
Attachment D	Public Comments
Attachment E	NCC2023 0001
Attachment F	Zoning Map
Attachment G	Land Use Designation Map
Attachment H	1987 Hazard Map
Attachment I	Additional Materials



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 1718 Evergreen Ave.		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) SEATER ADDITION BL 3 LT 7 FR & 5 FR		
	Parcel Number(s) 1C030D050080		
	<input checked="" type="checkbox"/> This property is located in the downtown historic district <input checked="" type="checkbox"/> This property is located in a mapped hazard area, if so, which Moderate		
	LANDOWNER/ LESSEE		
	Property Owner Mark Regan	Contact Person Pls cc: Meredith.Trainor@gmail.com	
	Mailing Address 223 Gold Street	Phone Number(s) 907-209-7371	
	E-mail Address MRegan@gci.net		
	LANDOWNER/ LESSEE CONSENT		
Required for Planning Permits, not needed on Building/ Engineering Permits.			
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
Mark REGAN Landowner Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)			
X [Signature] 1-17-23 Landowner/Lessee (Signature) Date			
Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)			
X [Signature] 1-17-23 Landowner/Lessee (Signature) Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
APPLICANT If same as LANDOWNER, write "SAME"			
Applicant (Printed Name) same Contact Person			
Mailing Address Phone Number(s)			
E-mail Address			
X [Signature] 1-17-23 Applicant's Signature Date of Application			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number
VSE 23-001
PWP 23-001

Intake Initials

AS

Date Received

1/17/22



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

PROJECT SUMMARY

Proposed construction of an accessory apartment at 1718 Evergreen, an undersized lot due to home construction year. Parcel #: 1C030D050080

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☒ Accessory Apartment – Accessory Apartment Application (AAP)
☐ Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: _____

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____ ☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 5000 sq ft _____ square feet Total Area of Existing Structure(s) 1131 _____ square feet

Total Area of Proposed Structure(s) None additional _____ square feet

EXTERNAL LIGHTING

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

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

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

If this is a modification or extension include:

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

☒ Plans including:

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

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

ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date
Application Fees	\$ 350			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ 50			
Pub. Not. Sign Deposit	\$ 100			
Total Fee	\$ _____			

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

USE23-001

Date Received

1/17/22

Allowable/Conditional Use Permit Application Instructions

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

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

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

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

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

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

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

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

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



PARKING WAIVER APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.
NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant	PROJECT SUMMARY Parking waiver for new accessory apartment being constructed in lower level of 1718 Evergreen. Property already has one off-street parking space (permitted carport) for main unit.
	TYPE OF PARKING WAIVER REQUESTED (check one) <div><input checked="" type="radio"/> MINOR DEVELOPMENT Parking Waiver Departmental Review (PWD)</div> <div><input type="radio"/> MAJOR DEVELOPMENT Parking Waiver Planning Commission Review (PWP)</div>
	DEVELOPMENT FOR WHICH THE PARKING IS REQUIRED (check one) <div><input type="radio"/> Existing</div> <div><input checked="" type="radio"/> Proposed – Related Case Number: PAC2022 0062</div>
	NUMBER OF REQUIRED PARKING SPACES PER CBJ 49.40.210(A) <div><input checked="" type="checkbox"/> For Residential Uses: 1 new (2 total) spaces</div> <div><input type="checkbox"/> For Non-Residential Uses: _____ spaces</div>
	NUMBER OF PARKING SPACES THAT WILL BE PROVIDED <div><input checked="" type="checkbox"/> For Residential Uses: 2 total, 1 new spaces</div> <div><input type="checkbox"/> For Non-Residential Uses: _____ spaces</div>
ALL REQUIRED MATERIALS ATTACHED <div><input checked="" type="checkbox"/> Complete application per CBJ 49.15 and CBJ 49.40.210(d)(6)</div> <div><input checked="" type="checkbox"/> Narrative including: <div><input checked="" type="checkbox"/> Why the parking waiver is being requested?</div><div><input checked="" type="checkbox"/> How the requested waiver meets items 1-4 on page 2</div></div>	

---DEPARTMENT USE ONLY BELOW THIS LINE---			
PARKING WAIVER FEES			
Residential Spaces	_____	Non-Residential Spaces	_____
Residential Fee	\$ _____	Non-Residential Fee	\$ _____
Total Residential	\$ _____	Total Non-Residential	\$ _____
Total Fee		\$ 320	

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
PWP23-001	1/17/22

Parking Waiver Information

Parking waivers are outlined in CBJ 49.40.210(d)(6)

Parking Waivers are pursuant to 49.40.210(d) Exceptions (6) Parking Waivers. The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the Director of the Community Development Department in the case of minor development; the Planning Commission in the case of major development; and the Planning Commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

Any waiver granted under this subsection shall be in writing and shall include the following required findings and any conditions, such as public amenities, imposed by the director or commission that are consistent with the purpose of this title:

- (1) The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the comprehensive plan;
 - (2) The development is located outside of the PD-1 parking district, PD-2 parking district, and Downtown Fee in Lieu of Parking District Map areas;
 - (3) Granting the waiver will not result in adverse impacts to property in the neighboring area; and
 - (4) The waiver will not materially endanger public health, safety, or welfare.
- Applications for parking waivers shall be on a form specified by the director and shall be accompanied by a one-time fee of \$400. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.
- The director shall mail notice of any complete parking waiver application to the owners of record of all property located within a 250 foot radius of the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications shall be made concurrently in accordance with CBJ 49.15.230.

Approved parking waivers shall expire upon a change in use.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Conditional Use Permit Project Narrative
for 1718 Evergreen Avenue
Case #: PAC2022 0062
Submitted by Mark Regan and Meredith Trainor

Property owner Mark Regan is applying for a nonconforming lot permit for the property he owns and has recently maintained as a rental at 1718 Evergreen Ave, in the Highlands neighborhood. Mark has begun the process of selling the property to his renter, Meredith Trainor, and plans to renovate the lower level in a limited manner before the transfer of ownership so as to facilitate construction of an accessory unit.

Please copy us both on correspondence.

Past and Current Uses of the Property:

As far as we know and as far as publicly available data indicate, the home has only ever been used as a residence. Based on the last 30-40 years and what is known of the preceding history, the home was used as a primary residence for most of the 100+ years it has stood on this hillside, before being used as a rental for one year (2014-15) and then again for the last 4.5 years, from 2018 - present.

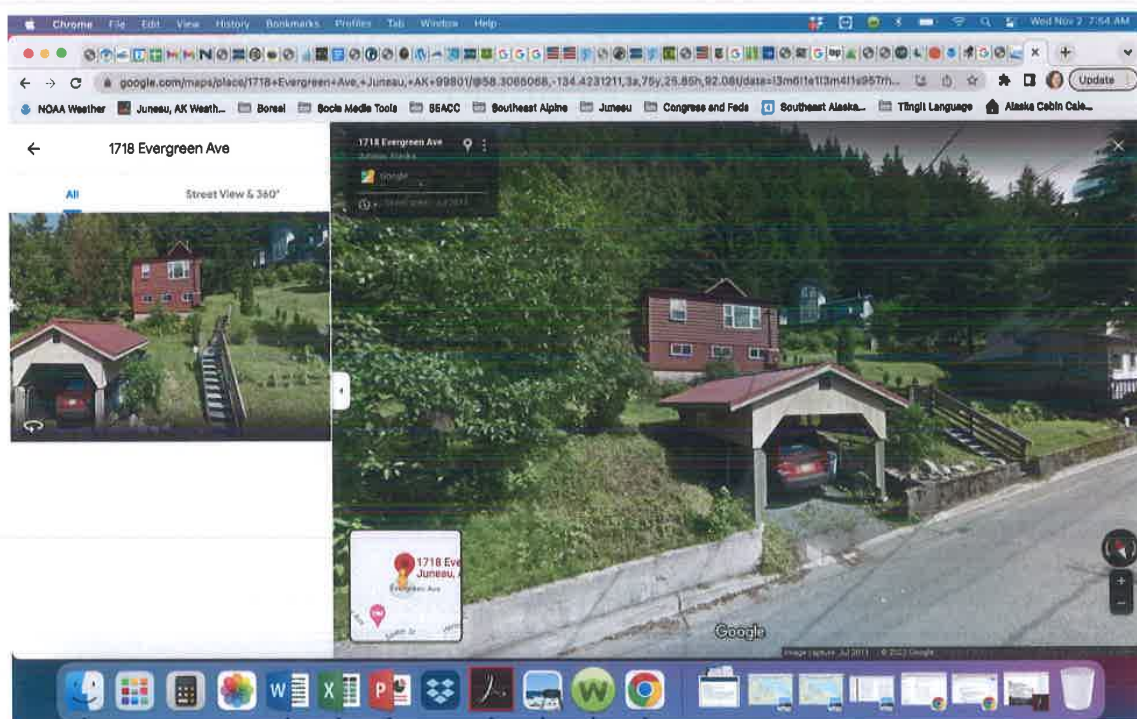
Prior to renter/buyer Meredith Trainor moving in as a tenant in 2018, there were two or three years when the house was vacant. Before that, no one was living in the home, other than occasional visits by former owner Mr. Kirk and current owner Mr. Regan, since Mr. Kirk started living primarily in an apartment at the Marine View before he passed away.

Description of Project, Site, Circulation, Traffic:

Site is the lower level of the 891 sq. ft. building. Lower level is currently raw earth with windows and exposed old ratty insulation towards the front (Evergreen Ave side), and pristine 80s-era concrete foundation walls to the back (hill side). The space currently holds a washer and dryer, deep freeze, and storage items, plus utilities (water heater and oil boiler).

Evergreen Ave is a one-way street above the cemetery that dead ends in the Flume trail. This home is set back and uphill from the street.

A separate accessory parking application waiver is being submitted in conjunction with this conditional use application.



Project site. Updated lower level windows will be part of the new accessory apartment

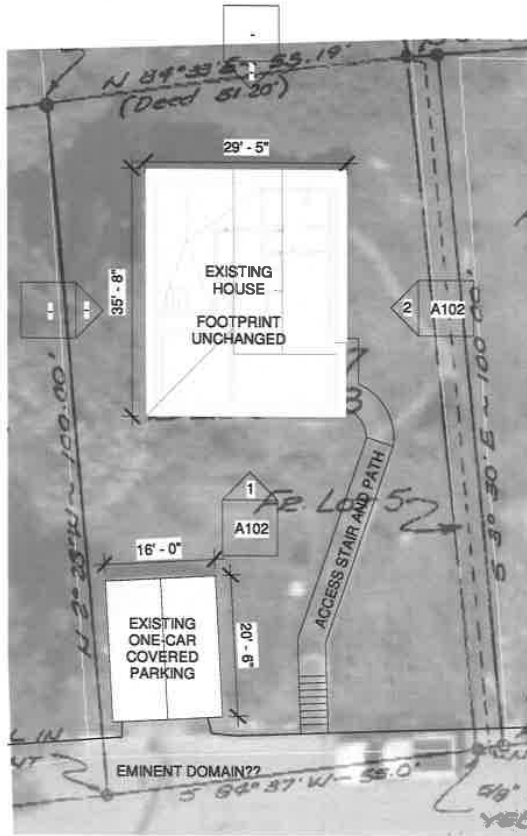
Proposed use of land or building:

Lower level becomes new accessory apartment with external covered porch entryway.

Compliance with Comprehensive Plan:

Yes. This accessory apartment will be rented to year-round tenants whenever possible in an effort to help relieve housing pressure. Future owner has been a renter for 22 years and is sympathetic to housing challenges!

In addition, home is walkable to downtown.



① Site
1/16" = 1'-0"



www.autodesk.com/revit

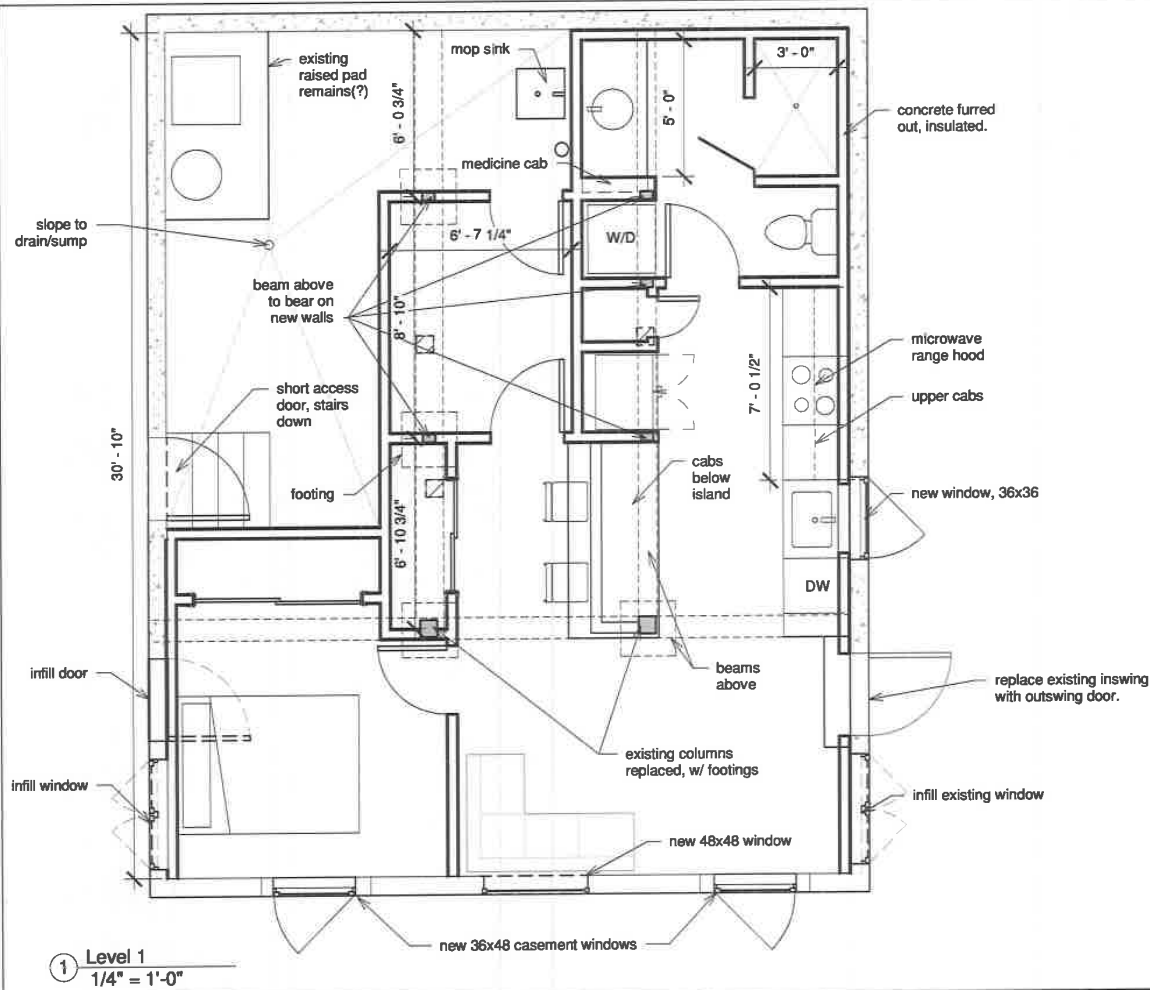
Meredith Trainor
1718 Evergreen

No.	Description	Date

SITE

Project number	1718	A100
Date	1.12.23	
Drawn by	Author	
Checked by	Checker	
Scale 1/16" = 1'-0"		

1/13/2023 5:17:32 PM



Notes:

Existing floor joists, beams, and columns are extremely irregular, and are going to need attention--sistered up as needed. Existing columns are resting on post blocks, and support the beams at odd intervals--hopefully new posts located in walls crossing at roughly third points will provide better support while opening up the floor plan. Roof truss bears on left latitudinal beam, right beam is only picking up the weight of the floor. New footings or at least thickened slab should be planned at columns.

The beams are rough-hewn trees, bark and all, dating back ~100 years. Kind of cool but... they should be boxed in cleanly with pine/hemlock and finished, left exposed and extending below the typical finished ceiling height of 8'.

Concrete foundation walls dating from the 70s or 80s are in pristine shape. They still require furring for insulation, plumbing, and electric--probably 2" thermax and 2x4s on the flat. Perhaps deeper for kitchen appliances.

New windows--36" w x 48" h casement egress for bedroom and east living room; center living room fixed 48" x 48", 36" x 36" Casement above sink. Double pane vinyl-framed Anderson or equivalent.

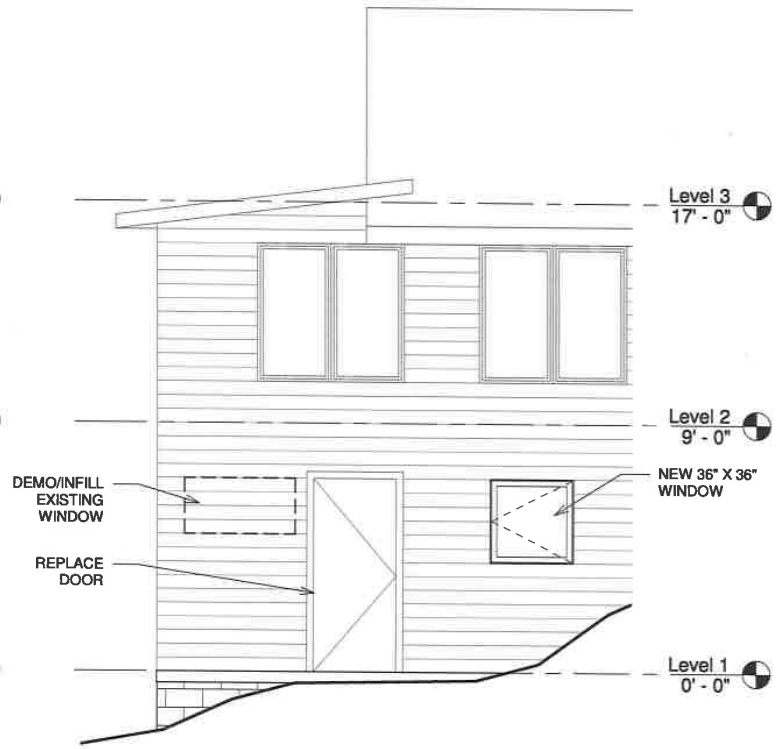
New glass or windowed entry door--hopefully frame is salvagable. Flip From inswing to outswing.

No.	Description	Date

Floor 1

Project number	1718	A101
Date	1.12.23	
Drawn by	MV	
Checked by		
Scale 1/4" = 1'-0"		

1/13/2023 5:17:32 PM



① South
1/4" = 1'-0"

② East
1/4" = 1'-0"



www.autodesk.com/revit

Meredith Trainor
1718 Evergreen

No.	Description	Date

ELEVATIONS

Project number	1718
Date	1.12.23
Drawn by	Author
Checked by	Checker

A102

Scale 1/4" = 1'-0"

1/13/2023 5:17:32 PM

1718 Evergreen Parking Waiver Application Narrative
PAC2022 0062

Submitted by: Mark Regan (current owner) and Meredith Trainor (future owner)

Project Summary: Parking waiver for new accessory apartment being constructed in lower level of 1718 Evergreen. Property already has one off-street parking space (permitted carport) for main unit.

Applicant is seeking to build an accessory apartment in a lower level unfinished basement. Parking waiver is being requested for the requisite accessory apartment parking space. Evergreen is a one-way street above the cemetery that dead ends in the Flume trail.

We are seeking a parking waiver in order to keep two curbside parking spaces in front of the home in circulation for neighborhood use. There is room on the property (and an existing '94 permit for -- BLD2004-00208) carport extension or development of another physical parking space, but leaving the curbside intact will allow the neighbors to continue to rotate through two existing curbside spaces in front of the home. In addition, adding another hard left-turn driveway would actually make it slightly more difficult for traffic to flow up and down the street, vs pull-in parking alongside either of the two retaining walls on this property's side of the block.

Items (1), (3), (4)

NOT w
PD-1
PD-2
Fee ~ Liew
(Item 2)



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

Case name

Case Number: PAC2022 0062
Applicant: Mark Regan/Meredith Trainor
Property Owner: Mark Regan
Property Address: 1718 Evergreen Ave
Parcel Code Number: 1C030D050080
Site Size: 5,000 square feet
Zoning: D-5
Existing Land Use: Residential

Conference Date: 04 January 2023

Report Issued: 1/6/2023

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
Mark Regan/Meredith Trainor	Applicant	Mregan@gci.net Meredith.trainor@gmail.com
Emily Suarez	Planning	Emily.suarez@juneau.gov
Jennifer Shields	Planning	Jennifer.shields@juneau.gov
Edward Quinto	Permit Specialist	Edward.quinto@juneau.gov

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.

Project Overview

- The property is zoned D5 (Single-family/Duplex) and the applicant would like to build an accessory apartment in the basement of the single-family dwelling unit.
- A Nonconforming Certification Review Application is required. The lot is 5,000 square feet, and the minimum lot size required in the D5 zoning district is 7,000 square feet (CBJ 49.25.400). Per CBJ 49.30.260(a), *"A property owner of a nonconforming lot has the same development rights as a property owner of a conforming lot, provided the owner first obtains nonconforming certification pursuant to section 49.30.310."*
- A Conditional Use Permit Application is required. Per CBJ 49.25.510(k)(2)(E)(ii), *"The commission may approve, with a conditional use permit, a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:(a)The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size."*
- A Parking Waiver Application will be required if the applicant is not able to provide one additional on-site parking space for the accessory apartment.

Note: The applicant may choose to submit the above-listed applications concurrently. Each application will need to be submitted with an accompanying Development Permit Application.

Planning Division

1. **Zoning** – The property is zoned D5 (Single-family/duplex)
2. **Subdivision** – N/A
3. **Setbacks** –
 - a. Minimum front yard setback: 20 feet
 - b. Minimum rear yard setback: 20 feet
 - c. Minimum side yard setback: 5 feet
4. **Height** – Maximum height permissible is 35 feet, and 25 feet for accessory (CBJ 49.25.400)
5. **Access** – Access is from Evergreen Avenue.
6. **Parking & Circulation**– The property currently has one (1) parking space (carport). Per CBJ 49.40.210, the accessory apartment would require one additional parking space. If the applicant is not able to provide one additional on-site parking space for the accessory apartment, per CBJ 49.40.220 a Parking Waiver Application will be required (see attached code).
7. **Lot Coverage** – Maximum lot coverage is 50% (per CBJ 49.25.400)
8. **Vegetative Coverage** – Minimum vegetative cover is 20% (per CBJ 49.50.300)
9. **Lighting** – N/A

Pre-Application Conference Final Report

10. **Noise** – N/A
11. **Flood** – N/A
12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – N/A, the lot is located in moderate landslide/avalanche area.
13. **Wetlands** – N/A
14. **Habitat** – N/A, no anadromous waterbodies are on the parcel, or within 50 feet.
15. **Plat or Covenant Restrictions** – N/A
16. **Traffic** – N/A
17. **Nonconforming situations** – Due to a substandard lot size, a nonconforming certificate is required prior the issuance of any building or land use permit.

Building Division

18. **Building** – Fire/Sound separation will be required between dwelling units, if the units are stacked, then the supporting walls must also meet fire resistance requirements. A building permit and plan review will be required prior to any construction or demolition activities.
19. **Outstanding Permits** – BLD2004-00208 – Grading permit to provide a parking area and new driveway entrance

General Engineering/Public Works

20. **Engineering** – N/A
21. **Drainage** – N/A
22. **Utilities** – (water, power, sewer, etc.) Adding an additional dwelling unit will require water service be metered before supply is split between the dwelling units.

Fire Marshal

23. **Fire Items/Access** – N/A

Other Applicable Agency Review

24. N/A

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. Please check applications for required attachments, only whole and complete applications can be accepted.

1. Development Permit Application (One for each of the applications listed below)
2. Nonconforming Certification Review
3. Conditional Use Permit 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.

Pre-Application Conference Final Report

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

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. Development Permit Application: N/A
2. Nonconforming Certification Review: \$150 if submitted separately from other applications, fee waived if submitted at the same time as Conditional Use, Parking Waiver, or Building Permit.
3. Conditional Use Permit (USE): \$350
4. Public Notice Sign: \$150 (with \$100 refundable if the sign is returned by the Monday after the Planning Commission meeting).
5. Parking Waiver (PWP): \$320 (reduced due to major development)
6. Building permit and plan review fees will be based on the cost of work – to include materials and labor.

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

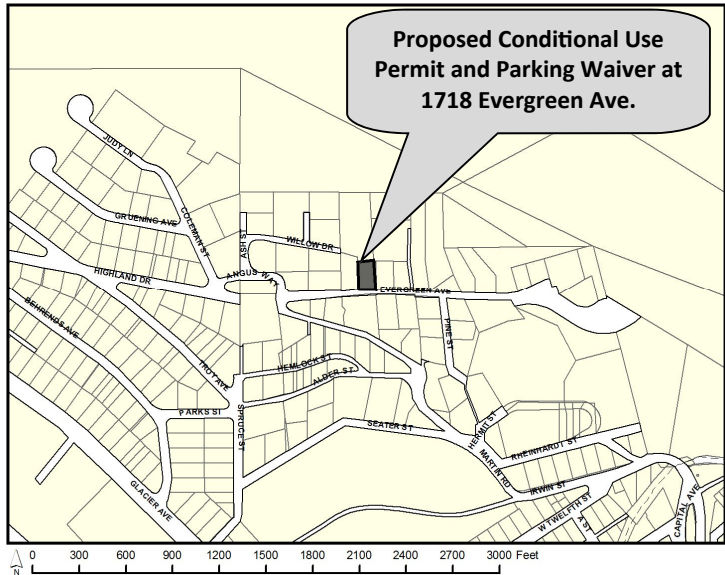
Open Monday through Thursday – 8:00 am – 4:30 pm, applications will not be accepted after 4:00 pm.

Attachments:

CBJ 49.15.330 Conditional Use Permit
CBJ 49.30.310 Nonconforming Certification Review
CBJ 49.40.220 Parking Waiver
Development Permit Application (DPA)
Nonconforming Certification Review (NCC)
Conditional Use Permit Application (USE)
Parking Waiver Application (PWP)



Invitation to Comment
On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a Conditional Use Permit for an accessory apartment on an undersized lot and a Parking Waiver to waive one (1) parking space for the accessory apartment at **1718 Evergreen Avenue** in a **D5 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, March 6, 2023 at

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

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

Now through Feb. 20	Feb. 21 noon, March 10	HEARING DATE & TIME: 7:00 pm, March 14, 2023	March 15
Comments received during this period will be sent to the Planner, Emily Suarez , to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/83644882057 and use the Webinar ID: 836 4488 2057 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.	The results of the hearing will be posted online.
FOR DETAILS OR QUESTIONS, Phone: (907)586-0753 ext. 4131 ♦ Email: pc_comments@juneau.gov Mail: Community Development, 155 S. Seward Street, Juneau AK 99801			
		Case No.: USE2023 0001 & PWP2023 0001 Parcel No.: 1C030D050080 CBJ Parcel Viewer: http://epv.juneau.org	

Printed January 31, 2023



Attachment B - Abutters Notice and Public Notice Sign Photo



(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: February 8, 2023
APPLICANT: Mark Regan; Meredith Trainor
TYPE OF APPLICATION: USE23-01 Conditional Use Permit

PROJECT DESCRIPTION:

Conditional Use Permit request for construction of accessory apartment on substandard lot.

LEGAL DESCRIPTION: SEATER ADDITION BL 3 LT 7 FR & 5 FR
PARCEL NUMBER(S): 1C030D050080
PHYSICAL ADDRESS: 1718 Evergreen Avenue

SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

No fire code or fire department concerns for this application.

From: [Alec Venechuk](#)
To: [Emily Suarez](#)
Subject: RE: USE23-01 1718 Evergreen Accessory Apartment
Date: Tuesday, January 31, 2023 9:16:53 AM

No comments, thanks!

-Alec

From: Emily Suarez <Emily.Suarez@juneau.gov>
Sent: Tuesday, January 31, 2023 8:36 AM
To: Alec Venechuk <Alec.Venechuk@juneau.gov>
Subject: RE: USE23-01 1718 Evergreen Accessory Apartment

Hi Alec,

Thank you for sending this over. I forgot to include that there is a Parking Waiver Application for the accessory apartment.

Let me know if you have any additional comments on this.

Thanks,

-Em.

From: Alec Venechuk <Alec.Venechuk@juneau.gov>
Sent: Monday, January 30, 2023 12:06 PM
To: General Engineering <General_Engineering@juneau.gov>; Emily Suarez <Emily.Suarez@juneau.gov>
Subject: RE: USE23-01 1718 Evergreen Accessory Apartment

Hi Emily,

The only comment the home owner should be aware of from the GE/Utility side is that a water meter will be required where the water supply enters the home –

Alec

Alec Venechuk, PE

*Chief Engineer – General Engineering
Department of Public Works and Facilities
City and Borough of Juneau
155 S. Seward St.
Juneau, AK 99801*

(907) 586-0800 Ext. 4187 (office)
Alec.Venechuk@juneau.gov

**Please note my email address change to alec.venechuk@juneau.gov*

From: John Bohan <John.Bohan@juneau.gov>
Sent: Monday, January 30, 2023 11:06 AM
To: General Engineering <General_Engineering@juneau.gov>; Emily Suarez <Emily.Suarez@juneau.gov>
Subject: FW: USE23-01 1718 Evergreen Accessory Apartment

Hi Emily,

Am sending this to Alec and GE. I am no longer the lead for GE, Alec is – there is no need to copy me on these requests unless you specifically need my input – and am more than happy to help, but also extremely happy to leave it with GE also!

Thanks!

Thanks
John Bohan, PE
 CBJ Chief CIP Engineer
 155 S. Seward St
 Juneau AK 99801
 (907)586-0800 x-4188

Note: my email address has changed to john.bohan@juneau.gov

From: Emily Suarez <Emily.Suarez@juneau.gov>
Sent: Monday, January 30, 2023 8:16 AM
To: Charlie Ford <Charlie.Ford@juneau.gov>; Dan Jager <Dan.Jager@juneau.gov>; John Bohan <John.Bohan@juneau.gov>
Subject: USE23-01 1718 Evergreen Accessory Apartment

Hello,

Attached is a Conditional Use Permit application for 1718 Evergreen. They would like to remodel the residence and convert the basement into an accessory apartment.

If you have any comments or concerns regarding this proposal, please send them to me by Monday, February 6, 2023. Let me know in case this date does not give you enough time to submit

comments.

Thank you!

Emily Suarez | Planner II

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0753 ext. 4131



Fostering excellence in development for this generation and the next.

From: [Joan Cahill](#)
To: [Emily Suarez](#)
Subject: Public Comment re: 1718 Evergreen Ave Permit & Waiver
Date: Tuesday, February 7, 2023 11:32:11 AM

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

While I am not thrilled to submit this response given my friendly relationship with the residents of 1718 Evergreen (see #14 below), I will regardless submit my very strong objection to both proposals for the following reasons:

1. As one of the region's Gold Rush era roads, **Evergreen ave is very narrow.**
2. With the exception of 1 relatively newer house on a large property near the uphill dead end, Evergreen Ave has no sidewalks. Snow is packed alongside the road making it **even more narrow in winter.**
3. **Snow Removal on upper Evergreen (above the switchback) is delayed and gets plowed less** often than lower Evergreen, as Upper Evergreen is apparently considered an offshoot. There are long stretches during snow events when the street does not even accommodate 2 cars; **one has to pull over so the other can pass.** This assumes there's somewhere to pull over. This scenario often occurs even without snow.
4. The houses range from the Gold Rush era through the 1960's-early 70's and with 1 exception were **designed as single family dwellings.** In the 70's & early 80's, many of the houses were significantly enlarged, often with one or more accessory apartments that increased congestion considerably.
5. In addition to the numerous Accessory apartments, like most homes these days, **Evergreen has at least 1 car per adult, most houses have 2, 3 or even 4 adults.** This doubles and sometimes more so what was once the standard 1 car per house envisioned in its early years of development.
6. **An extra house that is not even on the street but up a staircase from it has two personal vehicles and sometimes a third** work vehicle and no off-street parking for any of them. Those residents park one vehicle in a space owned by two other residences. One of those other residents who share ownership of that parking space uses on-street parking instead.
7. **Visitors often park in front of residents' garage doors, driveways and entryways.** Sometimes visitors ignore signage altogether and park on the downhill side of the street, halving the width. This creates tight gauntlets that the average vehicle can barely squeeze through. When they can't, the driver parks in the middle of the street and knocks on doors to find the car's owner.
8. This situation creates **stress among neighbors and strains relationships.**
9. With the current density, **it's a crap shoot as to whether today's very wide emergency vehicle could access the houses.**
10. Evergreen Avenue is a **popular trailhead and extremely busy pedestrian**

and recreational street for the Flume, Mount Roberts, Mount Juneau, and Perseverance Trail. This ushers in far more cars and walkers and runners and bikers and skateboarders and dog walkers and baby strollers and tourists and gym classes and running teams and state office workers on lunch breaks than arguably any other street in town besides possibly Basin Road.

11. It's **dangerous, stress-inducing and negligent to the existing tax paying residents to wedge even more cars in the crush.**
12. Permitting another Accessory apartment on an undersized lot will inevitably come with at least 1 vehicle and more likely several. This will occur regardless of whether 1 vehicle is permitted for off street parking. No one will monitor the situation. Therefore there should be no exemption permit for an accessory apartment on an undersized lot with no off street parking. **It's called an undersized lot and not permitted for a reason.**
13. **Juneau is developing apartment complexes galore all over town that are designed for modern living with designated parking.** The City should not be wedging more people and vehicles onto streets like upper Evergreen which never should have permitted some of the accessory apartments that exist here in the first place. The street has one apartment house. It was built with a driveway that is pitched so steeply from the street that it's unsafe and unused. Someone tried to park there recently, their brake failed and the car pitched into the road. Residents constantly comment about how on earth that ever got permitted.
14. Lastly: I struggled with whether to voice my strong objection to this proposal for fear of risking my very good relationship with the neighbors who are making the request. I am not alone in this conundrum. Given the amount of complaining about traffic and parking and crowding that goes on on this street, it's safe to say you could multiply this one comment numerous times to reflect the people reticent to oppose publicly for fear of creating bad blood. This system forces a Sophie's Choice of either suffering more dangerous conditions with quality of life while paying ever higher taxes for it, or suffering tense relationships with immediate neighbors due to resentment incurred from having one's name attached to an opposing comment. As long as CBJ vets the submission, it could withhold the name and the value of the input would not be compromised.

Thank you for soliciting feedback.

Joan Cahill
 (907) 723-3949
joanmcahill@gmail.com

From: [Mary Ann Parke](#)
To: [PC Comments](#)
Cc: [Parke Mary Ann](#)
Subject: Comment on Case No.: USE2023 0001 & PW2023 0001
Date: Sunday, February 12, 2023 6:14:20 PM

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

To Emily Syarez,

Regarding Proposed Conditional Use Permit and Parking Waiver at 1718 Evergreen Avenue, Case No.: USE2023 0001 & PW2023 0001, Parcel No.: 1C030D050080

Please consider NOT waiving the off-street parking requirement for this accessory apartment application.

1) This area of Evergreen Avenue currently is nearly always limited to a single lane street due to on-street parking.

2) Commonly oncoming traffic is required to, where possible, pull out of the single lane or back up to allow the oncoming vehicle to pass.

3) With service and private vehicles temporarily stopped along the street it is not uncommon wait time is required to simply drive through this area.

4) Walkers along this area of Evergreen Avenue, which has no sidewalks, are nearly always required to step between parked cars or into adjacent yards to allow vehicles to pass as on-street parking limits street access to a very narrow single lane.

5) Space for additional parking on this lot is adequate between the covered pull-out currently at 1718 and on the adjacent up-street property.

6) Noteworthy is properties that have garage or parking spaces are charged CBJ property tax for those buildings and/or square footage. CBJ charges no fees for on-street parking in this area. This is inequitable to property owners in this area.

7) The only street access to my residence requires passage through this portion of Evergreen Avenue. Over the past years, increasing on-street parking continues to diminish safe passage through this area.

Thank you for considering not waiving CBJ parking requirements for the accessory apartment.

Respectfully submitted,

Mary Ann Parke
 1544 Pine Street
 Juneau, Alaska 99801
 907-586-1393



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

NONCONFORMING CERTIFICATE

Date: February 22, 2023
File No.: NCC2023 0001

Mark Regan
1718 Evergreen Ave
Juneau, AK 99801

Proposal: A Nonconforming Situation Review for structures, lots, and parking.

Property Address: 1718 Evergreen Ave
Property Legal Description: Seater Addition Block 3 Lot 7 Family Residence & 5 Family Residence
Property Parcel Code No.: 1C030D050080

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated February 22, 2023, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Structures (CBJ 49.30.250):
 - Rear yard setback of 16.4 feet for the residential structure
 - Side yard setback of 4.5 feet for the carport
- Nonconforming Lots (CBJ 49.30.260):
 - Lot size of 5,000 square feet
 - Lot width of 55 feet
- Nonconforming Parking (CBJ 49.30.270):
 - One (1) off street parking space

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

CBJ 49.30.215: Accidental damage or destruction. *Structures receiving a nonconforming certification may have the right to reconstruct a nonconforming structure per CBJ Chapter 49.30.*

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed.

Mark Reagan
File No.: NCC2023 0001
February 22, 2023
Page 2 of 2

If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

Project Planner:		
	_____	_____
	Adrienne Scott, Planner I Community Development Department	Jill Maclean, Director, AICP Community Development Department

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.



**DIRECTOR'S REVIEW STAFF REPORT
NONCONFORMING CERTIFICATION
NCC2023 0001**

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: February 23, 2023

TO: Jill Maclean, AICP | Director

BY: Adrienne Scott, Planner I

PROPOSAL: A Nonconforming Situation Review for structures, lots, and parking.

KEY CONSIDERATIONS FOR REVIEW:

- There were no zoning requirements when the primary structure was built in 1911.
- Dimensional requirements of the lot were met when it was established.
- The carport was permitted and approved through the building permit process.

STAFF RECOMMENDATION:

Staff recommends the following situations receive

Nonconforming Certification:

- Nonconforming Structures (CBJ 49.30.250)
- Nonconforming Lots (CBJ 49.30.260)
- Nonconforming Parking (CBJ 49.30.270)

ABANDONMENT:

If a nonconforming situation is deemed to be abandoned by the Director, the decision may be reconsidered in accordance with CBJ 49.30.220. After reconsideration is reviewed, an appeal may be filed in accordance with CBJ 49.20.110.

NONCOMPLIANCE:

If a situation fails to be certified as nonconforming, an appeal of this decision may be filed in accordance with CBJ 49.20.110.

GENERAL INFORMATION	
Property Owner	Mark Regan
Applicant	Mark Regan
Property Address	1718 Evergreen Ave
Legal Description	Seater Addition Block 3 Lot 7 FR & 5 FR
Parcel Number	1C030D050080
Zoning	D5
Lot Size	5,000 square feet
Water/Sewer	Public
Access	Evergreen Ave
Existing Land Use	Residential
Associated Applications	USE02230001, PWP20230001

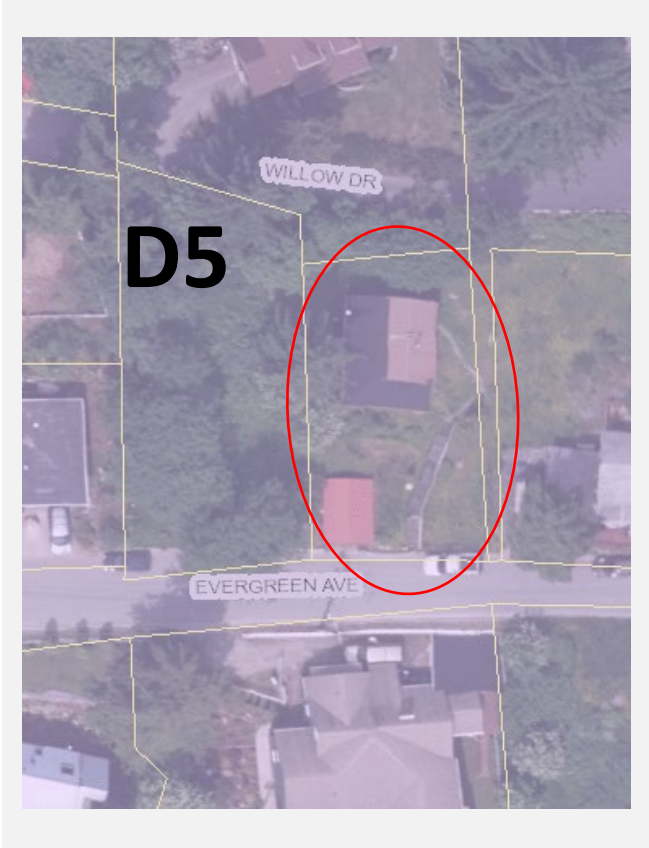
CBJ 49.30.215: Accidental damage or destruction. Structures receiving a nonconforming certification may have the right to reconstruct a nonconforming structure per CBJ Chapter 49.30.

Mark Regan
File No: NCC2023 0001
February 23, 2023
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SITE FEATURES AND ZONING



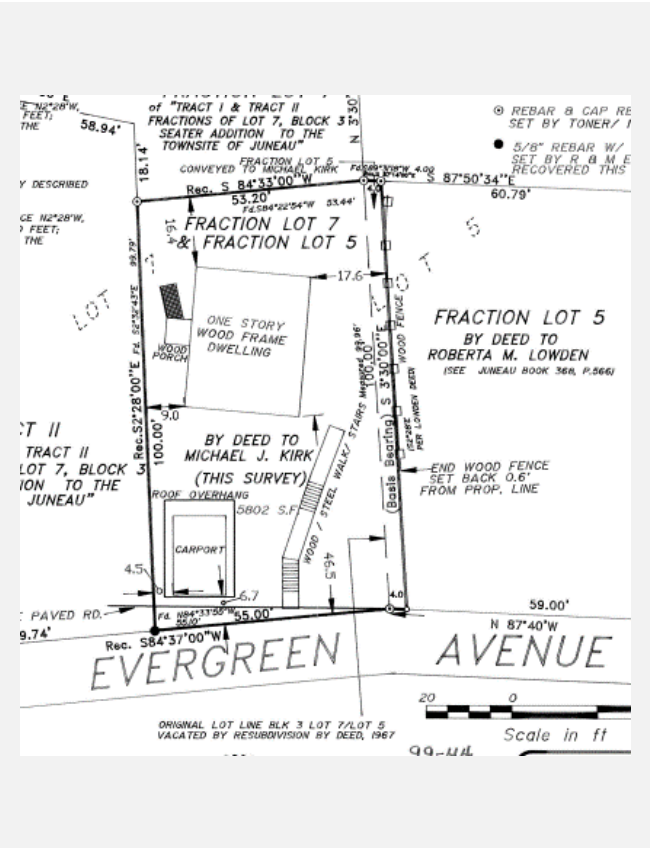
CURRENT ZONING MAP



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

SITE FEATURES	
Anadromous	None
Flood Zone	None
Hazard	Moderate Landslide/ Avalanche area
Hillside	Yes
Wetlands	None
Parking District	None
Historic District	None
Overlay Districts	ADOD

SITE MAP



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ZONING HISTORY

Year	Zoning District	Summary
1911	None	In 1911, the single family dwelling structure was built. There were no zoning requirements.
1964	R1	In 1969, the lot and surrounding area was zoned R1. The R1 zoning district required a 4,000 square foot minimum lot size, and a 50 foot lot width. Required setbacks were 20 feet front, 15 feet rear, and 5 feet on each side. One off-street parking space was required per dwelling unit.
1967	R1	In 1967 the lot was created by deed. Dimensional standards for the R1 zoning district were met.
1969	R5	In 1969, the lot and surrounding area was rezoned R5. The R5 zoning district required a 5,000 square foot minimum lot size, an 80 foot lot depth, and a 50 foot lot width. Required setbacks were 20 feet front, 15 feet rear, and 5 feet on each side. One off-street parking space was required per dwelling unit. Dimensional standards for the R5 zoning district were met.
1987	D5	In 1987, the lot and surrounding area was rezoned D5. The D5 zoning district required a 7,000 square foot minimum lot size, an 85 foot lot depth*, and a 70 foot lot width. Required setbacks were 20 feet front, 20 feet rear, and 5 feet on each side. Two off-street parking spaces were required per dwelling unit. The lot became nonconforming for lot size and width. The primary structure became nonconforming for the rear setback. The use became nonconforming for number of off-street parking spaces.
2021	*All zoning districts – lot depth repealed	On August 23, 2021, the CBJ Assembly adopted Ordinance 2021-28, repealing lot depth as a minimum dimensional standard. Other dimensional standards for the D5 zoning district remain the same.

BACKGROUND INFORMATION

The applicant requests a Nonconforming Situation Review for structures, lots, and parking. The lot was created by deed in 1967. The single family dwelling structure was built in 1911 and the carport was built in 1994 (building permit BLD-0991901). In 1999 a record of survey (Plat 99-44) was recorded in order to correct the legal description from the deed. The dimensions from Plat 99-44 are used in the following analyses.

The property owner has applied for a Conditional Use Permit for an accessory apartment on an undersized lot (USE02230001), and a parking waiver for an accessory apartment (PWP20230001).

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INFORMATION REVIEWED

Year	Type	Summary
1967	Warranty Deed	Book 176 Page 411 from the Juneau Recording District is a Warranty Deed which created the lot.
1994	Memo	Memo from CBJ Community Development staff determined that a variance was not necessary for the proposed carport setbacks.
1994	Building Permit	Building Permit BLD-0991901 is a building permit for a carport addition.
1999	Survey of Record	Plat 99-44 is a correction to the legal description from the 1967 deed. It also shows the location of the structures on the lot and was used to determine lot dimensions, lot coverage, and setbacks.
2012	Assessor's Photo	Assessor's photo shows a two-story structure on the lot.
2013	Aerial Photography	GIS imagery was used to estimate the vegetative cover.
2022	Assessor's Data	The CBJ Assessor's Database shows the year constructed as 1911.

ANALYSIS

Zoning District Comparison Table – The table below lists the required standards for the D5 zoning district compared to the lot. A description of these situations is provided in the following sections. Items bolded do not meet current requirements.

Standard		Requirement	Existing	Code Reference
Lot	Size	7,000 square feet	5,000 square feet	CBJ 49.25.400
	Width	70 feet	55 feet	CBJ 49.25.400
Setbacks	Front (S)	20 feet 5 feet (carport)	Residential Structure: 46.5 feet Carport: 6.7 feet	CBJ 49.25.400 CBJ 49.25.430(4)(H)
	Rear (N)	20 feet	Residential Structure: 16.4 feet Carport: ~70 feet	CBJ 49.25.400
	Side (E)	5 feet	Residential Structure: 17.6 feet Carport: ~35 feet	CBJ 49.25.400
	Side (W)	5 feet	Residential Structure: 9 feet Carport: 4.5 feet	CBJ 49.25.400
Lot Coverage		50%	~26%	CBJ 49.25.400
Height	Permissible	35 feet	Two- story	CBJ 49.25.400
	Accessory	25 feet	10 feet	CBJ 49.25.400
Maximum Dwelling Units		1	1	CBJ 49.25.500
Use		Residential	Residential	CBJ 49.25.300
Vegetative Cover		20%	~72%	CBJ 49.50.300
Parking		Two (2)	One (1)	CBJ 49.40.210(a)

Minimum Lot Requirements – The lot does not meet the minimum requirements for lot size or width. The lot conformed to dimensional standards at the time it was established in 1967.

Finding: Staff finds the lot nonconforming for lot size and lot width.

Minimum Setback Requirements – The rear yard setback is not met for the residential structure. There were no zoning requirements when the structure was built, and the setback requirement was met under R1 zoning when the lot was established.

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The required front yard setback for the carport was reduced to 5 feet, which is documented on BLD-0991901. The west side yard setback of 5 feet is not met for the carport. The carport was permitted in 1994 (BLD-0991901). The required side yard setback was 5 feet, however an asbuilt was not required in order to finalize the permit. The 1999 survey of record (Plat 99-44) shows the actual side yard setback at 4.5 feet.

Finding: Staff finds the primary residential structure nonconforming for the rear yard setback.

Finding: Staff finds the carport structure nonconforming for the west side yard setback.

Lot Coverage – The lot coverage was estimated using the record of survey, Plat 99-44, and does not exceed the maximum for the D5 zoning district.

Finding: Staff finds the lot conforming for lot coverage.

Structure Height – There is a two-story single family dwelling on the lot that does not exceed the maximum height of 35 feet. There is a carport on the lot that does not exceed the maximum height of 25 feet for an accessory structure. The height of the carport was determined from the construction plans submitted with building permit BLD-0991901.

Finding: Staff finds the structures conforming for height.

Residential Density – There is one dwelling on the lot.

Finding: Staff finds the lot conforming for residential density.

Use – The use of the lot is residential.

Finding: Staff finds the lot conforming for use.

Vegetative Cover – Vegetative cover was estimated using 2013 GIS aerial imagery.

Finding: Staff finds the lot conforming for vegetative cover.

Parking – CBJ 49.40.210 requires two (2) off-street parking spaces. Back-out parking may be allowed for single-family dwellings in residential zoning districts per CBJ 49.40.230(b)(7)(A). The carport on the lot accommodates one parking space. When the use was established, the parking requirement was met.

Finding: Staff finds the use nonconforming for number of off-street parking spaces.

NONCOMPLIANT SITUATIONS

CBJ 49.30.310(j) Failure of a situation to qualify for nonconforming certification. If a situation does not qualify for or is denied nonconforming certification, it is noncompliant and the property is subject to enforcement actions consistent with this title.

No information has been found to suggest noncompliant situations exist on the lot.

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ABANDONMENT

CBJ 49.30.220(b) Abandonment of a nonconforming situation. *A nonconforming situation is abandoned if any of the following events occur:*

- (1) The owner indicates in writing that the nonconforming situation is being permanently discontinued;*
- (2) The nonconforming situation is damaged, destroyed, removed or demolished intentionally by the owner or intentionally by an authorized agent of the owner;*
- (3) The nonconforming structure is moved;*
- (4) The owner takes action consistent with an intent to abandon the nonconforming situation;*
- (5) The structure(s) associated with the nonconforming situation has been vacant for 365 consecutive days;*
- (6) Except for a structure with a nonconforming residential density, the nonconforming use has ceased and not substantially resumed for 365 consecutive days; or*
- (7) A structure with a nonconforming residential density has been unoccupied for 1095 consecutive days.*

No information has been submitted to suggest the nonconforming situations on the lot have been abandoned.

Finding: Staff finds none of the above events have taken place and the nonconforming situations are not deemed abandoned.

FINDINGS

1. Was the nonconforming situation allowed, or not prohibited by law, when it was established?

Analysis: Lot dimensions, setbacks for the primary structure, and parking requirements were met at the time the lot and structure were established. The side yard setback for the carport structure is not met, and did not meet requirements at the time it was built, however it was permitted and approved by the CBJ Community Development Department.

Finding: Yes. The nonconforming situations were allowed, or not prohibited by law, when they were established.

2. Have the nonconforming situations been abandoned?

Analysis: No evidence has been submitted to suggest that the nonconforming situations have been abandoned.

Finding: No. The nonconforming situations have not been abandoned.

RECOMMENDATION

Staff recommends that the Director adopt the analysis and findings, and find the following situations on the lot to be NONCONFORMING to the Title 49 Land Use Code and issue a Nonconforming Certification for the following

Mark Regan
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February 23, 2023
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situations:

- Nonconforming Structures (CBJ 49.30.250):
 - Rear yard setback of 16.4 feet for the residential structure
 - Side yard setback of 4.5 feet for the carport
- Nonconforming Lots (CBJ 49.30.260):
 - Lot size of 5,000 square feet
 - Lot width of 55 feet
- Nonconforming Parking (CBJ 49.30.270):
 - One (1) off street parking space

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Information Reviewed



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION	
	Physical Address 1718 Evergreen Ave.	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) SEATER ADDITION BL 3 LT 7 FR & 5 FR	
	Parcel Number(s) 1C030D050080	
	<input checked="" type="checkbox"/> This property is located in the downtown historic district <input checked="" type="checkbox"/> This property is located in a mapped hazard area, if so, which Moderate	
	LANDOWNER/ LESSEE	
	Property Owner Mark Regan	Contact Person Same
	Mailing Address 223 Gold Street	Phone Number(s) 907-209-7371
	E-mail Address MRegan@gci.net	
	LANDOWNER/ LESSEE CONSENT	
Required for Planning Permits, not needed on Building/ Engineering Permits.		
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:		
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.		
B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.		
Mark Regan Landowner Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)		
X  1-4-2023 Landowner/Lessee (Signature) Date		
Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)		
X  1-4-2023 Landowner/Lessee (Signature) Date		
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.		
APPLICANT		
If same as LANDOWNER, write "SAME"		
Applicant (Printed Name) SAME	Contact Person	
Mailing Address	Phone Number(s)	
E-mail Address		
X  1-4-2023 Applicant's Signature Date of Application		

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number

11C023-001

Intake Initials

ERS

Date Received

1/11/23



APPLICATION FOR A NONCONFORMING CERTIFICATION REVIEW

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.

TYPE OF NONCONFORMING SITUATION (CHECK ALL THAT MAY APPLY)

☐ USE ☐ STRUCTURE ☐ DENSITY ☒ PARKING ☒ LOT

Have you submitted a narrative that fully explains the above listed nonconforming situations? YES ☒ NO ☐

The narrative should explain the nature of the nonconforming situation(s). Be specific, state past and present uses of the building, property, etc.

List all relevant information being submitted. Include this material and an as-built or site plan with the application.

Relevant information to show that the *situation was allowed when established* may include: building or land use permits, recorded plats, zoning codes or maps, dated photographs.

Situation	Type of Documentation
Nonconforming lot size	Plat from 1979, obtained from CBJ Planner Teri Camery
Permitted nonconforming front (street) setback for carport	1718 Evergreen Carport Addition Building Permit 1994.jpeg

Relevant information to show that the *situation was maintained over time* may include: business licenses, dated photographs, insurance records and maps, utility bills, property tax records, business license, telephone listing, advertisement in dated publications, leases.

Maintained Situation	Type of Documentation
	See Project Narrative

NOTE: If an as-built survey is not submitted, the Community Development Department may not be able to issue a Nonconforming Certificate for setbacks. As-built surveys should show the property in its current condition.

ALL REQUIRED MATERIALS ATTACHED

☐ Complete Application (Per CBJ 49.30.310)

☒ Narrative

☒ As-built survey or similar document

☒ Documentation

☐ Fees

NONCONFORMING CERTIFICATION REVIEW FEES:

	Fees	Check No.	Receipt	Date
Application Fees	\$ 150.00			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ _____			

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
907-586-0770.

Case Number	Date Received
NCC 23-001	1/4/23

Attachment A- Application Packet

Attachment E - Notice of Decision for Case NCC2023 0001

Nonconforming Certification Application Instructions

Nonconforming Situations is outlined in CBJ 49.30.310

Pre-Application Conference: A pre-application conference is **NOT** required prior to submitting an application. It is highly recommended that applicants meet with a planner to discuss the nonconforming situation(s) and necessary or appropriate documentation for submittal. Staff may have access to documentation that the applicant does not. Please contact the Permit Center at 907-586-0770 or via e-mail at permits@juneau.org.

Application: An application for a Nonconforming Certificate 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 application for Nonconforming Certificate and Development Permit Application forms.
- 2. **Fees:** Fee is \$150. If submitted in conjunction with a development permit, the fee is waived. All fees are subject to change.
- 3. **Project Narrative:** A detailed narrative describing the nonconforming situation(s).

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

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

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

Review: As part of the review process, the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes. Depending on the details of the permit request, the application may require review by other City & Borough of Juneau departments. Applicants may be required to provide additional information and clarification.

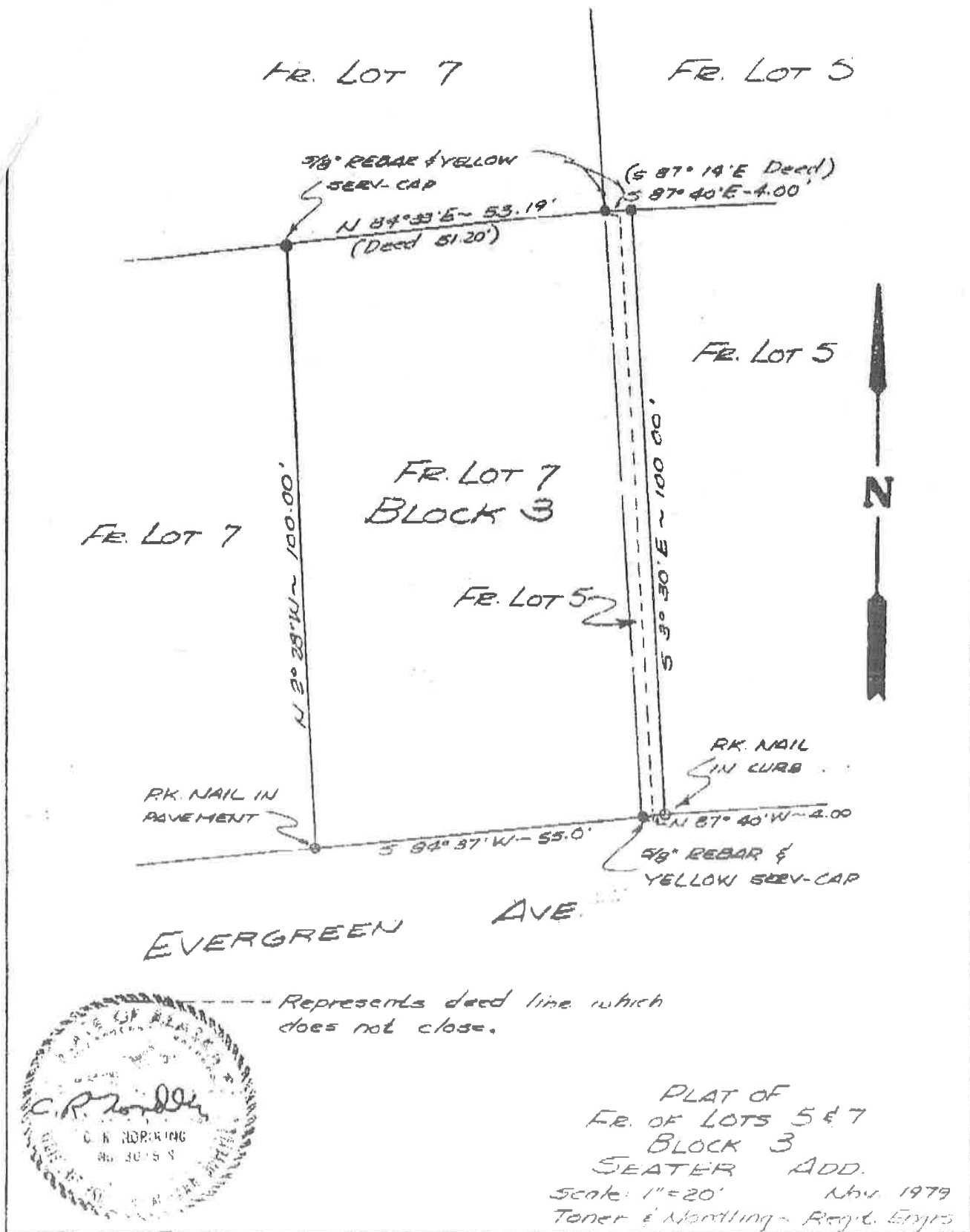
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

12:02

907-586-4318

PSA ASSOCIATES

PAGE 01



Attachment A- Application Packet

Attachment E - Notice of Decision for Case NCC2023 0001



BUILDING PERMIT

Your special attention is called to the following:

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

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

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

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

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

JOB ADDRESS 1715 EVERGREEN AV	RECEIPT # 12283	DATE 08/04/93	PROJECT BLD-89919.01
USE OF PERMIT CARPORT ADDITION			

OWNER MICHAEL KIRK		
ADDRESS P O BOX 844		
CITY JUNEAU	ST AK	ZIP 99802 0000
APPLICANT MICHAEL KIRK		
CONTRACTOR SUPERIOR BUILDERS		
ADDRESS 2401 KA-SKE AN DR		
CITY JUNEAU	ST AK	ZIP 99801 8012
PH 907-789-9115	STATE LIC AA249	
ARCH/ENGINEER		
ADDRESS		
CITY	ST	ZIP

TRACT # 3	LOT # 7A	APN 1-C03-0-005-008-0	
TRACT NAME HIGHLANDS		MODULE #	CENSUS TRACT
ZONE	SETBACKS FRONT	LEFT	RIGHT
REAR			
Plan Review		110300203	37.80
1 thru 4 Family Res.		0000000515	75.60
COUNTER APPROVAL [Signature]		PAYMENT FORM	TOTAL FEE \$3380113.10

PROJECT PERMIT

Estimated Construction Valuations

Permit Type	Rate	Sq Feet	Valuation
1 thru 4 Family Res.	17.30	192	3321.60

PROJECT CONDITIONS/HOLDS

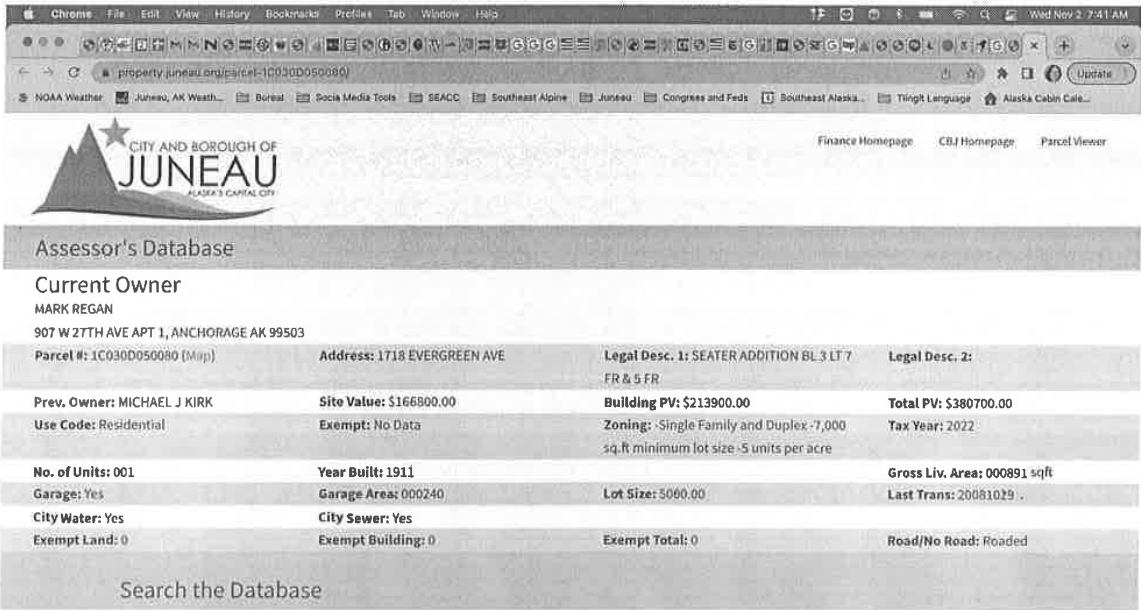
- Conditional SUP Permit to build carport.
- Conditional SUP Zone D-4; setbacks: front 5', rear 20', left & right 5'.
- Conditional SUP Front setback reduced per 49.25.430(4)(d) for proposed carport.
- Conditional SUP Stamped truss details prior to on-site framing approval.

Last updated: 11/2/2022

Nonconforming Permit Project Narrative
for 1718 Evergreen Avenue

Property owner Mark Regan is applying for a nonconforming lot permit for the property he owns and has recently maintained as a rental at 1718 Evergreen Ave, in the Highlands neighborhood. Mark has begun the process of selling the property to his renter, Meredith Trainor, and this step is pursuant to Meredith being able to install an accessory apartment at the property after she takes ownership. Mark plans to renovate the lower level in a limited manner before the transfer of ownership.

We understand the property, which was built in 1911, is nonconforming due to the lot size, which is 5,000 sq ft in an area zoned "Single Family and Duplex – 7,000 sq ft minimum lot size, 5 units per acre."



The screenshot shows the City of Juneau Assessor's Database interface. The header includes the City of Juneau logo and navigation links. The main content area displays the following information:

Assessor's Database			
Current Owner			
MARK REGAN			
907 W 27TH AVE APT 1, ANCHORAGE AK 99503			
Parcel #: 1C030D050080 (Map)	Address: 1718 EVERGREEN AVE	Legal Desc. 1: SEATER ADDITION BL 3 LT 7 FR & 5 FR	Legal Desc. 2:
Prev. Owner: MICHAEL J KIRK	Site Value: \$166800.00	Building PV: \$213900.00	Total PV: \$380700.00
Use Code: Residential	Exempt: No Data	Zoning: Single Family and Duplex - 7,000 sq ft minimum lot size - 5 units per acre	Tax Year: 2022
No. of Units: 001	Year Built: 1911		Gross Liv. Area: 000891 sq ft
Garage: Yes	Garage Area: 000240	Lot Size: 5060.00	Last Trans: 20081029
City Water: Yes	City Sewer: Yes		
Exempt Land: 0	Exempt Building: 0	Exempt Total: 0	Road/No Road: Roaded

Search the Database

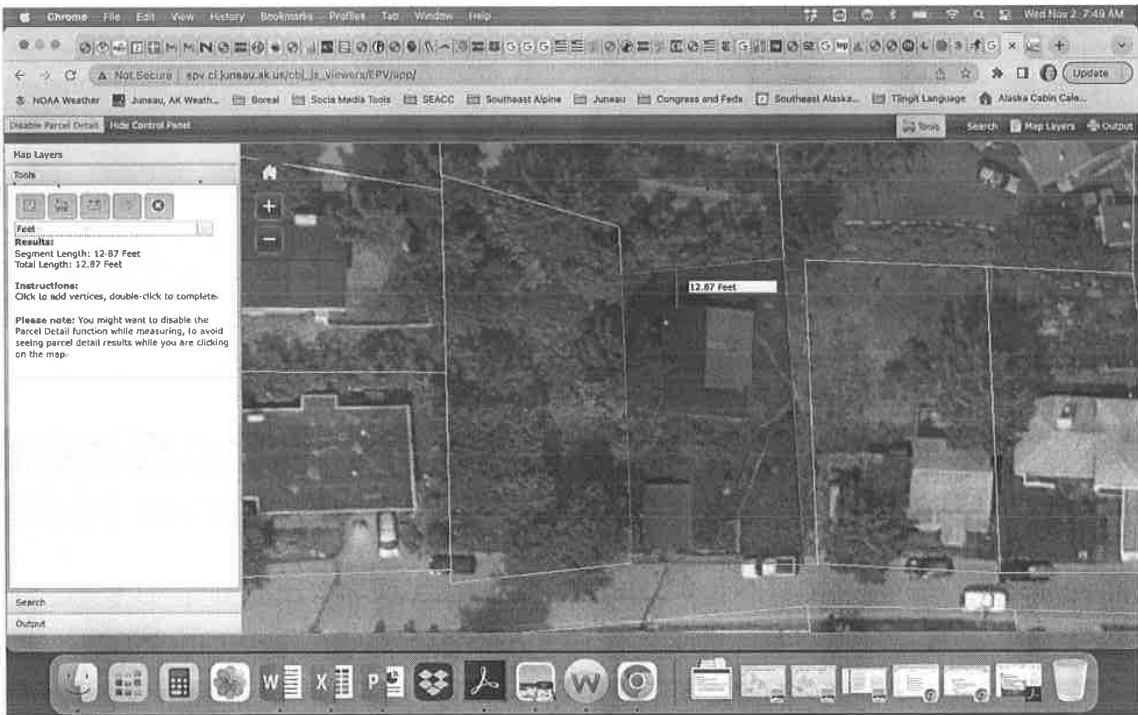
In addition, the property may have nonconforming setbacks on its north and east sides.

North side boundary setback approximation:

Last updated: 11/2/2022



East side boundary setback approximation:



Last updated: 11/2/2022

Finally, the Permit office will likely note the carport (red roof adjacent to street) has a nonconforming setback – this was permitted by the previous owner prior to construction, and the permitting paperwork will be submitted with this application.



Because the previous owner, Michael Kirk, a family friend but non-relative, left his home to the current owner, Mark Regan, when Michael passed, somewhat limited documentation on the history of the building is available other than that held by CBJ. In addition, Mark has never resided in the home in the 20-odd years that he has owned the property. (A brief history: Mike Kirk, the owner, began sharing his time between the property and an apartment in the Marine View. Mr. Kirk then deeded the property to Mark Regan, retaining a life estate, but continued to reside mostly in the Marine View, or in the Wildflower Court nursing home, until his death in the summer of 2013.)

According to the tax assessor’s database the home was built in 1911, preceding the relevant zoning laws with which this property is “nonconforming.”

This permit is being applied for in order to renovate the interior of the home’s lower level as a first step toward the future owner being able to install an accessory apartment. That apartment will not be the full footprint of the house (it will be a little over 2/3 the footprint), and therefore will not qualify the building as a duplex.

Last updated: 11/2/2022

In addition, we will apply for a permit for a parking exception for the future tenant’s vehicle, in conjunction with the accessory apartment permit. This apartment is being constructed in order to help address Juneau’s housing shortage, *not* for purposes of short-term rental (such as AirBnB).

Permit History According to CBJ:

Permit Number	Description	Status	Date
1708 EVERGREEN AVE	Replace existing electrical service.	FINAL	10/05/2008
BLD0006-00029	Installation of storm drain line and connection into catch basin stub-out.	ISSUED	08/24/2011
BLD00110504	Repair and stabilize retaining wall Modified 7/15/2018 to change structural design.	ISSUED	03/18/2018
BLD00180147	Direct replacement of electrical panel.	FINAL	10/25/2016
1718 EVERGREEN AVE	REPLACEMENT STEPS/WALKWAY @ EVERGREEN AVE	FINAL	08/12/1987
BLD-0185901	ADDITION OF NEW GARAGE	VOID	05/21/1990
BLD-0502301	REPAIR ROOF & REINFORCE ROOF	FINAL	10/10/1990
BLD-0502101	SETBACK FOR CARPORT. IT WAS DETERMINED THAT NO VARIANCE WAS NEEDED IF THE CARPORT WAS SITED AS SHOWN ON SUBMITTED PLANS.	APPROVED	07/14/1994
VAR-VRS4-36	CARPORT ADDITION	FINAL	07/20/1994
BLD-03061921	Change an electric meter on a single family residence.	FINAL	06/10/2003
BLD0003-00325	Grading permit to provide a parking area and new driveway entrance.	ISSUED	04/18/2004
BLD0004-00208	PERMIT TO REPLACE EXISTING PORCH	VOID	09/04/1991
1724 EVERGREEN AVE	Full repair of east wall and foundation members.	FINAL	07/18/2003
BLD-0033001	Installation of two exterior windows	FINAL	03/24/2011
BLD00110120	CONSTRUCT NEW DECK	FINAL	07/16/1993
BLD-0037301	SECOND STORY DECK/PORCH IN SETBACK	APPROVED	07/19/1993
USE-CLR9-27	FFY permit to tap sewer main and install new 4" sewer service.	FINAL	04/25/2003
ROW2003-00047	Reidentical sewer repair / install new sanitary sewer line.	FINAL	04/25/2003
UTL2003-00107	Demolish garage and free standing deck over garage in order to replace old water and sewer lines. Garage and deck plans to be submitted for reconstruction. New water and sewer connection.	FINAL	03/01/2004
BLD0004-00095	Replace existing water lines.	FINAL	03/01/2004
UTL2004-00018	Replace existing sewer lines.	FINAL	03/01/2004
BLD0004-00091	Replace attached garage to existing residence, change half bath in garage to full bath.	ISSUED	07/30/2004
UTL2004-00014	Replace four windows and replace siding of upper half of walls.	EXPIRED	10/12/2004
ROW2004-00134	ST USE permit to close Evergreen Ave on 10/18/2004 from 10:00 am to 12:00 pm for pump truck and cement mixer.		
1751 EVERGREEN AVE	UPGRADE ELECTRICAL SERVICE PANEL	FINAL	07/20/1989
BLD-0413701	Addition of bathroom.	FINAL	11/06/2001
BLD0001-00651		CLOSE	04/01/2014
APL201100029	09/26/18 Partial 1C0300040130 2018 SC Exemption filed by NINA KINNEY - Approved up to a maximum amount of \$150,000.00	CLOSE	09/26/2018
APL20100607	03/09/18 Partial 1C0300040130 2018 SC Exemption filed by JOHN KINNEY - Denied due to Deceased. et		

Past and Present Uses of the Property:

As far as we know and as far as publicly available data indicate, the home has only ever been used as a residence. Based on the last 20 years and what is known of the preceding history, the home was used as a primary residence for most of the 100+ years it stood on this hillside, and was used as a rental for one year (2014-15) and then again for the last 4.5 years, from 2018 - present.

Prior to renter/buyer Meredith Trainor moving in as a tenant in 2018, there were two or three years when the house was vacant. Before that, no one was living in the home, other than occasional visits by Mr. Kirk and Mr. Regan, since Mr. Kirk started living primarily in an apartment at the Marine View.

BOOK 176 PAGE 411
Juneau Recording District

WARRANTY DEED

The grantor, IONA BERGGREN, a single woman, of Juneau, Alaska, for and in consideration of the sum of Ten (\$10.00) Dollars to her in hand paid, conveys and warrants to the grantee, MICHAEL J. KIRK, a single man, of Juneau, Alaska, the following described real property situated in the Juneau Recording District, State of Alaska, to-wit:

That part of Lots 5 and 7, Block 3, Seatter Addition to the Townsite of Juneau, Juneau Recording Precinct, First Judicial District, State of Alaska, and more particularly described as:

Begin at the Southeast corner of Lot 7, Block 3, of said Seatter Addition, run thence S. 84 degrees 37 minutes W. 55 feet; thence N. 2 degrees 28 minutes W. 100 feet; thence N. 84 degrees 33 minutes E. 51.20 feet; thence S. 87 degrees 14 minutes E. 4.00 feet; thence S. 3 degrees 30 minutes E. 100 feet; thence N. 87 degrees 40 minutes W. 4.00 feet to the place of beginning;

Together with the water rights described in the deed of said property dated June 7, 1937, from Julia P. Rice and George B. Rice, to Henning Berggren and Iona Berggren, and recorded in the official records of said Juneau Recording Precinct on June 9, 1937, in Boock 34 of Deeds, page 267.

This deed is made pursuant to Chapter 10, SLA 1961, and incorporates by reference the warranties described in said statute.

DATED this 12th day of October, 1967, in Juneau, Alaska.

Iona Berggren
Iona Berggren

STATE OF ALASKA)
: SS.
FIRST JUDICIAL DISTRICT)

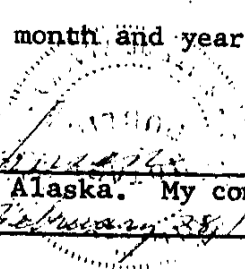
THIS IS TO CERTIFY that on this 12th day of October, 1967, in Juneau, Alaska, before me, a Notary Public for the State of Alaska, personally appeared IONA BERGGREN, to me known and known to me to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that she signed

CONNOR & ENGSTROM - ATTORNEYS AT LAW
PHONE 586-1445
201 NATIONAL BANK OF ALASKA BUILDING
JUNEAU, ALASKA

BOOK 176 PAGE 412
Juneau Recording District

1 the same freely and voluntarily for the uses and purposes therein
2 mentioned.

3 WITNESS my hand and official seal the day, month and year
4 in this certificate first above written.

5 
6 Raymond W. Johnson
7 Notary Public for Alaska. My com-
8 mission expires: February 28, 1970

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RECORDED-FILED
JUN 25 4 18 PM '81
REQUESTED BY M. KIRK
ADDRESS P.O. Box 844
JUNEAU 99802

CONNOR & ENGSTROM - ATTORNEYS AT LAW
PHONE 586-1445
201 NATIONAL BANK OF ALASKA BUILDING
JUNEAU, ALASKA



155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

August 3, 1994

File No.: VR-36-94

Mr. Michael J. Kirk
P.O. Box 20844
Juneau, AK 99802

SUBJECT: Variance Application
Staff Review and Findings

Dear Mr. Kirk:

Community Development staff has reviewed your application of July 14, 1994, for a variance to reduce a front yard setback to two feet (2') to allow a carport to be constructed. The zone designation is D-5. Staff findings are as follows:

According to drawings you submitted and a warranty deed obtained from the CBJ Assessor's Office, your property extends into Evergreen Avenue a distance of 5.7 feet on the southwest corner to zero feet on the southeast corner. The boundary runs at a skew in relationship to the established street centerline and curb line.

Your request for a variance is to construct a carport with a dimension of 12 feet by 16 feet. Your drawing indicates a distance of 2' minimum from the front face of your proposed carport to the face of the retaining wall that borders Evergreen Avenue. Calculated to your actual lot boundary, you would have a setback of 7.7 feet on the southwest corner to 5 feet on the southeast corner of the carport as proposed excluding architectural overhangs on the carport allowed at 4 inches of overhang per foot of required setback.

The CBJ Land Use code provides an exception for garages and carports that meet five criteria. That exception allows a reduction in front yard setback to five feet (5'). Those criteria are:

- i. the topography, shape, or size of the lot make construction a hardship;
- ii. similar problems exist in the neighborhood;
- iii. the carport or garage is limited to one story with a maximum height of 15 feet and a maximum area of six hundred square feet;
- iv. sight distance has been approved by the director, and
- v. lot coverage is not exceeded.

Your site is located above Evergreen Avenue and is quite steep; several other garages or carports exist along Evergreen Avenue that abut the curb line; the garage is proposed to be less than 15 feet in height and the area is 192 square feet; site distance along Evergreen Avenue is unaffected because your site is on a tangent on the street; lot coverage is not exceeded (5500 square feet total lot area; 810 square feet for the house, 192 square feet for the proposed carport for a total of 1002 square feet or 18%).

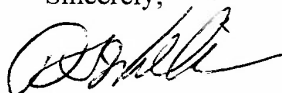
Mr. Michael J. Kirk
File No.: VR-36-94
August 3, 1994
Page 2

According to your plans, site visits made by CBJ Community Development staff, and an analysis of the site, your proposal meets the five criteria, therefore, a variance is unnecessary.

Your carport is allowed as proposed, however, due care should be taken to locate the carport as you proposed to assure that the actual setback is in conformance with the land use code.

If you have any questions, please feel free to contact me at 586-5230.

Sincerely,

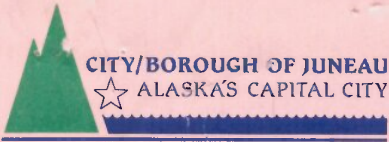


D. Scott Williams
Planner

Enclosures

cc: Debra Purves
Building Permit File

DSW/raKirk.Ltr



BUILDING PERMIT

Your special attention is called to the following:

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

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

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

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

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

JOB ADDRESS 1716 EVERGREEN AV	RECEIPT # 12283	DATE 08/04/94	PROJECT # BLD-07719.01
USE OF PERMIT CARPORT ADDITION			

OWNER MICHAEL KIRK		
ADDRESS P O BOX 844		
CITY JUNEAU	ST AK	ZIP 99802 0000
APPLICANT MICHAEL KIRK		
CONTRACTOR SUPERIOR BUILDERS		
ADDRESS 2401 KA-SEE AN DR		
CITY JUNEAU	ST AK	ZIP 99801 8012
PH 907-789-9115	STATE LIC. AA249	
ARCH/ENGINEER		
ADDRESS		
CITY	ST	ZIP

TRACT # 3	LOT # 7A	APN 1-C03-0-005-000-0		
TRACT NAME HIGHLANDS *		MODULE #	CENSUS TRACT	
ZONE	SETBACKS FRONT	LEFT	RIGHT	REAR
Plan Review		110300203	37.80	
1 thru 4 Family Res.		0000000515	75.60	
COUNTER APPROVAL KLB		PAYMENT FORM	TOTAL FEE \$555\$113.40	

PROJECT PERMIT

Estimated Construction Valuations

Permit Type	Rate	Sq Feet	Valuation
1 thru 4 Family Res.	17.30	192	3321.60

PROJECT CONDITIONS/HOLDS

- Conditional SUP Permit to build carport.
- Conditional SUP Zone D-5, setbacks: front 5', rear 20, left & right 5.
- Conditional SUP Front setback reduced per 49.25.430(4)(G) for proposed carport.
- Conditional SUP Stamped truss details prior to on-site framing approval.

YOUR SPECIAL ATTENTION is called to the following:

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

The permit issued must be attached to the approved drawings and record of inspections and be available on site at all times while the construction is in progress. The following inspections, as applicable, are required.

1. SUBSTRUCTURE AND BELOW GRADE UTILITIES

- A. STRUCTURAL: To be made after all forms are erected and the reinforcing steel is securely installed or, if applicable, after all members of the structural frame within the foundation are secured in place and verification of setbacks have been made. If in a flood plain, bench mark required.
- B. PLUMBING, MECHANICAL, AND FIRE: To be made after any required tests are passed and prior to back filling.
- C. ELECTRICAL: To be made prior to concealment of conduit or direct burial cables.

2. ROUGH-IN INSPECTIONS

- A. STRUCTURAL AND FIRE: To be made after all framing, bracing and fire blocking is installed and prior to concealment.
- B. PLUMBING AND MECHANICAL: Made after all piping, ducts, heating equipment and chimneys have been installed and tested as required in the appropriate code.
- C. ELECTRICAL: To be made after all wires, boxes, and panels are installed.
- D. INSULATION: To be made when all insulation and vapor barriers are installed.

3. FINAL INSPECTION

To be made after the building and site work is completed. All equipment and appliances are to be operable. This inspection is to insure that the required inspections have been completed and all work including grading, drainage and driveway construction is in compliance with the applicable codes.

The Department reserves the right to reject any work which has been concealed or completed without first having been inspected and approved by the Department in accordance with the applicable codes.

Any deviation from the approved plans must be authorized by the approval of revised plans, subject to the same procedures established for the examination of the original plans. An additional plan review fee is charged based on the time involved in reviewing the plans.

This structure cannot be occupied prior to final inspection (including Mobile Homes) or prior to obtaining an occupancy certificate when required.

NOTE: The inspections required pursuant to this permit are intended only to insure compliance with the City and Borough Certificate Regulations. By its inspection the City and Borough does not warrant or insure the adequate construction of the structure or improvement for which this permit is issued.

The inspections indicated below are normally required for the permit type issued. This is to assist you when requesting inspections.

(BO) Boat Cover

- 1. Frame & Covering
- 2. Anchorage
- 99. Final

(BU) Building

- 1. Excavation Setback & Footings
- 2. Forms & Rebar
- 3. Steel/Masonry
- 4. Framing
- 5. Insulation/Drywall
- 6. Rated Walls & Assemblies
- 7. Smoke Detection & Alarm System
- 8. Underground Plumbing
- 9. Water Piping Test
- 10. DWV Piping Test
- 11. Plumbing Fixtures Final
- 12. Cross Connection Control
- 13. Gas Piping
- 14. Plenums & Ducts
- 15. Furnace/Stove & Clearance
- 16. Combustion Air
- 17. Ventilation
- 18. Fire Dampers/Sprinklers
- 19. Commercial Hood
- 20. Temporary Power
- 21. Service/Panel
- 22. Conduit & Raceway Systems
- 23. Bonding/Grounding
- 24. Final Grade
- 25. Landscaping/Parking
- 26. Planning Requirements
- 27. Roofing
- 99. Final

(CB) Cabin

- 1. Setbacks
- 2. Foundation
- 3. Post & Pier
- 4. Framing
- 5. Woodstove & Chimney
- 99. Final

(CI) Courtesy Inspection

- 1. Foundation
- 2. Framing
- 3. Roofing
- 4. Siding
- 5. Electrical
- 6. Plumbing
- 7. Vents (Bath, Dryer, etc.)
- 8. Fire Separations/Exit
- 9. Insulation
- 10. Woodstove & Chimney
- 11. Hydronic System
- 12. Furnace
- 13. Smoke Detection
- 14. Sprinkler System
- 15. Cross Connection Control
- 16. Grading/Drainage
- 99. Final

(DM) Demolition

- 1. Sewer Capped
- 2. Debris Filled
- 3. Excavation Filled
- 99. Final

(DW) Driveway

- 1. Location
- 2. Grade
- 3. Width
- 4. Headwalls
- 5. Culvert/Curb Cut
- 6. Curb Box/Thaw Wire
- 99. Final

(EC) Electrical

- 1. Temporary Power
- 2. Building Service
- 3. Conduit & Raceway Systems
- 4. General Wiring
- 5. Cable Systems
- 6. Bonding
- 7. Grounding
- 8. Devices & Equipment
- 99. Final

(GR) Grading Permit

- 1. Retaining Walls, etc.
- 2. Drainage
- 3. Seeding
- 99. Final

(MC) Mechanical

- 1. Ventilation Systems
- 2. Plenums and Ducts
- 3. Furnace
- 4. Inlets and Outlets
- 5. Combustion Air
- 6. Compressor
- 7. Appliance Clearance
- 8. Fire Damper
- 9. Smoke Detection Device
- 10. Commercial Hood
- 99. Final

(MS) Install Mobile Home

- 1. Siting
- 2. Electrical Hookup
- 3. Plumbing Hookup
- 4. Porches & Stairs
- 5. Skirting
- 99. Final

(PB) Plumbing

- 1. Underground Plumbing
- 2. Water Piping
- 3. DWV Piping
- 4. Hydronic System
- 5. Water Heater
- 6. Water Softner
- 7. Water Service
- 8. Gas Piping
- 9. Cross Connection Control
- 99. Final

(SC) Sewer Connect

- 1. Depth
- 2. Soil
- 3. Material
- 4. Grade
- 5. Cleanouts
- 99. Final

(SF) Single Family thru 4 Units

- 1. Excavation Setbacks & Footings
- 2. Stem Walls
- 3. Temporary Power
- 4. Rough Framing
- 5. Rough Electrical
- 6. Rough Plumbing
- 7. Underslab Utilities
- 8. Vents (Bath, Dryer, etc.)
- 9. Firewall Separation
- 10. Yellow Tag Electrical
- 11. Woodstove & Chimney
- 12. Smoke Detector
- 13. Insulation
- 14. Cross Connection Control
- 15. Grading/Drainage
- 16. Repair & Rehab. Exemption
- 99. Final

(WC) or (WE) Water Connect

- 1. Water Meter/Yoke
- 2. Size of Service
- 3. Depth
- 4. Cross Connection Control
- 5. Pressure Test
- 6. Smoke Detector
- 99. Final

(WS) Woodstove

- 1. Approved Model
- 2. Stove Clearances
- 3. Stack Clearances
- 4. Hearth
- 5. Smoke Detector
- 99. Final

(FS) Fire Sprinkler

- 1. Pressure Test
- 2. Underground Flush
- 3. Proper Bracing
- 4. Return Bends
- 5. Head Placement
- 6. FDC Location
- 99. Final

(FA) Fire Alarm

- 1. Alarm Panel/Transmitter
- 2. Alarm Zones
- 3. Battery/Backup
- 4. Antenna
- 5. Reset Procedures
- 6. System Test
- 7. Detectors Spare
- 99. Final

INSPECTION RESULTS CODES

(A) Approved—(P) Partial Approval—(C) Corrections Required

BUILDING PERMIT APPLICATION
(FILL IN GRAYED AREAS AS A MINIMUM)

Date Received : 7/14/94

Date Issued :

Process No: 9919-01	CITY and BOROUGH of JUNEAU, ALASKA		Permit No.
Project Address / Building Name: Car port 1718 Evergreen Ave		City / Zip: Juneau AK 99802	
Subdivision / USS (If known)		Block / Tract (If known)	Lot (If known)
Assessor's Process Number (If known): 1-C03-0-D05-008-0		Dwelling Units	Number of Buildings
Applicant's Name: Michael J. Kirk		Contact Person	
Mailing Address: PO Box #20844		Home Phone No: 586-4318	Work Phone No: 586-4318
Property Owner: Same		Contact Person	
Mailing Address		Home Phone No.	Work Phone No.
Contractor (If known): Superior Builders		Contact Person: Debra Stephens	
Mailing Address: 2401 Kasean Dr		Phone No: 789-9115	License No.
Architect (If known): Owner		Contact Person	
Mailing Address: Same		Phone No.	License No.
Engineer (If known)		Contact Person	
Mailing Address		Phone No.	License No.

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

BUILDING TYPE ☐ Residential ☐ Commercial ☐ Other

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

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

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

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

Car Port

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

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

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

Signature of Owner, Contractor or Authorized Agent : X Michael J. Kirk Date : 7/14/94

BUILDINGS (OFFICE USE ONLY BELOW THIS LINE)

Occupancy Class: M-1 (B-2, R-3, etc) Type of Construction: V-N (V-1 HR, etc)

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

Occupancy / Type	Square Feet	@ Rate	= Valuation
	292	17.30	4,152.00
	192	17.30	3,321.60

Number of Stories: 1 Number of Bedrooms: -

BUILDING PERMIT FEES

Est. Plan Review \$ 37.80

Check No. 7378 Receipt No. 9935

Building Permit Fee \$ 75.60

Actual Plan Review \$ 37.80

Fast Track Fee \$

Early Start Fee \$

Double Fee \$

Total Building Permit Fee \$

LAND USE

ZONE: D-5

PARKING: N/A

FLOOD PLAN: N/A

Elevation: 5

SETBACKS: * Front 20 Rear 20 Left 5 Right 5

LAND USE PERMITS:

Number	Date

COMMENTS: REDUCED TO 5 FT BOX 42.25.430 (4) (G) for PROPOSED CARPORT

ENGINEERING / PUBLIC WORKS

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

CITY SEWER: Units

DRIVEWAY BOND: Number Date

ADEC APPROVALS: On-site Water Number Date On-site Sewer Number Date

PLAN REVIEW APPROVALS

Initials Date

☒ Architectural RF 7/14/94

☒ Structural D.F. 7/14/94

☐ Electrical

☐ Mech / Plumb

☐ Fire

☐ Zoning POP 8/3/94

☒ Engineering 488 7/29/94

☐ Disabled Access

☐ Other

APPROVED FOR ISSUANCE

Signature: [Signature] Date: 8/3/94

ENGINEERING FEES

Water Assessment \$

Water Inspection Fee \$

Sewer Assessment \$

Sewer Inspection Fee \$

Grading/Drainage Permit Fee \$

Driveway Permit Fee \$

Bond \$

Total Engineering Fees \$

Permit Issuance Fees Received \$ 75.60

Check No. 7373 Receipt No. 82

CONDITIONS AND HOLDS ON PERMIT: Permit to build carport stamped truss details prior to on-site framing approval.

TYPES OF INSPECTIONS:

The inspections indicated below are normally required for the permit type issued.

- (BO) Boat Cover**

 - 1. Frame & Covering
 - 2. Anchorage
 - 99. Final
- (BU) Building**

 - 1. Excav., Setback & Footings
 - 2. Forms & Rebar
 - 3. Steel/Masonry
 - 4. Framing
 - 5. Insulation/Drywall
 - 6. Rated Walls & Assemblies
 - 7. Smoke Detect. & Alarm System
 - 8. Underground Plumbing
 - 9. Water Piping Test
 - 10. DWV Piping Test
 - 11. Plumbing Fixtures Final
 - 12. Cross Connection Control
 - 13. Gas Piping
 - 14. Plenums & Ducts
 - 15. Furnace/Stove Clearance
 - 16. Combustion Air
 - 17. Ventilation
 - 18. Fire Dampers/Sprinklers
 - 19. Commercial Hood
 - 20. Temporary Power
 - 21. Service/Panel
 - 22. Conduit & Raceway Systems
 - 23. Bonding/Grounding
 - 24. Final Code
 - 25. Landscaping/Parking
 - 26. Planning Requirements
 - 27. Roofing
 - 99. Final
- (CB) Cabin**

 - 1. Setbacks
 - 2. Foundation
 - 3. Post & Pier
 - 4. Framing
 - 5. Woodstove & Chimney
 - 99. Final
- (CI) Courtesy Inspection**

 - 1. Foundation
 - 2. Framing
 - 3. Roofing
 - 4. Siding
 - 5. Electrical
 - 6. Plumbing
 - 7. Vents (Bath, Dryer, etc.)
 - 8. Fire Separations/Exits
 - 9. Insulation
 - 10. Woodstove/Chimney
 - 11. Hydronic System
 - 12. Furnace
 - 13. Smoke Detection
 - 14. Sprinkler System
 - 15. Cross Connection Control
 - 16. Grading/Drainage
 - 99. Final
- (DM) Demolition**

 - 1. Sewer Capped
 - 2. Debris Filled
 - 3. Excavation Filled
 - 99. Final
- (DW) Driveway**

 - 1. Location
 - 2. Grade
 - 3. Width
 - 4. Headwalls
 - 5. Culvert/Curb Cut
 - 6. Curb Box/Thaw Wire
 - 99. Final
- (EC) Electrical**

 - 1. Temporary Power
 - 2. Building Service
 - 3. Conduit & Raceway Systems
 - 4. General Wiring
 - 5. Cable Systems
 - 6. Bonding
 - 7. Grounding
 - 8. Devices & Equipment
 - 99. Final
- (GR) Grading Permit**

 - 1. Retaining Walls, etc
 - 2. Drainage
 - 3. Seeding
 - 99. Final
- (MC) Mechanical**

 - 1. Ventilation Systems
 - 2. Plenums & Ducts
 - 3. Furnace
 - 4. Inlets and Outlets
 - 5. Combustion Air
 - 6. Compressor
 - 7. Appliance Clearance
 - 8. Fire Dampers
 - 9. Smoke Detection Devices
 - 10. Commercial Hood
 - 99. Final
- (MS) Install Mobile Home**

 - 1. Siting
 - 2. Electrical Hookup
 - 3. Plumbing Hookup
 - 4. Porches & Stairs
 - 5. Skirting
 - 99. Final
- (PB) Plumbing**

 - 1. Underground Plumbing
 - 2. Water Piping
 - 3. DWV Piping
 - 4. Hydronic System
 - 5. Water Heater
 - 6. Water Softner
 - 7. Water Service
 - 8. Gas Piping
 - 9. Cross Connection Control
 - 99. Final
- (SC) Sewer Connection**

 - 1. Depth
 - 2. Soil
 - 3. Material
 - 4. Grade
 - 5. Cleanouts
 - 99. Final
- (SF) Single Family - 4 Units**

 - 1. Excav. Setbacks & Footings
 - 2. Stem Walls
 - 3. Temporary Power
 - 4. Rough Framing
 - 5. Rough Electrical
 - 6. Rough Plumbing
 - 7. Underslab Utilities
 - 8. Vents (Bath, Dryer, etc)
 - 9. Firewall Separation
 - 10. Yellow Tag Electrical
 - 11. Woodstove & Chimney
 - 12. Smoke Detector
 - 13. Insulation
 - 14. Cross Connection Control
 - 15. Grading/Drainage
 - 16. Repair & Rehab. Exemption
 - 99. Final
- (WC) Water Connection**

(WE) Water Extended

 - 1. Water Meter/Yoke
 - 2. Size of Service
 - 3. Depth
 - 4. Cross Connection Control
 - 5. Pressure Test
 - 99. Final
- (WS) Woodstove**

 - 1. Approved Model
 - 2. Stove Clearances
 - 3. Stack Clearances
 - 4. Hearth
 - 9. Final
- (FS) Fire Sprinkler**

 - 1. Pressure Test
 - 2. Underground Flush
 - 3. Proper Bracing
 - 4. Return Bends
 - 5. Head Placement
 - 6. FDC Location
 - 99. Final
- (FA) Fire Alarm**

 - 1. Alarm Panel/Transmitter
 - 2. Alarm Zones
 - 3. Battery/Backup
 - 4. Antenna
 - 5. Reset Procedures
 - 6. System Test
 - 7. Detectors Spare
 - 99. Final

ADDITIONAL CONDITIONS AND HOLDS:

APN:70

(E) 9-27-94
D.M.K.

INSPECTION REQUEST

Inspect On: 09/27/94 Time: 3:30 PM Called in On: 09/27/94 Inspector: DMK DAVE KERR

Project Number	Job Address	Cross Street
9919.01	1718 EVERGREEN AV	1-C03-0-D05-008-0

Inspection: SF-15 Grading/Drainage # of Previous Inspections: None

Dispatch Comment:

Result: SF-01-02-P Inspected by: DAVE KERR Date: 9-27-94

Comment: OK to pour footings + 12" sonotubes.

PROJECT CONDITION/HOLDS

Source: SUP Status: Conditional
Description: Permit to build carport.

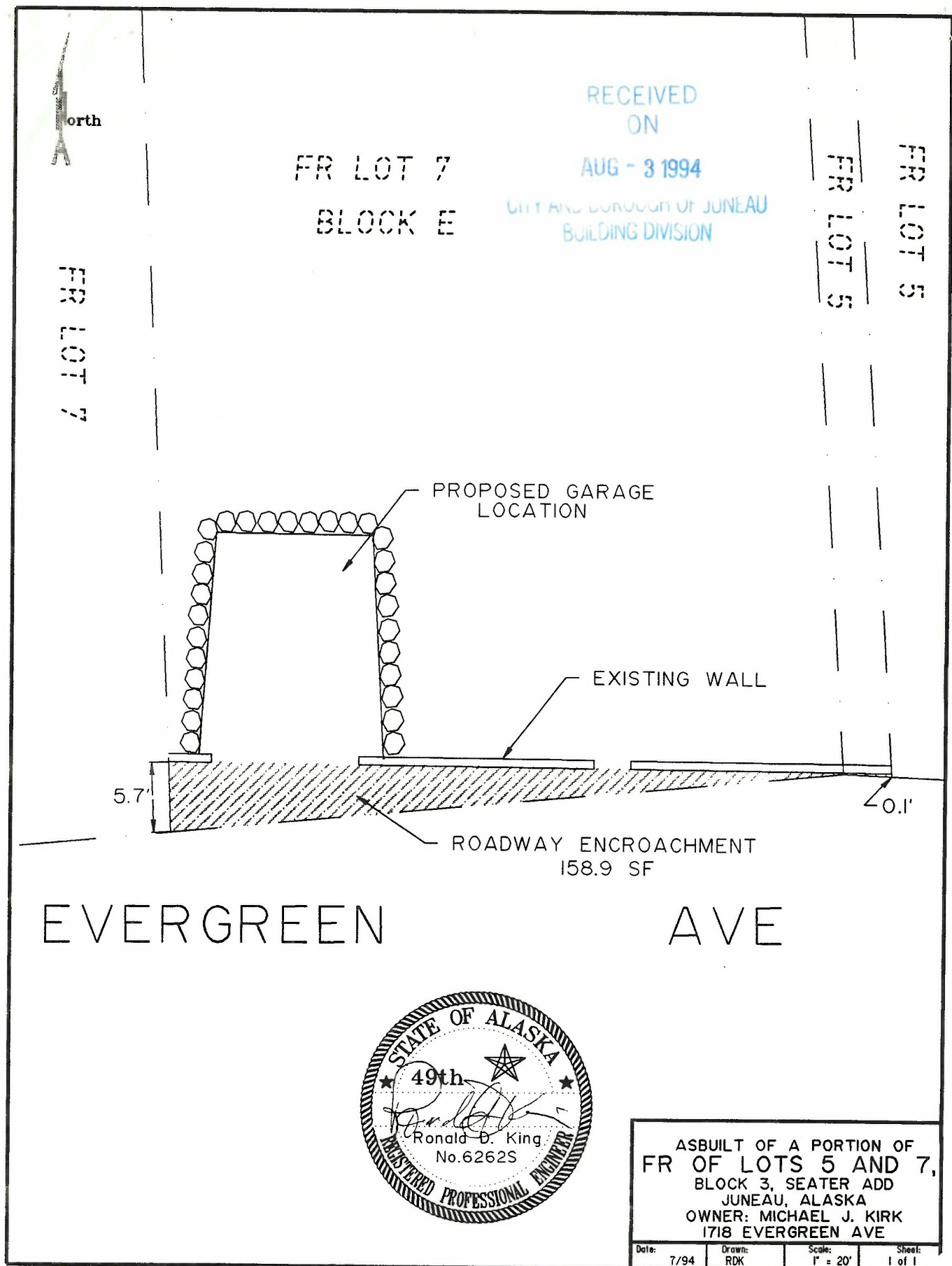
Source: SUP Status: Conditional
Description: Zone D-5, setbacks: front 5', rear 20, left & right 5.

Source: SUP Status: Conditional
Description: Front setback reduced per 49.25.430(4)(G) for proposed carport.

Source: SUP Status: Conditional
Description: Stamped truss details prior to on-site framing approval.

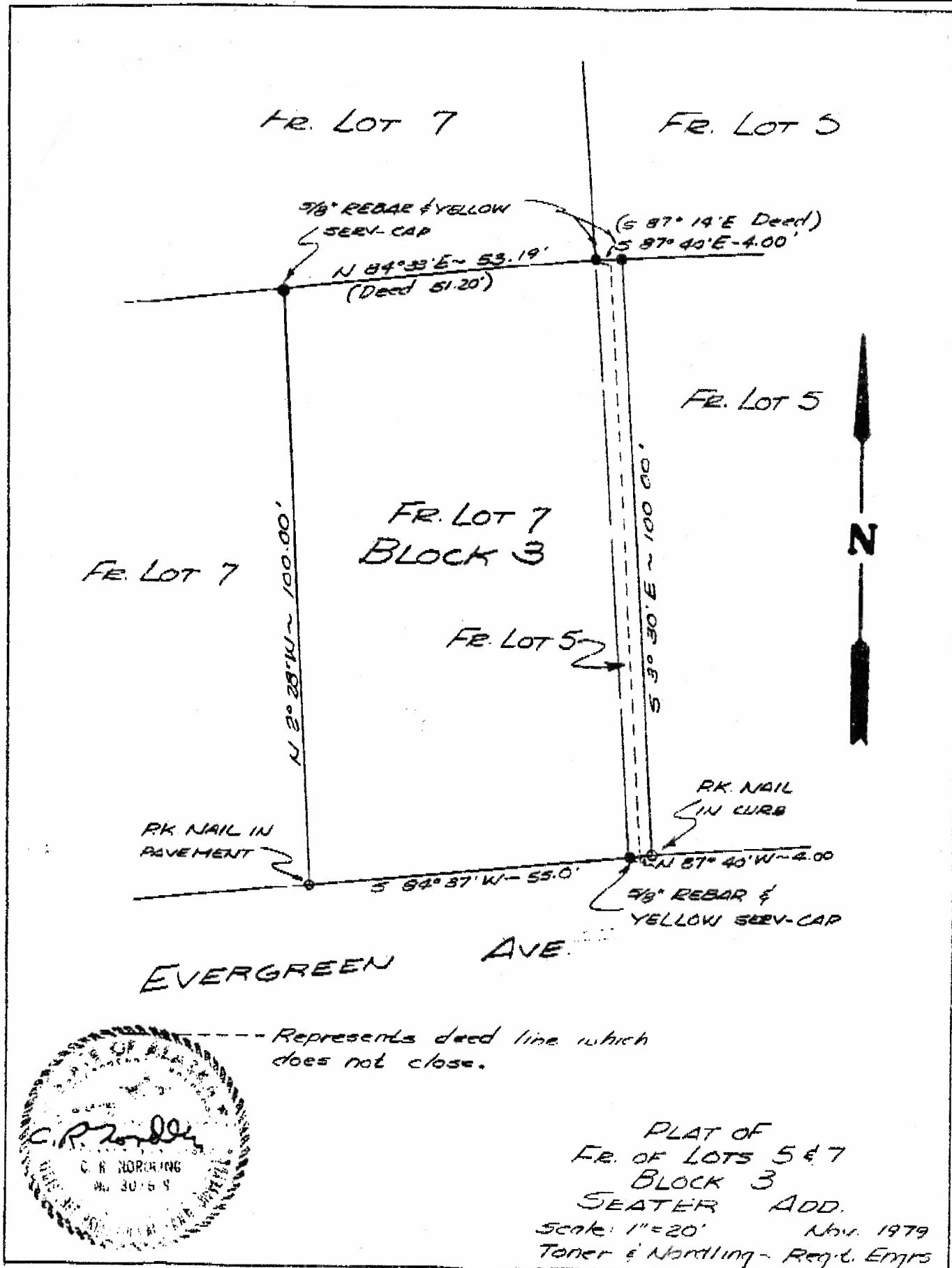
PROJECT INSPECTION STATUS for Project # 9919.01

SF-04 Rough Framing	Not Insp	SF-15 Grading/Drainage	Not Insp DMK
SF-05 Rough Electrical	Not Insp	F - 1 Activity Final	Not Insp



Attachment B- Information Reviewed

Attachment E - Notice of Decision for Case NCC2023 0001



Permit 9919.01
Approved 8/4/94

Stamped truss details required prior to on-site framing approval. Stamped by *AK* registered engineer.

Prefabricated Trusses 24' on Center, End Trusses 23 3/8' to Outside Edge,
50 PSF Snowload, 10 PSF Dead Load, Pitch 4 in 12, Tails 21", Tail Ends Vertical
Roof Sheathing 3/4" CDX Plywood, Asphalt Composition Roofing

RECEIVED
ON

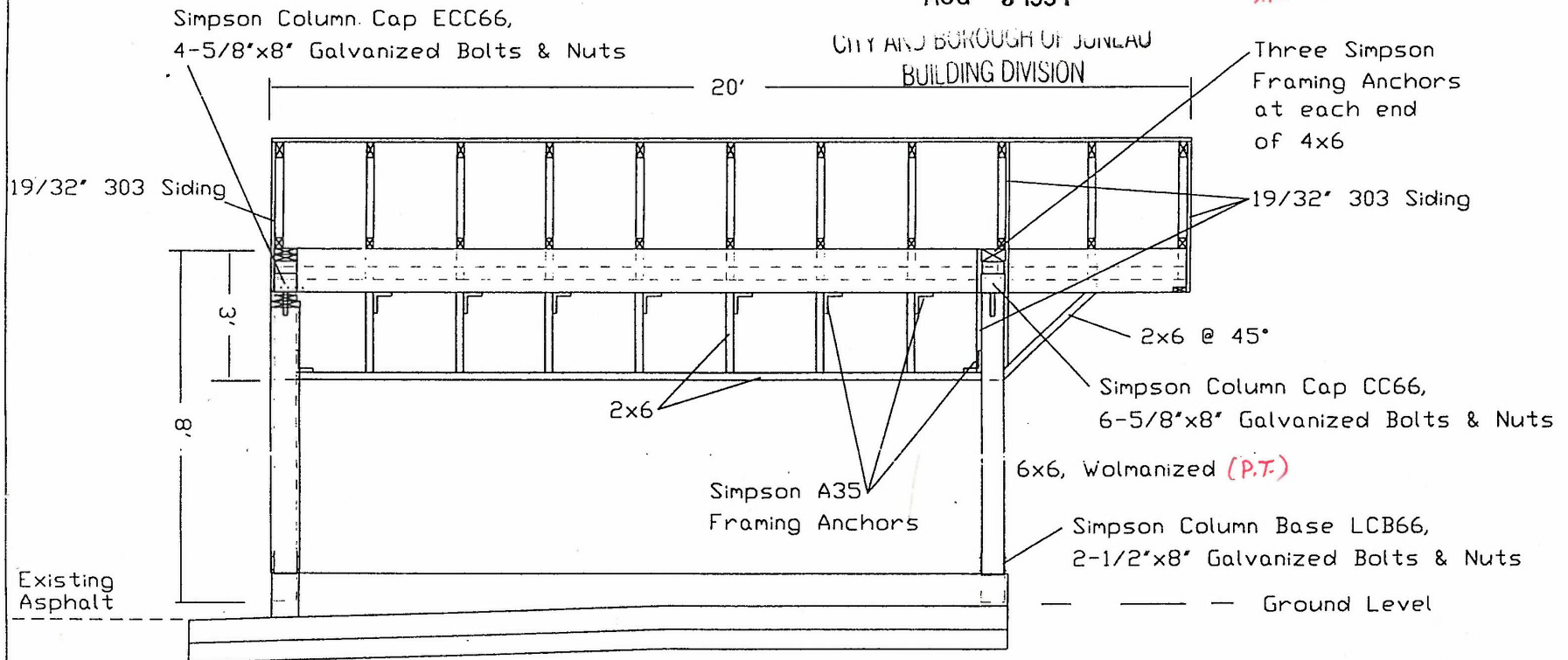
AUG - 3 1994

Michael J. Kirk
1718 Evergreen Ave.
Juneau, AK 99801

Carport June 27, 1994

Permit # 9919.01
APN: 1-C03-0-D05-003-0

CITY AND BOROUGH OF JUNEAU
BUILDING DIVISION



Section A-A

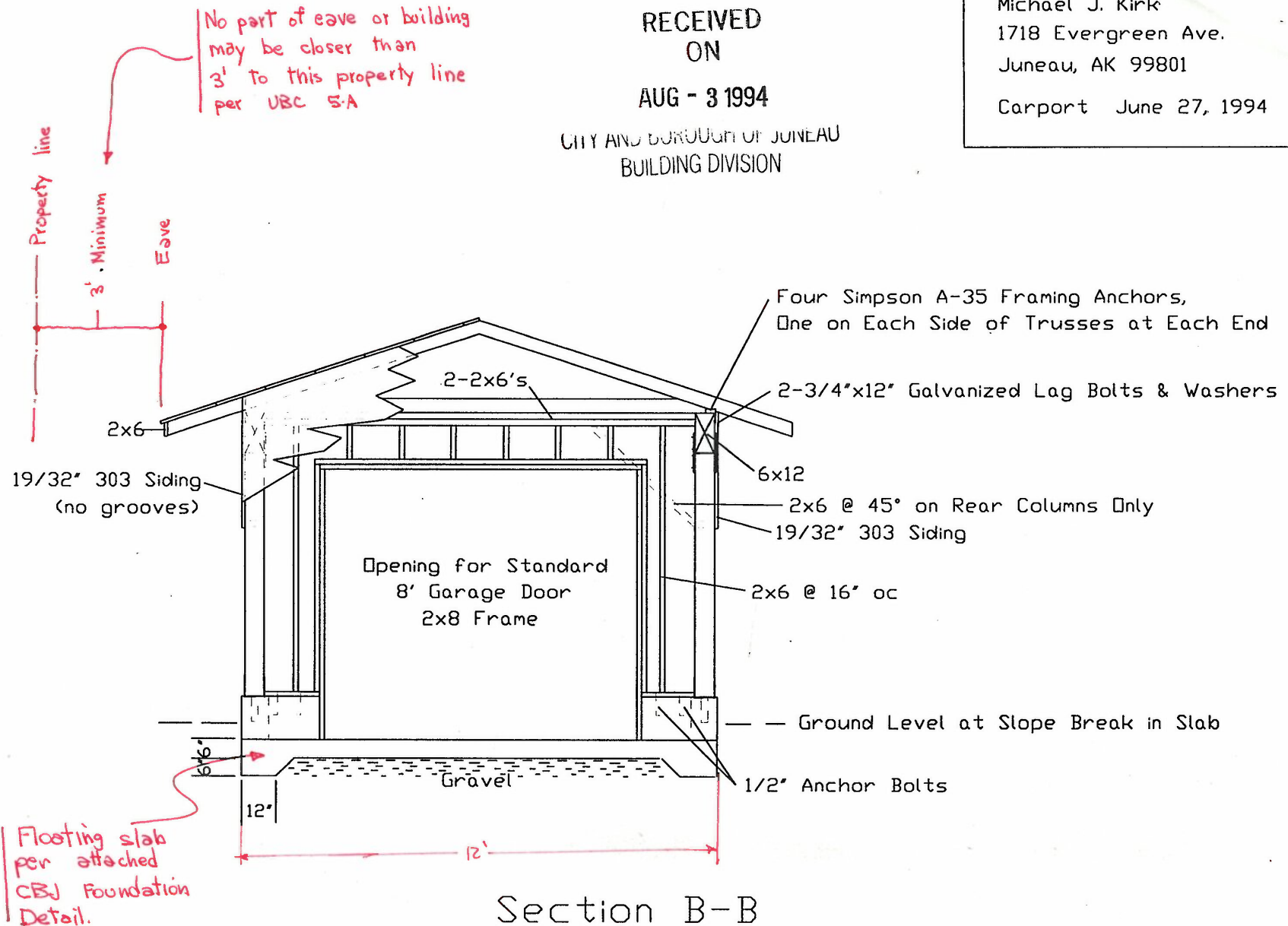
Attachment B - Information Reviewed

Michael J. Kirk
1718 Evergreen Ave.
Juneau, AK 99801
Carport June 27, 1994

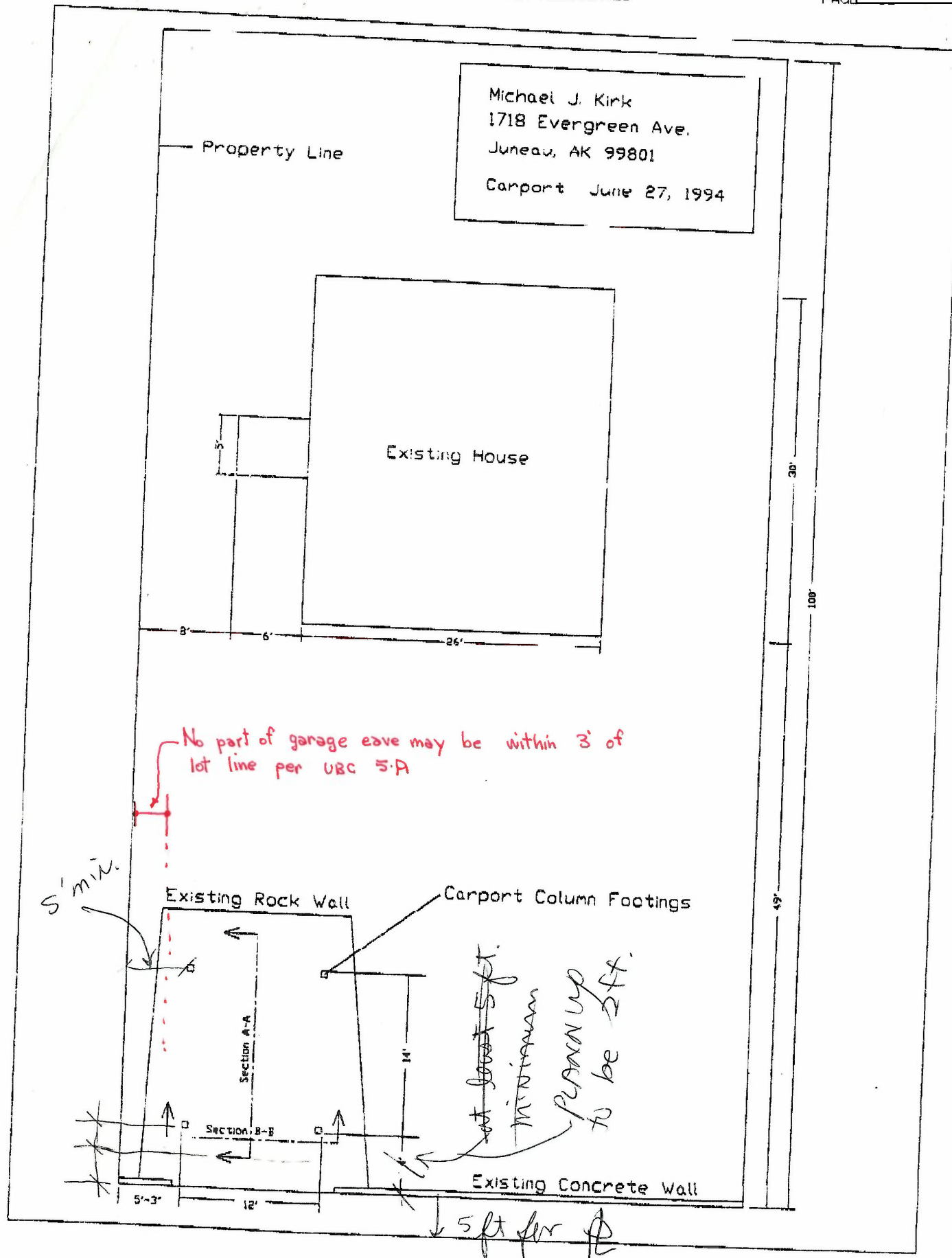
RECEIVED
ON

AUG - 3 1994

CITY AND BOROUGH OF JUNEAU
BUILDING DIVISION

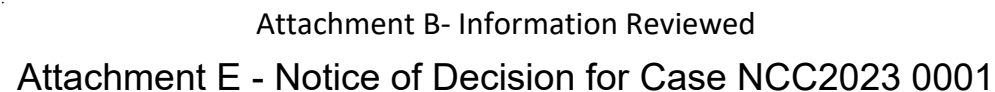


Attachment B - Information Reviewed



Attachment B- Information Reviewed

Attachment E - Notice of Decision for Case NCC2023 0001





Section J, Item 2.



Attachment B- Information Reviewed



Assessor's Database

Current Owner

MARK REGAN

907 W 27TH AVE APT 1, ANCHORAGE AK 99503

Parcel #: 1C030D050080

([Map](#))

Address: 1718

EVERGREEN AVE

Legal Desc. 1: SEATER

ADDITION BL 3 LT 7 FR &
5 FR

Legal Desc. 2:

Prev. Owner: MICHAEL J
KIRK

Site Value: \$166800.00

Building PV: \$213900.00

Total PV: \$380700.00

Use Code: Residential

Exempt: No Data

Zoning: -Single Family
and Duplex -7,000 sq.ft
minimum lot size -5 units
per acre

Tax Year: 2022

No. of Units: 001

Year Built: 1911

Gross Liv. Area: 000891
sqft

Garage: Yes

Garage Area: 000240

Lot Size: 5000.00

Last Trans: 20081029

City Water: Yes

City Sewer: Yes

Exempt Total: 0

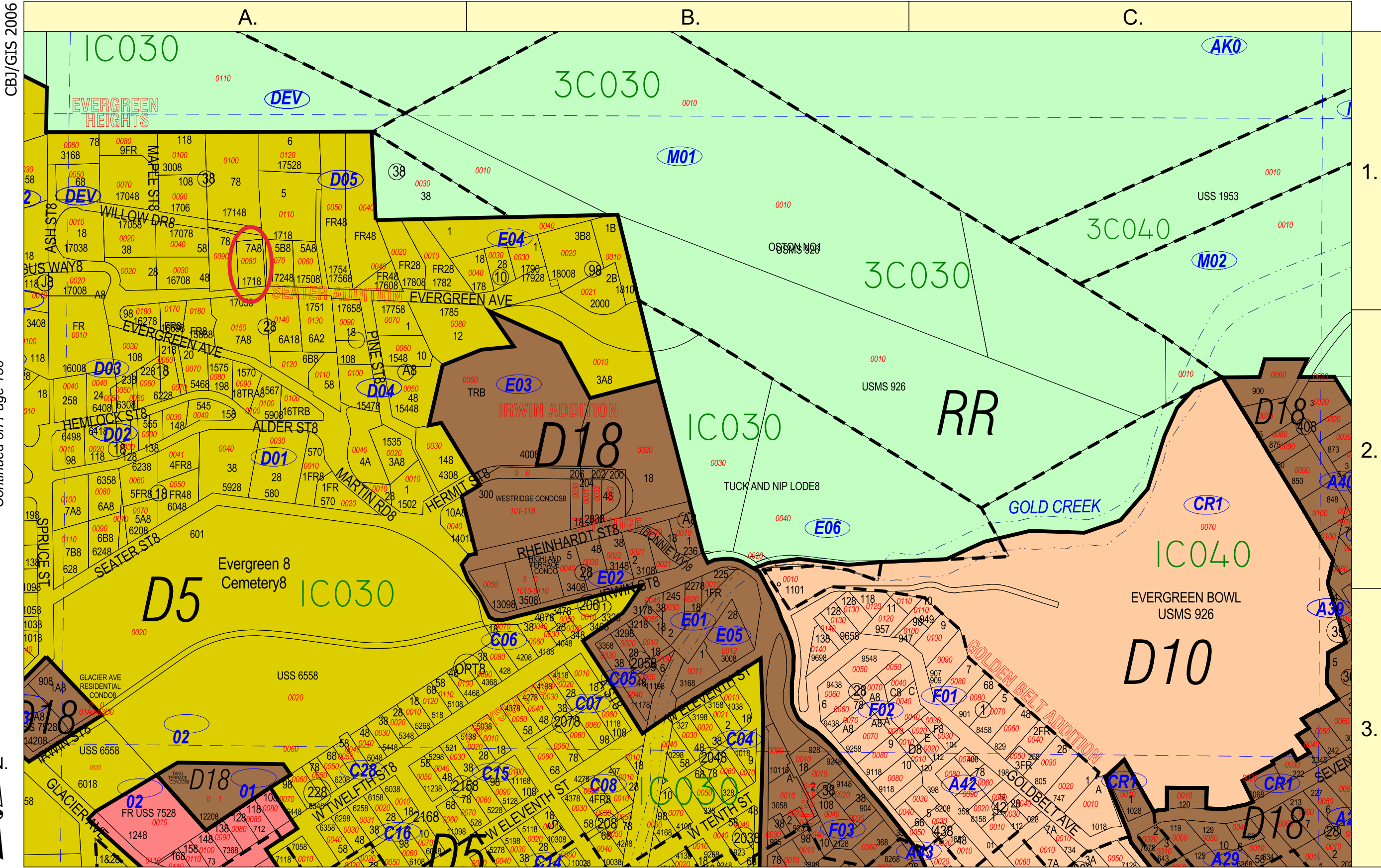
Road/No Road: Roaded

Exempt Land: 0

Exempt Building: 0

Search the Database

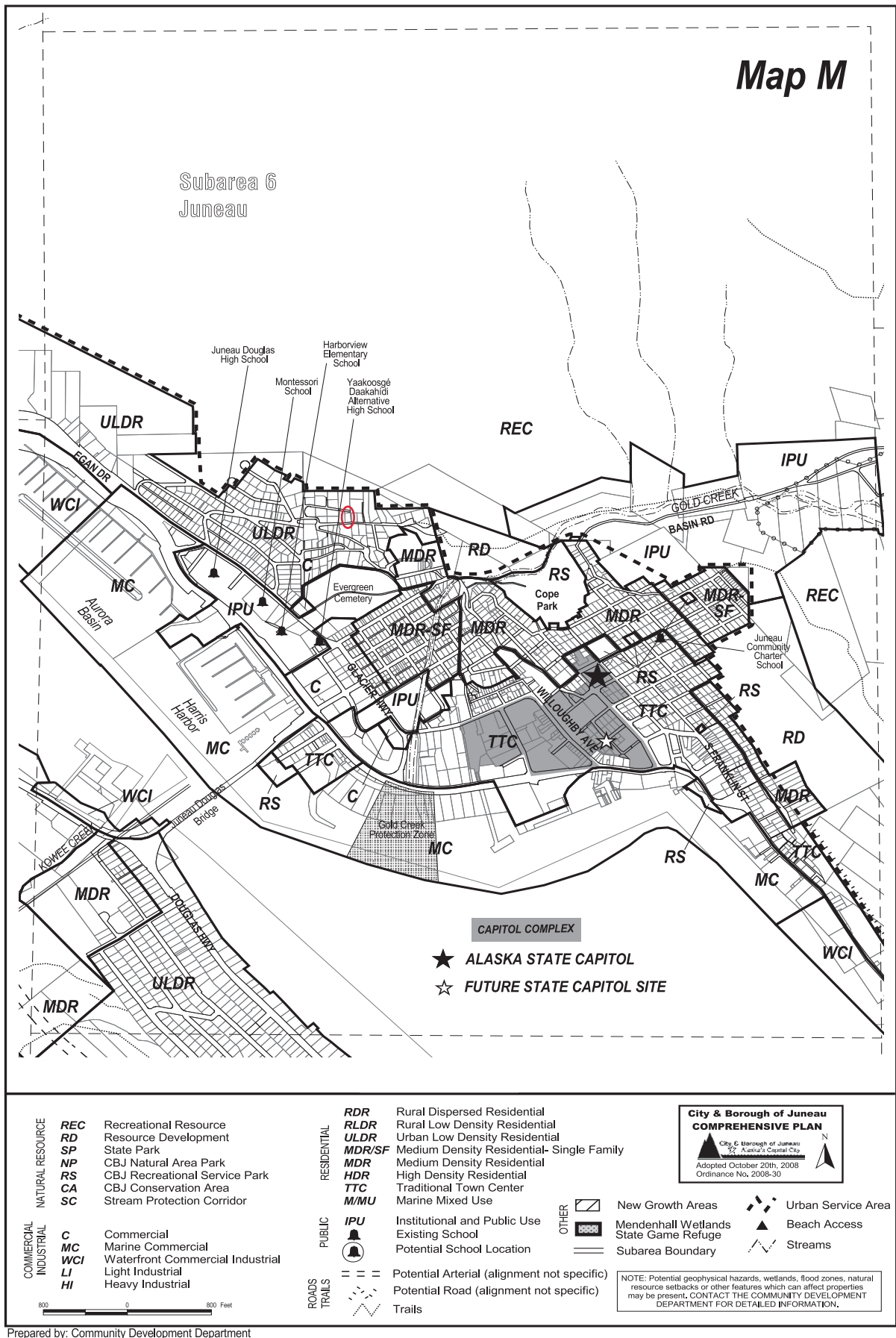
Search the database using the search box below. The field accepts any search parameter (owner's name, address, parcel number, year built, etc.).



200. 0. 200. Feet.

Assessor Tax Code

6D090	102	0030
Parcel Code Prefix	Number	Lot Number



Attachment G - Land Use Designation Map





Planning Commission

(907) 586-0715

PC_Comments@juneau.org

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

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION

NOTICE OF DECISION

Date: March 16, 2023

File No.: USE2023 0001

Mark Regan
1718 Evergreen Ave
Juneau, AK 99801

Proposal: Conditional Use Permit for an accessory apartment on a substandard lot.

Property Address: 1718 Evergreen Avenue

Legal Description: SEATER ADDITION BL 3 LT 7 FR & 5 FR

Parcel Code No.: 1C030D050080

Hearing Date: March 14, 2023

The Planning Commission, at its regular public meeting, APPROVED the Conditional Use Permit for an accessory apartment on a substandard lot to be conducted as described in the project description and project drawings submitted with the application, with the following condition:

1. Prior to the issuance of a building permit, the applicant must submit revised plans showing the required parking space per CBJ 49.40, or must have a parking waiver approved by the Commission.

Further, the Commission adopted the Director's Findings 1, and 2 from the staff report dated March 3, 2023, and made revised Findings 3, 4, 5, and 6 as stated below:

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

Yes. The proposed development will comply with Title 49 standards, including parking, lighting, vegetative cover and hazard zone requirements.

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

Mark Regan
File No: USE2023 0001
March 16, 2023
Page 2 of 3

No. There is no evidence to suggest that the requested accessory apartment, in a D5 zoning district, will materially endanger the public health or safety.

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

No. There is no evidence to suggest that with appropriate condition, the requested accessory apartment, in a D5 zoning district will substantially decrease the value or be out of harmony with the property in the neighboring area.

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

Yes. The proposed accessory apartment will be in general conformity with the 2013 Comprehensive Plan and the 2016 Housing Action Plan.

Attachments: March 3, 2023, memorandum from Emily Suarez, Community Development, to the CBJ Planning Commission regarding USE2023 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, March 14, 2023.

Expiration Date: The permit will expire 18 months after the effective date, or September 14, 2024, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.



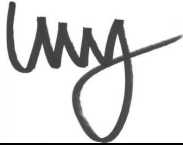
Michael Levine, Chair
Planning Commission

March 16, 2023

Date

Mark Regan
File No: USE2023 0001
March 16, 2023
Page 3 of 3

Section J, Item 2.



March 16, 2023

Filed With City Clerk

Date

cc: Plan Review

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



DATE: March 6, 2023

TO: Michael LeVine, Chair, Planning Commission

BY: Emily Suarez, Planner II

THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Parking Waiver to waive one (1) required parking space for an accessory apartment; related to USE2023 0001.

STAFF RECOMMENDATION: Approval.

KEY CONSIDERATIONS FOR REVIEW:

- The lot is not located in the Town Center Parking Area (TCPA).
- The lot and structure received a Nonconforming Certification for off-street parking (NCC2023 0001).
- Public transportation is within a half (½) mile of the property.
- Proposal complies with the Comprehensive Plan by providing housing in a flexible format.

ALTERNATIVE ACTIONS:

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

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.30.270
 - 49.40.210
 - 49.40.220
 - 49.80

GENERAL INFORMATION	
Property Owner	Mark Regan
Applicant	Mark Regan
Property Address	1718 Evergreen Ave
Legal Description	Seater Addition Block 3 Lot 7 FR & 5 FR
Parcel Number	1C030D050080
Zoning	D5
Land Use Designation	Urban Low Density Residential (ULDR)
Lot Size	5,000 square feet
Water/Sewer	Public
Access	Evergreen Avenue
Existing Land Use	Residential
Associated Applications	NCC2023-0001; USE2023-0001

The Commission shall hear and decide the case per CBJ 49.40.220(a) PARKING WAIVERS. The required number of parking spaces required by this chapter may be reduced if the requirements of this section are met. The determination of whether the parking requirements of this chapter are satisfied, with or without conditions, and deemed necessary for consistency with this title, must be made by the director in the case of minor development; the commission in the case of major development; and the commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D5)	Single-family dwelling
South (ROW)	Evergreen Avenue
East (D5)	Single-family dwelling
West (D5)	Vacant lot

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	Moderate
Hillside	Yes
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	ADOD

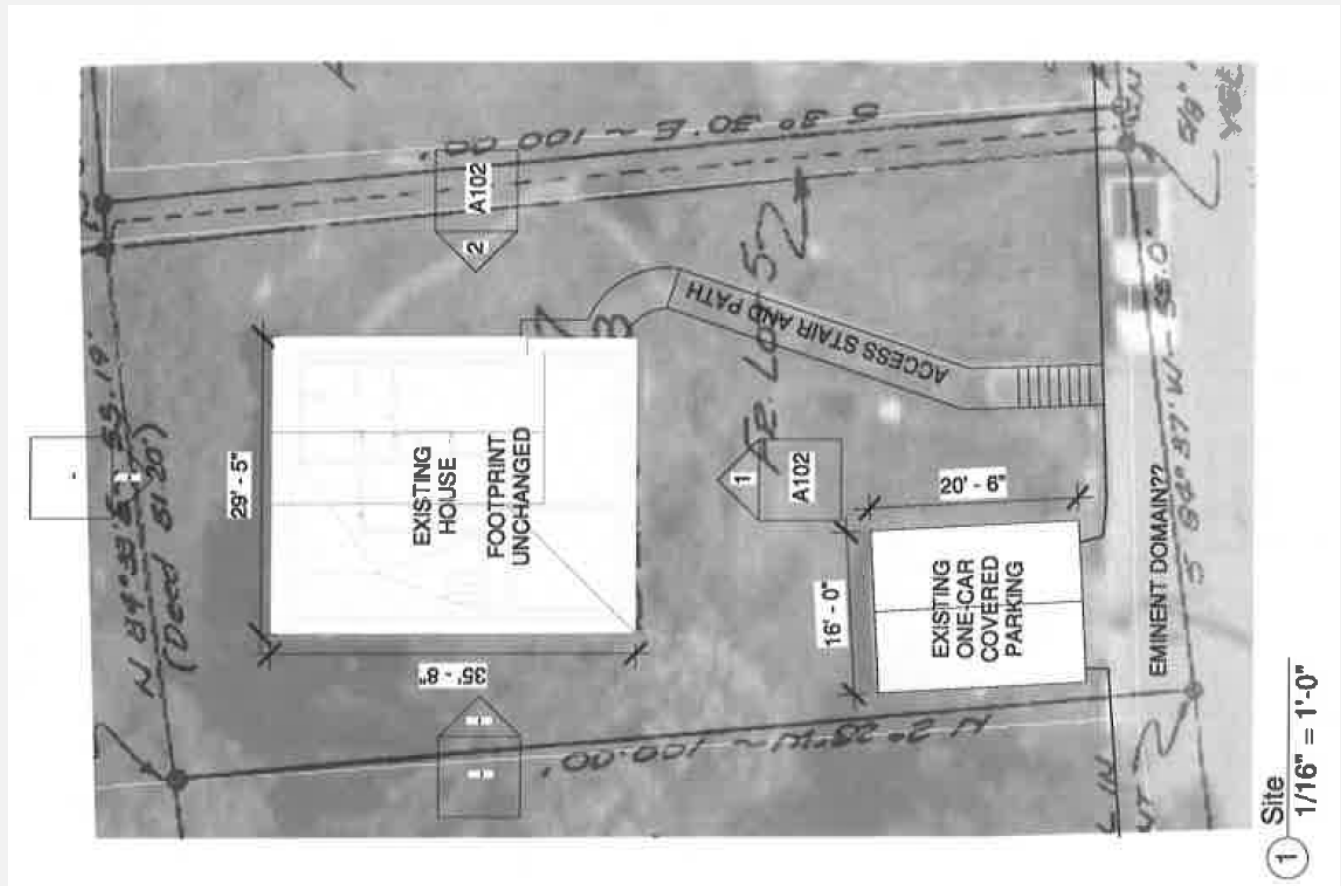
BACKGROUND INFORMATION

Project Description – The applicant requests a Parking Waiver to waive one (1) required parking space for an accessory apartment on a substandard lot in the D5 zoning district in a mapped moderate landslide/avalanche zone. This application relates to USE2023 0001.

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

Item	Summary
Lot History	The single-family dwelling was built in 1911 and the lot created by deed in 1967.
Nonconforming Certificate	NCC2023 0001 – The lot is certified nonconforming for lot size, lot width, rear and side yard setbacks, and one (1) off-street parking space.
Conditional Use Permit	USE2023 0001 – The applicant has applied for a Conditional Use Permit for the accessory apartment on a substandard lot in moderate landslide/avalanche zone.
Memo	VR-34-96 – Community Development staff determined variance request was not necessary for proposed carport.
Building Permit	BLD-0991901 – Building permit issued in 1994 for carport addition.

SITE PLAN



ANALYSIS

Project Site – The project site is located on Evergreen Avenue in the Highlands residential area, which is considered a more historic neighborhood. The lot is 5,000 square feet and contains a two-story single family dwelling with a basement on the lower level. The dwelling unit was constructed prior to zoning regulations and is certified nonconforming to the D5 zoning district minimum standards (NCC2023 0001). The lot is located in a mapped moderate landslide/avalanche zone, and outside of the Town Center Parking Area (TCPA). The proposal will not aggravate the existing nonconforming situations, if the Parking Waiver is granted.

Project Design – The proposed accessory apartment measures approximately 580 square feet and will have one (1) bedroom, one (1) bathroom with laundry, a small kitchen with living area and a covered porch entryway. No off-street parking is proposed at this time.

Vehicle Parking & Circulation – No on-site parking has been proposed by the applicant. Parking is nonconforming and not required due to the lot and single-family dwelling being established prior to zoning regulations. The lot received a Nonconforming Certification for off-street parking (**Attachment E**). According to CBJ 49.40.210(a), one (1) parking space is required for an accessory apartment. The applicant has requested a Parking Waiver to waive one (1) required parking space for the proposed accessory apartment.

The lot is located outside the Town Center Parking Area (TCPA) and fee-in-lieu of off-street parking spaces is not applicable for this proposal. Additionally, adequate space for turning and maneuvering on-site must be provided to prevent back-out parking onto a right-of-way. If the Commission deems it safe, back-out parking is allowed for single-family dwellings with accessory uses in residential and rural reserve zoning districts [49.40.235(b)(6)(A)].

If a new off-street parking space is built, special engineering will be required to mitigate new construction within a mapped hazard zone per CBJ 49.70.300(a). If the Parking Waiver is not granted, the accessory apartment cannot be constructed due to unmet parking requirements; the nonconforming situations on the lot will be aggravated.

Use	Total Sq. Ft.	Spaces Required	Total Spaces
Accessory apartment	580	1	1
Total Parking Requirement:			1
Off-Street Loading Spaces Required:			0
ADA Accessible Spaces Required:			0

Impacts to Nearby On-street Parking – Staff performed a site visit to evaluate available on-street parking in the area for the proposed Parking Waiver. Evergreen Avenue has narrow roads, sidewalks are not provided on either side of the street, and on-street parking is not allowed within certain segments of the road.

Staff performed a parking study to quantify available on-street parking on Evergreen Avenue and near the property. Staff determined that available on-street parking spaces that meet parking dimensional standards, are located within a ¼ mile walking distance from the property (**Attachment G**).

Based on this information, the addition of one (1) on-street parking space would not have an impact on available on-street parking.

Non-motorized Transportation – The lot is located within the Highlands residential area, which is considered a more historic neighborhood. Sidewalks are not provided on either side of Evergreen Avenue, the property is located within one (1) mile walking distance from downtown. The downtown area and surrounding neighborhoods are identified as a walkable area with provisions for pedestrians.

Proximity to Transit – There are four (4) bus stops located along Glacier Avenue, all within a half (½) mile walking distance from the property. The 2013 Comprehensive Plan promotes *Transit Oriented Development*, and allows for higher residential densities within a five to ten minute walking distance to public transit service. The proposed development would not cause an undue burden on the existing public transportation.

Public Health or Safety – There is no information to suggest that waiving one (1) parking space for the proposed development will materially endanger the public health, safety, or welfare. The Commission may require additional mitigating measures deemed necessary to protect the public health, safety and welfare [49.70.300(a)(5)]

Property Value or Neighborhood Harmony – There is no information to suggest that waiving one (1) parking space for the proposed development will negatively affect property value or be out of character with the existing neighborhood.

AGENCY REVIEW

CDD conducted an agency review comment period between January 30 and February 6, 2023. Agency review comments can be found in Attachment C.

Agency	Summary
CBJ General Engineering	No comments or concerns for this application.
CBJ Building Department	No comments submitted.
CBJ Fire Department	No fire code or fire department concerns for this application.

PUBLIC COMMENTS

CDD conducted a public comment period between January 31 and February 20, 2023. Public notice was mailed to property owners within 250 feet of the subject parcel. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. Public comments submitted at time of writing this staff report can be found in Attachment D.

Name	Summary
Joan Cahill	Does not support the development due to increased demand of on-street parking for current residents and visitors of the area. Expresses concern for emergency and snow removal vehicle access. Believes development of undersized lot is not appropriate for the area.
Mary Ann Parke	Objects proposal of Parking Waiver for accessory apartment. Believes that current on-street parking hinders the traffic flow through the area.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan and the 2016 Housing Action Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	3	20	Policy 3.2	Promotes compact urban development within designated urban service area to ensure efficient utilization of land resources and to facilitate cost effective provisions of community services and facilities.
	4	37	Policy 4.2	Facilitates the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.
	7	97	Policy 7.17	Facilitates provisions to minimize the threat to human safety and development posed by landslide (mass wasting) and avalanches. All development in the hazard areas must include mitigating measures that respond to the specific hazards of that site.
	11	147	Land Use Designation	Complies with the Urban Low Density Residential land use designation; this land use designation allows single-family dwelling with accessory apartments.
	11	184	Subarea 6 Guideline 1	Complies with the preservation of the scale and density of the older single-family neighborhoods in the downtown area, including the Highlands.
	11	184	Subarea 6 Guideline 2	The lot is located in Subarea 6. Guideline includes the retention of existing dwelling units in or near older residential neighborhoods.
2016 Housing Action Plan	2	35	Production Targets	Creates housing, which advances the City's goal of increasing housing stock.

FINDINGS

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

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

Analysis: The 2013 Comprehensive Plan and the 2016 Housing Action plan, identify the need of compact in-fill development within the urban service area. The proposal will provide one additional unit to Juneau's

housing market. The Comprehensive Plan promotes *Transit Oriented Development*, and this proposal could encourage the use of public transportation.

Finding: Yes. Granting the requested parking waiver for 1718 Evergreen Avenue, will result in more benefits than detriments to the community as a whole as identified by the 2013 Comprehensive Plan and the 2016 Housing Action Plan.

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

Analysis: No further analysis is required.

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

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

Analysis: Available on-street parking spaces that meet parking dimensional standards are located within a 500 foot radius from the property. Public transportation is located within a half (½) mile walking distance from the property.

Finding: No. There is no evidence to suggest that with appropriate conditions, granting the requested waiver will result in adverse impacts to neighboring property.

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

Analysis: Granting the parking waiver will be in accordance with the adopted plans policies, and there is no information to suggest that waiving one (1) parking space for the proposed development will materially endanger the public health, safety, or welfare. The Commission may require additional mitigating measures deemed necessary to protect the public health, safety and welfare [49.70.300(a)(5)].

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

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested parking waiver. The permit would waive one (1) parking space for the proposed accessory apartment.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	Agency Comments
Attachment D	Public Comments
Attachment E	NCC2023 0001
Attachment F	Zoning Map
Attachment G	Additional Materials (Parking Study)



PARKING WAIVER APPLICATION

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

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

To be completed by Applicant	PROJECT SUMMARY Parking waiver for new accessory apartment being constructed in lower level of 1718 Evergreen. Property already has one off-street parking space (permitted carport) for main unit.
	TYPE OF PARKING WAIVER REQUESTED (check one) <div style="display: flex; justify-content: space-around;"> <div> MINOR DEVELOPMENT <input checked="" type="radio"/> Parking Waiver Departmental Review (PWD) </div> <div> MAJOR DEVELOPMENT <input type="radio"/> Parking Waiver Planning Commission Review (PWP) </div> </div>
	DEVELOPMENT FOR WHICH THE PARKING IS REQUIRED (check one) <input type="radio"/> Existing <input checked="" type="radio"/> Proposed – Related Case Number: <u>PAC2022 0062</u>
	NUMBER OF REQUIRED PARKING SPACES PER CBJ 49.40.210(A) <input checked="" type="checkbox"/> For Residential Uses: <u>1 new (2 total)</u> spaces <input type="checkbox"/> For Non-Residential Uses: _____ spaces
	NUMBER OF PARKING SPACES THAT WILL BE PROVIDED <input checked="" type="checkbox"/> For Residential Uses: <u>2 total, 1 new</u> spaces <input type="checkbox"/> For Non-Residential Uses: _____ spaces
	ALL REQUIRED MATERIALS ATTACHED <input checked="" type="checkbox"/> Complete application per CBJ 49.15 and CBJ 49.40.210(d)(6) <input checked="" type="checkbox"/> Narrative including: <input checked="" type="checkbox"/> Why the parking waiver is being requested? <input checked="" type="checkbox"/> How the requested waiver meets items 1-4 on page 2

DEPARTMENT USE ONLY BELOW THIS LINE

PARKING WAIVER FEES

Residential Spaces	_____	Non-Residential Spaces	_____
Residential Fee	\$ _____	Non-Residential Fee	\$ _____
Total Residential	\$ _____	Total Non-Residential	\$ _____
Total Fee		\$ <u>320</u>	

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
PWP23-001	1/17/22

Parking Waiver Information

Parking waivers are outlined in CBJ 49.40.210(d)(6)

Parking Waivers are pursuant to 49.40.210(d) Exceptions (6) Parking Waivers. The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the Director of the Community Development Department in the case of minor development; the Planning Commission in the case of major development; and the Planning Commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

Any waiver granted under this subsection shall be in writing and shall include the following required findings and any conditions, such as public amenities, imposed by the director or commission that are consistent with the purpose of this title:

- (1) The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the comprehensive plan;
 - (2) The development is located outside of the PD-1 parking district, PD-2 parking district, and Downtown Fee in Lieu of Parking District Map areas;
 - (3) Granting the waiver will not result in adverse impacts to property in the neighboring area; and
 - (4) The waiver will not materially endanger public health, safety, or welfare.
- Applications for parking waivers shall be on a form specified by the director and shall be accompanied by a one-time fee of \$400. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.
- The director shall mail notice of any complete parking waiver application to the owners of record of all property located within a 250 foot radius of the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications shall be made concurrently in accordance with CBJ 49.15.230.

Approved parking waivers shall expire upon a change in use.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Conditional Use Permit Project Narrative
for 1718 Evergreen Avenue
Case #: PAC2022 0062
Submitted by Mark Regan and Meredith Trainor

Property owner Mark Regan is applying for a nonconforming lot permit for the property he owns and has recently maintained as a rental at 1718 Evergreen Ave, in the Highlands neighborhood. Mark has begun the process of selling the property to his renter, Meredith Trainor, and plans to renovate the lower level in a limited manner before the transfer of ownership so as to facilitate construction of an accessory unit.

Please copy us both on correspondence.

Past and Current Uses of the Property:

As far as we know and as far as publicly available data indicate, the home has only ever been used as a residence. Based on the last 30-40 years and what is known of the preceding history, the home was used as a primary residence for most of the 100+ years it has stood on this hillside, before being used as a rental for one year (2014-15) and then again for the last 4.5 years, from 2018 - present.

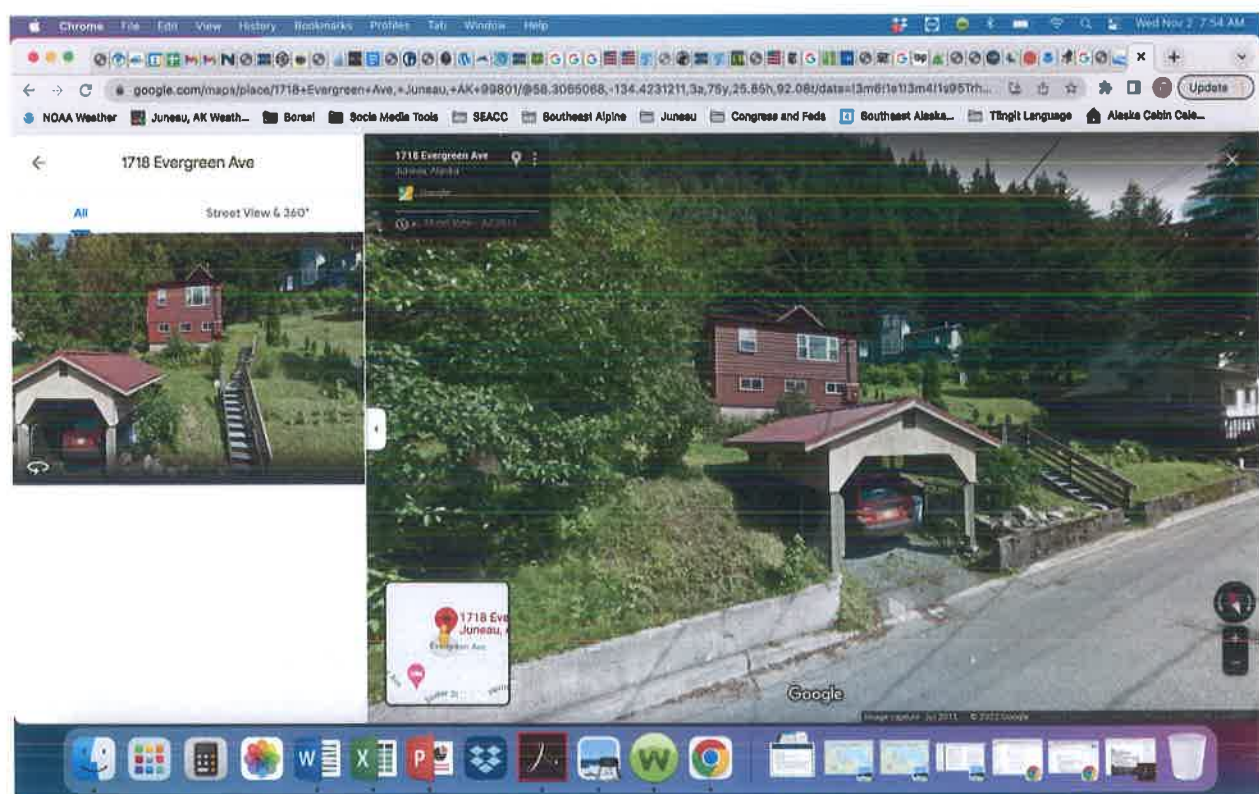
Prior to renter/buyer Meredith Trainor moving in as a tenant in 2018, there were two or three years when the house was vacant. Before that, no one was living in the home, other than occasional visits by former owner Mr. Kirk and current owner Mr. Regan, since Mr. Kirk started living primarily in an apartment at the Marine View before he passed away.

Description of Project, Site, Circulation, Traffic:

Site is the lower level of the 891 sq. ft. building. Lower level is currently raw earth with windows and exposed old ratty insulation towards the front (Evergreen Ave side), and pristine 80s-era concrete foundation walls to the back (hill side). The space currently holds a washer and dryer, deep freeze, and storage items, plus utilities (water heater and oil boiler).

Evergreen Ave is a one-way street above the cemetery that dead ends in the Flume trail. This home is set back and uphill from the street.

A separate accessory parking application waiver is being submitted in conjunction with this conditional use application.



Project site. Updated lower level windows will be part of the new accessory apartment

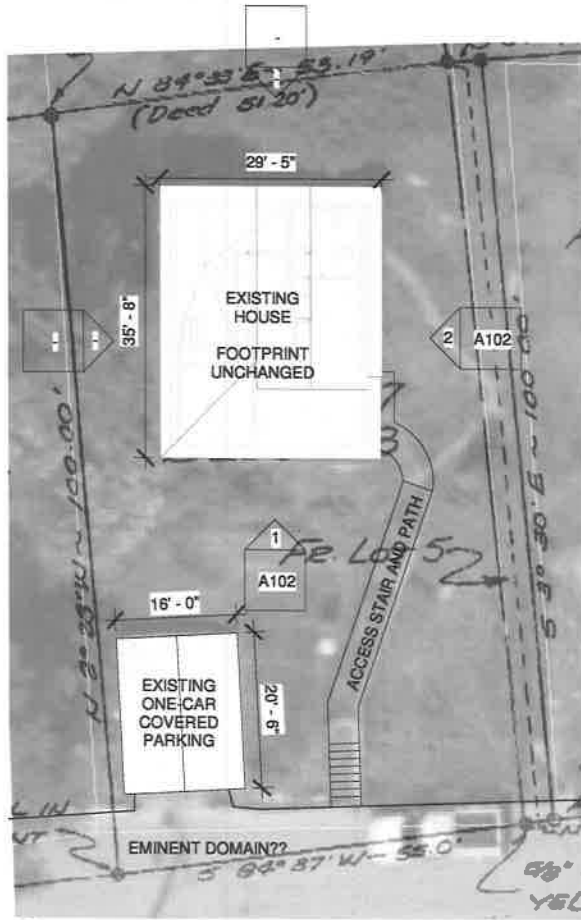
Proposed use of land or building:

Lower level becomes new accessory apartment with external covered porch entryway.

Compliance with Comprehensive Plan:

Yes. This accessory apartment will be rented to year-round tenants whenever possible in an effort to help relieve housing pressure. Future owner has been a renter for 22 years and is sympathetic to housing challenges!

In addition, home is walkable to downtown.



① Site
1/16" = 1'-0"



www.autodesk.com/revit

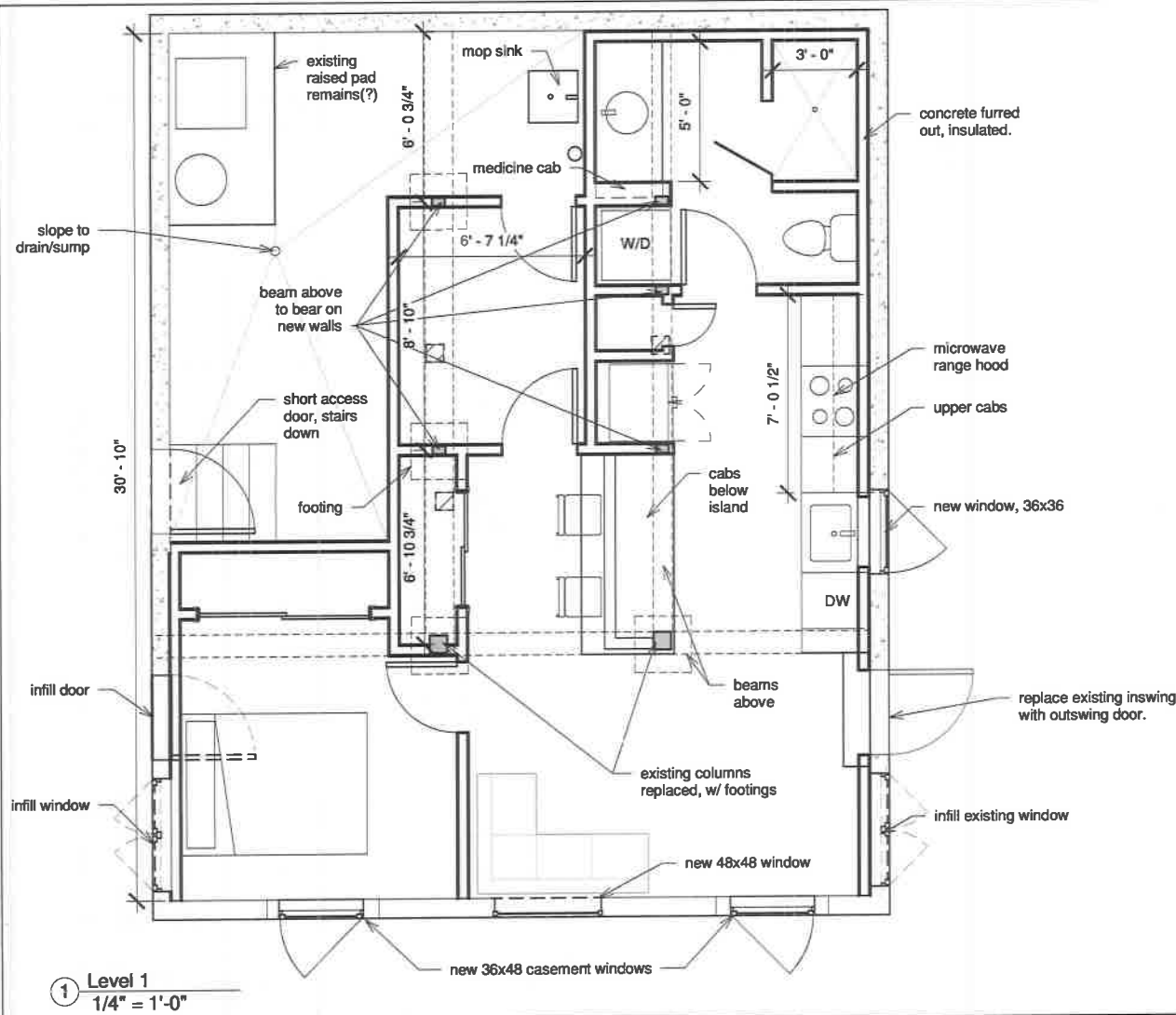
Meredith Trainor
1718 Evergreen

No.	Description	Date

SITE

Project number	1718	A100
Date	1.12.23	
Drawn by	Author	
Checked by	Checker	
Scale 1/16" = 1'-0"		

1/13/2023 5:17:32 PM



Notes:

Existing floor joists, beams, and columns are extremely irregular, and are going to need attention--sistered up as needed. Existing columns are resting on post blocks, and support the beams at odd intervals--hopefully new posts located in walls crossing at roughly third points will provide better support while opening up the floor plan. Roof truss bears on left latitudinal beam, right beam is only picking up the weight of the floor. New footings or at least thickened slab should be planned at columns.

The beams are rough-hewn trees, bark and all, dating back ~100 years. Kind of cool but... they should be boxed in cleanly with pine/hemlock and finished, left exposed and extending below the typical finished ceiling height of 8'.

Concrete foundation walls dating from the 70s or 80s are in pristine shape. They still require furring for insulation, plumbing, and electric--probably 2" thermax and 2x4s on the flat. Perhaps deeper for kitchen appliances.

New windows--36" w x 48" h casement egress for bedroom and east living room, center living room fixed 48" x 48", 36" x 36" Casement above sink. Double pane vinyl-framed Anderson or equivalent.

New glass or windowed entry door--hopefully frame is salvagable. Flip From inswing to outswing.

No.	Description	Date

Floor 1

Project number	1718	A101
Date	1.12.23	
Drawn by	MV	
Checked by		
Scale 1/4" = 1'-0"		



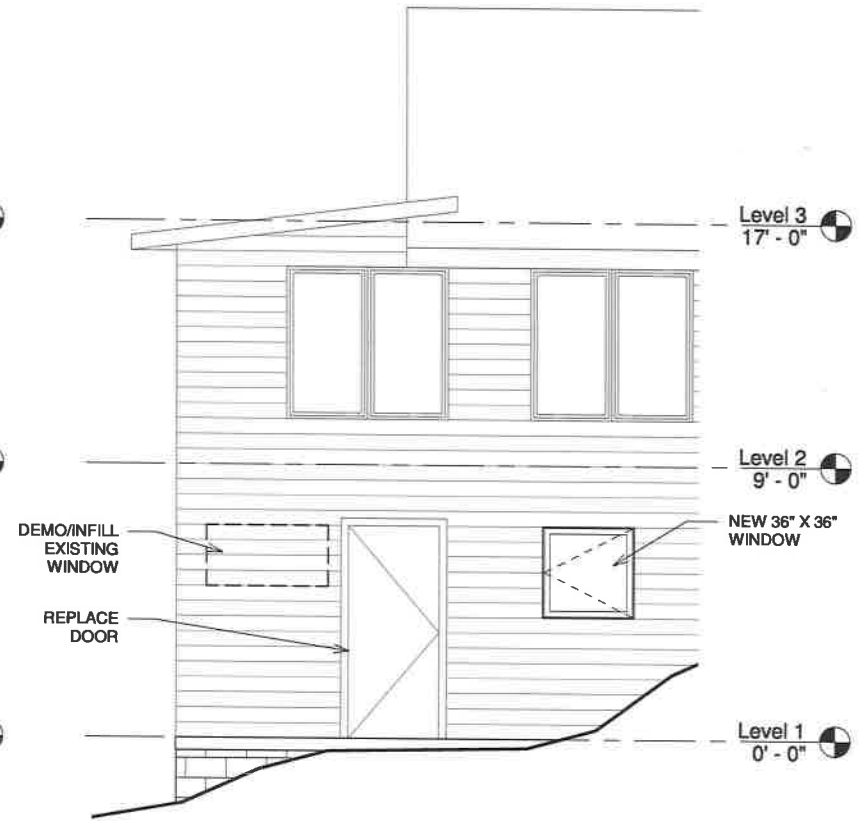
www.autodesk.com/revit

Meredith Trainor
1718 Evergreen

1/13/2023 5:17:32 PM



① South
1/4" = 1'-0"



② East
1/4" = 1'-0"



www.autodesk.com/revit

Meredith Trainor
1718 Evergreen

No.	Description	Date

ELEVATIONS

Project number 1718
Date 1.12.23
Drawn by Author
Checked by Checker

A102

Scale 1/4" = 1'-0"

1/13/2023 5:17:32 PM

1718 Evergreen Parking Waiver Application Narrative
PAC2022 0062

Submitted by: Mark Regan (current owner) and Meredith Trainor (future owner)

Project Summary: Parking waiver for new accessory apartment being constructed in lower level of 1718 Evergreen. Property already has one off-street parking space (permitted carport) for main unit.

Applicant is seeking to build an accessory apartment in a lower level unfinished basement. Parking waiver is being requested for the requisite accessory apartment parking space. Evergreen is a one-way street above the cemetery that dead ends in the Flume trail.

We are seeking a parking waiver in order to keep two curbside parking spaces in front of the home in circulation for neighborhood use. There is room on the property (and an existing '94 permit for -- BLD2004-00208) carport extension or development of another physical parking space, but leaving the curbside intact will allow the neighbors to continue to rotate through two existing curbside spaces in front of the home. In addition, adding another hard left-turn driveway would actually make it slightly more difficult for traffic to flow up and down the street, vs pull-in parking alongside either of the two retaining walls on this property's side of the block.

Items (1), (3), (4)

Not w
PD-1
PD-2
Fee ~ Lien
(Item 2)



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

Case name

Case Number: PAC2022 0062
 Applicant: Mark Regan/Meredith Trainor
 Property Owner: Mark Regan
 Property Address: 1718 Evergreen Ave
 Parcel Code Number: 1C030D050080
 Site Size: 5,000 square feet
 Zoning: D-5
 Existing Land Use: Residential

Conference Date: 04 January 2023

Report Issued: 1/6/2023

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
Mark Regan/Meredith Trainor	Applicant	Mregan@gci.net Meredith.trainor@gmail.com
Emily Suarez	Planning	Emily.suarez@juneau.gov
Jennifer Shields	Planning	Jennifer.shields@juneau.gov
Edward Quinto	Permit Specialist	Edward.quinto@juneau.gov

Conference Summary

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

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

Project Overview

- The property is zoned D5 (Single-family/Duplex) and the applicant would like to build an accessory apartment in the basement of the single-family dwelling unit.
- A Nonconforming Certification Review Application is required. The lot is 5,000 square feet, and the minimum lot size required in the D5 zoning district is 7,000 square feet (CBJ 49.25.400). Per CBJ 49.30.260(a), *"A property owner of a nonconforming lot has the same development rights as a property owner of a conforming lot, provided the owner first obtains nonconforming certification pursuant to section 49.30.310."*
- A Conditional Use Permit Application is required. Per CBJ 49.25.510(k)(2)(E)(ii), *"The commission may approve, with a conditional use permit, a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:(a)The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size."*
- A Parking Waiver Application will be required if the applicant is not able to provide one additional on-site parking space for the accessory apartment.

Note: The applicant may choose to submit the above-listed applications concurrently. Each application will need to be submitted with an accompanying Development Permit Application.

Planning Division

1. **Zoning** – The property is zoned D5 (Single-family/duplex)
2. **Subdivision** – N/A
3. **Setbacks** –
 - a. Minimum front yard setback: 20 feet
 - b. Minimum rear yard setback: 20 feet
 - c. Minimum side yard setback: 5 feet
4. **Height** – Maximum height permissible is 35 feet, and 25 feet for accessory (CBJ 49.25.400)
5. **Access** – Access is from Evergreen Avenue.
6. **Parking & Circulation**– The property currently has one (1) parking space (carport). Per CBJ 49.40.210, the accessory apartment would require one additional parking space. If the applicant is not able to provide one additional on-site parking space for the accessory apartment, per CBJ 49.40.220 a Parking Waiver Application will be required (see attached code).
7. **Lot Coverage** – Maximum lot coverage is 50% (per CBJ 49.25.400)
8. **Vegetative Coverage** – Minimum vegetative cover is 20% (per CBJ 49.50.300)
9. **Lighting** – N/A

Pre-Application Conference Final Report

- 10. **Noise** – N/A
- 11. **Flood** – N/A
- 12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – N/A, the lot is located in moderate landslide/avalanche area.
- 13. **Wetlands** – N/A
- 14. **Habitat** – N/A, no anadromous waterbodies are on the parcel, or within 50 feet.
- 15. **Plat or Covenant Restrictions** – N/A
- 16. **Traffic** – N/A
- 17. **Nonconforming situations** – Due to a substandard lot size, a nonconforming certificate is required prior the issuance of any building or land use permit.

Building Division

- 18. **Building** – Fire/Sound separation will be required between dwelling units, if the units are stacked, then the supporting walls must also meet fire resistance requirements. A building permit and plan review will be required prior to any construction or demolition activities.
- 19. **Outstanding Permits** – BLD2004-00208 – Grading permit to provide a parking area and new driveway entrance

General Engineering/Public Works

- 20. **Engineering** – N/A
- 21. **Drainage** – N/A
- 22. **Utilities** – (water, power, sewer, etc.) Adding an additional dwelling unit will require water service be metered before supply is split between the dwelling units.

Fire Marshal

- 23. **Fire Items/Access** – N/A

Other Applicable Agency Review

- 24. N/A

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. Please check applications for required attachments, only whole and complete applications can be accepted.

- 1. Development Permit Application (One for each of the applications listed below)
- 2. Nonconforming Certification Review
- 3. Conditional Use Permit 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.

Pre-Application Conference Final Report

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

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. Development Permit Application: N/A
2. Nonconforming Certification Review: \$150 if submitted separately from other applications, fee waived if submitted at the same time as Conditional Use, Parking Waiver, or Building Permit.
3. Conditional Use Permit (USE): \$350
4. Public Notice Sign: \$150 (with \$100 refundable if the sign is returned by the Monday after the Planning Commission meeting).
5. Parking Waiver (PWP): \$320 (reduced due to major development)
6. Building permit and plan review fees will be based on the cost of work – to include materials and labor.

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

Open Monday through Thursday – 8:00 am – 4:30 pm, applications will not be accepted after 4:00 pm.

Attachments:

CBJ 49.15.330 Conditional Use Permit
CBJ 49.30.310 Nonconforming Certification Review
CBJ 49.40.220 Parking Waiver
Development Permit Application (DPA)
Nonconforming Certification Review (NCC)
Conditional Use Permit Application (USE)
Parking Waiver Application (PWP)



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 1718 Evergreen Ave.		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) SEATER ADDITION BL 3 LT 7 FR & 5 FR		
	Parcel Number(s) 1C030D050080		
	<input checked="" type="checkbox"/> This property is located in the downtown historic district <input checked="" type="checkbox"/> This property is located in a mapped hazard area, if so, which Moderate		
	LANDOWNER/ LESSEE		
	Property Owner Mark Regan	Contact Person Pls cc: Meredith.Trainor@gmail.com	
	Mailing Address 223 Gold Street	Phone Number(s) 907-209-7371	
	E-mail Address MRegan@gci.net		
	LANDOWNER/ LESSEE CONSENT		
Required for Planning Permits, not needed on Building/ Engineering Permits.			
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
Mark REGAN Landowner Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)			
X [Signature] 1-17-23 Landowner/Lessee (Signature) Date			
Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)			
X [Signature] Date Landowner/Lessee (Signature) Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
APPLICANT			
If same as LANDOWNER, write "SAME"			
Applicant (Printed Name) same	Contact Person		
Mailing Address	Phone Number(s)		
E-mail Address			
X [Signature] 1-17-23 Applicant's Signature Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number
VSE 23-001
PWP 23-001

Intake Initials

AS

Date Received

1/17/22

107



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

PROJECT SUMMARY

Proposed construction of an accessory apartment at 1718 Evergreen, an undersized lot due to home construction year. Parcel #: 1C030D050080

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☒ Accessory Apartment – Accessory Apartment Application (AAP)

☐ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: _____

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 5000 sq ft _____ square feet Total Area of Existing Structure(s) 1131 _____ square feet

Total Area of Proposed Structure(s) None additional _____ square feet

EXTERNAL LIGHTING

Existing to remain
Proposed

☐ No
☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

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

If this is a modification or extension include:

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

☒ Plans including:

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

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

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 350			
Admin. of Guarantee	\$			
Adjustment	\$			
Pub. Not. Sign Fee	\$ 50			
Pub. Not. Sign Deposit	\$ 100			
Total Fee	\$			

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

USE23-001

Date Received

1/17/22

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Allowable/Conditional Use Permit Application Instructions

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

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

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

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

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

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

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

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

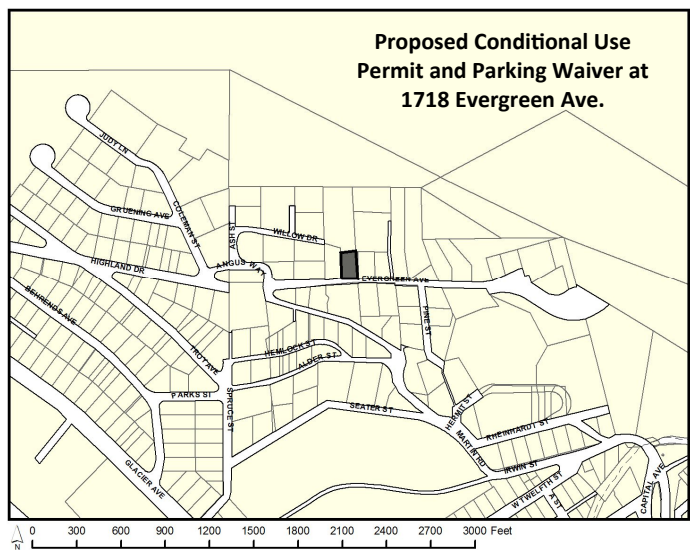
Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



CITY AND BOROUGH OF
JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801
TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a Conditional Use Permit for an accessory apartment on an undersized lot and a Parking Waiver to waive one (1) parking space for the accessory apartment at **1718 Evergreen Avenue** in a **D5 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, March 6, 2023 at https://juneau.org/community-development/planning-commission Find hearing results, meeting minutes, and more here, as well.
--	---

Now through Feb. 20	Feb. 21 noon, March 10	HEARING DATE & TIME: 7:00 pm, March 14, 2023	March 15
Comments received during this period will be sent to the Planner, Emily Suarez , to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/83644882057 and use the Webinar ID: 836 4488 2057 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.	The results of the hearing will be posted online.
FOR DETAILS OR QUESTIONS, Phone: (907)586-0753 ext. 4131 ♦ Email: pc_comments@juneau.gov Mail: Community Development, 155 S. Seward Street, Juneau AK 99801		Case No.: USE2023 0001 & PWP2023 0001 Parcel No.: 1C030D050080 CBJ Parcel Viewer: http://epv.juneau.org	

Printed January 31, 2023



Attachment B- Abutters Notice and Public Notice Sign Photo



(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: February 8, 2023
APPLICANT: Mark Regan; Meredith Trainor
TYPE OF APPLICATION: USE23-01 Conditional Use Permit

PROJECT DESCRIPTION:

Conditional Use Permit request for construction of accessory apartment on substandard lot.

LEGAL DESCRIPTION: SEATER ADDITION BL 3 LT 7 FR & 5 FR
PARCEL NUMBER(S): 1C030D050080
PHYSICAL ADDRESS: 1718 Evergreen Avenue

SPECIFIC QUESTIONS FROM PLANNER:

AGENCY COMMENTS:

No fire code or fire department concerns for this application.

From: [Alec Venechuk](#)
To: [Emily Suarez](#)
Subject: RE: USE23-01 1718 Evergreen Accessory Apartment
Date: Tuesday, January 31, 2023 9:16:53 AM

No comments, thanks!

-Alec

From: Emily Suarez <Emily.Suarez@juneau.gov>
Sent: Tuesday, January 31, 2023 8:36 AM
To: Alec Venechuk <Alec.Venechuk@juneau.gov>
Subject: RE: USE23-01 1718 Evergreen Accessory Apartment

Hi Alec,

Thank you for sending this over. I forgot to include that there is a Parking Waiver Application for the accessory apartment.

Let me know if you have any additional comments on this.

Thanks,

-Em.

From: Alec Venechuk <Alec.Venechuk@juneau.gov>
Sent: Monday, January 30, 2023 12:06 PM
To: General Engineering <General_Engineering@juneau.gov>; Emily Suarez <Emily.Suarez@juneau.gov>
Subject: RE: USE23-01 1718 Evergreen Accessory Apartment

Hi Emily,

The only comment the home owner should be aware of from the GE/Utility side is that a water meter will be required where the water supply enters the home –

Alec

Alec Venechuk, PE

Chief Engineer – General Engineering
Department of Public Works and Facilities
City and Borough of Juneau
155 S. Seward St.
Juneau, AK 99801

(907) 586-0800 Ext. 4187 (office)
Alec.Venechuk@juneau.gov

**Please note my email address change to alec.venechuk@juneau.gov*

From: John Bohan <John.Bohan@juneau.gov>
Sent: Monday, January 30, 2023 11:06 AM
To: General Engineering <General_Engineering@juneau.gov>; Emily Suarez <Emily.Suarez@juneau.gov>
Subject: FW: USE23-01 1718 Evergreen Accessory Apartment

Hi Emily,

Am sending this to Alec and GE. I am no longer the lead for GE, Alec is – there is no need to copy me on these requests unless you specifically need my input – and am more than happy to help, but also extremely happy to leave it with GE also!

Thanks!

Thanks
John Bohan, PE
 CBJ Chief CIP Engineer
 155 S. Seward St
 Juneau AK 99801
 (907)586-0800 x-4188

Note: my email address has changed to john.bohan@juneau.gov

From: Emily Suarez <Emily.Suarez@juneau.gov>
Sent: Monday, January 30, 2023 8:16 AM
To: Charlie Ford <Charlie.Ford@juneau.gov>; Dan Jager <Dan.Jager@juneau.gov>; John Bohan <John.Bohan@juneau.gov>
Subject: USE23-01 1718 Evergreen Accessory Apartment

Hello,

Attached is a Conditional Use Permit application for 1718 Evergreen. They would like to remodel the residence and convert the basement into an accessory apartment.

If you have any comments or concerns regarding this proposal, please send them to me by Monday, February 6, 2023. Let me know in case this date does not give you enough time to submit

comments.

Thank you!

Emily Suarez | Planner II

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0753 ext. 4131



Fostering excellence in development for this generation and the next.

From: [Joan Cahill](#)
To: [Emily Suarez](#)
Subject: Public Comment re: 1718 Evergreen Ave Permit & Waiver
Date: Tuesday, February 7, 2023 11:32:11 AM

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

While I am not thrilled to submit this response given my friendly relationship with the residents of 1718 Evergreen (see #14 below), I will regardless submit my very strong objection to both proposals for the following reasons:

1. As one of the region's Gold Rush era roads, **Evergreen ave is very narrow.**
2. With the exception of 1 relatively newer house on a large property near the uphill dead end, Evergreen Ave has no sidewalks. Snow is packed alongside the road making it **even more narrow in winter.**
3. **Snow Removal on upper Evergreen (above the switchback) is delayed and gets plowed less** often than lower Evergreen, as Upper Evergreen is apparently considered an offshoot. There are long stretches during snow events when the street does not even accommodate 2 cars; **one has to pull over so the other can pass.** This assumes there's somewhere to pull over. This scenario often occurs even without snow.
4. The houses range from the Gold Rush era through the 1960's-early 70's and with 1 exception were **designed as single family dwellings.** In the 70's & early 80's, many of the houses were significantly enlarged, often with one or more accessory apartments that increased congestion considerably.
5. In addition to the numerous Accessory apartments, like most homes these days, **Evergreen has at least 1 car per adult, most houses have 2, 3 or even 4 adults.** This doubles and sometimes more so what was once the standard 1 car per house envisioned in its early years of development.
6. **An extra house that is not even on the street but up a staircase from it has two personal vehicles and sometimes a third** work vehicle and no off-street parking for any of them. Those residents park one vehicle in a space owned by two other residences. One of those other residents who share ownership of that parking space uses on-street parking instead.
7. **Visitors often park in front of residents' garage doors, driveways and entryways.** Sometimes visitors ignore signage altogether and park on the downhill side of the street, halving the width. This creates tight gauntlets that the average vehicle can barely squeeze through. When they can't, the driver parks in the middle of the street and knocks on doors to find the car's owner.
8. This situation creates **stress among neighbors and strains relationships.**
9. With the current density, **it's a crap shoot as to whether today's very wide emergency vehicle could access the houses.**
10. Evergreen Avenue is a **popular trailhead and extremely busy pedestrian**

and recreational street for the Flume, Mount Roberts, Mount Juneau, and Perseverance Trail. This ushers in far more cars and walkers and runners and bikers and skateboarders and dog walkers and baby strollers and tourists and gym classes and running teams and state office workers on lunch breaks than arguably any other street in town besides possibly Basin Road.

11. It's **dangerous, stress-inducing and negligent to the existing tax paying residents to wedge even more cars in the crush.**
12. Permitting another Accessory apartment on an undersized lot will inevitably come with at least 1 vehicle and more likely several. This will occur regardless of whether 1 vehicle is permitted for off street parking. No one will monitor the situation. Therefore there should be no exemption permit for an accessory apartment on an undersized lot with no off street parking. **It's called an undersized lot and not permitted for a reason.**
13. **Juneau is developing apartment complexes galore all over town that are designed for modern living with designated parking.** The City should not be wedging more people and vehicles onto streets like upper Evergreen which never should have permitted some of the accessory apartments that exist here in the first place. The street has one apartment house. It was built with a driveway that is pitched so steeply from the street that it's unsafe and unused. Someone tried to park there recently, their brake failed and the car pitched into the road. Residents constantly comment about how on earth that ever got permitted.
14. Lastly: I struggled with whether to voice my strong objection to this proposal for fear of risking my very good relationship with the neighbors who are making the request. I am not alone in this conundrum. Given the amount of complaining about traffic and parking and crowding that goes on on this street, it's safe to say you could multiply this one comment numerous times to reflect the people reticent to oppose publicly for fear of creating bad blood. This system forces a Sophie's Choice of either suffering more dangerous conditions with quality of life while paying ever higher taxes for it, or suffering tense relationships with immediate neighbors due to resentment incurred from having one's name attached to an opposing comment. As long as CBJ vets the submission, it could withhold the name and the value of the input would not be compromised.

Thank you for soliciting feedback.

Joan Cahill
 (907) 723-3949
joanmcahill@gmail.com

From: [Mary Ann Parke](#)
To: [PC Comments](#)
Cc: [Parke Mary Ann](#)
Subject: Comment on Case No.: USE2023 0001 & PW2023 0001
Date: Sunday, February 12, 2023 6:14:20 PM

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

To Emily Syarez,

Regarding Proposed Conditional Use Permit and Parking Waiver at 1718 Evergreen Avenue, Case No.: USE2023 0001 & PW2023 0001, Parcel No.: 1C030D050080

Please consider NOT waiving the off-street parking requirement for this accessory apartment application.

1) This area of Evergreen Avenue currently is nearly always limited to a single lane street due to on-street parking.

2) Commonly oncoming traffic is required to, where possible, pull out of the single lane or back up to allow the oncoming vehicle to pass.

3) With service and private vehicles temporarily stopped along the street it is not uncommon wait time is required to simply drive through this area.

4) Walkers along this area of Evergreen Avenue, which has no sidewalks, are nearly always required to step between parked cars or into adjacent yards to allow vehicles to pass as on-street parking limits street access to a very narrow single lane.

5) Space for additional parking on this lot is adequate between the covered pull-out currently at 1718 and on the adjacent up-street property.

6) Noteworthy is properties that have garage or parking spaces are charged CBJ property tax for those buildings and/or square footage. CBJ charges no fees for on-street parking in this area. This is inequitable to property owners in this area.

7) The only street access to my residence requires passage through this portion of Evergreen Avenue. Over the past years, increasing on-street parking continues to diminish safe passage through this area.

Thank you for considering not waiving CBJ parking requirements for the accessory apartment.

Respectfully submitted,

Mary Ann Parke
1544 Pine Street
Juneau, Alaska 99801
907-586-1393



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

NONCONFORMING CERTIFICATE

Date: February 22, 2023
File No.: NCC2023 0001

Mark Regan
1718 Evergreen Ave
Juneau, AK 99801

Proposal: A Nonconforming Situation Review for structures, lots, and parking.

Property Address: 1718 Evergreen Ave
Property Legal Description: Seater Addition Block 3 Lot 7 Family Residence & 5 Family Residence
Property Parcel Code No.: 1C030D050080

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated February 22, 2023, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Structures (CBJ 49.30.250):
 - Rear yard setback of 16.4 feet for the residential structure
 - Side yard setback of 4.5 feet for the carport
- Nonconforming Lots (CBJ 49.30.260):
 - Lot size of 5,000 square feet
 - Lot width of 55 feet
- Nonconforming Parking (CBJ 49.30.270):
 - One (1) off street parking space

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

CBJ 49.30.215: Accidental damage or destruction. *Structures receiving a nonconforming certification may have the right to reconstruct a nonconforming structure per CBJ Chapter 49.30.*

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed.

Mark Reagan
File No.: NCC2023 0001
February 22, 2023
Page 2 of 2

If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

Project Planner: 
Adrienne Scott, Planner I
Community Development Department


Jill Maclean, Director, AICP
Community Development Department

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.



**DIRECTOR'S REVIEW STAFF REPORT
NONCONFORMING CERTIFICATION
NCC2023 0001**

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: February 23, 2023

TO: Jill Maclean, AICP | Director

BY: Adrienne Scott, Planner I

PROPOSAL: A Nonconforming Situation Review for structures, lots, and parking.

KEY CONSIDERATIONS FOR REVIEW:

- There were no zoning requirements when the primary structure was built in 1911.
- Dimensional requirements of the lot were met when it was established.
- The carport was permitted and approved through the building permit process.

STAFF RECOMMENDATION:

Staff recommends the following situations receive

Nonconforming Certification:

- Nonconforming Structures (CBJ 49.30.250)
- Nonconforming Lots (CBJ 49.30.260)
- Nonconforming Parking (CBJ 49.30.270)

ABANDONMENT:

If a nonconforming situation is deemed to be abandoned by the Director, the decision may be reconsidered in accordance with CBJ 49.30.220. After reconsideration is reviewed, an appeal may be filed in accordance with CBJ 49.20.110.

NONCOMPLIANCE:

If a situation fails to be certified as nonconforming, an appeal of this decision may be filed in accordance with CBJ 49.20.110.

GENERAL INFORMATION	
Property Owner	Mark Regan
Applicant	Mark Regan
Property Address	1718 Evergreen Ave
Legal Description	Seater Addition Block 3 Lot 7 FR & 5 FR
Parcel Number	1C030D050080
Zoning	D5
Lot Size	5,000 square feet
Water/Sewer	Public
Access	Evergreen Ave
Existing Land Use	Residential
Associated Applications	USE02230001, PWP20230001

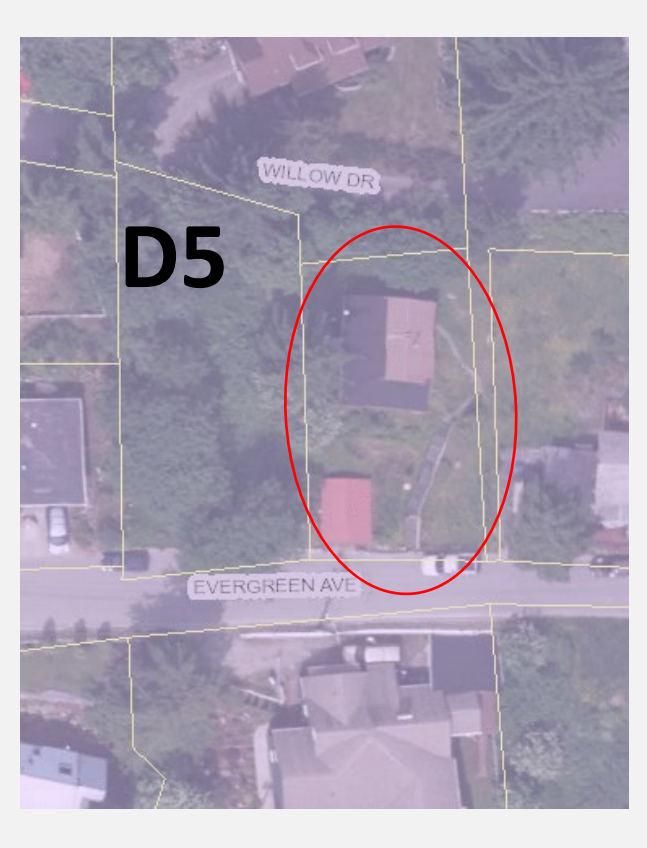
CBJ 49.30.215: Accidental damage or destruction. Structures receiving a nonconforming certification may have the right to reconstruct a nonconforming structure per CBJ Chapter 49.30.

Mark Regan
File No: NCC2023 0001
February 23, 2023
Page 2 of 7

SITE FEATURES AND ZONING



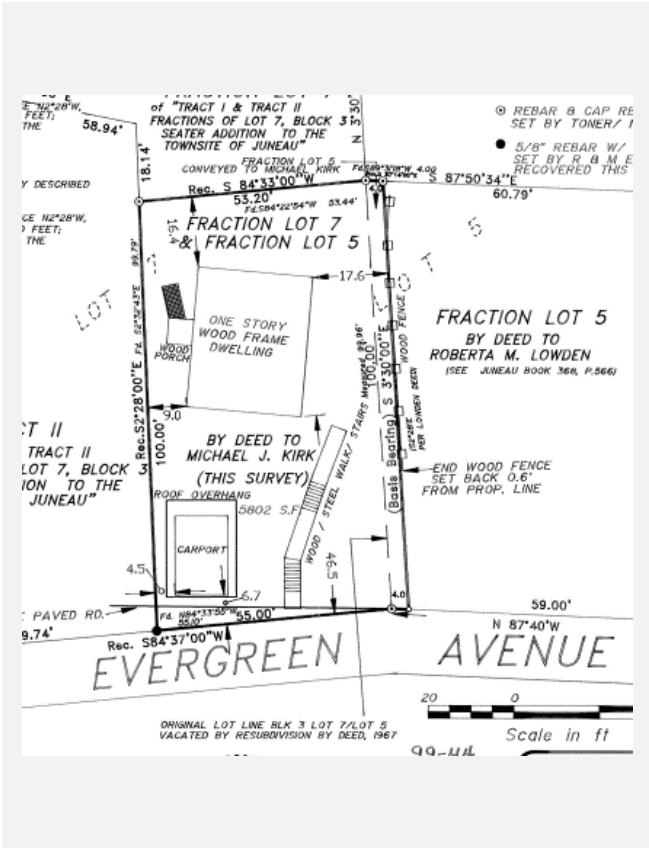
CURRENT ZONING MAP



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

SITE FEATURES	
Anadromous	None
Flood Zone	None
Hazard	Moderate Landslide/ Avalanche area
Hillside	Yes
Wetlands	None
Parking District	None
Historic District	None
Overlay Districts	ADOD

SITE MAP



Mark Regan
 File No: NCC2023 0001
 February 23, 2023
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ZONING HISTORY

Year	Zoning District	Summary
1911	None	In 1911, the single family dwelling structure was built. There were no zoning requirements.
1964	R1	In 1969, the lot and surrounding area was zoned R1. The R1 zoning district required a 4,000 square foot minimum lot size, and a 50 foot lot width. Required setbacks were 20 feet front, 15 feet rear, and 5 feet on each side. One off-street parking space was required per dwelling unit.
1967	R1	In 1967 the lot was created by deed. Dimensional standards for the R1 zoning district were met.
1969	R5	In 1969, the lot and surrounding area was rezoned R5. The R5 zoning district required a 5,000 square foot minimum lot size, an 80 foot lot depth, and a 50 foot lot width. Required setbacks were 20 feet front, 15 feet rear, and 5 feet on each side. One off-street parking space was required per dwelling unit. Dimensional standards for the R5 zoning district were met.
1987	D5	In 1987, the lot and surrounding area was rezoned D5. The D5 zoning district required a 7,000 square foot minimum lot size, an 85 foot lot depth*, and a 70 foot lot width. Required setbacks were 20 feet front, 20 feet rear, and 5 feet on each side. Two off-street parking spaces were required per dwelling unit. The lot became nonconforming for lot size and width. The primary structure became nonconforming for the rear setback. The use became nonconforming for number of off-street parking spaces.
2021	*All zoning districts – lot depth repealed	On August 23, 2021, the CBJ Assembly adopted Ordinance 2021-28, repealing lot depth as a minimum dimensional standard. Other dimensional standards for the D5 zoning district remain the same.

BACKGROUND INFORMATION

The applicant requests a Nonconforming Situation Review for structures, lots, and parking. The lot was created by deed in 1967. The single family dwelling structure was built in 1911 and the carport was built in 1994 (building permit BLD-0991901). In 1999 a record of survey (Plat 99-44) was recorded in order to correct the legal description from the deed. The dimensions from Plat 99-44 are used in the following analyses.

The property owner has applied for a Conditional Use Permit for an accessory apartment on an undersized lot (USE02230001), and a parking waiver for an accessory apartment (PWP20230001).

Mark Regan
 File No: NCC2023 0001
 February 23, 2023
 Page 4 of 7

INFORMATION REVIEWED

Year	Type	Summary
1967	Warranty Deed	Book 176 Page 411 from the Juneau Recording District is a Warranty Deed which created the lot.
1994	Memo	Memo from CBJ Community Development staff determined that a variance was not necessary for the proposed carport setbacks.
1994	Building Permit	Building Permit BLD-0991901 is a building permit for a carport addition.
1999	Survey of Record	Plat 99-44 is a correction to the legal description from the 1967 deed. It also shows the location of the structures on the lot and was used to determine lot dimensions, lot coverage, and setbacks.
2012	Assessor's Photo	Assessor's photo shows a two-story structure on the lot.
2013	Aerial Photography	GIS imagery was used to estimate the vegetative cover.
2022	Assessor's Data	The CBJ Assessor's Database shows the year constructed as 1911.

ANALYSIS

Zoning District Comparison Table – The table below lists the required standards for the D5 zoning district compared to the lot. A description of these situations is provided in the following sections. Items bolded do not meet current requirements.

Standard		Requirement	Existing	Code Reference
Lot	Size	7,000 square feet	5,000 square feet	CBJ 49.25.400
	Width	70 feet	55 feet	CBJ 49.25.400
Setbacks	Front (S)	20 feet 5 feet (carport)	Residential Structure: 46.5 feet Carport: 6.7 feet	CBJ 49.25.400 CBJ 49.25.430(4)(H)
	Rear (N)	20 feet	Residential Structure: 16.4 feet Carport: ~70 feet	CBJ 49.25.400
	Side (E)	5 feet	Residential Structure: 17.6 feet Carport: ~35 feet	CBJ 49.25.400
	Side (W)	5 feet	Residential Structure: 9 feet Carport: 4.5 feet	CBJ 49.25.400
Lot Coverage		50%	~26%	CBJ 49.25.400
Height	Permissible	35 feet	Two- story	CBJ 49.25.400
	Accessory	25 feet	10 feet	CBJ 49.25.400
Maximum Dwelling Units		1	1	CBJ 49.25.500
Use		Residential	Residential	CBJ 49.25.300
Vegetative Cover		20%	~72%	CBJ 49.50.300
Parking		Two (2)	One (1)	CBJ 49.40.210(a)

Minimum Lot Requirements – The lot does not meet the minimum requirements for lot size or width. The lot conformed to dimensional standards at the time it was established in 1967.

Finding: Staff finds the lot nonconforming for lot size and lot width.

Minimum Setback Requirements – The rear yard setback is not met for the residential structure. There were no zoning requirements when the structure was built, and the setback requirement was met under R1 zoning when the lot was established.

Mark Regan
 File No: NCC2023 0001
 February 23, 2023
 Page 5 of 7

The required front yard setback for the carport was reduced to 5 feet, which is documented on BLD-0991901. The west side yard setback of 5 feet is not met for the carport. The carport was permitted in 1994 (BLD-0991901). The required side yard setback was 5 feet, however an asbuilt was not required in order to finalize the permit. The 1999 survey of record (Plat 99-44) shows the actual side yard setback at 4.5 feet.

Finding: Staff finds the primary residential structure nonconforming for the rear yard setback.

Finding: Staff finds the carport structure nonconforming for the west side yard setback.

Lot Coverage – The lot coverage was estimated using the record of survey, Plat 99-44, and does not exceed the maximum for the D5 zoning district.

Finding: Staff finds the lot conforming for lot coverage.

Structure Height – There is a two-story single family dwelling on the lot that does not exceed the maximum height of 35 feet. There is a carport on the lot that does not exceed the maximum height of 25 feet for an accessory structure. The height of the carport was determined from the construction plans submitted with building permit BLD-0991901.

Finding: Staff finds the structures conforming for height.

Residential Density – There is one dwelling on the lot.

Finding: Staff finds the lot conforming for residential density.

Use – The use of the lot is residential.

Finding: Staff finds the lot conforming for use.

Vegetative Cover – Vegetative cover was estimated using 2013 GIS aerial imagery.

Finding: Staff finds the lot conforming for vegetative cover.

Parking – CBJ 49.40.210 requires two (2) off-street parking spaces. Back-out parking may be allowed for single-family dwellings in residential zoning districts per CBJ 49.40.230(b)(7)(A). The carport on the lot accommodates one parking space. When the use was established, the parking requirement was met.

Finding: Staff finds the use nonconforming for number of off-street parking spaces.

NONCOMPLIANT SITUATIONS

CBJ 49.30.310(j) Failure of a situation to qualify for nonconforming certification. If a situation does not qualify for or is denied nonconforming certification, it is noncompliant and the property is subject to enforcement actions consistent with this title.

No information has been found to suggest noncompliant situations exist on the lot.

Mark Regan
 File No: NCC2023 0001
 February 23, 2023
 Page 6 of 7

ABANDONMENT

CBJ 49.30.220(b) Abandonment of a nonconforming situation. *A nonconforming situation is abandoned if any of the following events occur:*

- (1) The owner indicates in writing that the nonconforming situation is being permanently discontinued;*
- (2) The nonconforming situation is damaged, destroyed, removed or demolished intentionally by the owner or intentionally by an authorized agent of the owner;*
- (3) The nonconforming structure is moved;*
- (4) The owner takes action consistent with an intent to abandon the nonconforming situation;*
- (5) The structure(s) associated with the nonconforming situation has been vacant for 365 consecutive days;*
- (6) Except for a structure with a nonconforming residential density, the nonconforming use has ceased and not substantially resumed for 365 consecutive days; or*
- (7) A structure with a nonconforming residential density has been unoccupied for 1095 consecutive days.*

No information has been submitted to suggest the nonconforming situations on the lot have been abandoned.

Finding: Staff finds none of the above events have taken place and the nonconforming situations are not deemed abandoned.

FINDINGS

1. Was the nonconforming situation allowed, or not prohibited by law, when it was established?

Analysis: Lot dimensions, setbacks for the primary structure, and parking requirements were met at the time the lot and structure were established. The side yard setback for the carport structure is not met, and did not meet requirements at the time it was built, however it was permitted and approved by the CBJ Community Development Department.

Finding: Yes. The nonconforming situations were allowed, or not prohibited by law, when they were established.

2. Have the nonconforming situations been abandoned?

Analysis: No evidence has been submitted to suggest that the nonconforming situations have been abandoned.

Finding: No. The nonconforming situations have not been abandoned.

RECOMMENDATION

Staff recommends that the Director adopt the analysis and findings, and find the following situations on the lot to be NONCONFORMING to the Title 49 Land Use Code and issue a Nonconforming Certification for the following

Mark Regan
File No: NCC2023 0001
February 23, 2023
Page 7 of 7

situations:

- Nonconforming Structures (CBJ 49.30.250):
 - Rear yard setback of 16.4 feet for the residential structure
 - Side yard setback of 4.5 feet for the carport
- Nonconforming Lots (CBJ 49.30.260):
 - Lot size of 5,000 square feet
 - Lot width of 55 feet
- Nonconforming Parking (CBJ 49.30.270):
 - One (1) off street parking space

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Information Reviewed



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 1718 Evergreen Ave.		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) SEATER ADDITION BL 3 LT 7 FR & 5 FR		
	Parcel Number(s) 1C030D050080		
	<input checked="" type="checkbox"/> This property is located in the downtown historic district <input checked="" type="checkbox"/> This property is located in a mapped hazard area, if so, which Moderate		
	LANDOWNER/ LESSEE		
	Property Owner Mark Regan	Contact Person Same	
	Mailing Address 223 Gold Street	Phone Number(s) 907-209-7371	
	E-mail Address MRegan@gci.net		
	LANDOWNER/ LESSEE CONSENT		
Required for Planning Permits, not needed on Building/ Engineering Permits.			
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
Mark Regan Landowner Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)			
X 1-4-2023 Landowner/Lessee (Signature) Date			
Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)			
X 1-4-2023 Landowner/Lessee (Signature) Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
APPLICANT If same as LANDOWNER, write "SAME"			
Applicant (Printed Name) SAME Contact Person			
Mailing Address Phone Number(s)			
E-mail Address			
X 1-4-2023 Applicant's Signature Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
11C023-CC1	1/11/23



APPLICATION FOR A NONCONFORMING CERTIFICATION REVIEW

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.

TYPE OF NONCONFORMING SITUATION (CHECK ALL THAT MAY APPLY)

☐ USE ☐ STRUCTURE ☐ DENSITY ☒ PARKING ☒ LOT

Have you submitted a narrative that fully explains the above listed nonconforming situations? YES ☒ NO ☐

The narrative should explain the nature of the nonconforming situation(s). Be specific, state past and present uses of the building, property, etc.

List all relevant information being submitted. Include this material and an as-built or site plan with the application.

Relevant information to show that the *situation was allowed when established* may include: building or land use permits, recorded plats, zoning codes or maps, dated photographs.

Situation	Type of Documentation
Nonconforming lot size	Plat from 1979, obtained from CBJ Planner Teri Camery
Permitted nonconforming front (street) setback for carport	1718 Evergreen Carport Addition Building Permit 1994.jpeg

Relevant information to show that the *situation was maintained over time* may include: business licenses, dated photographs, insurance records and maps, utility bills, property tax records, business license, telephone listing, advertisement in dated publications, leases.

Maintained Situation	Type of Documentation
	See Project Narrative

NOTE: If an as-built survey is not submitted, the Community Development Department may not be able to issue a Nonconforming Certificate for setbacks. As-built surveys should show the property in its current condition.

ALL REQUIRED MATERIALS ATTACHED

☐ Complete Application (Per CBJ 49.30.310)

☒ Narrative

☒ As-built survey or similar document

☒ Documentation

☐ Fees

NONCONFORMING CERTIFICATION REVIEW FEES:

	Fees	Check No.	Receipt	Date
Application Fees	\$ 150.00			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ _____			

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
907-586-0770.

Case Number	Date Received
NCC 23-001	1/4/23

Attachment A- Application Packet

Attachment E- NCC2023 0001

Nonconforming Certification Application Instructions

Nonconforming Situations is outlined in CBJ 49.30.310

Pre-Application Conference: A pre-application conference is **NOT** required prior to submitting an application. It is highly recommended that applicants meet with a planner to discuss the nonconforming situation(s) and necessary or appropriate documentation for submittal. Staff may have access to documentation that the applicant does not. Please contact the Permit Center at 907-586-0770 or via e-mail at permits@juneau.org.

Application: An application for a Nonconforming Certificate 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 application for Nonconforming Certificate and Development Permit Application forms.
- 2. **Fees:** Fee is \$150. If submitted in conjunction with a development permit, the fee is waived. All fees are subject to change.
- 3. **Project Narrative:** A detailed narrative describing the nonconforming situation(s).

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

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

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

Review: As part of the review process, the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes. Depending on the details of the permit request, the application may require review by other City & Borough of Juneau departments. Applicants may be required to provide additional information and clarification.

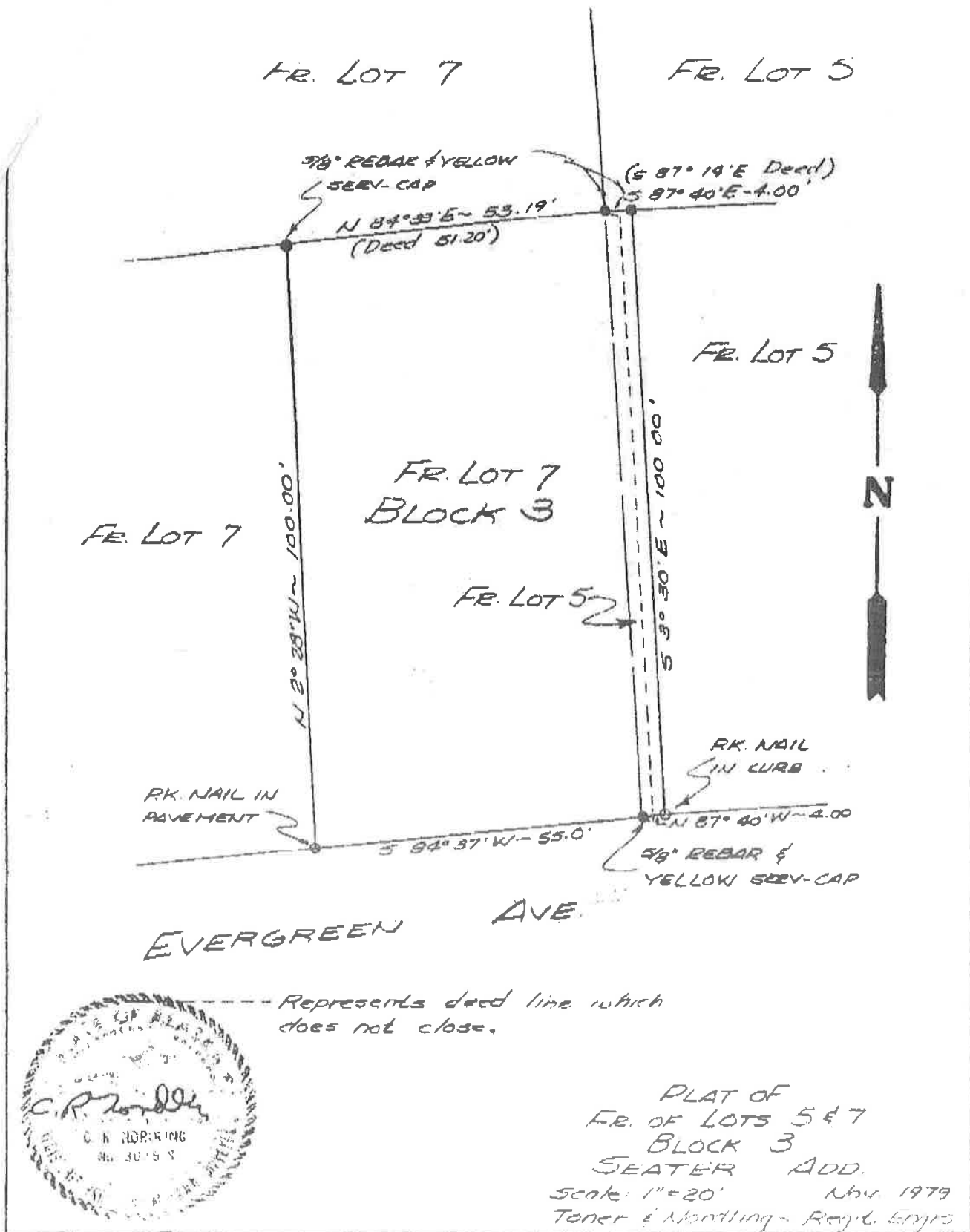
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

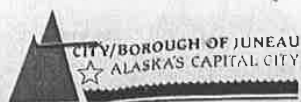
12:02

907-586-4318

PSA ASSOCIATES

PAGE 01





BUILDING PERMIT

Your special attention is called to the following:

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

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

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

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

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

JOB ADDRESS 1715 EVERGREEN AV	RECEIPT # 12283	DATE 08/04/93	PROJECT BLD-87719.01
USE OF PERMIT CARPORT ADDITION			

OWNER MICHAEL KIRK		
ADDRESS P O BOX 844		
CITY JUNEAU	ST AK	ZIP 99802 0000
APPLICANT MICHAEL KIRK		
CONTRACTOR SUPERIOR BUILDERS		
ADDRESS 2401 KA-SKE AN DR		
CITY JUNEAU	ST AK	ZIP 99801 8012
PH 907-789-9115	STATE LIC AA249	
ARCH/ENGINEER		
ADDRESS		
CITY	ST	ZIP

TRACT # 3	LOT # 7A	APN 1-C03-0-005-008-0	
TRACT NAME HIGHLANDS		MODULE #	CENSUS TRACT
ZONE	SETBACKS FRONT	LEFT	RIGHT REAR
Plan Review		110300203	37.80
1 thru 4 Family Res.		0000000515	75.60
COUNTER APPROVAL <i>[Signature]</i>	PAYMENT FORM	TOTAL FEE \$3380113.40	

PROJECT PERMIT

Estimated Construction Valuations

Permit Type	Rate	Sq Feet	Valuation
1 thru 4 Family Res.	17.30	192	3321.60

PROJECT CONDITIONS/HOLDS

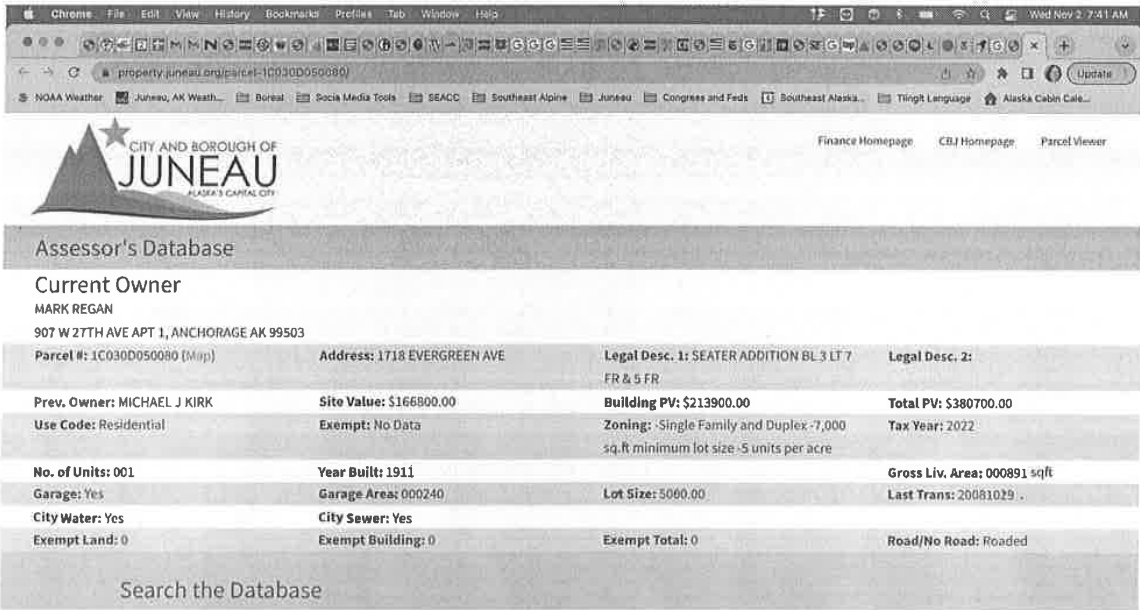
Conditional	Permit to build carport.
Conditional	SUP
Conditional	Zone D-4; setbacks: front 5', rear 20', left & right 5'.
Conditional	SUP
Conditional	Front setback reduced per 49.25.430(4)(d) for proposed carport.
Conditional	SUP
Conditional	Stamped truss details prior to on-site framing approval.
Conditional	SUP

Last updated: 11/2/2022

Nonconforming Permit Project Narrative
for 1718 Evergreen Avenue

Property owner Mark Regan is applying for a nonconforming lot permit for the property he owns and has recently maintained as a rental at 1718 Evergreen Ave, in the Highlands neighborhood. Mark has begun the process of selling the property to his renter, Meredith Trainor, and this step is pursuant to Meredith being able to install an accessory apartment at the property after she takes ownership. Mark plans to renovate the lower level in a limited manner before the transfer of ownership.

We understand the property, which was built in 1911, is nonconforming due to the lot size, which is 5,000 sq ft in an area zoned "Single Family and Duplex – 7,000 sq ft minimum lot size, 5 units per acre."



The screenshot shows the City of Juneau Assessor's Database website. The header includes the city logo and navigation links. The main content area displays property information for parcel 1C030D050080. The current owner is Mark Regan, located at 907 W 27TH AVE APT 1, ANCHORAGE AK 99503. The address is 1718 EVERGREEN AVE. The legal description is SEATER ADDITION BL 3 LT 7 FR & 5 FR. The site value is \$166800.00, building PV is \$213900.00, and total PV is \$380700.00. The use code is Residential, and the zoning is Single Family and Duplex - 7,000 sq ft minimum lot size - 5 units per acre. The tax year is 2022. Other details include 001 units, year built 1911, gross liv area 000891 sq ft, and a last trans date of 20081029.

Assessor's Database			
Current Owner			
MARK REGAN			
907 W 27TH AVE APT 1, ANCHORAGE AK 99503			
Parcel #: 1C030D050080 (Map)	Address: 1718 EVERGREEN AVE	Legal Desc. 1: SEATER ADDITION BL 3 LT 7 FR & 5 FR	Legal Desc. 2:
Prev. Owner: MICHAEL J KIRK	Site Value: \$166800.00	Building PV: \$213900.00	Total PV: \$380700.00
Use Code: Residential	Exempt: No Data	Zoning: Single Family and Duplex - 7,000 sq ft minimum lot size - 5 units per acre	Tax Year: 2022
No. of Units: 001	Year Built: 1911		Gross Liv. Area: 000891 sq ft
Garage: Yes	Garage Area: 000240	Lot Size: 5060.00	Last Trans: 20081029
City Water: Yes	City Sewer: Yes		
Exempt Land: 0	Exempt Building: 0	Exempt Total: 0	Road/No Road: Roaded

Search the Database

In addition, the property may have nonconforming setbacks on its north and east sides.

North side boundary setback approximation:

Last updated: 11/2/2022

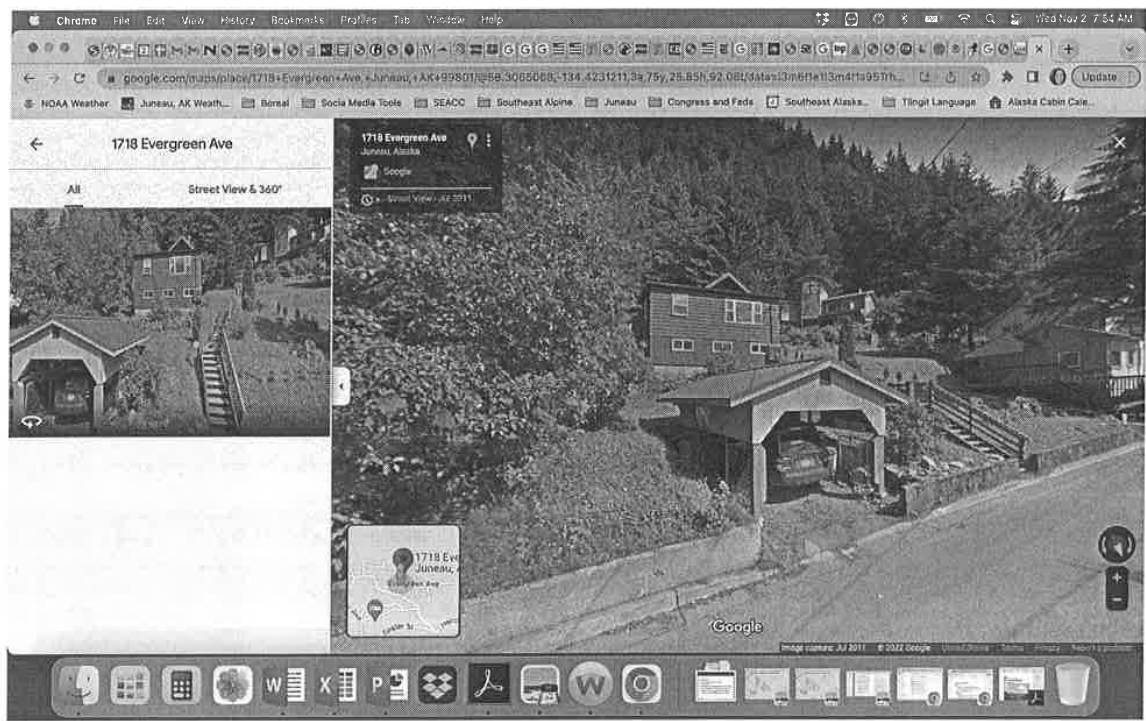


East side boundary setback approximation:



Last updated: 11/2/2022

Finally, the Permit office will likely note the carport (red roof adjacent to street) has a nonconforming setback – this was permitted by the previous owner prior to construction, and the permitting paperwork will be submitted with this application.



Because the previous owner, Michael Kirk, a family friend but non-relative, left his home to the current owner, Mark Regan, when Michael passed, somewhat limited documentation on the history of the building is available other than that held by CBJ. In addition, Mark has never resided in the home in the 20-odd years that he has owned the property. (A brief history: Mike Kirk, the owner, began sharing his time between the property and an apartment in the Marine View. Mr. Kirk then deeded the property to Mark Regan, retaining a life estate, but continued to reside mostly in the Marine View, or in the Wildflower Court nursing home, until his death in the summer of 2013.)

According to the tax assessor’s database the home was built in 1911, preceding the relevant zoning laws with which this property is “nonconforming.”

This permit is being applied for in order to renovate the interior of the home’s lower level as a first step toward the future owner being able to install an accessory apartment. That apartment will not be the full footprint of the house (it will be a little over 2/3 the footprint), and therefore will not qualify the building as a duplex.

Last updated: 11/2/2022

In addition, we will apply for a permit for a parking exception for the future tenant’s vehicle, in conjunction with the accessory apartment permit. This apartment is being constructed in order to help address Juneau’s housing shortage, *not* for purposes of short-term rental (such as AirBnB).

Permit History According to CBJ:

1736 EVERGREEN AVE	BLD-0000-00029	1C0300040150	CLOSE	10/22/2016
	BLD-0000-00029	Replace existing electrical service.	FINAL	10/05/2008
	BLD-0001-10504	Installation of storm drain line and connection into catch basin stub-out.	ISSUED	08/24/2011
	BLD-0001-10504	Repair and stabilize retaining wall Modified 7/15/2016 to change structural design.	ISSUED	03/16/2016
	BLD-0001-10507	Direct replacement of electrical panel.	FINAL	10/25/2016
1736 EVERGREEN AVE	BLD-0105001	1C0300050080		
	BLD-0502301	REPLACEMENT STEPS/WALKWAY @ EVERGREEN AVE	FINAL	08/12/1987
	BLD-0502301	ADDITION OF NEW GARAGE	VOID	05/21/1990
	BLD-0502301	REPAIR ROOF & REINFORCE ROOF	FINAL	10/10/1990
	VAR-VRS4-36	SETBACK FOR CANOPY. IT WAS DETERMINED THAT NO VARIANCE WAS NEEDED IF THE CANOPY WAS SITED AS SHOWN ON SUBMITTED PLANS.	APPROVED	07/14/1994
	BLD-0000-19021	CANOPY ADDITION	FINAL	07/20/1994
	BLD-0000-00025	Change an electric meter on a single family residence.	FINAL	06/10/2003
	BLD-0004-00008	Grading permit to provide a parking area and new driveway entrance.	ISSUED	04/18/2004
1736 EVERGREEN AVE	BLD-0000-00011	1C0300050070		
	BLD-0000-00011	PERMIT TO REPLACE EXISTING PORCH	VOID	09/04/1991
	BLD-0000-00015	Not repair of east wall and foundation members.	FINAL	07/18/2003
	BLD-0001-10120	Installation of two exterior windows.	FINAL	03/24/2011
1736 EVERGREEN AVE	BLD-0000-00011	1C0300050060		
	USE-CLF9-27	CONSTRUCT NEW DECK	FINAL	07/16/1993
	ROW-2003-00047	SECOND STORY DECK/PORCH IN SETBACK	APPROVED	07/19/1993
	UTL-2003-00107	FTY permit to tap sewer main and install new 4" sewer service.	FINAL	04/25/2003
	BLD-0004-00095	Reidentical sewer repair / install new sanitary sewer line.	FINAL	04/25/2003
	UTL-2004-00018	Demolish garage and free standing deck over garage in order to replace old water and sewer lines. Garage and deck plans to be submitted for reconstruction. New water and sewer connection.	FINAL	03/01/2004
	UTL-2004-00018	Replace existing water lines.	FINAL	03/01/2004
	UTL-2004-00018	Replace existing sewer lines.	FINAL	03/01/2004
	BLD-0004-00091	Replace attached garage to existing residence, change half bath in garage to full bath.	ISSUED	07/30/2004
	ROW-2004-00134	Replace four windows and replace siding of upper half of walls.	EXPIRED	10/12/2004
		ST USE permit to close Evergreen Ave on 10/18/2004 from 10:00 am to 12:00 pm for pump truck and cement mixer.		
1736 EVERGREEN AVE	BLD-0413701	1C0300040130		
	BLD-0001-00051	UPGRADE ELECTRICAL SERVICE PANEL	FINAL	07/20/1989
	APL-2010-00029	Addition of bathroom.	FINAL	11/06/2001
	APL-2010-00029		CLOSE	04/01/2014
	APL-2010-00029	09/25/18 Partial 1C0300040130 2018 SC Exemption filed by NINA KINNEY - Approved up to a maximum amount of \$150,000.00	CLOSE	09/26/2018
		03/09/18 Partial 1C0300040130 2018 SC Exemption filed by JOHN KINNEY - Denied due to Deceased. et		
		09/25/18 Partial 1C0300040130 APL 2018-0607		

Past and Present Uses of the Property:

As far as we know and as far as publicly available data indicate, the home has only ever been used as a residence. Based on the last 20 years and what is known of the preceding history, the home was used as a primary residence for most of the 100+ years it stood on this hillside, and was used as a rental for one year (2014-15) and then again for the last 4.5 years, from 2018 - present.

Prior to renter/buyer Meredith Trainor moving in as a tenant in 2018, there were two or three years when the house was vacant. Before that, no one was living in the home, other than occasional visits by Mr. Kirk and Mr. Regan, since Mr. Kirk started living primarily in an apartment at the Marine View.

BOOK 176 PAGE 411
Juneau Recording District

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WARRANTY DEED

The grantor, IONA BERGGREN, a single woman, of Juneau, Alaska, for and in consideration of the sum of Ten (\$10.00) Dollars to her in hand paid, conveys and warrants to the grantee, MICHAEL J. KIRK, a single man, of Juneau, Alaska, the following described real property situated in the Juneau Recording District, State of Alaska, to-wit:

That part of Lots 5 and 7, Block 3, Seatter Addition to the Townsite of Juneau, Juneau Recording Precinct, First Judicial District, State of Alaska, and more particularly described as:

Begin at the Southeast corner of Lot 7, Block 3, of said Seatter Addition, run thence S. 84 degrees 37 minutes W. 55 feet; thence N. 2 degrees 28 minutes W. 100 feet; thence N. 84 degrees 33 minutes E. 51.20 feet; thence S. 87 degrees 14 minutes E. 4.00 feet; thence S. 3 degrees 30 minutes E. 100 feet; thence N. 87 degrees 40 minutes W. 4.00 feet to the place of beginning;

Together with the water rights described in the deed of said property dated June 7, 1937, from Julia P. Rice and George B. Rice, to Henning Berggren and Iona Berggren, and recorded in the official records of said Juneau Recording Precinct on June 9, 1937, in Boock 34 of Deeds, page 267.

This deed is made pursuant to Chapter 10, SLA 1961, and incorporates by reference the warranties described in said statute.

DATED this 12th day of October, 1967, in Juneau, Alaska.

Iona Berggren
Iona Berggren

STATE OF ALASKA)
: SS.
FIRST JUDICIAL DISTRICT)

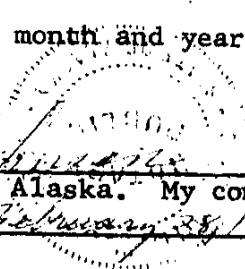
THIS IS TO CERTIFY that on this 12th day of October, 1967, in Juneau, Alaska, before me, a Notary Public for the State of Alaska, personally appeared IONA BERGGREN, to me known and known to me to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that she signed

CONNOR & ENGSTROM - ATTORNEYS AT LAW
PHONE 586-1445
201 NATIONAL BANK OF ALASKA BUILDING
JUNEAU, ALASKA

BOOK 176 PAGE 412
Juneau Recording District

1 the same freely and voluntarily for the uses and purposes therein
2 mentioned.

3 WITNESS my hand and official seal the day, month and year
4 in this certificate first above written.

5 
6 Raymond W. Johnson
7 Notary Public for Alaska. My com-
8 mission expires: February 28, 1970

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REQUESTED BY M. KIRK
ADDRESS P.O. Box 844
JUNEAU 99802

CONNOR & ENGSTROM - ATTORNEYS AT LAW
PHONE 586-1445
201 NATIONAL BANK OF ALASKA BUILDING
JUNEAU, ALASKA



155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

August 3, 1994

File No.: VR-36-94

Mr. Michael J. Kirk
P.O. Box 20844
Juneau, AK 99802

SUBJECT: Variance Application
Staff Review and Findings

Dear Mr. Kirk:

Community Development staff has reviewed your application of July 14, 1994, for a variance to reduce a front yard setback to two feet (2') to allow a carport to be constructed. The zone designation is D-5. Staff findings are as follows:

According to drawings you submitted and a warranty deed obtained from the CBJ Assessor's Office, your property extends into Evergreen Avenue a distance of 5.7 feet on the southwest corner to zero feet on the southeast corner. The boundary runs at a skew in relationship to the established street centerline and curb line.

Your request for a variance is to construct a carport with a dimension of 12 feet by 16 feet. Your drawing indicates a distance of 2' minimum from the front face of your proposed carport to the face of the retaining wall that borders Evergreen Avenue. Calculated to your actual lot boundary, you would have a setback of 7.7 feet on the southwest corner to 5 feet on the southeast corner of the carport as proposed excluding architectural overhangs on the carport allowed at 4 inches of overhang per foot of required setback.

The CBJ Land Use code provides an exception for garages and carports that meet five criteria. That exception allows a reduction in front yard setback to five feet (5'). Those criteria are:

- i. the topography, shape, or size of the lot make construction a hardship;
- ii. similar problems exist in the neighborhood;
- iii. the carport or garage is limited to one story with a maximum height of 15 feet and a maximum area of six hundred square feet;
- iv. sight distance has been approved by the director, and
- v. lot coverage is not exceeded.

Your site is located above Evergreen Avenue and is quite steep; several other garages or carports exist along Evergreen Avenue that abut the curb line; the garage is proposed to be less than 15 feet in height and the area is 192 square feet; site distance along Evergreen Avenue is unaffected because your site is on a tangent on the street; lot coverage is not exceeded (5500 square feet total lot area; 810 square feet for the house, 192 square feet for the proposed carport for a total of 1002 square feet or 18%).

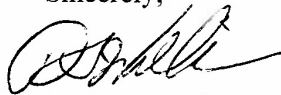
Mr. Michael J. Kirk
File No.: VR-36-94
August 3, 1994
Page 2

According to your plans, site visits made by CBJ Community Development staff, and an analysis of the site, your proposal meets the five criteria, therefore, a variance is unnecessary.

Your carport is allowed as proposed, however, due care should be taken to locate the carport as you proposed to assure that the actual setback is in conformance with the land use code.

If you have any questions, please feel free to contact me at 586-5230.

Sincerely,

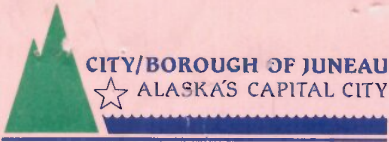


D. Scott Williams
Planner

Enclosures

cc: Debra Purves
Building Permit File

DSW/raKirk.Ltr



BUILDING PERMIT

Your special attention is called to the following:

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

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

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

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

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

JOB ADDRESS 1716 EVERGREEN AV	RECEIPT # 12283	DATE 08/04/94	PROJECT # BLD-07719.01
USE OF PERMIT CARPORT ADDITION			

OWNER MICHAEL KIRK		
ADDRESS P O BOX 844		
CITY JUNEAU	ST AK	ZIP 99802 0000
APPLICANT MICHAEL KIRK		
CONTRACTOR SUPERIOR BUILDERS		
ADDRESS 2401 KA-SEE AN DR		
CITY JUNEAU	ST AK	ZIP 99801 8012
PH 907-789-9115	STATE LIC. AA249	
ARCH/ENGINEER		
ADDRESS		
CITY	ST	ZIP

TRACT # 3	LOT # 7A	APN 1-C03-0-005-008-0		
TRACT NAME HIGHLANDS *		MODULE #	CENSUS TRACT	
ZONE	SETBACKS FRONT	LEFT	RIGHT	REAR
Plan Review		110300203	37.80	
1 thru 4 Family Res.		0000000515	75.60	
COUNTER APPROVAL KLB		PAYMENT FORM	TOTAL FEE \$3333113.40	

PROJECT PERMIT

Estimated Construction Valuations

Permit Type	Rate	Sq Feet	Valuation
1 thru 4 Family Res.	17.30	192	3321.60

PROJECT CONDITIONS/HOLDS

- Conditional
- Permit to build carport.
SUP
- Conditional
- Zone D-5, setbacks: front 5', rear 20, left & right 5.
SUP
- Conditional
- Front setback reduced per 49.25.430(4)(G) for proposed carport.
SUP
- Conditional
- Stamped truss details prior to on-site framing approval.
SUP

YOUR SPECIAL ATTENTION is called to the following:

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

The permit issued must be attached to the approved drawings and record of inspections and be available on site at all times while the construction is in progress. The following inspections, as applicable, are required.

1. SUBSTRUCTURE AND BELOW GRADE UTILITIES

- A. STRUCTURAL: To be made after all forms are erected and the reinforcing steel is securely installed or, if applicable, after all members of the structural frame within the foundation are secured in place and verification of setbacks have been made. If in a flood plain, bench mark required.
- B. PLUMBING, MECHANICAL, AND FIRE: To be made after any required tests are passed and prior to back filling.
- C. ELECTRICAL: To be made prior to concealment of conduit or direct burial cables.

2. ROUGH-IN INSPECTIONS

- A. STRUCTURAL AND FIRE: To be made after all framing, bracing and fire blocking is installed and prior to concealment.
- B. PLUMBING AND MECHANICAL: Made after all piping, ducts, heating equipment and chimneys have been installed and tested as required in the appropriate code.
- C. ELECTRICAL: To be made after all wires, boxes, and panels are installed.
- D. INSULATION: To be made when all insulation and vapor barriers are installed.

3. FINAL INSPECTION

To be made after the building and site work is completed. All equipment and appliances are to be operable. This inspection is to insure that the required inspections have been completed and all work including grading, drainage and driveway construction is in compliance with the applicable codes.

The Department reserves the right to reject any work which has been concealed or completed without first having been inspected and approved by the Department in accordance with the applicable codes.

Any deviation from the approved plans must be authorized by the approval of revised plans, subject to the same procedures established for the examination of the original plans. An additional plan review fee is charged based on the time involved in reviewing the plans.

This structure cannot be occupied prior to final inspection (including Mobile Homes) or prior to obtaining an occupancy certificate when required.

NOTE: The inspections required pursuant to this permit are intended only to insure compliance with the City and Borough Certificate Regulations. By its inspection the City and Borough does not warrant or insure the adequate construction of the structure or improvement for which this permit is issued.

The inspections indicated below are normally required for the permit type issued. This is to assist you when requesting inspections.

(BO) Boat Cover

- 1. Frame & Covering
- 2. Anchorage
- 99. Final

(BU) Building

- 1. Excavation Setback & Footings
- 2. Forms & Rebar
- 3. Steel/Masonry
- 4. Framing
- 5. Insulation/Drywall
- 6. Rated Walls & Assemblies
- 7. Smoke Detection & Alarm System
- 8. Underground Plumbing
- 9. Water Piping Test
- 10. DWV Piping Test
- 11. Plumbing Fixtures Final
- 12. Cross Connection Control
- 13. Gas Piping
- 14. Plenums & Ducts
- 15. Furnace/Stove & Clearance
- 16. Combustion Air
- 17. Ventilation
- 18. Fire Dampers/Sprinklers
- 19. Commercial Hood
- 20. Temporary Power
- 21. Service/Panel
- 22. Conduit & Raceway Systems
- 23. Bonding/Grounding
- 24. Final Grade
- 25. Landscaping/Parking
- 26. Planning Requirements
- 27. Roofing
- 99. Final

(CB) Cabin

- 1. Setbacks
- 2. Foundation
- 3. Post & Pier
- 4. Framing
- 5. Woodstove & Chimney
- 99. Final

(CI) Courtesy Inspection

- 1. Foundation
- 2. Framing
- 3. Roofing
- 4. Siding
- 5. Electrical
- 6. Plumbing
- 7. Vents (Bath, Dryer, etc.)
- 8. Fire Separations/Exit
- 9. Insulation
- 10. Woodstove & Chimney
- 11. Hydronic System
- 12. Furnace
- 13. Smoke Detection
- 14. Sprinkler System
- 15. Cross Connection Control
- 16. Grading/Drainage
- 99. Final

(DM) Demolition

- 1. Sewer Capped
- 2. Debris Filled
- 3. Excavation Filled
- 99. Final

(DW) Driveway

- 1. Location
- 2. Grade
- 3. Width
- 4. Headwalls
- 5. Culvert/Curb Cut
- 6. Curb Box/Thaw Wire
- 99. Final

(EC) Electrical

- 1. Temporary Power
- 2. Building Service
- 3. Conduit & Raceway Systems
- 4. General Wiring
- 5. Cable Systems
- 6. Bonding
- 7. Grounding
- 8. Devices & Equipment
- 99. Final

(GR) Grading Permit

- 1. Retaining Walls, etc.
- 2. Drainage
- 3. Seeding
- 99. Final

(MC) Mechanical

- 1. Ventilation Systems
- 2. Plenums and Ducts
- 3. Furnace
- 4. Inlets and Outlets
- 5. Combustion Air
- 6. Compressor
- 7. Appliance Clearance
- 8. Fire Damper
- 9. Smoke Detection Device
- 10. Commercial Hood
- 99. Final

(MS) Install Mobile Home

- 1. Siting
- 2. Electrical Hookup
- 3. Plumbing Hookup
- 4. Porches & Stairs
- 5. Skirting
- 99. Final

(PB) Plumbing

- 1. Underground Plumbing
- 2. Water Piping
- 3. DWV Piping
- 4. Hydronic System
- 5. Water Heater
- 6. Water Softner
- 7. Water Service
- 8. Gas Piping
- 9. Cross Connection Control
- 99. Final

(SC) Sewer Connect

- 1. Depth
- 2. Soil
- 3. Material
- 4. Grade
- 5. Cleanouts
- 99. Final

(SF) Single Family thru 4 Units

- 1. Excavation Setbacks & Footings
- 2. Stem Walls
- 3. Temporary Power
- 4. Rough Framing
- 5. Rough Electrical
- 6. Rough Plumbing
- 7. Underslab Utilities
- 8. Vents (Bath, Dryer, etc.)
- 9. Firewall Separation
- 10. Yellow Tag Electrical
- 11. Woodstove & Chimney
- 12. Smoke Detector
- 13. Insulation
- 14. Cross Connection Control
- 15. Grading/Drainage
- 16. Repair & Rehab. Exemption
- 99. Final

(WC) or (WE) Water Connect

- 1. Water Meter/Yoke
- 2. Size of Service
- 3. Depth
- 4. Cross Connection Control
- 5. Pressure Test
- 6. Smoke Detector
- 99. Final

(WS) Woodstove

- 1. Approved Model
- 2. Stove Clearances
- 3. Stack Clearances
- 4. Hearth
- 5. Smoke Detector
- 99. Final

(FS) Fire Sprinkler

- 1. Pressure Test
- 2. Underground Flush
- 3. Proper Bracing
- 4. Return Bends
- 5. Head Placement
- 6. FDC Location
- 99. Final

(FA) Fire Alarm

- 1. Alarm Panel/Transmitter
- 2. Alarm Zones
- 3. Battery/Backup
- 4. Antenna
- 5. Reset Procedures
- 6. System Test
- 7. Detectors Spare
- 99. Final

INSPECTION RESULTS CODES

(A) Approved—(P) Partial Approval—(C) Corrections Required

BUILDING PERMIT APPLICATION

(FILL IN GRAYED AREAS AS A MINIMUM)

Date Received: 7/14/94

Date Issued:

Process No: 9919-01	CITY and BOROUGH of JUNEAU, ALASKA		Permit No.
Project Address / Building Name: Car port 1718 Evergreen Ave		City / Zip: Juneau AK 99802	
Subdivision / USS (If known)		Block / Tract (If known)	Lot (If known)
Assessor's Process Number (If known): 1-C03-0-D05-008-0		Dwelling Units	Number of Buildings
Applicant's Name: Michael J. Kirk		Contact Person	
Mailing Address: PO Box #20844		Home Phone No.: 586-4318	Work Phone No.
Property Owner: Same		Contact Person	
Mailing Address		Home Phone No.	Work Phone No.
Contractor (If known): Superior Builders		Contact Person: Debra Stephen	
Mailing Address: 2401 Kasean Dr		Phone No.: 789-9115	License No.
Architect (If known): Owner		Contact Person	
Mailing Address: Same		Phone No.	License No.
Engineer (If known)		Contact Person	
Mailing Address		Phone No.	License No.

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

BUILDING TYPE ☐ Residential ☐ Commercial ☐ Other

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

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

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

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

Car Port

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

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

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

Signature of Owner, Contractor or Authorized Agent:

Date: 7/14/94

BUILDINGS (OFFICE USE ONLY BELOW THIS LINE)

Occupancy Class: M-1 (B-2, R-3, etc) Type of Construction: V-N (V-1 HR, etc)
FCC Code: (101, 434, etc) Permit Classification: SF (SF, BU, etc)

Occupancy / Type	Square Feet	@ Rate	= Valuation
296	17.30	4,152.00	
192	17.30	3,321.60	
Number of Stories: 1		Number of Bedrooms: -	

BUILDING PERMIT FEES

Est. Plan Review \$ 37.80
Check No. 7378 Receipt No. 9935
Building Permit Fee \$ 75.60
Actual Plan Review \$ 37.80
Fast Track Fee \$
Early Start Fee \$
Double Fee \$
Total Building Permit Fee \$

ENGINEERING FEES

Water Assessment \$
Water Inspection Fee \$
Sewer Assessment \$
Sewer Inspection Fee \$
Grading/Drainage Permit Fee \$
Driveway Permit Fee \$
Bond \$
Total Engineering Fees \$

Permit Issuance Fees Received \$ 75.60
Check No. 7373 Receipt No. 82

LAND USE

ZONE: D-5
PARKING: N/A
FLOOD PLAN: N/A
Elevation:
SETBACKS: 5
* Front 20 Rear 20
Left 5 Right 5
LAND USE PERMITS:

Number Date
Number Date

COMMENTS:
REDUCED TO 5 FT
BOX 42.25.430
(4) (G) for
PROPOSED CARPORT

ENGINEERING / PUBLIC WORKS

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

CITY SEWER: Units

DRIVEWAY BOND:

Number Date

ADEC APPROVALS:

On-site Water

Number Date

On-site Sewer

Number Date

PLAN REVIEW APPROVALS

Initials Date
☒ Architectural RF 7/14/94
☒ Structural D.F. 7/14/94
☐ Electrical
☐ Mech / Plumb
☐ Fire
☐ Zoning POP 8/3/94
☒ Engineering 488 7/29/94
☐ Disabled Access
☐ Other

APPROVED FOR ISSUANCE

Signature
8/3/94
Date

CONDITIONS AND HOLDS ON PERMIT: Permit to build carport stamped truss details prior to on-site framing approval.

TYPES OF INSPECTIONS:

The inspections indicated below are normally required for the permit type issued.

- (BO) Boat Cover**

 - 1. Frame & Covering
 - 2. Anchorage
 - 99. Final
- (BU) Building**

 - 1. Excav., Setback & Footings
 - 2. Forms & Rebar
 - 3. Steel/Masonry
 - 4. Framing
 - 5. Insulation/Drywall
 - 6. Rated Walls & Assemblies
 - 7. Smoke Detect. & Alarm System
 - 8. Underground Plumbing
 - 9. Water Piping Test
 - 10. DWV Piping Test
 - 11. Plumbing Fixtures Final
 - 12. Cross Connection Control
 - 13. Gas Piping
 - 14. Plenums & Ducts
 - 15. Furnace/Stove Clearance
 - 16. Combustion Air
 - 17. Ventilation
 - 18. Fire Dampers/Sprinklers
 - 19. Commercial Hood
 - 20. Temporary Power
 - 21. Service/Panel
 - 22. Conduit & Raceway Systems
 - 23. Bonding/Grounding
 - 24. Final Code
 - 25. Landscaping/Parking
 - 26. Planning Requirements
 - 27. Roofing
 - 99. Final
- (CB) Cabin**

 - 1. Setbacks
 - 2. Foundation
 - 3. Post & Pier
 - 4. Framing
 - 5. Woodstove & Chimney
 - 99. Final
- (CI) Courtesy Inspection**

 - 1. Foundation
 - 2. Framing
 - 3. Roofing
 - 4. Siding
 - 5. Electrical
 - 6. Plumbing
 - 7. Vents (Bath, Dryer, etc.)
 - 8. Fire Separations/Exits
 - 9. Insulation
 - 10. Woodstove/Chimney
 - 11. Hydronic System
 - 12. Furnace
 - 13. Smoke Detection
 - 14. Sprinkler System
 - 15. Cross Connection Control
 - 16. Grading/Drainage
 - 99. Final
- (DM) Demolition**

 - 1. Sewer Capped
 - 2. Debris Filled
 - 3. Excavation Filled
 - 99. Final
- (DW) Driveway**

 - 1. Location
 - 2. Grade
 - 3. Width
 - 4. Headwalls
 - 5. Culvert/Curb Cut
 - 6. Curb Box/Thaw Wire
 - 99. Final
- (EC) Electrical**

 - 1. Temporary Power
 - 2. Building Service
 - 3. Conduit & Raceway Systems
 - 4. General Wiring
 - 5. Cable Systems
 - 6. Bonding
 - 7. Grounding
 - 8. Devices & Equipment
 - 99. Final
- (GR) Grading Permit**

 - 1. Retaining Walls, etc
 - 2. Drainage
 - 3. Seeding
 - 99. Final
- (MC) Mechanical**

 - 1. Ventilation Systems
 - 2. Plenums & Ducts
 - 3. Furnace
 - 4. Inlets and Outlets
 - 5. Combustion Air
 - 6. Compressor
 - 7. Appliance Clearance
 - 8. Fire Dampers
 - 9. Smoke Detection Devices
 - 10. Commercial Hood
 - 99. Final
- (MS) Install Mobile Home**

 - 1. Siting
 - 2. Electrical Hookup
 - 3. Plumbing Hookup
 - 4. Porches & Stairs
 - 5. Skirting
 - 99. Final
- (PB) Plumbing**

 - 1. Underground Plumbing
 - 2. Water Piping
 - 3. DWV Piping
 - 4. Hydronic System
 - 5. Water Heater
 - 6. Water Softner
 - 7. Water Service
 - 8. Gas Piping
 - 9. Cross Connection Control
 - 99. Final
- (SC) Sewer Connection**

 - 1. Depth
 - 2. Soil
 - 3. Material
 - 4. Grade
 - 5. Cleanouts
 - 99. Final
- (SF) Single Family - 4 Units**

 - 1. Excav. Setbacks & Footings
 - 2. Stem Walls
 - 3. Temporary Power
 - 4. Rough Framing
 - 5. Rough Electrical
 - 6. Rough Plumbing
 - 7. Underslab Utilities
 - 8. Vents (Bath, Dryer, etc)
 - 9. Firewall Separation
 - 10. Yellow Tag Electrical
 - 11. Woodstove & Chimney
 - 12. Smoke Detector
 - 13. Insulation
 - 14. Cross Connection Control
 - 15. Grading/Drainage
 - 16. Repair & Rehab. Exemption
 - 99. Final
- (WC) Water Connection**

(WE) Water Extended

 - 1. Water Meter/Yoke
 - 2. Size of Service
 - 3. Depth
 - 4. Cross Connection Control
 - 5. Pressure Test
 - 99. Final
- (WS) Woodstove**

 - 1. Approved Model
 - 2. Stove Clearances
 - 3. Stack Clearances
 - 4. Hearth
 - 9. Final
- (FS) Fire Sprinkler**

 - 1. Pressure Test
 - 2. Underground Flush
 - 3. Proper Bracing
 - 4. Return Bends
 - 5. Head Placement
 - 6. FDC Location
 - 99. Final
- (FA) Fire Alarm**

 - 1. Alarm Panel/Transmitter
 - 2. Alarm Zones
 - 3. Battery/Backup
 - 4. Antenna
 - 5. Reset Procedures
 - 6. System Test
 - 7. Detectors Spare
 - 99. Final

ADDITIONAL CONDITIONS AND HOLDS:

APN:148

(E) 9-27-94
D.M.K.

INSPECTION REQUEST

Inspect On: 09/27/94 Time: 3:30 PM Called in On: 09/27/94 Inspector: DMK DAVE KERR

Project Number	Job Address	Cross Street
-----	-----	-----
9919.01	1718 EVERGREEN AV	1-C03-0-D05-008-0

Inspection: SF-15 Grading/Drainage # of Previous Inspections: None

Dispatch Comment:

Result: SF-01-02-P Inspected by: Dave Kerr Date: 9-27-94

Comment: OK to pour footings + 12" sonotubes.

PROJECT CONDITION/HOLDS

Source: SUP Status: Conditional
Description: Permit to build carport.

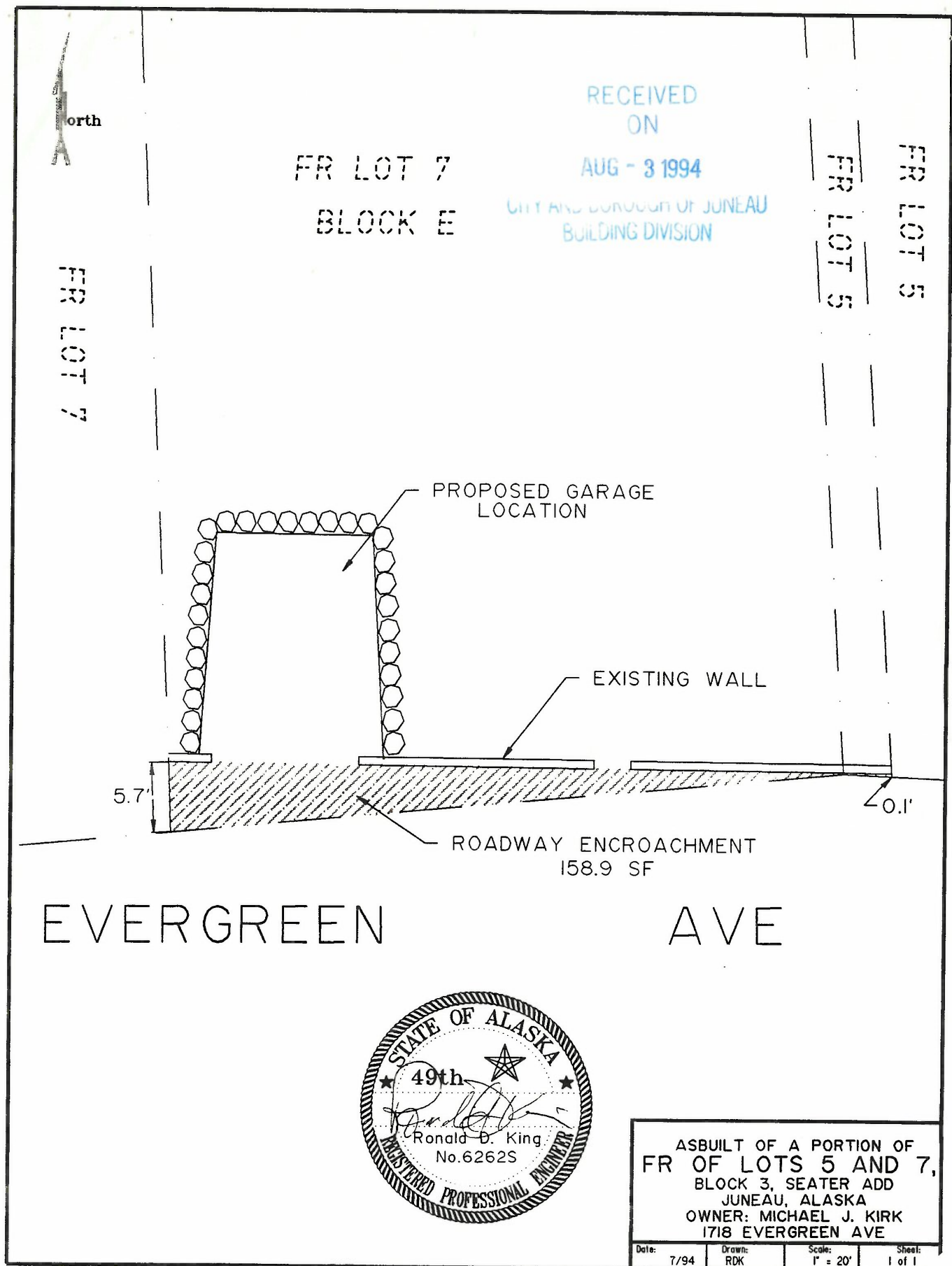
Source: SUP Status: Conditional
Description: Zone D-5, setbacks: front 5', rear 20, left & right 5.

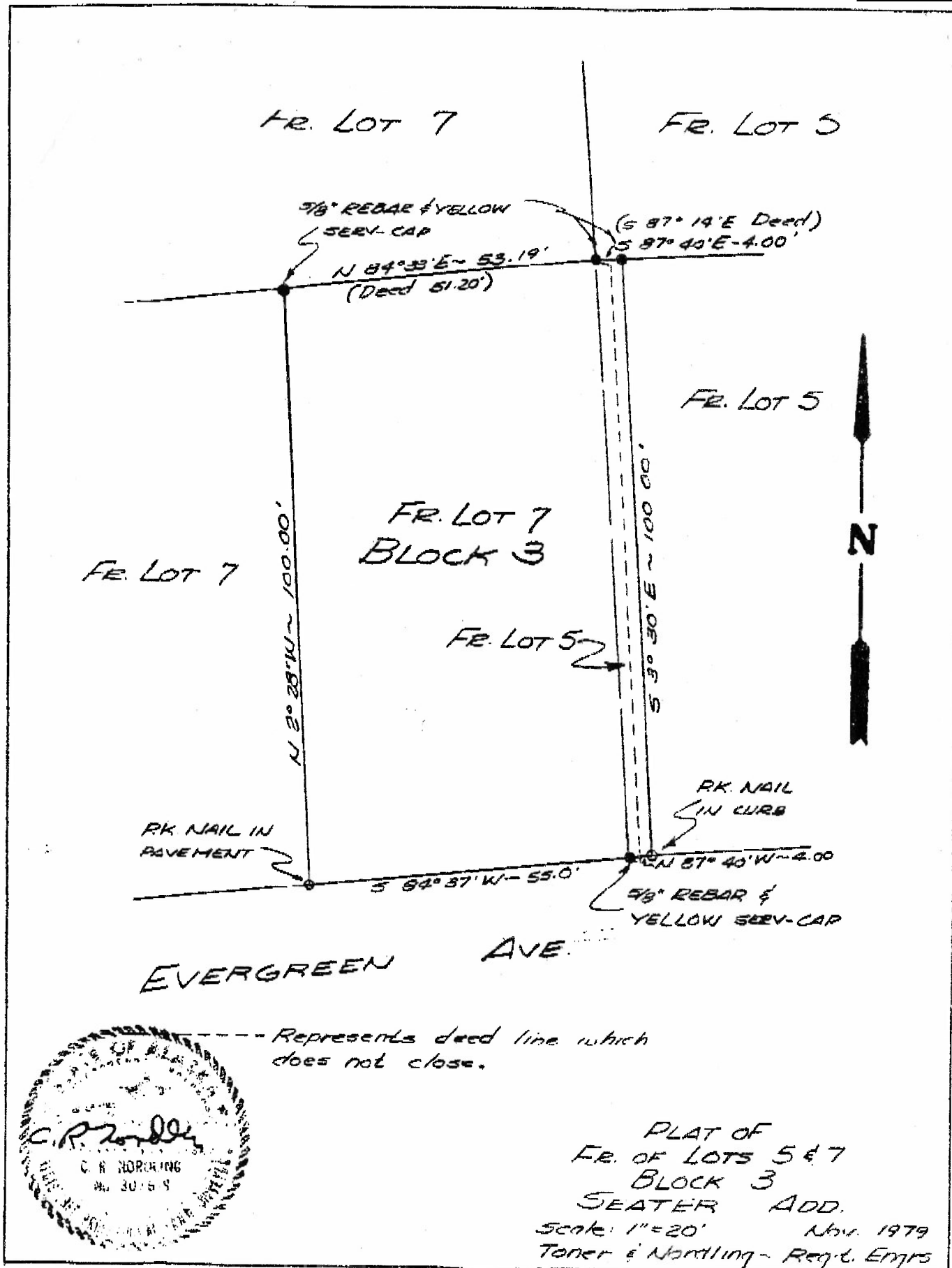
Source: SUP Status: Conditional
Description: Front setback reduced per 49.25.430(4)(G) for proposed carport.

Source: SUP Status: Conditional
Description: Stamped truss details prior to on-site framing approval.

PROJECT INSPECTION STATUS for Project # 9919.01

SF-04 Rough Framing	Not Insp	SF-15 Grading/Drainage	Not Insp DMK
SF-05 Rough Electrical	Not Insp	F - 1 Activity Final	Not Insp





Permit 9919.01
Approved 8/4/94

Stamped truss details required prior to on-site framing approval. Stamped by *AK* registered engineer.

Prefabricated Trusses 24' on Center, End Trusses 23 3/8' to Outside Edge,
50 PSF Snowload, 10 PSF Dead Load, Pitch 4 in 12, Tails 21", Tail Ends Vertical
Roof Sheathing 3/4" CDX Plywood, Asphalt Composition Roofing

RECEIVED
ON

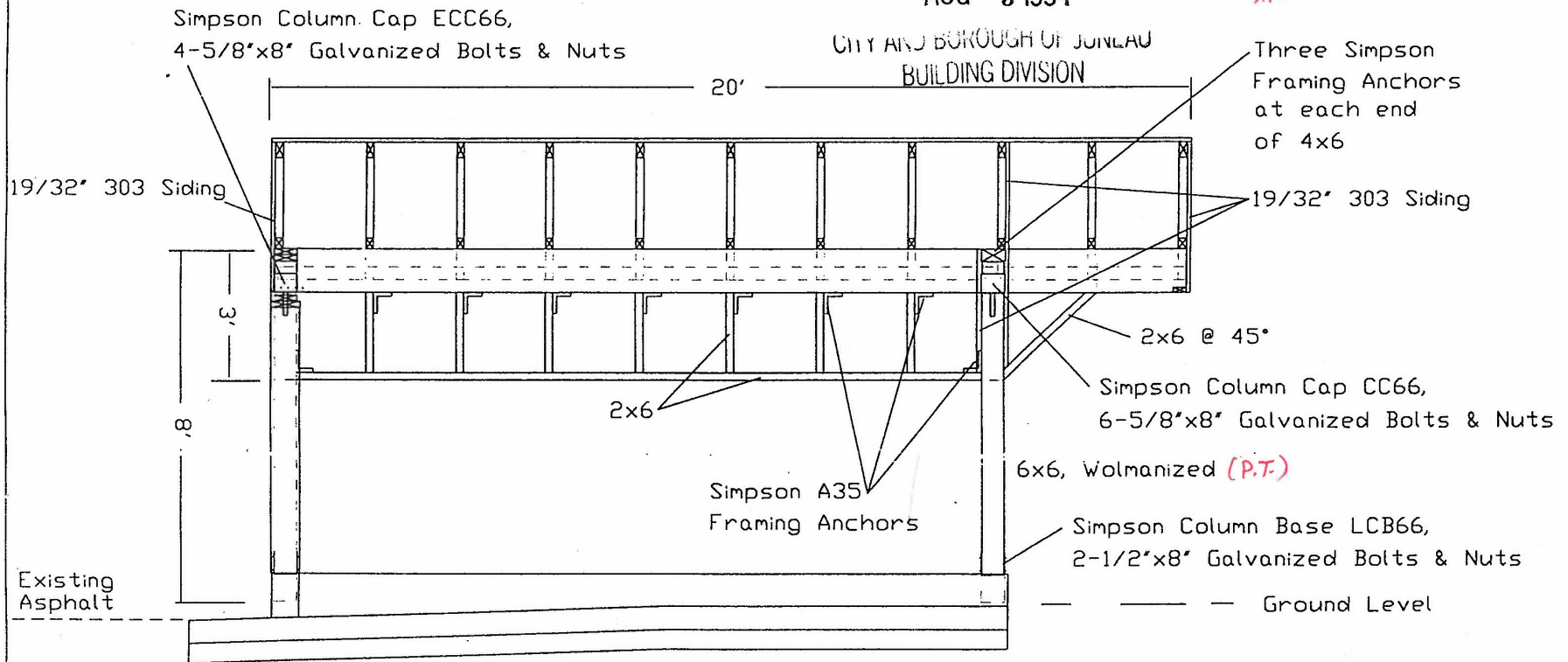
AUG - 3 1994

Michael J. Kirk
1718 Evergreen Ave.
Juneau, AK 99801

Carport June 27, 1994

Permit # 9919.01
APN: 1-C03-0-D05-003-0

CITY AND BOROUGH OF JUNEAU
BUILDING DIVISION



Concrete Slab, Smooth Finish,
#4 Bar Grid, 12" oc, Slope Front Half to Street
4" Rise, Slope Back Half to Existing Floor Drain

Stem Wall 9" High by 8" Wide,
Vertical #4 Bar 2' oc into Slab, 8" Tails in Slab
Horizontal #4 Bar Attached to Vertical Bars
2" Minimum Cover on Bars

Section A-A

Attachment B- Information

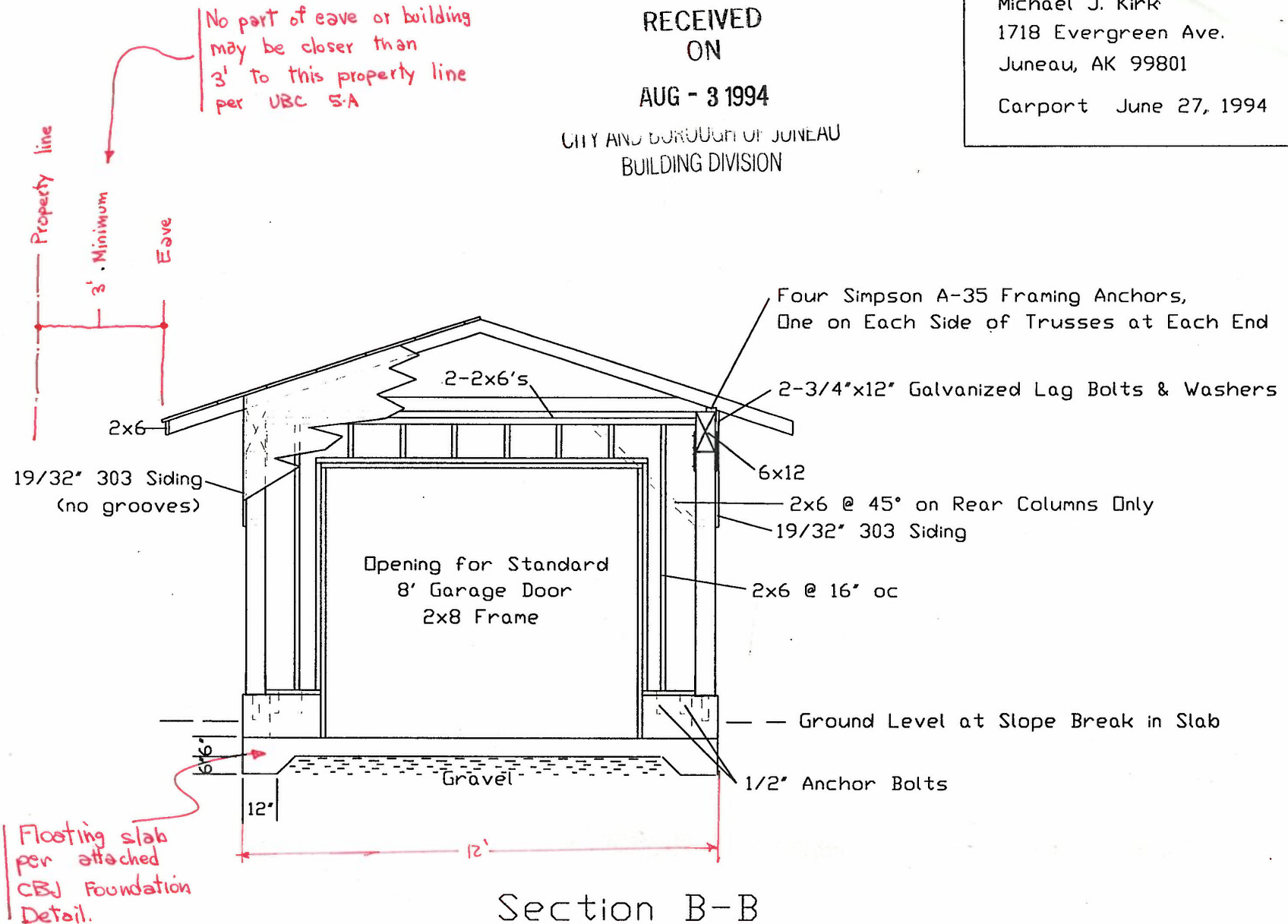
RECEIVED
ON

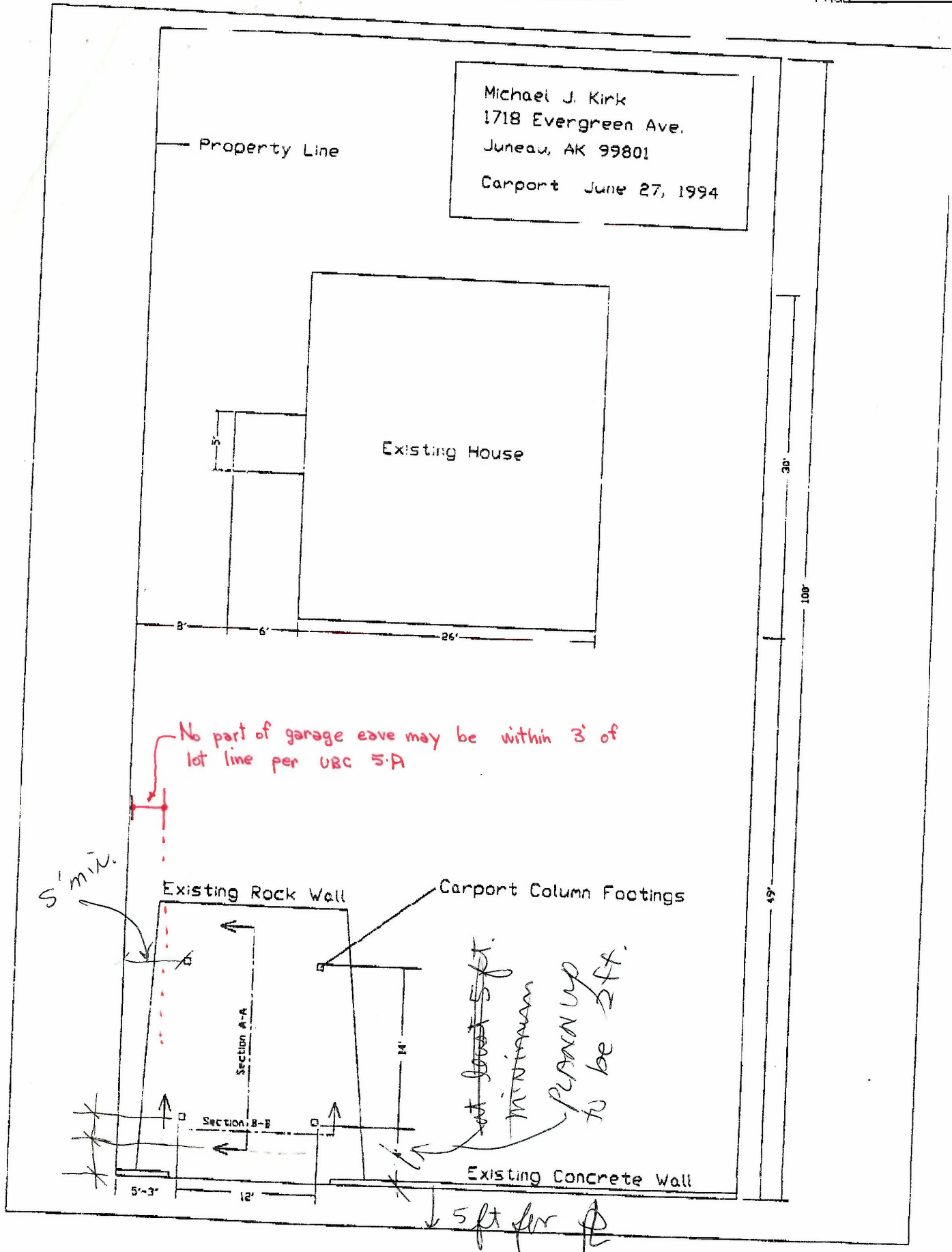
AUG - 3 1994

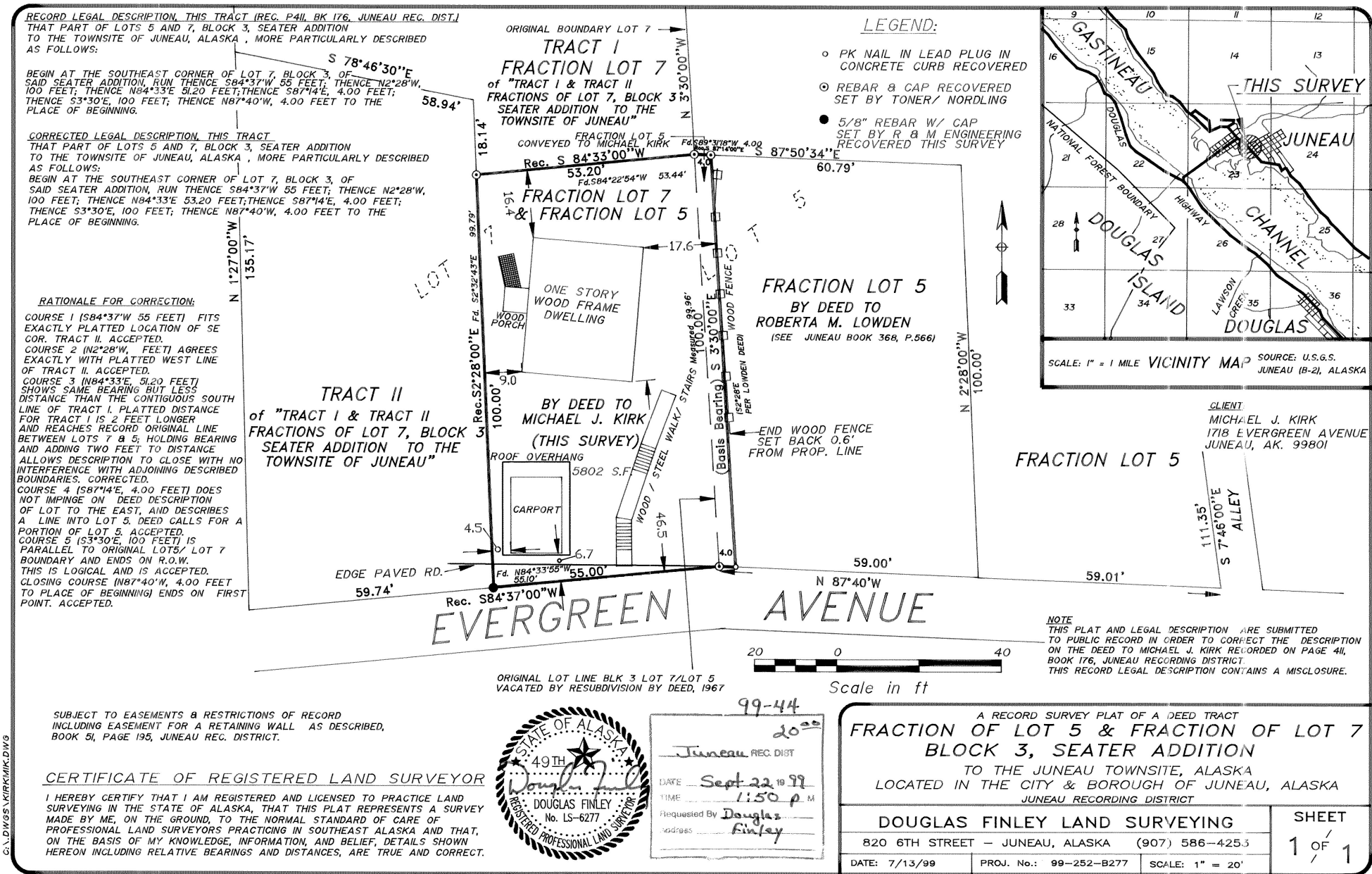
CITY AND BOROUGH OF JUNEAU
BUILDING DIVISION

Michael J. Kirk
1718 Evergreen Ave.
Juneau, AK 99801

Carport June 27, 1994









Section J, Item 3.



Attachment B- Information Reviewed

Attachment E- NCC2023 0001



Assessor's Database

Current Owner

MARK REGAN

907 W 27TH AVE APT 1, ANCHORAGE AK 99503

Parcel #: 1C030D050080

([Map](#))

Address: 1718

EVERGREEN AVE

Legal Desc. 1: SEATER

ADDITION BL 3 LT 7 FR &
5 FR

Legal Desc. 2:

Prev. Owner: MICHAEL J
KIRK

Site Value: \$166800.00

Building PV: \$213900.00

Total PV: \$380700.00

Use Code: Residential

Exempt: No Data

Zoning: -Single Family
and Duplex -7,000 sq.ft
minimum lot size -5 units
per acre

Tax Year: 2022

No. of Units: 001

Year Built: 1911

Gross Liv. Area: 000891
sqft

Garage: Yes

Garage Area: 000240

Lot Size: 5000.00

Last Trans: 20081029

City Water: Yes

City Sewer: Yes

Exempt Total: 0

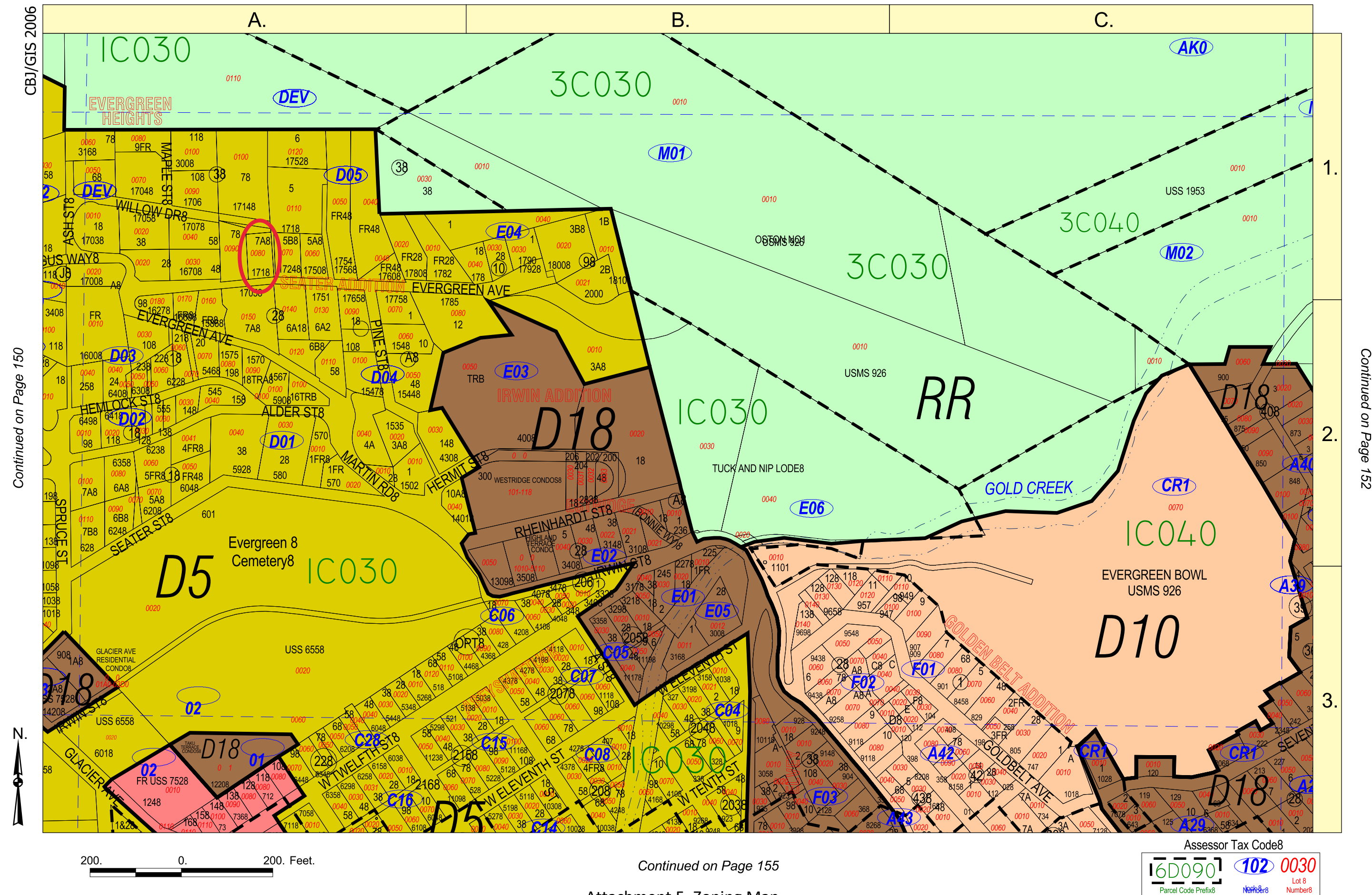
Road/No Road: Roaded

Exempt Land: 0

Exempt Building: 0

Search the Database

Search the database using the search box below. The field accepts any search parameter (owner's name, address, parcel number, year built, etc.).



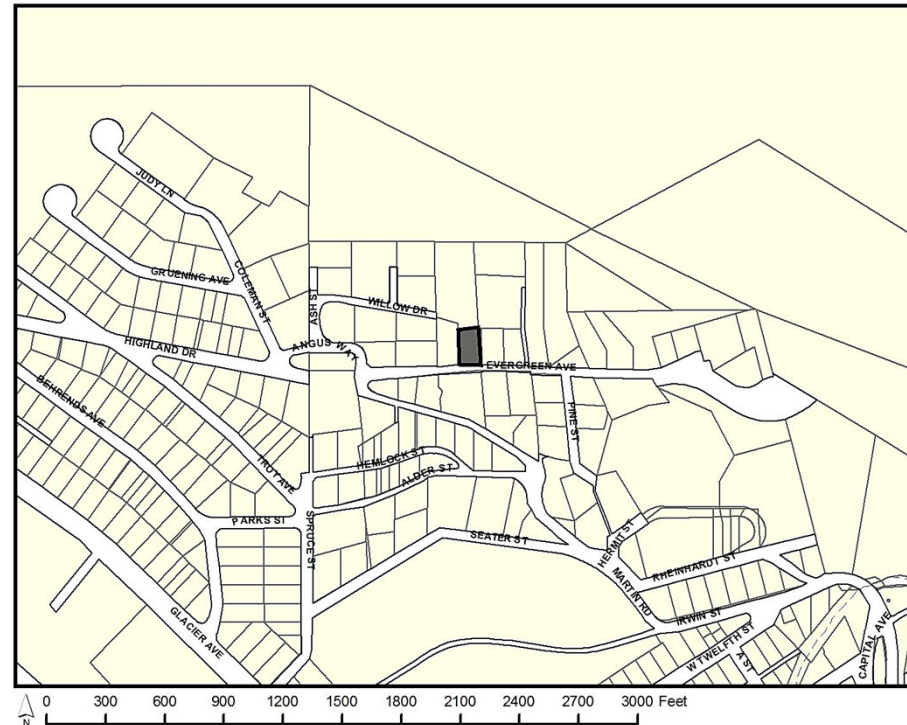


PARKING STUDY

(907) 586-0753
 CDD_Admin@juneau.gov
 www.juneau.org/community-development
 155 S Seward Street Juneau, AK 99801

USE2023 0001 & PWP2023 0001

Completed by: Emily Suarez, Planner, Community Development Department



1718 EVERGREEN AVE

Background Information

Site Size: 5,000 Square Feet

Zoning: D5 Single-family/Duplex

Utility: Public Water & Sewer

Access: Vehicular Access via Evergreen Avenue.

Proposed Development

Current use of site is a single-family dwelling.

The applicant proposes to develop an accessory apartment within the basement of the existing dwelling. No parking will be provided on-site.



Schedule

Morning Counts

Thursday March 2, 2023

Friday March 3, 2023

Saturday March 4, 2023

Sunday March 5, 2023

Afternoon Counts

Thursday February 28, 2023

Friday March 3, 2023

Saturday March 4, 2023

Sunday March 5, 2023

Evening Counts

Tuesday February 28, 2023

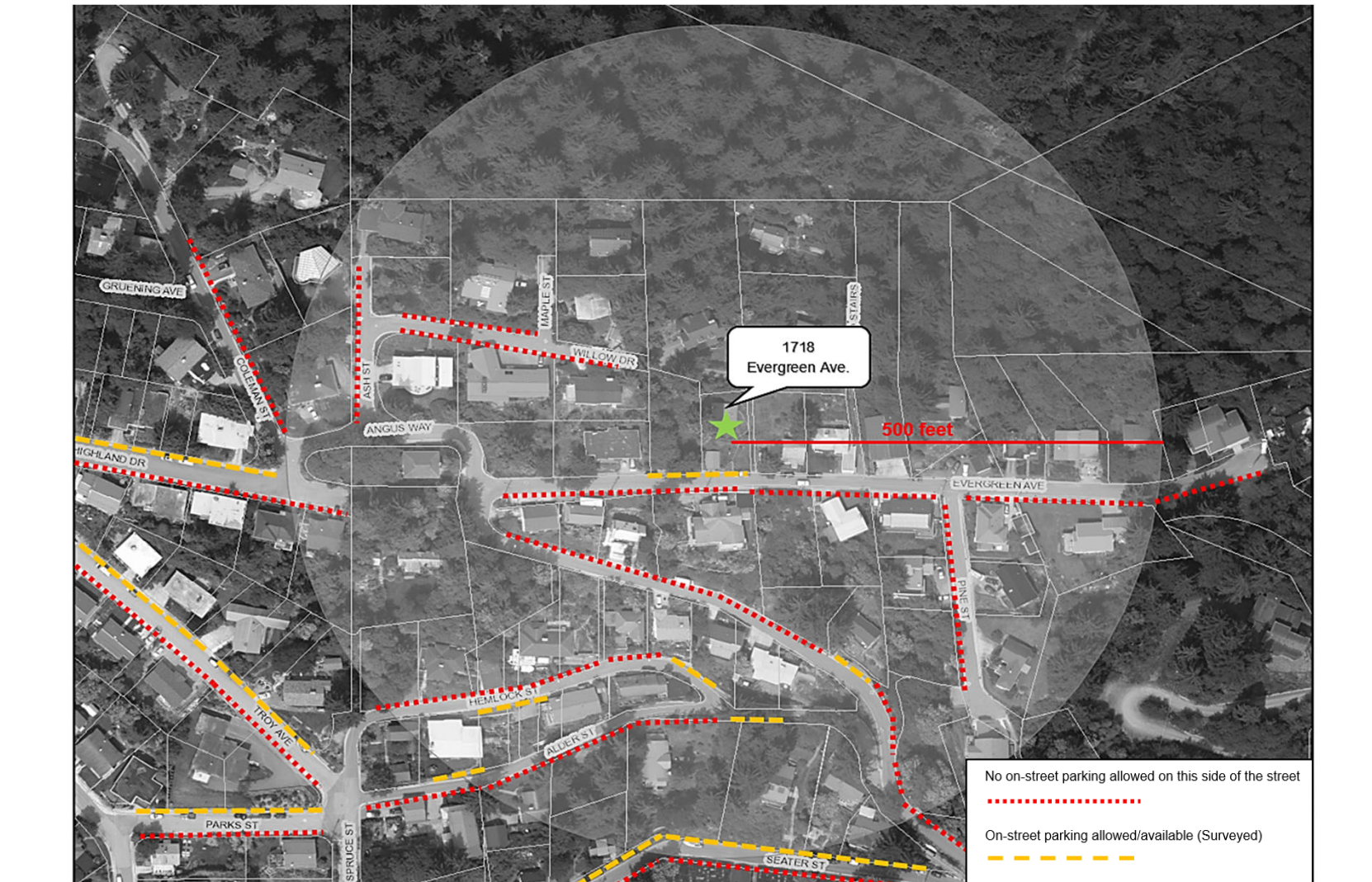
Friday March 3, 2023

Saturday March 4, 2023

Sunday March 5, 2023

Original survey materials and photographs are on file with the Community Development Department and available upon request

ON-STREET PARKING SURVEY





ON-STREET PARKING SURVEY

AVAILABLE ON-STREET PARKING WITHIN THE STUDY AREA

STREET SEGMENT	LENGTH (Excludes Driveways)	SPACES (22 feet length)	NOTES
Evergreen Avenue 150' of retaining wall adjacent to vacant lot	100 feet	4.5	On-street parking is allowed on a first come first serve basis.
Pine Street No Parking allowed on either side of the street.	No Parking	0	No on-street parking is allowed on Pine St
Willow Drive	55 feet	2.5	
Hemlock Street	55 feet	2.5	
Alder Street	35 feet	1.6	
Seater Street Martin Road to first 200' on Seater St	200 feet	9	
Total: 20 Parking Spaces			For the purpose of this study, staff rounded down to the nearest whole parking space



ON-STREET PARKING SURVEY

AVAILABLE ON-STREET PARKING – MORNING COUNT TOTALS

STREET SEGMENT	SPACES (22 feet length)	Vehicles Parked				
		2/28/2023	3/2/2023	3/3/2023	3/4/2023	3/5/2023
Evergreen Avenue 150' of retaining wall adjacent to vacant lot	4.5	3	2	5	7	8
Pine Street No Parking allowed on either side of the street.	0	0	0	0	0	0
Willow Drive	2.5	0	1	1	0	0
Hemlock Street	2.5	2	4	2	5	4
Alder Street	1.6	0	1	1	0	1
Seater Street Martin Road to first 200' on Seater St	9	3	2	3	5	3
Total Parking Spaces:	20	8	10	12	17	16



ON-STREET PARKING SURVEY

AVAILABLE ON-STREET PARKING – AFTERNOON COUNT TOTAL

STREET SEGMENT	SPACES (22 feet length)	Vehicles Parked				
		2/28/2023	3/2/2023	3/3/2023	3/4/2023	3/5/2023
Evergreen Avenue 150' of retaining wall adjacent to vacant lot	4.5	7	6	8	5	6
Pine Street No Parking allowed on either side of the street.	0	0	0	0	0	0
Willow Drive	2.5	0	0	1	0	0
Hemlock Street	2.5	2	5	4	4	5
Alder Street	1.6	1	0	1	0	2
Seater Street Martin Road to first 200' on Seater St	9	5	5	4	2	3
Total Parking Spaces	20	15	16	18	11	16

ON-STREET PARKING SURVEY

AVAILABLE ON-STREET PARKING – EVENING COUNT TOTALS

STREET SEGMENT	SPACES (22 feet length)	Vehicles Parked				
		2/28/2023	3/2/2023	3/3/2023	3/4/2023	3/5/2023
Evergreen Avenue 150' of retaining wall adjacent to vacant lot	4.5	8	7	8	5	6
Pine Street No Parking allowed on either side of the street.	0	0	0	0	0	0
Willow Drive	2.5	2	1	1	0	0
Hemlock Street	2.5	4	5	4	5	4
Alder Street	1.6	1	1	1	1	0
Seater Street Martin Road to first 200' on Seater St	9	3	2	4	3	3
Total Parking Spaces	20	18	16	18	14	13

ON-STREET PARKING SURVEY



Willow Drive - Tuesday February 28, 2023 5:30 PM



Willow Drive - Tuesday February 28, 2023 5:30 PM



Pine Street - Tuesday February 28, 2023 5:40 PM



Pine Street - Tuesday February 28, 2023 5:40 PM

ON-STREET PARKING SURVEY



Evergreen Ave - Thursday March 2, 2023 5:00 PM



Evergreen Ave - Thursday March 2, 2023 5:00 PM



Evergreen Ave- Friday March 3, 2023 5:45 PM



Evergreen Ave – Friday March 3, 2023 5:45 PM

ON-STREET PARKING SURVEY



Evergreen Ave - March 4, 2023 11:44 AM



Evergreen Ave - March 4, 2023 11:44 AM



Evergreen Ave - March 4, 2023 11:50 AM



Evergreen Ave - March 4, 2023 5:42 PM



Evergreen Ave - March 4, 2023 5:42 PM



Evergreen Ave - March 4, 2023 5:40 PM

ON-STREET PARKING SURVEY



Alder Street - March 5, 2023 11:00 AM



Alder Street - March 4, 2023 11:52 PM



Alder Street - March 5, 2023 11:52 AM



Alder Street - March 4, 2023 5:38 PM



Hemlock Street - March 4, 2023 11:21 AM



Hemlock Street - March 4, 2023 11:21 AM



Planning Commission
(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/community-development/planning-commission
155 S. Seward Street • Juneau, AK 99801

**PLANNING COMMISSION
NOTICE OF DECISION**

Date: March 16, 2023
File No.: PWP2023 0001

Mark Regan
1718 Evergreen Ave
Juneau, AK 99801

Proposal: Parking Waiver to waive one (1) required parking space for accessory apartment

Property Address: 1718 Evergreen Ave

Legal Description: SEATER ADDITION BL 3 LT 7 FR & 5 FR.

Parcel Code No.: 1C030D050080

Hearing Date: March 14, 2023

The Planning Commission, at its regular public meeting, APPROVED the waiver of the requirement for one (1) parking space to be conducted as described in the project description and project drawings submitted with the application.

Further, the Commission adopted the Director’s Findings 1 and 2 from the staff report dated March 6, 2023, and made revised Findings 3 and 4, as stated below:

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

No. there is no evidence to suggest that granting the requested waiver will result in adverse impacts to neighboring property.

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

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

Mark Regan
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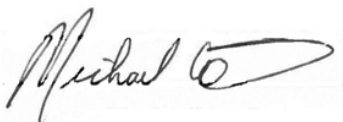
Attachments: March 6, 2023 memorandum from Emily Suarez, Community Development to the CBJ Planning Commission regarding PWP20023 0001.

This Notice of Decision does not authorize any construction activity. Prior to starting any development 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 PM on the day twenty days from the date the decision is filed.

Effective Date: The waiver is effective upon approval by the Planning Commission, March 14, 2023.

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



Michael Levine, Chair
Planning Commission

March 16, 2023
Date



Filed With City Clerk

March 16, 2023
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 1 (800) 949-4232, or fax (360) 438-3208.




PLANNING COMMISSION STAFF REPORT
TEXT AMENDMENT AME20230001
HEARING DATE: MARCH 14, 2023

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: March 2, 2023
TO: Michael LeVine, Chair, Planning Commission
BY: Teri Camery, Senior Planner, CFM 
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: The proposed ordinance would repeal CBJ 49.10.700, Wetlands Review Board

STAFF RECOMMENDATION: Forward the proposed ordinance with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- The Board's wetland permitting authority expired in approximately 2006.
- The Board has not met in its advisory role since September 2018.
- The Board's advisory role is adequately addressed through the agency review process.

GENERAL INFORMATION	
Applicant	Community Development Department
Initiated By	Community Development Department
Property Affected	Borough-wide

LAND USE CODE AMENDED	
49.10.700	Wetlands Review Board

WORK SESSION DATES	
Title 49 Committee	n/a

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.10.170(d)

The Commission shall hear and decide the case per CBJ 49.10.170(d) Planning Commission Duties. The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.

DISCUSSION

Background –

The Wetlands Review Board (WRB) was established in 1992 as the permitting authority over low-value wetlands categorized in the original Juneau Wetlands Management Plan. Permitting authority expired in approximately 2006. The WRB has also served in an advisory role to the Community Development Department on projects, policies, and regulations affecting wetlands and streams. However, this role has declined over time and has largely been replaced by comments from state and federal resource agencies. The WRB met rarely in 2017 and 2018, and the Board's last recorded meeting was September 20, 2018.

Section Amended –

The ordinance would repeal 49.10.700, Wetlands Review Board.

COMPLIANCE WITH TITLE 49

CBJ 49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;*
- (2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
- (3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
- (4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- (5) To provide adequate open space for light and air; and*
- (6) To recognize the economic value of land and encourage its proper and beneficial use.*

TITLE 49 - The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49.

Code Reference	Item	Summary
49.05.100	Purpose Statement	The proposed text amendment complies with the purpose and intent of Title 49.

COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
5	44	Policy 5.1	<p>The proposed text amendment supports Policy 5.1 by eliminating unnecessary review requirements and thereby supporting a diverse economy.</p> <p><i>Policy 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.</i></p>

The Comprehensive Plan and Housing Action Plan do not contain any policies specifically referring to the Wetlands Review Board. The proposed ordinance generally complies with these plans because it eliminates an unnecessary element of project review.

AGENCY REVIEW

An agency review period was not conducted.

PUBLIC COMMENTS

Public Notice was provided in the March 3 and March 10, 2023 Juneau Empire Your Municipality section. No public comments have been received to date.

FINDINGS

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment balances the varied Comprehensive Plan policies and is generally consistent with the overall vision.

Finding: Yes. The proposed text amendment complies with the 2013 Comprehensive Plan and the 2016 Housing Action Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes.

Finding: Yes. The proposed development complies with the purpose and intent of Title 49. Additionally, the proposed amendments do not create any inconsistencies within the code.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment to repeal CBJ 49.10.700, Wetlands Review Board.

STAFF REPORT ATTACHMENT

Item	Description
Attachment A	Proposed Ordinance

Presented by: The Manager
Presented:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-47

An Ordinance Repealing Title 49 Provisions Related to Wetland Review Board Authority.

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 Chapter. Chapter 49.10 is amended by repealing and reserving Article VII:

ARTICLE VII. RESERVED. WETLANDS REVIEW BOARD

~~49.10.700 Establishment and functions.~~

~~There is established the wetlands review board of the City and Borough, whose purpose is to implement the provisions of the Juneau Wetlands Management Plan.~~

- ~~(a) The wetlands review board shall serve as the decision-making body for the issuance of wetlands development permits in Category C and D wetlands, and enhancement project permits in Category EP wetlands, in accordance with the Juneau Wetlands Management Plan and the General Permit for wetlands development issued by the U.S. Army Corps of Engineers and administered by the City and Borough. The wetlands review board will apply the permit review procedures and standards set forth in section 49.70.1000 et seq.~~

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~~49.10.740 Quorum.~~

~~The presence of five members constitutes a quorum. Except as authorized by Charter Section 3.16(e), any action of the board requires five or more affirmative votes to be approved.~~

~~49.10.750 Officers.~~

~~The wetlands review board shall elect a chair to conduct the meetings of the board and a vice chair to serve in the absence of the chair, provided the chair and vice chair shall not be members of the commission.~~

~~49.10.760 Unexcused absences.~~

~~If a member without first being excused for good cause by the wetlands review board misses three consecutive regular meetings, that member's position shall become vacant without action by the board. The wetlands review board or its chair shall immediately inform the assembly of the vacancy.~~

~~49.10.770 Meetings.~~

~~(a) Regular meetings. The wetlands review board shall hold one regular meeting each month as necessary to conduct board business.~~

~~(b) Special meetings. The wetlands review board may hold special meetings upon the call of the chair or any two members. At least 24 hours before the meeting, personal notice shall be given to each board member designating the time, place, and purpose of the special meeting, or written notice shall be left at each member's usual place of residence. At least 24 hours before the meeting, copies of the notice shall also be~~

delivered to the newspapers of general circulation in the municipality and to the commercial radio and television stations operating in the municipality.

(e) ~~Public notice. No business may be transacted at any special meeting except as stated in the notice of the meeting. All meetings of the wetlands review board shall be publicly noticed in the same manner as other City and Borough boards and commissions, and shall be conducted in accordance with the Alaska Open Meetings Act.~~

~~49.10.780 Record of meetings.~~

~~Minutes all meetings shall be kept and shall be a public record. All records of the wetlands review board are public records and must be available to the public in the same manner as other City and Borough records, provided that upon request of a business, person or other entity working with the wetlands review board, proprietary information in any application or report of that business, person or entity presented to the wetlands review board shall be kept confidential by the wetlands review board to the extent allowed by AS 09.23.110 and AS 09.23.120, or other applicable law. Information to be maintained as confidential must be specified and marked as "confidential" by the business, person, or other entity.~~

~~49.10.790 Rules of procedure.~~

~~Meetings shall be conducted under Robert's Rules of Order and such additions or amendments to the rules as may be adopted by the wetlands review board.~~

Section 3. Amendment of Chapter. Chapter 49.70 is amended by repealing and reserving Article X:

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ARTICLE X. RESERVED WETLANDS MANAGEMENT

~~49.70.1000 Purpose.~~

- ~~(a) This article establishes the standards of the Juneau Wetlands Management Plan as enforceable policies of the Juneau Coastal Management Program. These standards shall be used by the City and Borough wetlands review board in making local wetlands permitting decisions, and by the director in rendering the City and Borough's response on coastal management consistency determinations coordinated by the state for projects requiring a permit from the U.S. Army Corps of Engineers for discharge of dredged or fill material into waters of the United States.~~
- ~~(b) A wetlands permit is established for review and approval of development activities proposed on Category C and D wetlands and enhancement activities proposed on Category EP wetlands, as designated in the Juneau Wetlands Management Plan and in the general permit issued by the U.S. Army Corps of Engineers and administered by the City and Borough. Development activities covered by the wetlands permit include residential, commercial, industrial, transportation and public use activities that involve the mechanical clearing, excavating, or discharge of dredged or fill material on wetlands.~~

~~49.70.1055 Maps.~~

- ~~(a) The Category A, B, C, D and EP wetlands of the City and Borough are mapped in the Juneau Wetlands Management Plan Atlas, dated May 1994, and in the general permit issued by the U.S. Army Corps of Engineers and administered by the City and Borough.~~

~~(b) The determinations as to whether a land parcel is within a wetland unit classified as Category C, D, or EP and is, therefore, subject to a wetlands permit shall be made by the department. The department may request additional information from the permit applicant to aid in the determination. The department will provide a copy of its determination to the applicant and the U.S. Army Corps of Engineers. The department's determination will be subject to review, modification or revocation by the U.S. Army Corps of Engineers. The department will proceed with the wetlands permit process for wetland units classified as Category C, D, or EP unless and until it receives notice from the U.S. Army Corps of Engineers that the department's determination was in error.~~

~~**49.70.1060 Jurisdiction of wetlands permit.**~~

~~The wetlands permit applies to development activities requiring mechanical clearing, excavating or placement of dredged or fill material on Category C and D wetlands, and enhancement activities on Category EP wetlands, with the following exceptions:~~

- ~~(1) Nationwide permits. If the activity proposed by the applicant is covered by a nationwide permit issued by the U.S. Army Corps of Engineers, no wetlands permit from the City and Borough will be required provided the activity is conducted in compliance with the requirements of the nationwide permit.~~
- ~~(2) Excluded activities. The following activities cannot be permitted under a wetlands permit issued by the City and Borough: placement of dredged or fill material in waters of the United States for purposes of heavy industry, dry cleaning operations, hazardous waste disposal, battery transfer yards, commercial auto repair garages,~~

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2 and fuel storage sites. These activities, in order to be undertaken, must be authorized
3 by a permit issued by the U.S. Army Corps of Engineers.

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5 ~~49.70.1065 Permit review procedure.~~

6 (a) ~~Wetlands permits shall be reviewed by the wetlands review board as follows:~~

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8 (1) ~~Submittal. An application for a wetlands permit must be filed with the~~
9 ~~department and must include the required application fee. The application must~~
10 ~~contain a description of the location, the proposed activity, and the purpose and~~
11 ~~need for the project. The project description must include quantities of fill~~
12 ~~material, acreage of disturbed surface area, measures that the applicant proposes~~
13 ~~to take to comply with the standards of section 49.70.1080, source of fill and any~~
14 ~~off site disposal locations. The application must include a site plan and narrative~~
15 ~~description.~~

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17 (2) ~~Director action. Upon a determination by the director that the application is~~
18 ~~complete, the director shall schedule the application for wetlands review board~~
19 ~~action at the next regular meeting. Public notice shall be provided as required in~~
20 ~~section 49.15.230. Copies of the application shall be distributed to the state and~~
21 ~~federal resource agencies and members of the public who submit a general request~~
22 ~~for the opportunity to review and comment on wetlands permit applications.~~

23 (3) ~~Staff report. The department's report to the wetlands review board presented at~~
24 ~~the meeting will include the following:~~

25 (A) ~~Information, regarding the project, the management designation for the~~
~~wetland unit under the Juneau Wetlands Management Plan, the applicability~~
~~of the shoreline corridor designation rules and the residential road corridor~~

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2 designation rules to the wetland unit, and the applicability of the policies of
3 the Juneau Coastal Management Program;

4 (B) An assessment of how the project meets the standards of section 49.70.1080,
5 including:

6 (i) Any new information regarding the wetland functions listed in the Juneau
7 Wetlands Management Plan and practicable alternatives to the proposed
8 wetlands development;

9 (ii) For Category C wetlands, recommendations for maintaining high or
10 medium high individual wetland functional values either on-site or off-
11 site, to the extent feasible and prudent;

12 (iii) Recommended project modifications or best management practices to
13 avoid or minimize project impacts on wetland acreage and values; and

14 (iv) Recommended restoration, rehabilitation or compensation as required
15 under the standards of section 49.70.1080, including any proposed use of
16 the mitigation bank for compensation;

17 (C) An estimate of cumulative changes in both function and acreage of the City
18 and Borough wetlands base as a result of the project and any related
19 mitigation. The estimate of cumulative changes will be primarily based on the
20 information regarding individual wetlands functions included in the Juneau
21 Wetlands Management Plan.

22 (D) A recommendation to the wetlands review board for approval of the project
23 with or without specified conditions, or a recommendation for denial. A
24 recommendation for denial of a permit may be based on available practicable
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alternatives, or inability to mitigate against loss of wetland functions and values, as required under the standards set forth in section 49.70.1080.

(4) ~~Wetlands review board action. The wetlands review board will evaluate the application for compliance with the standards of section 49.70.1080. The wetlands review board will presume that there is no less damaging practicable alternative site for the proposed development. This presumption will be evaluated in the department's report, and may be reversed by the wetlands review board on consideration of the information presented during the permit review process. The wetlands review board may grant a wetlands permit as described in the original permit application or with conditions necessary for compliance with the standards of section 49.70.1080. The wetlands review board may require that the applicant submit revised plans, narratives and other information, which reflect the conditions applied by the wetlands review board, prior to issuance of the permit. The wetlands review board will make a final decision on a permit no later than 60 days after the director determines that the application is complete. The director shall issue a wetlands permit in accordance with wetlands review board action on the application.~~

(5) ~~Temporary emergency permit. In cases where there is an imminent threat to life or severe loss of property, the director may issue a temporary emergency wetlands permit without action of the wetlands review board. The permit may include conditions necessary to ensure compliance with the standards of section 49.70.1080. The permit shall be in effect only until the next regular meeting of the wetlands review board, when formal action on the permit application can be taken.~~

~~49.70.1070 Permit expiration.~~

~~A wetlands permit shall expire 18 months after issuance if no associated building permit, right of way permit, or similar permit for construction has been issued and substantial construction progress pursuant thereto made, unless otherwise specified in the wetlands permit or unless the permit is extended by the wetlands review board under section 49.70.1075. The permittee shall restore the site to pre project conditions upon expiration of a wetlands permit.~~

~~49.70.1075 Permit extension.~~

~~Upon an application submitted at least 30 days before the expiration of a wetlands permit, the wetlands review board shall hold a hearing to consider whether the permit should be extended. At least ten days prior to the hearing, notice of such hearing shall be mailed to the property owners of record adjacent to the land included in the application and at least two days prior to the hearing, a general notice thereof, shall be printed in a newspaper of general circulation in the City and Borough. At the hearing, the burden of proof for the justification for a permit extension shall rest with the applicant. Upon written findings that the applicant's burden has been met, the wetlands review board may grant an extension not to exceed 18 months, but shall not delete from, amend or add to the conditions contained in the permit. Upon written findings that the applicant's burden has not been met, or that the conditions contained in the permit should be changed, or both, the wetlands review board shall deny the application, and the applicant may submit the entire project, including the previously authorized use, to a review by the wetlands review board as though it were a new application. A new application fee will be assessed for a permit extension. The wetlands review board may grant no more than one permit extension, the maximum duration of which shall be 18 months.~~

~~49.70.1080 Standards for review of wetlands permits.~~

~~(a) The standards set forth in this section will be applied by the wetlands review board in its review and approval of wetland permits. These standards will also be applied by the director to wetland development activities not covered by the general permit, through the coastal management consistency process coordinated by the state for projects requiring dredge and fill permits from the U.S. Army Corps of Engineers.~~

~~(b) The standards for review of wetlands permits are as follows:~~

~~(1) All individual wetlands will be managed in accordance with the wetland management designations presented in the charts and maps in the Juneau Wetlands Management Plan, the shoreline corridor designation rules, and the residential road corridor designation rules described in subsections (b)(5) and (6) of this section, respectively.~~

~~(2) Shoreline corridor designation rules and residential road corridor designation rules take precedence over the underlying wetland management designations presented in the Juneau Wetlands Management Plan.~~

~~(3) Shoreline corridor designation rules take precedence over the residential road corridor designation rules.~~

~~(4) Category A, B, C, D and EP wetlands will be managed according to the following management guidelines:~~

~~(A) Category A wetlands may be developed only if there is no net loss of individual functional values in the wetland unit. One environmental function cannot be substituted for another.~~

~~(B) Category B wetlands may be developed only if there is no net loss of aggregate functional values in the wetland unit. One environmental function can be~~

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~~(D) Category D wetlands can be developed using best management practices.~~

~~Project design and scheduling must minimize adverse impacts.~~

~~(F) Enhancement potential (Category EP) wetlands are wetlands that have the highest potential for environmental enhancement. These are, in large part, wetlands that have been created or degraded by development. Enhancement may be required only if the wetland is publicly owned. Publicly owned~~

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2 example, if a shoreline corridor intersects a residential road corridor, the
3 shoreline corridor would be the applicable wetlands classification.

4 (6) ~~Residential road corridor designation rules. The residential road corridor~~
5 ~~designation rules allow residential development on certain palustrine (vegetated~~
6 ~~nontidal) Category A or B wetlands under the Category C guidelines. The rules~~
7 ~~apply only to residential parcels where public water is already provided, the~~
8 ~~parcel is already affected by development, the parcel is subdivided into small lots,~~
9 ~~and the parcels have been approved for application of the residential road corridor~~
10 ~~rule in the general permit issued by the U.S. Army Corps of Engineers. The rules~~
11 ~~allow residential development applications to be reviewed under Category C~~
12 ~~guidelines in cases where the residential parcel is in a development corridor~~
13 ~~served by public water utility lines and existing local access roads, and the~~
14 ~~property owner has no practicable upland alternative to wetlands development.~~
15 ~~Existing local access roads and public water utility lines mean those built as of~~
16 ~~October 31, 1991.~~

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18 (A) ~~Undeveloped palustrine wetland residential parcels with no practicable~~
19 ~~upland development alternative shall have a temporary, 100-foot Category C~~
20 ~~designation corridor measured from the road frontage right of way, unless~~
21 ~~there is no building site with less than 20 percent slope in the temporary~~
22 ~~corridor. In this case, the temporary corridor is extended into the individual~~
23 ~~parcel until a building site with less than 20 percent slope is located. The~~
24 ~~definition of a suitable building site will be determined by the wetlands review~~
25 ~~board in relation to the particulars of the application and the underlying land~~
~~use classification zone. Once a fill permit is obtained, the temporary corridor~~

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2 is eliminated, except for a designated "envelope" surrounding and equaling 30
3 percent of the fill footprint. Once the fill is completed, the temporary corridor
4 reverts to the original wetlands management category, except that the 30
5 percent "envelope" remains.

6 (B) Developed palustrine residential parcels shall have a Category C designated
7 envelope that is 30 percent larger than their existing fill footprint. For
8 example, if the existing fill footprint is 1,000 square feet, then the existing fill
9 could be expanded under the guidelines of a Category C wetland, only up to
10 300 square feet.

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12 (C) Undeveloped residential parcels with an upland practicable alternative on the
13 parcel shall retain their original designated management category. When a
14 practicable alternative is available on the parcel, the development corridor is
15 not available.

16 (7) Best management practices. Best management practices are required for
17 development on any wetland. The conditions set forth in this subsection will be
18 prescribed for all wetland developments. The wetlands review board may
19 prescribe further conditions based on its analysis of individual projects for
20 Category C and D wetlands and comments received during the wetlands permit
21 review process.

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23 (A) There shall be no work in the stream bed or that would adversely impact the
24 stream during egg incubation or out migration of salmon smolts.

25 (B) Filtration curtains shall be used to protect streams from turbidity due to
adjacent soil disturbance activities.

- ~~(C) Existing wetlands vegetation shall be stripped in mats and repositioned over regraded soil.~~
- ~~(D) The amount of fill shall be restricted to the minimum amount necessary to achieve stated project purposes.~~
- ~~(E) Hydrology surrounding the discharge site shall be maintained with the use of culverts, if necessary. Activities shall not adversely impact adjacent wetlands by causing ponding, drainage, siltation or inadvertent fill.~~
- ~~(F) All discharge material shall be free from toxic pollutants in toxic amounts as defined by state law.~~
- ~~(G) Erosion at the construction site shall be controlled through revegetation and other appropriate means. Exposed soils shall be revegetated within one year.~~
- ~~(H) All work must be completed within three years of issuance of the wetlands permit.~~
- ~~(8) Mitigation. For each wetland unit, individual functions which have potential for high values as presented in the Juneau Wetlands Management Plan will be considered during review of a project. Any new information regarding the value of individual wetland functions will be evaluated and considered during the review of a project. Individual wetland functions may either be demonstrated to be less or more important than the data in the Juneau Wetlands Management Plan indicate. As wetlands are developed, some functions may become scarce, increase in value, and require special consideration during a project review.~~
- ~~(9) The following mitigation policies will apply to a development proposal that would be located in Category A or B wetlands and that requires City and Borough, state or federal permits:~~

- ~~(A) Avoid damage to the functional values by avoiding or relocating the development proposal.~~
- ~~(B) Where loss or damage to the functional values cannot be avoided, minimize loss or damage by limiting the degree or magnitude of the development and the actions associated with conducting the development.~~
- ~~(C) Where the loss of functional values cannot be minimized, restore or rehabilitate the wetland to its predisturbance condition, to the extent feasible and prudent.~~
- ~~(D) Where the loss of functional values at the development site is substantial and irreversible and cannot be avoided, minimized, or rectified, compensation for the loss of functional values are as follows:~~
- ~~(i) For Category A wetlands, the compensation actions must be in kind and must be on site, located as close as possible to the development site.~~
 - ~~(ii) For Category B wetlands, the compensation actions may be in kind or out of kind, provided the net aggregate values of the wetland unit are maintained. Compensation actions must occur on site, located as close as possible to the development site.~~
- ~~(10) The following mitigation policies will apply to a development proposal that would be located in Category C or D wetlands and that requires City and Borough, state or federal permits:~~
- ~~(A) Based on the extensive analysis of land use alternatives conducted in the land use inventory for the Juneau Wetlands Management Plan, the wetlands review board will presume that there is no practicable alternative for developments proposed on Category C and D wetlands. This presumption is~~

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~~(C) Where the wetland loss cannot be reduced by minimizing the development, mitigate by restoring or rehabilitating the wetland to its predisturbance condition, to the extent feasible and prudent.~~

~~(i) For Category C wetlands, the form of compensation required will be selected on the basis of:~~

~~(2) Potential gain in functional values;~~

and

~~(ii) In general, the order of preference for compensation for Category C wetlands is:~~

~~(2) On site and out of kind;~~

~~(3) Off site and in kind;~~

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~~(4) Off site and out of kind.~~

~~For small scale developments (five acres or less), the mitigation bank may be used to meet this requirement.~~

~~(iii) For Category D wetlands, off-site compensatory mitigation is not required provided the minimization and restoration steps set forth above in subsections (b)(10)(B) and (C) of this section are followed and best management practices are employed.~~

~~(11) Some wetland units may receive a Category B designation for a portion of the unit and a Category C for the rest of the unit. If on-site mitigation is required as compensation for development within the Category B area of the wetland unit under subsection (b)(9)(D)(ii) of this section, the mitigation project should occur within the Category B wetland area unless:~~

~~(A) A suitable site or mitigation opportunity is not available within the Category B wetland area; or~~

~~(B) The same or greater environmental benefit could be gained with less expenditure by conducting a mitigation project with the Category C wetland area.~~

~~(12) General permit conditions. Development activities on Category C and D wetlands shall comply with the general and specific conditions listed in the general permit issued by the U.S. Army Corps of Engineers and administered by the City and Borough, and those conditions are deemed to be incorporated into any wetlands permit. A copy of these conditions will be provided to the applicant as part of the permit application materials and the wetlands permit.~~

~~49.70.1085 Mitigation.~~

~~(a) Mitigation strategy. In consultation with a working group comprised of state and federal resource agencies, the wetlands review board will develop a long term, comprehensive wetlands mitigation strategy. The goal of the strategy will be to create the greatest environmental benefit for each mitigation expenditure. The strategy will include:~~

- ~~(1) Restoration and enhancement objectives with consideration to historical losses of wetland acreage and functional values;~~
- ~~(2) Suitable mitigation sites based on the degree and type of wetlands degradation at each site and opportunities for obtaining the site for the mitigation bank;~~
- ~~(3) Appropriate and feasible mitigation projects for each identified site;~~
- ~~(4) Individual functional values that can be recreated at each site with a high probability of success; and~~
- ~~(5) Restoration and enhancement opportunities outside the proposed mitigation bank sites.~~

~~(b) Mitigation bank. A mitigation bank will be established to provide mitigation bank credit to satisfy compensation requirements for certain developments in Category C wetlands. Detailed procedures for the mitigation bank will be established by ordinance at a later date. In the interim, the wetlands review board will consider and require mitigation which meets the standards of section 49.70.270 on a case by case basis, when wetlands permits are issued.~~

~~49.70.1090 Reports on general permit administration.~~

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- (a) ~~The department shall prepare and submit quarterly reports to the U.S. Army Corps of Engineers regarding the implementation of the general permit. The quarterly reports shall compile information on wetlands permits issued by the City and Borough under the general permit and shall include copies of all applications and wetlands permits.~~
- (b) ~~The department shall submit an annual report to the U.S. Army Corps of Engineers that includes the total acreage permitted for discharge of dredged and fill material, the number of permits granted, the average permit processing time, and enforcement activities.~~

~~49.70.1095 Plan amendments.~~

- (a) ~~Amendments to the Juneau Wetlands Management Plan and this article may be initiated by the City and Borough as necessary to include new wetland areas into the plan, incorporate new information regarding wetland values, revise wetland unit classifications, revise or supplement the standards for issuance of permits, or make other changes necessary for the proper management of wetlands in the Juneau area. Amendments will be subject to a public hearing process, review by the wetlands review board and the planning commission, and review and approval by the assembly. Amendments will require approval of the Alaska Coastal Policy Council and the Federal Department of Commerce, Office of Ocean and Coastal Resources Management, as a change to the Juneau Coastal Management Program. The approval of the U.S. Army Corps of Engineers will also be required if the amendments affect wetlands covered under the general permit.~~

~~49.70.1097 Enforcement.~~

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

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Attest:

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

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

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: March 16, 2023

Case No.: AME2023 0001

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding an ordinance to repeal 49.10.700, Wetlands Review Board

Hearing Date: March 14, 2023

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 2, 2023 and recommended that the City and Borough Assembly adopt staff's recommendation for an ordinance to repeal 49.10.700, Wetlands Review Board

Attachments: March 2, 2023 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME20230001.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

Michael LeVine, Chair

March 16, 2023

Date

City and Borough Assembly
Case No.: AME20230001
March 16, 2023
Page 2 of 2

Planning Commission

A handwritten signature in black ink, appearing to be 'Wing', is written over a horizontal line.

March 16, 2023

Filed With City Clerk

Date

cc: Plan Review

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



Planning Commission

(907) 586-0715

PC_Comments@juneau.org

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

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: March 17, 2023

Case No.: AME20170001

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to CBJ 49.70.310, Habitat, to revise the Habitat Ordinance

Property Address: Borough-wide

Legal Description: n/a

Parcel Code Number: n/a

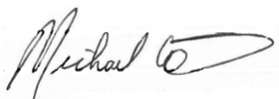
Hearing Date: March 14, 2023

The Planning Commission, at its regular public meeting, amended the analysis and findings listed in the attached memorandum dated March 2, 2023, and recommended that the City and Borough Assembly adopt staff's recommendation, to revise the anadromous waterbodies ordinance as amended.

Attachments: March 2, 2023 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding AME20170001

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

City and Borough Assembly
Case No.: AME2017 0001
March 17, 2023
Page 2 of 2



Michael LeVine, Chair
Planning Commission

May 18, 2023

Date



Filed With City Clerk

May 18, 2023

Date

cc: Plan Review

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



PLANNING COMMISSION STAFF REPORT
TEXT AMENDMENT AME2017 0001
HEARING DATE: MARCH 14, 2023

(907) 586-0715

CDD_Admin@juneau.org

www.juneau.org/community-development

155 S. Seward Street • Juneau, AK 99801

DATE: March 2, 2023
TO: Michael LeVine, Chair, Planning Commission
BY: Teri Camery, Senior Planner, CFM
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: A text amendment to CBJ 49.70.310, Habitat, to revise the stream buffer ordinance

STAFF RECOMMENDATION: Forward the proposed ordinance with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- Maintains 25 and 50 foot stream buffers;
- Clarifies uses allowed and prohibited within stream buffers; and
- Allows low-impact uses in the buffer with departmental review.

GENERAL INFORMATION

Applicant	Community Development Department
Initiated By	Community Development Department
Property Affected	Borough-wide

LAND USE CODE AMENDED

49.70.310	Habitat
49.85	Definitions

WORK SESSION DATES

Title 49 Committee	September 2018; July 2021; October 2021; November 2021; December 2021; January 2022
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ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.10.170(d)

The Commission shall hear and decide the case per CBJ 49.10.170(d) Planning Commission Duties. *The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.*

DISCUSSION

Background –

The proposed text amendment would retain the 0-25 foot and 25-50 foot buffers in current code, while clarifying uses and streamlining the review process for low-impact uses that can comply with standard best management practices and riparian vegetation standards.

The Title 49 Committee has reviewed the proposed language in five meetings.

Key elements of the ordinance include:

- Clarification on how the Ordinary High Water Mark is measured;
- Clarification on allowed and prohibited uses within the stream buffer;
- Establishment of an Anadromous Waterbody Permit;
- Establishment of minor development categories for low impact uses that may be approved at the director level; and major development categories for uses that may have a greater impact and may be approved by the Planning Commission

COMPLIANCE WITH TITLE 49

CBJ 49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

(1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;

(2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;

(3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;

(4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;

(5) To provide adequate open space for light and air; and

(6) To recognize the economic value of land and encourage its proper and beneficial use.

TITLE 49 - The proposed text amendment complies with CBJ Title 49 Land Use Code. Additionally, the proposed amendment will not create any inconsistencies in Title 49.

Code Reference	Item	Summary
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49.05.100	Purpose Statement	The proposed text amendment complies with the purpose and intent of Title 49.
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COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
7	78	Policy 7.1	<p>The proposed text amendment supports Policy 7.1 by protecting valuable anadromous stream habitat from the adverse impacts of urban development.</p> <p><i>Policy 7.1. TO PROTECT THE REGION’S SCENIC, ENVIRONMENTAL, AND ECONOMICALLY-VALUABLE NATURAL RESOURCES FROM THE ADVERSE IMPACTS OF URBAN DEVELOPMENT. DEVELOPMENT SHALL BE CONTROLLED CAREFULLY AND, IF NECESSARY, PROHIBITED IN NATURALLY HAZARDOUS AND ECOLOGICALLY-PRODUCTIVE OR SENSITIVE AREAS.</i></p>

AGENCY REVIEW

An agency review period was not conducted. State and federal resource agencies provided significant input into early development of the ordinance, specifically regarding uses allowed in the buffers and regarding development of best management practices and vegetation standards.

PUBLIC COMMENTS

Public Notice was provided in the March 3 and March 10, 2023 Juneau Empire Your Municipality section. No public comments have been received to date.

FINDINGS

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment balances the varied Comprehensive Plan policies and is generally consistent with the overall vision.

Finding: **Yes.** The proposed text amendment complies with the 2013 Comprehensive Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes.

Finding: Yes. The proposed development complies with the purpose and intent of Title 49. Additionally, the proposed amendment does not create any inconsistencies within the code.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment to revise the stream buffer ordinance.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Proposed Ordinance

Presented by:
Presented:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-46 [PC2](#)

An Ordinance Amending the Sensitive Habitat Area Requirements of the Land Use Code Related to [Anadromous Waterbodies](#).

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 Article. Article III of CBJC 49.70 is amended as follows:

Article III. Sensitive Habitat Areas

49.70.310 Marine Mammal Habitat Protections.

(a) Development in the following areas is prohibited:

- (1) On Benjamin Island within the Steller sea lion habitat.

49.70.320 Watersheds.

Development in watersheds designated in the comprehensive plan of the City and Borough of Juneau, 2013 Update, shall not cause degradation of the existing water quality or ground water recharge capabilities of the site according to standards established by the state department of environmental conservation. Upon request of the director, the developer shall provide evidence of compliance by certification of a professional engineer.

Commented [JM1]: No changes recommended a this time; this is existing code

49.70.330 Anadromous waterbodies.

(a) Purpose. The purpose of this section is to protect and preserve anadromous fish habitat through:

- (1) Regulating alteration and mitigating disturbances to anadromous fish habitat buffers;
- (2) Preserving riparian habitat and restricting the removal of riparian vegetation;
- (3) Controlling pollution sources;
- (4) Prohibiting certain uses and structures detrimental to anadromous fish habitat;
- (5) Decreasing erosion, sedimentation, and damage to anadromous fish habitat buffers; and
- (6) Regulating access to and within the anadromous fish habitat buffer.

(b) Applicability. This section applies to anadromous waterbodies listed in the most recent Alaska Department of Fish and Game *Atlas and Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*.

(c) Establishment of buffers. Waterbodies listed in the *Atlas and Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes* shall have an inner buffer measuring from 0 to 25 feet adjacent to the waterbody, and an outer buffer measuring from 25 feet to 50 feet.

The following standards ~~guide application of~~ determine the buffer requirements:

- (1) The buffer shall be measured by the horizontal distance from the Ordinary High Water Mark (OHWM), as determined by a ~~professional~~ land surveyor licensed in the State of Alaska.

(2) On shoreline properties, the transition point from the anadromous fish habitat buffer to the zero setback of tidewater shall be at the point where mean high water and ordinary high water intersect, as determined by a professional-land surveyor licensed in the State of Alaska.

~~(43)~~ Vegetation that overhangs or overlaps the zero to 25 foot buffer or the 25 to 50 foot buffer shall follow the regulation applicable to the primary trunk or stalk of the vegetation, whichever is most specific.

(d) Anadromous fish habitat permit. Activity within the inner (0 to 25 feet) or outer (25 to 50 feet) buffer requires an anadromous fish habitat permit, unless otherwise exempted by this section.

(1) The following uses are exempt from obtaining an anadromous fish habitat permit:

- (A) Placement of fish weirs by a resource agency;
- (B) Placement of water quality or water quantity monitoring equipment by a resource agency;
- (C) Docks, bridges, culverts, and public or private structures whose purpose is access to or across the stream or lake;
- (D) Uses which must be in or adjacent to the stream in order to function, such as aquaculture, water supply intakes, or similar uses; or
- (E) Exploration and mining activities complying with CB/JC 49.65 Article I that must be in or adjacent to the anadromous stream in order to function.

(2) The following uses are prohibited in the inner and outer buffer:

- (A) Storage of fuel;
- (B) Storage of explosives; or

(C) Storage of other hazardous materials.

Commented [JM2]: Commission recommends streamlining this language

(e) Listed uses. There is adopted the table of permissible uses in anadromous waterbody buffers, table 49.70.330340. The uses permitted in an anadromous waterbodies waterbody habitat buffers shall be determined through the following table of permissible uses by locating the intersection of a horizontal, or use axis and a vertical, or zone axis. The conditions and procedures applicable to the use in the buffer thus located shall be as indicated thereat by the digits "1," or "3" as more fully set out in this section. The absence of a digit at the intersection of use and zone axes means that the identified use is not permitted in the identified buffer.

(1) When used in conjunction with a particular use in the table of permissible uses in anadromous waterbody buffers, the number "1" indicates that the use requires department approval pursuant to chapter 49.15, article III, in conjunction with the issuance of an anadromous fish-habitat permit. The use is permissible in the buffer, but limited conditions may be attached to the approval.

(2) The number "3" indicates the use requires an anadromous fish-habitat permit from the commission. The commission may approve, deny, or approve with condition(s) to ensure the compatibility of the proposed use to this title.

A combination of digits such as "1, 3" indicates that the approval procedure for the identified use in the identified buffer will vary depending on whether the project is a minor or major activity.

~~(1) Uses listed with the "1" indicate the use requires department approval.(2) Uses listed with a "3" indicate the use requires commission approval.~~

Table of Permissible Uses in Anadromous Waterbody Buffers 49.70.340

		Anadromous Waterbodies Buffers	
Use Description		Inner Buffer (zero to 25 feet)	Outer Buffer (25 to 50 feet)
1.0	Bank, buffer stabilization or restoration	1, 3	1, 3
2.0	Removal of non-native invasive plant species	1, 3	1, 3
3.0	Stormwater management to improve water quality or water quantity	1, 3	1, 3
4.0	Removal of trees that present an immediate and direct threat of falling onto a structure or vehicle.	1, 3	1, 3
5.0	Removal of vegetation, including limbing of trees, for viewshed or light enhancement		3
6.0	Grading, or vegetation removal, or placement of utilities associated with construction of a development	3	1, 3
7.0	Bridges, utilities, and related public and private infrastructure, including culverts	1, 3	1, 3
8.0	Installation of a fence	3	1
9.0	Trail construction for accessing or crossing a waterbody	1, 3	1, 3
10.0	Trail maintenance for accessing or crossing a waterbody	1, 3	1, 3
11.0	Trail construction and trail maintenance parallel to a waterbody		1, 3
12.0	Stream channelization or relocation of a stream that impacts anadromous fish habitat buffer	3	3
13.0	Uses not listed, or not otherwise prohibited	3	3

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(f) Minor anadromous ~~fish-habitat activity~~ application requirements.

(1) Application requirements. The developer must submit one copy of the completed application and permit fee, including:

(A) A graphic description of the property and all property boundaries to scale;

(B) A site plan drawn to scale depicting the location of the proposed project on the lot;

(C) A narrative statement describing the proposed activity explaining why the activity must be located within the inner or outer buffer, potential impacts to anadromous fish habitat, and an explanation of conformance with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#); and

(D) Additional information as determined necessary by the director.

(2) Director determinations. The director reviews anadromous fish habitat permit applications if the activity would likely only cause minimal impacts in the buffer. The director shall review the application, consult with the developer, and approve and unless:

(A) The application is incomplete; or

(B) ~~The Director determines that the outcome of the proposed activity or the cumulative effects of activity or development in a buffer would likely cause more than minimal impacts in the buffer after project completion, the application shall be subject to commission review~~The director determines the proposed activity, series of applications, or the potential cumulative effects of activity or development in or near a buffer would likely cause more than minimal impacts in the buffer, the application(s) shall be subject to commission review; or

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(C) The application does not demonstrate compliance with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#); or

(D) The activity as proposed will not comply with one or more requirements of this title.

(g) Major anadromous fish habitat activity requirements. The commission, —through the conditional use permit process,— reviews all—applications that could likely cause more than minimal impacts in the buffer as determined by the director.

(1) Pre-application conference. Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed activity, and the procedure. 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.

(2) Submission. The developer shall submit to the director one copy of the completed permit application with supporting materials and permit fee, including:

- (A) A graphic description of the property and all property boundaries to scale;
- (B) A site plan drawn to scale of existing conditions, including existing topography, drainage features, structures, significant natural and artificial conditions of the land, and vegetation; and
- (C) A narrative statement describing:

- (i) The proposed activity and explaining why the activity must be located within the inner and / or outer buffer;
- (ii) Potential impacts to anadromous fish habitat;
- (iii) Explanation of conformance with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#);
- (iv) Anticipated temporary and/or permanent changes to habitat resulting from proposed uses and activities;
- (v) Existing species of vegetation and proposed species to be used for revegetation;
- (vi) Schedule for activity, removal of vegetation, revegetation, and the method by which the activity shall be conducted, in conformance with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#);
- (vii) Maintenance schedule, if applicable; and
- (viii) Additional information as determined by the director.

(3) Director's review procedure.

(A) The director shall ~~endeavor to~~ determine whether the application accurately reflects the developer's ~~intentions~~goals, shall advise the developer whether or not the application is acceptable, and, if it is not, what corrective action may be taken.

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(B) 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 49.15.230.

(C) The director shall forward the application to the commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions, and the reasons therefore. The director shall review the application, consult with the developer, and make recommendations on the following issues:

- (i) Whether the application is complete;
- (ii) Whether the application demonstrates conformance with the Anadromous Fish Habitat Vegetation Standards (49.70.350), and the Anadromous Fish Habitat Best Management Practices (49.70.360); and
- (iii) Whether the activity as proposed will comply with the requirements of this title.

(D) 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.

(E) Even if the proposed activity 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 activity:

- (i) Will materially endanger the public health or safety;

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- (ii) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
 - (iii) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans; or
 - (iv) Will not comply with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#).
- (4) Review of director's determinations.
 - (A) At the hearing on the anadromous fish habitat permit, the commission shall review the director's report to consider:
 - (i) Whether the proposed activity is appropriate according to this anadromous fish habitat protection section;
 - (ii) Whether the application is complete; and
 - (iii) Whether the activity as proposed will comply with the other requirements of this title.
 - (B) The ~~planning~~-commission shall adopt the director's determination on each item set forth in subsection (3) 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.
- (5) ~~Planning~~-Commission determinations. Even if the ~~planning~~-commission adopts the director's determinations pursuant to subsection (3)(C) of this section, it may nonetheless

(B) A description of the emergency; and

(C) A narrative describing why the activity is necessary to protect life and property from imminent danger or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by the emergency.

(3) Conditions of approval. Conditions may be attached to emergency anadromous fish habitat permits to comply with this chapter. A final report that includes the plans and specifications for the work that was completed must be submitted to the department within 60 days of the date of the emergency. The director may require mitigation to repair damage to the anadromous fish habitat and ensure conformance with the section. All emergency work must be completed within two weeks of the issuance of the emergency anadromous fish habitat permit.

49.70.330-350 Anadromous fish habitat vegetation standards.

Riparian vegetation standards shall apply to all uses ~~or types of development~~ within the inner or outer anadromous fish habitat buffer. All uses ~~and types of development~~ within the inner and outer anadromous fish habitat buffer shall include a vegetation plan to maintain or restore the buffer to the following standards:

- (a) The vegetation plan shall consider a diversity of native species appropriate for the site conditions found in the ~~Recommended Plan List in Appendix E of the CBJ's Manual of Stormwater Best Management Practices (2010) and/or the Plant~~ Species Selection List in the Alaska Department of Fish and Game's Stream Revegetation and Protection: A Guide for Alaska (2005). The vegetation plan shall favor natural plant reclamation from neighboring plant communities when possible. If the site was considered to be in a natural state prior to the activity,

the area shall require revegetation with the same species. The plan shall also implement any standards from the [Alaska Storm Water Guide.Landscaping and Lawn/Vegetation Management sections in the CBJ's Manual of Stormwater Best Management Practices \(2010\)](#), identified by the director as applicable to the permitted development; and

(b) Uses and activities shall not introduce or redistribute invasive species. Development that includes removal of invasive species must include documentation that removal and disposal methods will not contribute to invasive species spread.

(c) A developer with a proposed anadromous fish habitat activity that does not comply with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#) may apply for a non-administrative variance.

49.70.340-360 Anadromous fish habitat best management practices.

Anadromous Fish Habitat Best Management Practices shall apply to all uses ~~or types of~~ activity within the inner or outer buffer:

(a) Delineate and flag work limits prior to commencing any activities to preserve existing vegetation outside of the work area and minimize impacts to the buffer. To protect large trees near, but outside of, the work area, the boundary for the natural area to be preserved should be extended to the tree drip line to protect the root zone from damage. The work limits must remain clearly marked until all work is complete. Within the work limits, the disturbed area shall be limited to that required for construction including access. Complete or partial removal of and

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damage to native vegetation shall be limited to the minimum necessary to achieve the project purpose;

(b) When existing vegetation must be removed from the buffer, the buffer shall be revegetated with native plant species that are present or appropriate for that area within ~~one growing season~~24 months. The buffer shall be revegetated and such revegetation shall be kept or arranged to enhance fish habitat. Areas previously degraded by human activity shall be revegetated;

(c) Erosion and sediment control best management practices shall be used during construction activities to protect waterbodies sediment deposition and turbidity due to adjacent soil disturbance activities. Selected BMPs must be implemented in accordance with the standards in the [Alaska Storm Water Guide](#);

(d) All discharge material shall be free from toxic pollutants in toxic amounts as defined by state law;

(e) Uses and activities shall implement measures to minimize pollutant discharges into the waterbody and buffer including but not limited to providing for water management, establishing staging, fueling, and maintenance areas outside of the buffer;

(f) Structures allowed within the buffer must be constructed so as not to impede floodwaters or impede fish passage; and

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~~(g) Developments must comply with the Alaska Storm Water Guide 2010 CBJ Manual of Stormwater Best Management Practices.~~

~~(h)~~^(g) A developer with a proposed anadromous fish habitat activity that does not comply with the [Anadromous Fish Habitat Vegetation Standards \(49.70.350\)](#), and the [Anadromous Fish Habitat Best Management Practices \(49.70.360\)](#) may apply for a non-administrative variance.

Section 3. Amendment of Section. CBJC 49.80.120 is amended by adding the following definitions:

49.80.120 Definitions.

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

Anadromous fish means a fish or fish species that spends portions of its life cycle in both fresh and salt waters, entering fresh water from the sea to spawn and includes the anadromous forms of pacific trout and salmon of the genus *Oncorhynchus* (rainbow and cutthroat trout and chinook, coho, sockeye, chum and pink salmon), Arctic char, Dolly Varden, sheefish, smelts, lamprey, whitefish, and sturgeon.

Anadromous fish habitat means any area on which anadromous fish depend, directly or indirectly, during any stage of their life cycle, including but not limited to areas of spawning, rearing, food supply, overwintering, or migration.

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Anadromous waterbody means a river, stream, or lake, in its liquid or frozen state, its braided channels, distributaries, sloughs, backwaters, and estuaries, including the portion of the bed(s) and banks up to the ordinary high water mark, from its mouth to its specified upper limit as depicted in An Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes or listed in the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes.

Bank restoration or buffer restoration means removal of debris, removal of abandoned machinery and vehicles, grading, stabilization of banks and related cleanup activities, and preservation or restoration of riparian vegetation

Best Management Practices (BMP) means systems of practices and management measures that:

- ~~1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, and toxins;~~
- ~~2. Control the movement of sediment and erosion caused by land-alteration activities to protect water quality and slope stability;~~
- ~~3. Minimize adverse impacts to surface and groundwater quality, flow, and circulation patterns; and to the chemical, physical, and biological characteristics of waterbodies;~~
- ~~4. Minimize adverse impacts to the chemical, physical, and biological characteristics of a sensitive habitat critical area;~~
- ~~5. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and~~

~~6. Monitor mitigation measures to ensure that functions and values impacted by a project are provided and maintained.~~

Emergency means a sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Erosion means significant sloughing, washout, or discharge of soil arising from manmade or natural sources.

Stormwater management means the use of structural or non-structural practices designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates, and other detrimental changes that decrease water quality or habitat, which conform to the Alaska Storm Water Guide, which conforms to the 2010 CBJ Manual of Stormwater Best Management Practices.

Surveillance equipment means equipment capable of capturing or recording data, including images, videos, photographs or audio.

Section 4. Amendment of Section. CBJC 49.85.100 is amended by adding the following fees:

(1)(D) Anadromous fish habitat permit \$150; fee is waived if applied for in conjunction with a development permit.

(3)(A)(vii) Anadromous fish habitat permit \$150. If the application is filed in conjunction with a major development permit the fee shall be reduced by 20 percent.

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Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, ~~2022~~2023.

Attest: _____
Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: March 14, 2023

1. USE2023 0001 & PWP2023 0001:

- a. Public Works Streets & Fleet Comment, received 3/3/2023
- b. Public Comment from Courtney Wilkins, received 3/7/2023
- c. Public Comment from Kate Slotnick, received 3/10/2023

2. AME2017 0001

- a. Memorandum from Director Mclean, received 3/9/2023

From: [Scott Gray](#)
To: [Emily Suarez](#)
Cc: [James "Red" Langel](#)
Subject: RE: USE2023-01 1718 Evergreen Ave
Date: Friday, March 3, 2023 12:33:50 PM

Hi Emily,

Streets does not have an issue with this request. There is already on street parking in this area and parking is first come first serve.

Thanks,

Scott



Scott Gray
Superintendent
Public Works Streets & Fleet
907-465-5256

From: Emily Suarez <Emily.Suarez@juneau.gov>
Sent: Thursday, March 2, 2023 7:11 PM
To: Scott Gray <Scott.Gray@juneau.gov>
Subject: USE2023-01 1718 Evergreen Ave

Hi Scott,

I am currently working on a Conditional Use Permit for an accessory apartment located on 1718 Evergreen Avenue.

The applicant is requesting a Parking Waiver, and would like to use on-street parking instead. I need to determine whether this is feasible for the location, and if the proposal will have any negative impact with maintenance/snow removal operations.

Your feedback is appreciated.

Thank you,

Emily Suarez | Planner II

Community Development Department | City & Borough of Juneau, AK

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

Office: 907.586.0753 ext. 4131

Email: emily.suarez@juneau.gov



Fostering excellence in development for this generation and the next.

From: Courtney Wilkins <courtney.wilkins3@gmail.com>
Sent: Tuesday, March 7, 2023 12:56 PM
To: PC_Comments
Subject: 1718 Evergreen Ave Objection to Parking Waiver

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

To whom it may concern,

I am writing to express my strong objection to the application made by the property owner at 1718 Evergreen Ave to build a new accessory apartment without providing the required parking space. As a resident and property owner in the neighborhood, I am deeply concerned about the hazards that exist due to narrow roads, snow, ice, and steep terrain, which as it makes it difficult for pedestrians and vehicles to navigate the streets safely and is exacerbated by current road congestion.

Moreover, the lack of required parking for the existing dwellings at the property exacerbates the issue, making it challenging for existing residents to find parking spots, especially during the winter months when the weather conditions are harsh and heavy snow accumulates on the roadways. Adding an accessory apartment without a parking space would only worsen the situation and increase the risk of accidents, as well as create a potential safety hazard for emergency vehicles. As it is, garbage trucks, delivery drivers, and snow plows are often unable to navigate the congested narrow street. There is no available public or street parking, it just doesn't exist without creating a hazard for the neighborhood on this steep and narrow road.

Due to this property (1718 Evergreen Ave), and other properties on the street lacking the required parking spaces the vehicles currently navigate up the street to other's driveways and the intersection at Pine St. and execute illegal and dangerous u turns. These vehicles then often are parked illegally in front of and often blocking driveways, mail boxes, and other residents lawful access to their properties. Is that what the property owner intends to have the residents of the new accessory apartment do as well?

My tenants and I have been intimidated, threatened and harassed after making simple requests for individuals to move their cars so that we may use our driveway and/or conduct snow removal or receive deliveries. I too would like to add an additional unit on my property but I would never consider it without adding appropriate parking. The property has the space to build the required parking and it should be required prior to approval of the accessory apartment. The owner should consider rebuilding the existing carport structure to accommodate the required parking spaces for the existing dwellings on the property rather than ask neighbors to agree to even more development without the basic minimum required parking available for existing residents.

I urge the City and Borough of Juneau Alaska to deny the application until the property owner meets the parking requirement. It is essential to ensure that safety measures are in place to protect residents

and visitors of our neighborhood. Furthermore, it is crucial to uphold the rules and regulations that govern the building of accessory apartments to ensure that they are constructed in compliance with the law.

Thank you for your attention to this matter.

Sincerely,

Courtney Wilkins

From: Kate Slotnick <kateslotnick@gmail.com>
Sent: Friday, March 10, 2023 8:56 AM
To: PC_Comments; Emily Suarez
Subject: Case no.: USE2023 0001 and PWP2023 0001

I have lived at 1570 Evergreen Ave for 30 years. I am opposed to the waiver for one parking space at the proposed accessory apartment at 1718 Evergreen Ave. The requirement for a dedicated parking space for an additional dwelling unit is reasonable. This assures that a neighborhood with a narrow street such as Evergreen retains a quiet atmosphere and reduces tension among neighbors by avoiding competition for parking spaces. The existing properties on Evergreen Ave with accessory apartments have met that requirement. There is no compelling reason to waive this requirement in this situation.

Sent from my iPad



(907) 586-0757
Jill.Maclean@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

March 9, 2023

MEMO

To: Michael LeVine, Chair Planning Commission

From: Jill Maclean, Director, AICP

A handwritten signature in blue ink, appearing to read 'Jill Maclean', is written over the printed name.

RE: Additional Language Addressing Stormwater BMPs & Vegetative Standards Related to Anadromous Waterbodies (stream setback buffers; AME2017 0001)

Background

During review of the Anadromous Waterbodies ordinance, staff and Title 49 Committee members identified the Stormwater BMPs and Vegetative Standards as an item that required updating. Upon review, staff discovered that the 2010 Stormwater BMPs were not adopted either by ordinance or resolution; therefore, the Anadromous Waterbodies ordinance cannot reference that document for regulating purposes.

Recognizing that BMPs continue to evolve, staff recommends the Planning Commission instead replace the reference to Stormwater BMPs with the following language, which is similarly used when reviewing Hillside Endorsements (49.70.200):

The developer must provide a drainage plan and vegetative planting plan stamped by civil engineer licensed in the State of Alaska. The drainage plan and vegetative plan must address stormwater BMPs and plantings required for slope stability and stormwater. The stamped drainage and vegetative plans must be submitted to the department prior to the issuance of grading or development permits.

Recommendation

Staff recommends the Commission replace references to the CBJ Stormwater BMPs with the above language.