

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

January 11, 2022
Virtual Meeting Only
7:00 PM

This virtual meeting will be held by video and telephonic participation only. To join the webinar, paste this URL into your browser: <https://juneau.zoom.us/j/87375675296>. To participate telephonically, call: 1-346-248-7799 or 1-669-900-6833 or 1-253-215-8782 or 1-312-626-6799 or 1-929-436-2866 or 1-301-715-8592 and enter Webinar ID: 873 7567 5296.

I. LAND ACKNOWLEDGEMENT

II. ROLL CALL

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- A. November 23, 2021 Draft Minutes, Regular Planning Commission - APPROVED

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. ITEMS FOR RECONSIDERATION

VIII. CONSENT AGENDA

IX. UNFINISHED BUSINESS

X. REGULAR AGENDA

- A. CSP2021 0004: A land exchange between CBJ land at 11860 Glacier Highway and private property at 11930 Glacier Highway. This will create a new right-of-way to access CBJ land. - RECOMMENDED APPROVAL TO THE ASSEMBLY
- B. CSP2021 0006: Disposal of CBJ-owned land to Franklin Foods - RECOMMENDED APPROVAL TO THE ASSEMBLY AS AMENDED
- C. USE2021 0023: Modification of USE2021 0002 to allow construction of a 5-foot wide bike path to be delayed until the final condominium building is complete - APPROVED AS AMENDED

XI. OTHER BUSINESS

XII.STAFF REPORTS

XIIICOMMITTEE REPORTS

XIV.LIAISON REPORT

**XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA
ITEMS**

XVIPLANNING COMMISSION COMMENTS AND QUESTIONS

XVIEXECUTIVE SESSION

XVISUPPLEMENTAL MATERIALS

- A. Additional Materials for January 11, 2022 Planning Commission

XIXADJOURNMENT

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

November 23, 2021 Draft Minutes, Regular Planning Commission - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
▣	November 23, 2021 Draft Minutes, Regular Planning Commission	12/9/2021	Minutes

Minutes
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
 November 23, 2021

I. LAND ACKNOWLEDGEMENT by Chairman LeVine

II. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:01 P.M.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell

Commissioners absent: Erik Pedersen

Staff present: Jill Maclean, CDD Director; Alexandra Pierce, CDD Planning Manager; Irene Gallion, CDD Planner; Sherry Layne, Law

Assembly members: Alicia Hughes-Skandijs

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

IV. APPROVAL OF MINUTES

A. Draft Minutes October 26, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the October 26, 2021 Planning Commission Regular Meeting minutes.*

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION Mr. LeVine explained the process for participating via Zoom format

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

VII. ITEMS FOR RECONSIDERATION – None

VIII. CONSENT AGENDA

Prior to presentation of Consent Agenda items, Mr. LeVine disclosed he lives nearby the subject property in **USE2010 0010**. He has no financial interest in the property and can be impartial. He was allowed to remain.

USE2010 0010: A Conditional Use Permit for an accessory apartment on an undersized lot
Applicant: Thomas F Thornton
Location: 230 Highland Drive

Staff 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 at 230 Highland Drive in a D5 zone. The approval is subject to the following conditions:

1. Prior to issuance of a Temporary Certificate of Occupancy, Lots 16 and 17 FR must be consolidated.
2. Prior to issuance of a building permit for the proposed accessory apartment, the applicant must submit a revised site plan showing three (3) off-street parking spaces that comply with the requirements of CBJ 49.40.

MOTION: *by Mr. Arndt to accept staff's findings, analysis and recommendations and approve USE2021 0010.*

The motion passed with no objection.

CSP2021 0003: A City Project Review for rehabilitation of Meadow Lane from Stikine Street to the south end of Meadow Lane. The project is primarily a road rehabilitation and includes water, sewer, and drainage improvements.
Applicant: City & Borough of Juneau
Location: Meadow Lane from Stikine Street to the south end of Meadow Lane

Staff Recommendation

Staff recommends the Planning Commission **ADOPT** the Director's analysis and findings and

forward a **RECOMMENDATION OF APPROVAL** to the CBJ Assembly for the Meadow Lane Improvements with the following condition:

Condition 1: The CBJ Engineering and Public Works Department is required to apply for and receive a Flood Plain Development Permit from the CBJ Community Development Department before construction begins.

Staff recommends the Planning Commission **APPROVE** the waiver of road construction standards for the Meadow Lane Improvements project.

MOTION: *by Mr. Arndt to accept staff's findings, analysis and recommendations and approve CSP2021 0003.*

The motion passed with no objection.

Prior to continuing with the meeting, Mr. Arndt disclosed a conflict, as he is the applicant in **SMP2021 0005** and **SMF2021 0003**. He was removed from participating.

IX. UNFINISHED BUSINESS

SMP2021 0005: A subdivision of a 20.49-acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3321 Mendenhall Loop Road. The proposed wrestling center lot is 0.94 acres.

Applicant: TDLH, LLC

Location: 3221 Mendenhall Loop Road

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the requested preliminary plat for the subdivision of a 20.49-acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3221 Mendenhall Loop Road in a D15 zone.

If the Commission finds differently than the Director and approves this preliminary plat, the applicant could submit construction plans, and the final plat.

Recommended conditions for an approval include the following **STANDARD** conditions:

1. Prior to approval of the final plat, Certification from the CBJ Treasurer showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.
2. Prior to submittal of the final plat, a plan showing 30 percent vegetative cover (at a minimum) shall be submitted for approval by the Director.

3. Prior to submittal of the final plat, an access easement meeting the requirements of 49.35.210(b)(3) must be drafted on the draft plat and submitted for review and approval by the Commission. This requirement includes a plat note stating:

At the time of plat recording, Tract A-2A and Tract A-2b are prohibited from further subdivision. Future subdivision of newly created lots is not allowed, per 49.35.210(b). See the City and Borough of Juneau Land Use code for current regulations.

The final plat shows a 30-foot shared eased access that fulfills the requirements of 49.35.210(b)(3). ~~An emergency turn around must be shown~~ (Removed by amendment). Recommended language is included on the draft final plat, Note 10.

Recommended conditions for an approval include the following ADDITIONAL conditions:

4. Prior to submittal of the final plat, an access and maintenance agreement meeting the requirements of 49.35.210(b)(3) will be drafted and submitted for review and approval by the Community Development Department.
5. Final plat revisions are made in accordance with the November 17, 2021 revision memo from Alec Venechuck, P.E., CBJ Engineering and Public Works Department.

STAFF PRESENTATION by Planner Irene Gallion

QUESTIONS FOR STAFF

Mr. Alper asked for clarification on what is required for the parking lot and emergency turnaround access. Ms. Maclean explained a parking lot or private driveway does not qualify as adequate emergency turnaround because it can be blocked. There needs to be an area that will not be blocked that allows a fire engine to access both lots.

APPLICANT PRESENTATION – Travis Arndt spoke as the applicant for TDLH, LLC and explained they want to subdivide to pass the land to the wrestling club so the club can utilize its nonprofit property tax exemption. Giving up the land will cost the developer the opportunity for 14 housing units but they want the club to have the exemption.

QUESTIONS FOR APPLICANT

Mr. Voelckers asked for clarification as to how the 30% vegetation condition will be met with the easement in place. Mr. Arndt explained they took into consideration the parcel with the easement and worked backwards to confirm they had adequate vegetation.

Mr. Alper asked what is being constrained by restricting future subdividing. Mr. Arndt said this changes the ownership opportunities. With the easement, no matter how many units they build, there can only be one owner.

PUBLIC COMMENT – None

ADDITIONAL QUESTIONS FOR APPLICANT –

Mr. Dye asked if enlarging the easement to accommodate a turnaround would affect lot size and required 30% vegetative cover. Additionally, Mr. Dye asked where the turnaround would be placed in the plat. Mr. Arndt said it will not affect vegetative cover nor will it reduce the land for the club.

Questions for Staff –

Mr. Dye asked for clarification as to why they are requiring a turnaround in this case in comparison to other subdivisions. Ms. Maclean said she added the requirement because of the shared access to the lots. She also took into consideration the lot will be used for a youth wrestling facility. She is not sure emergency vehicle access would be accommodated as the plat is drawn now but felt there needs to be adequate emergency access.

Mr. Dye asked where in code the turnaround is described and required. Ms. Maclean said 49.15 under the platting requirements but she would need time to find the exact citation. She later clarified it is in Title 19 under authority of the Fire Chief.

Mr. Dye asked if 49.35.210 (b)(3) changes does that plat note carry to prevent future subdivision? Ms. Maclean said “No” and said it is comparable to bungalow cottages. It is in effect unless or until the code changes.

Ms. Cole asked what would happen if the Fire Department (CCFR) wants something more intensive than the current proposal that has been agreed to by CDD and the applicant. Ms. Maclean answered CCFR has several design options they typically offer and the only time they require a full cul-de-sac is on a CBJ adopted street or neighborhood with many homes. This plat does not include a CBJ street so she would not expect it to be an issue.

Mr. Dye asked if CCFR had expressed any concern with the turnaround. Ms. Gallion confirmed CCFR has expressed no concerns with the plat.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve SMP2021 0005 with amendment to Condition #3 delete “the emergency turnaround must be shown” from the condition*

Mr. Dye spoke to his motion saying since CCFR has no issue with the plat as drawn this part of the condition is not necessary.

Mr. Winchell shared Mr. Dye's concern that there is no code citation, but he felt it to be important that they have adequate emergency vehicle access considering this is a youth wrestling center.

ROLL CALL VOTE

Yea: Dye, Cole, Hickok, Voelckers, LeVine

No: Winchell, Alper

Motion Passed 5-2

X. REGULAR AGENDA

SMF2021 0003: Final subdivision approval of a 20.49-acre lot into two lots to facilitate ownership transfer of a nonprofit wrestling center at 3321 Mendenhall Loop Road. The proposed wrestling center lot is 0.94 acres.

Applicant: TDLH, LLC

Location: 3221 Mendenhall Loop Road

Staff Recommendation

Recommended conditions for an approval include the following:

1. Prior to submittal of the final plat, an access and maintenance agreement meeting the requirements of 49.35.210(b)(3) will be drafted and submitted for review and approval by the Community Development Department.
2. Final plat revisions are made in accordance with the November 17, 2021 revision memo from Alec Venechuck, P.E., CBJ Engineering and Public Works Department.

STAFF PRESENTATION by Irene Gallion

QUESTIONS FOR STAFF

Mr. Winchell asked if the conditions mirror the ones from the preliminary Plat. Ms. Gallion explained the two recommendations are the unfinished conditions on **SMP2021 0005**.

APPLICANT PRESENTATION Mr. Arndt said the access and maintenance agreement are ready to go to the Department and the GE notes are already done. They are just waiting in case anything else comes up at this meeting before printing the mylars. Beyond that, he made himself available for Commissioner questions.

PUBLIC COMMENT – None

MOTION: *by Mr. Winchell to accept staff's findings, analysis and recommendations and approve SMF2021 0003.*

Mr. Winchell stated for the record that he found it impressive that a developer would give up 20 acres land for a nonprofit for a wrestling facility.

The motion passed with no objection.

Mr. Arndt rejoined the meeting at 8:00 P.M.

AT EASE 8:00 P.M. – 8:05 P.M.

XI. OTHER BUSINESS

A. 2021 Legislative Capital Priority List

Ms. Maclean introduced the priority list and explained the role of the commission is just to take this under advisement at this meeting and to act on it at a later date. Mr. LeVine confirmed that his understanding was for the PC to write a letter to the Director of Engineering regarding both the Legislative Priority List and the CIP Review.

B. CIP Review

Ms. Pierce suggested the PC form a subcommittee to review the Capital Priority List and the CIP Review to meet and formulate letters that the full commission could then vote on and forward.

Mr. Voelckers was confused by the phrase "inclusion on this list is not a funding request". Ms. Pierce suggested the purpose of the list is to let the legislature know CBJ priorities should funding become available. Mr. Winchell asked if it is appropriate to make suggestions tonight or is that to be left up to the committee. Ms. Pierce suggested it go to committee first but left it up to the chair to decide.

Mr. LeVine appointed Mr. Arndt, Mr. Voelckers, and Ms. Cole to the CIP Committee.

Mr. Voelckers asked if there is a draft CIP List available yet. Ms. Pierce said last year the PC put together their list and it was forwarded to CBJ Department heads.

C. 2022 Proposed Meeting Dates

Ms. Maclean noted the January 25 meeting will be cancelled due to lack of staffing and reminded the Commission there is usually not a second meeting in December as that date falls between the holidays. She said there might be an opportunity to schedule a special PC meeting for training on January 18.

Ms. Maclean congratulated Ms. Pierce on her promotion to CBJ Tourism Manager. She will be leaving CDD at the end of 2021.

Mr. Dye asked if cancelling the January 25 meeting and scheduling a special meeting just for training and not for hearing cases would potentially cause delays for developers. Ms. Maclean said at the moment, it does not appear to be the case. She said it was something they might want

to look at again at the December 14 meeting. Historically, the winter months are not busy times for developers coming to the Commission.

Mr. Hickok will not be available for a meeting on January 18.

Mr. LeVine thanked Ms. Maclean for acknowledging Jewish holidays on the calendar.

XII. STAFF REPORTS

Ms. Maclean reported:

- Housing and development task force meeting December 10, 12:00 P.M. via Zoom. City Attorney Palmer will present on Variances.
- Brecken Hendricks will be coming to CDD on December 13 as Admin Officer.
- CDD has hired a permit tech and an admin assistant I. They will soon be interviewing for Planner I/II and Plat Reviewer positions.

Mr. Voelckers asked if there was a plan in place to fill Ms. Pierce's position. Ms. Maclean plans to post Ms. Pierce's position right before the Christmas break or right after the New Year.

Mr. Voelckers asked about the Commission positions coming open and if there are any applicants.

Mr. Dye, Mr. Arndt, and Mr. Pedersen's positions are up for renewal. Ms. Maclean did not know if there were any applicants yet. The deadline to apply is December 1 at noon.

XIII. COMMITTEE REPORTS

Mr. Dye reported:

- Title 49 is meeting November 30 to discuss streams.
- The mayor's task force on housing and development is going great.
- He strongly suggested members attend the task force meeting on Variances.

Mr. Voelckers asked for an update on Downtown Parking. Mr. Dye said it is on the radar.

XIV. LIAISON REPORTS

Ms. Hughes Skandijs reported:

- The Assembly approved the funding for the Plat Reviewer and the increases in Planning Commissioner, Mayor and Hospital Board stipends.
- Planning Commission applications are due on December 1 and interviews will be on Dec 15.
- The Assembly retreat will be held Saturday, December 4 at 8:00 A.M. at Centennial Hall.

Ms. Hughes Skandijs also took a moment to congratulate Ms. Pierce on her promotion.

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

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Arndt congratulated Ms. Pierce on her new position and asked how much longer meetings will be held in Zoom format. Mr. LeVine said they are working on technical issues for running hybrid meetings. The hope is to move that direction after the New Year. Ms. Maclean said adequate staffing is currently a challenge for hybrid meetings.

Mr. LeVine also congratulated Alix on her promotion.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT 8:37 P.M.

DRAFT

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

CSP2021 0004: A land exchange between CBJ land at 11860 Glacier Highway and private property at 11930 Glacier Highway. This will create a new right-of-way to access CBJ land. - RECOMMENDED
APPROVAL TO THE ASSEMBLY

AGENDA ITEM:

Case No.: CSP2021 0004

Applicant: CBJ Lands Division

Location: 11860 & 11930 Glacier Highway

Proposal: A land exchange between CBJ land at 11860 Glacier Highway and private property at 11930 Glacier Highway. This will create a new right-of-way to access CBJ land.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for CSP2021 0004	1/5/2022	Staff Report
☐ Presentation for CSP2021 0004	1/11/2022	Presentation
☐ Notice of Recommendation for CSP2021 0004	1/24/2022	Notice of Recommendation



PLANNING COMMISSION STAFF REPORT
CITY PROJECT REVIEW CSP2021 0004
HEARING DATE: JANUARY 11, 2022

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

DATE: January 4, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Allison Eddins, Planner II *A. Eddins*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a City Project Review for a negotiated land exchange between CBJ land at 11860 Glacier Highway and private property at 11930 Glacier Highway. This will create a new right-of-way to access CBJ land.

STAFF RECOMMENDATION: Approval with condition

KEY CONSIDERATIONS FOR REVIEW:

- The proposed land exchange would provide the CBJ property at 11860 Glacier Highway with frontage and access along Glacier Highway.
- This proposal conforms to CBJ adopted plans including the 2013 Comprehensive Plan, Auke Bay Area Plan, Housing Action Plan, and Land Management Plan.

GENERAL INFORMATION	
Property Owner	Spuhn Island Development LLC
Applicant	CBJ Lands and Resources
Property Address	11930 Glacier Highway
Legal Description	Kirkevoid Lot 1
Parcel Number	4B2801040041
Zoning	Light Commercial (LC)
Land Use Designation	Marine/Mixed Use (M/MU)
Lot Size	1.89 acres
Water/Sewer	Public water and sewer
Access	Glacier Highway
Existing Land Use	Auke Bay RV Park
Associated Applications	None

ALTERNATIVE ACTIONS:

1. **Amend:** amend the recommendation to include conditions and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed project. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

A Notice of Recommendation will be forwarded to the Assembly for further action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for recommendation
- Code Provisions:
 - 49.15.580 (a)
 - 49.80
 - 53.09.260

CBJ 49.10.170(c) Planning Commission Duties: *The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by Title 53, or capital improvement project by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.*

The Commission shall hear and decide the case per CBJ 49.15.580 (a) – CBJ Project Review: The commission shall review all proposed City and Borough capital improvement projects estimated to cost \$500,000 or more for consistency with this title. The commission may review, at the director's discretion, all proposed City and Borough capital projects estimated to cost more than \$250,000 but less than \$500,000. The commission may recommend conditions on and modifications to any project reviewed by the commission through a notice of recommendation. The notice of recommendation shall be forwarded to the assembly for further action.

CBJ Title 53 – Property Acquisition and Disposal – Section 53.09.260 Negotiated sales, leases and exchanges.

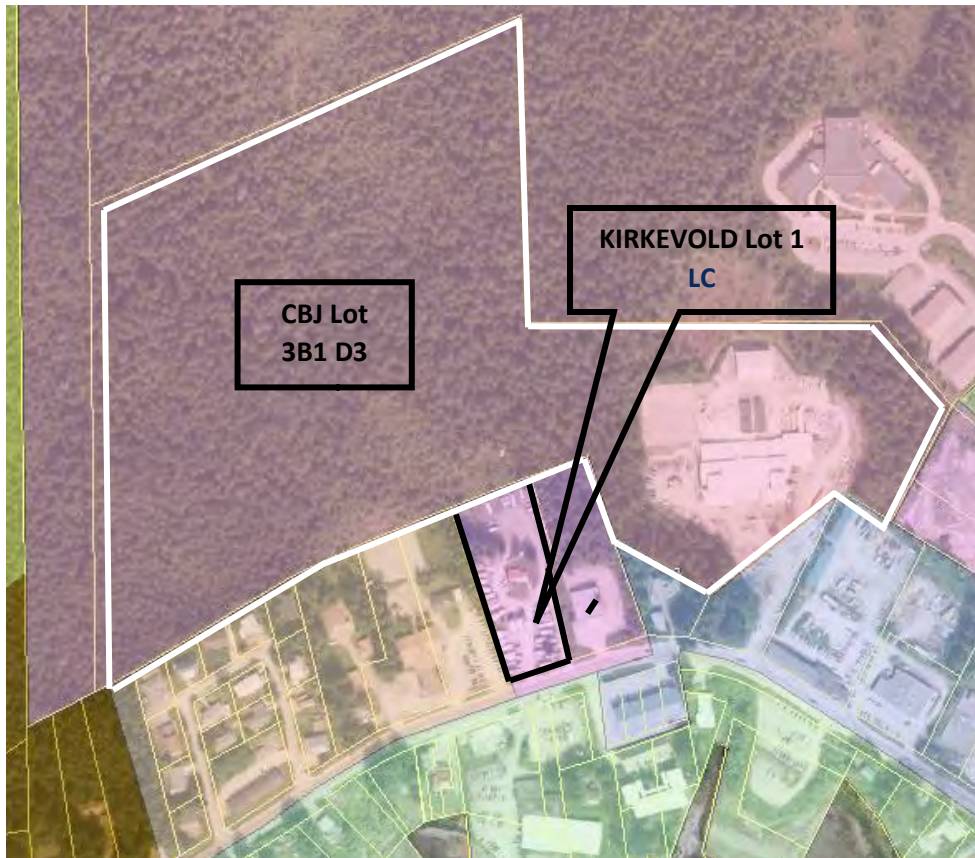
(a) Application, initial review, assembly authority to negotiate. Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

(b) Review and approval process. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, after review by the assembly lands committee, and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

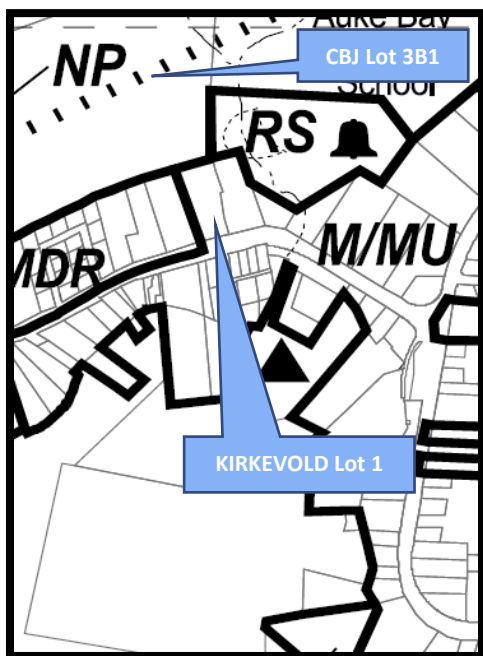
GENERAL INFORMATION

Property Owner	CBJ Land and Resources
Applicant	CBJ Lands and Resources
Property Address	11860 Glacier Highway
Legal Description	USS 3820 LT 3B1
Parcel Number	4B2801030121
Zoning	D3
Land Use Designation	Recreation Service Area (RS) and Institutional and Public Use (IPU)
Lot Size	39.8 acres
Water/Sewer	Public water and sewer
Access	No Direct Access
Existing Land Use	Auke Bay Elementary School
Associated Applications	None

CURRENT ZONING MAP



LAND USE DESIGNATION MAP

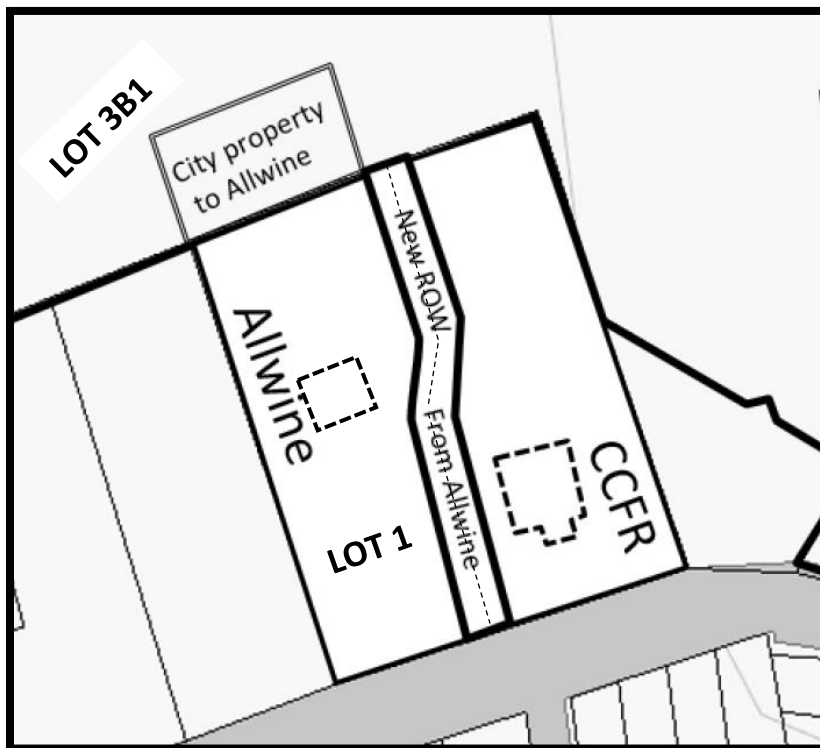


SURROUNDING LAND USES AND ZONING

Direction	Zoning District	Land Use
North	D3	University of Alaska Southeast (UAS)
South	WC	Statter Harbor
East	LC	Auke Bay Fire Station
West	D10	Auke Bay Bible Church

BACKGROUND INFORMATION

Project Description – This is a City-initiated land action for a fair market value land exchange between CBJ and the owner of Kirkevold Lot 1, shown in the diagram on page 4 as Allwine Lot 1. As proposed, CBJ would exchange roughly 24,000 square feet of undeveloped land for roughly 24,000 square feet of flat, developed land. The exact square footage of land exchanged may vary based on assessed value, as determined by a third party assessor, and Title 49 platting requirements. New lot dimensions will comply with Title 49 requirements and no structures will be made nonconforming for setbacks.



Background – On September 7, 2021, the CBJ Division of Lands and Resources met with the owner of 11930 Glacier Highway, Karla Allwine, to discuss a land exchange. On October 28, 2021, the Assembly Lands, Housing, and Economic Development Committee (per Title 53) recommended forwarding this land action to the Planning Commission for review with CBJ adopted plans and studies.

The land exchange would provide CBJ with frontage and direct access to Glacier Highway. The access could provide a secondary route to Auke Bay Elementary School and open up Lot 3B1 to future development. Gaining access to Glacier Highway has been a priority for CBJ since 2013.

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

Item	Summary
MS-30-96	Lot line adjustment between Kirkevold Lot 1 and the Capital City Fire and Rescue Auke Bay Station lot.
Spuhn Island Subdivision (SUB2004-08)	Major subdivision of Spuhn Island. Conditions 4 and 5 required parking be provided with walking distance of the harbor. Parking has been provided on Kirkevold Lot 1.
AME2015-06	Application to rezone Kirkevold Lot 1 from Light Commercial to General Commercial. Application was withdrawn.

Current Conditions – Lot 3B1 is a CBJ-owned, 40-acre lot that is mostly undeveloped except for Auke Bay Elementary School. The rise of the lot is about 80 feet from Glacier Highway to the rear lot line. There are multiple small streams draining into Bay Creek. There are no known hazards or habitats on Lot 3B1.

Kirkevold Lot 1 is relatively flat and developed as the Auke Bay RV Park. The lot provides accommodations for 30 recreation vehicles. The only permanent structure on the lot is the manager's office. Per a condition of the Spuhn Island Subdivision (SUB2004-08), Lot 1 must provide 45 parking spaces for property owners on Spuhn Island. These spaces were not required to be paved, striped, or have signage. The parking spaces are currently located along the rear and side of the lot. If the proposed land exchange is approved, a portion of this area will become CBJ right-of-way and parking is not permitted within the right-of-way. The land exchange will require parking of automobiles and recreational vehicles to be reconfigured.



Parking will need to be reconfigured.

Condition 1: Prior to final plat approval, the owner of Kirkevold Lot 1 must be able to demonstrate that the site can continue to meet the parking requirement per conditions four and five of SUB2004-08 and that no automobile or recreational vehicles will be parked within the CBJ right-of-way. Alternatively, the owner of Kirkevold Lot 1 may apply to have the conditions of SUB2004-08 amended or apply for a parking waiver.

AGENCY REVIEW

Agency review is not required for City Review Projects. Staff reached out to the Alaska Department of Transportation and Public Facilities Right of Way Office for the Southcoast Region (SRC). The SRC stated that they have no objections with the land exchange for a new 60-foot CBJ right-of-way, but that Kirkevold Lot 1's current access directly onto Glacier Highway would likely need to be abolished in favor of access via the newly established CBJ street. The full comment can be found in Attachment D.

PUBLIC COMMENTS

CDD conducted a public comment period between December 11, 2021 and January 2, 2022. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on site two weeks prior to the scheduled hearing. At the time of writing this staff report, one comment from an Auke Bay resident had been received. The full comment can be found in Attachment E.

Name	Comment Summary
Dave Klein, Auke Bay resident	Does not support the land exchange to gain access to the CBJ owned lot until there is a clear plan for development.

ZONING ANALYSIS

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.*

Table of Dimensional Standards –

Standards	LC Required	Lot 1 Existing	Lot 1 Proposed	Lot 3B1 Existing	Lot 3B1 Proposed
Lot Size	2,000 sq. ft.	82,451 sq. ft.	~88,000 sq. ft.	1,734,124 sq. ft.	1,716,124 sq. ft.
Lot Width	20 feet	160 feet	~115 feet	No change	No change

Other Permit Required – The land exchange will require a minor subdivision application. Minor subdivisions are reviewed and approved by the Director. The development of a new CBJ right-of-way will require a Right-of-Way Permit from the Alaska Department of Transportation and Public Facilities. Any future development of Kirkevoid Lot 1 or CBJ Lot 3B1 may require a public hearing through a City Project Review or a Conditional Use Permit.

COMMUNITY SERVICES

Service	Summary
Urban Service Boundary	Yes
Water/Sewer	Yes
Fire Service Area	Yes
Schools	Auke Bay Elementary School
Recreation	Spaulding Meadows, UAS trails, Lake Creek Trail, Statter Harbor

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The below table summarizes Conservation, Historic, and Archeological Resources which may be affected by the land trade.

Resource	Summary
Hazards	None known
Conservation Areas	No
Wetlands	None known
Anadromous	No
Impaired Waterbodies	No
Historic	No
Archeological	None known
Comprehensive Plan View sheds	No

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN – The proposed land exchange is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
11	178	Subarea Guideline	<i>7. Encourage UAS and private property owners to dedicate new public rights-of-way to create an interconnected Auke Bay neighborhood street system.</i>

2015 AUKE BAY AREA PLAN – The proposed land exchange complies with the 2015 Auke Bay Area Plan.

Chapter	Page No.	Item	Summary
Chapter 5 - Transportation	44	Goal 7	<i>Goal: Improve the intersection at the entrance of Auke Bay Elementary School and Glacier Highway.</i>
		Policy 7.1	<i>Policy: Create a secondary access point for Auke Bay Elementary that should help to promote better traffic flow entering and exiting the school.</i>
	44	Goal 8	<i>Goal: Develop a grid street network in the Auke Bay hub, as outlined in the Community Charrette Map, which facilitates growth and improves circulation for both vehicles and pedestrians.</i>
		Policy 8.1	<i>Policy: Encourage new development to dedicate grid street right-of-way consistent with the Auke Bay Area Plan.</i>

2016 LAND MANAGEMENT PLAN – The proposed land exchange complies with the 2016 Land Management Plan.

Chapter	Page No.	Item	Summary
Implications for Plan Update	9	Transportation Implications	<i>Since most CBJ property does not border the road system, local access roads will need to be developed in order to utilize land for housing or commercial development.</i>
Retention Table	48	Retention Status for Lot 3B1	<i>Retain/Dispose</i> <i>"Retain/Dispose" lands are appropriate for disposal, but there are sections that may be retained for public purpose. This designation is particularly common for larger parcels. (pg.43)</i>

2016 HOUSING ACTION PLAN – The proposed land exchange complies with the 2016 Housing Action Plan.			
Part	Page No.	Item	Summary
2	43	Solution	<i>Publicly owned land can be one of the most powerful tools a local government has to address housing availability and affordability issues.</i> <i>Publicly owned land should be made available for the development of housing.</i>

FINDINGS

In accordance with CBJ 49.15.580, staff finds the proposed land exchange complies with Title 49 Land Use Code and Title 53 Property Acquisition and Disposal; and is in general conformity with adopted plans, specifically the 2013 Comprehensive Plan, Auke Bay Area Plan, Housing Action Plan, and the Land Management Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of **APPROVAL** to the CBJ Assembly for a negotiated fair market value land exchange with the owner of Kirkevold Lot 1 with the following condition:

Condition 1: Prior to final plat approval, the owner of Kirkevold Lot 1 must be able to demonstrate that the site meets the parking requirement per conditions four and five of SUB2004-08 and that no automobile or recreational vehicles will be parked within the CBJ right-of-way. Alternatively, the owner of Kirkevold Lot 1 may apply to have the conditions of SUB2004-08 amended or apply for a parking waiver.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	SUB2004-08 Notice of Decision
Attachment D	Agency Comment
Attachment E	Public Comment



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 11930 Glacier Hwy		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) KIRKEVOLD LT 1		
	Parcel Number(s) 4B280104001 4B2801040041		
	<input type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Spuhn Island Development LLC	Contact Person Karla Allwine	Phone Number(s) 907-723-4090
	Mailing Address 2180 Fritz Cove Road, Juneau, AK 99801		
	E-mail Address kaa@gci.net		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Karla Allwine</u> Landowner/Lessee Signature		11.09.21 Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant CBJ Lands Division	Contact Person Dan Bleidorn	Phone Number(s) 907-586-5252, ext. 4177	
Mailing Address 155 S. Seward Street			
E-mail Address dan.bleidorn@juneau.org			
X <u>Daniel Bleidorn</u> Applicant's Signature		11/08/2021 Date of Application	

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Attachment A - Application Packet

Case Number

6921-004

Intake Initials

Bm

Date Received

11/10/21



CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

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

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

To be completed by Applicant	PROJECT SUMMARY CBJ Lands Division and Karla Allwine, owner of property at 11930 Glacier Hwy, requested that the Assembly negotiate a land exchange that would provide the City property with access to Glacier Highway and Allwine with a larger lot in order to meet minimum dimensions to apply for a zone change. City code states the PC shall review disposals before Assembly approval.
	TYPE OF PROJECT REVIEW: <input type="checkbox"/> City Project Review <input checked="" type="checkbox"/> City Land Acquisition /Disposal <input type="checkbox"/> State Project Review
	PROJECT NUMBERS ASSOCIATED WITH PROPOSAL: Is this project associated with any other Land Use Permits? <input type="radio"/> YES Case No.: _____ <input checked="" type="radio"/> NO Capital Improvement Program # (CIP) _____ Local Improvement District # (LID) _____ State Project # _____
	ESTIMATED PROJECT COST: \$ _____
	ALL REQUIRED MATERIALS ATTACHED <input checked="" type="checkbox"/> Complete application <input type="checkbox"/> Pre-Application notes (if applicable) <input checked="" type="checkbox"/> Narrative including: <input checked="" type="checkbox"/> Current use of land or building(s) <input checked="" type="checkbox"/> Proposed use of land or building(s) <input type="checkbox"/> How the proposed project complies with the Comprehensive Plan <input type="checkbox"/> How the proposed project complies with the Land Use Code (Title 49) <input checked="" type="checkbox"/> Site Plan (details on page 2)

NOTE: This application is required even if the proposed project is associated with other Land Use permits.

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

CITY/STATE PROJECT FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>0</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number <u>CSP 21-004</u>	Date Received <u>11/16/21</u>
----------------------------------	----------------------------------

Attachment A - Application Packet

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Michelle Hale, Chair of the Assembly Lands Housing and Economic Development Committee
Daniel Bleidorn
FROM: Dan Bleidorn, Lands and Resources Manager
SUBJECT: Request for a Negotiated Property Exchange in Auke Bay
DATE: October 28, 2021

In September, the Division of Lands and Resources and the Community Development Department met with the owner of 11930 Glacier Highway, Karla Allwine. Ms. Allwine had requested to purchase property from the City in order to gain enough property to meet the minimum size for a rezone. The City had approached Ms. Allwine in the past to express interest in a land trade that would provide the City with access from Glacier Highway to a large tract of City owned land in Auke Bay, adjacent to the Allwine property. Ms. Allwine is agreeable to a fair market value land trade that would provide the City access, as long as it also provides the necessary minimum lot size for a rezone.

The 2016 Land Management Plan designated the City owned property as a parcel for near-term disposal. The Plan states "Access right-of-way will need to be secured prior to development of this property." This conceptual land trade could provide the opportunity to facilitate the disposal and development of City owned property in Auke Bay. If approved by the Assembly this land trade would be completed for fair market value as determined by appraisal.

Staff request that the Lands, Housing and Economic Development Committee forward this application to acquire City property through a property exchange to the Assembly with a motion of support for working with the original proposer in accordance with 53.09.260

Attachments:

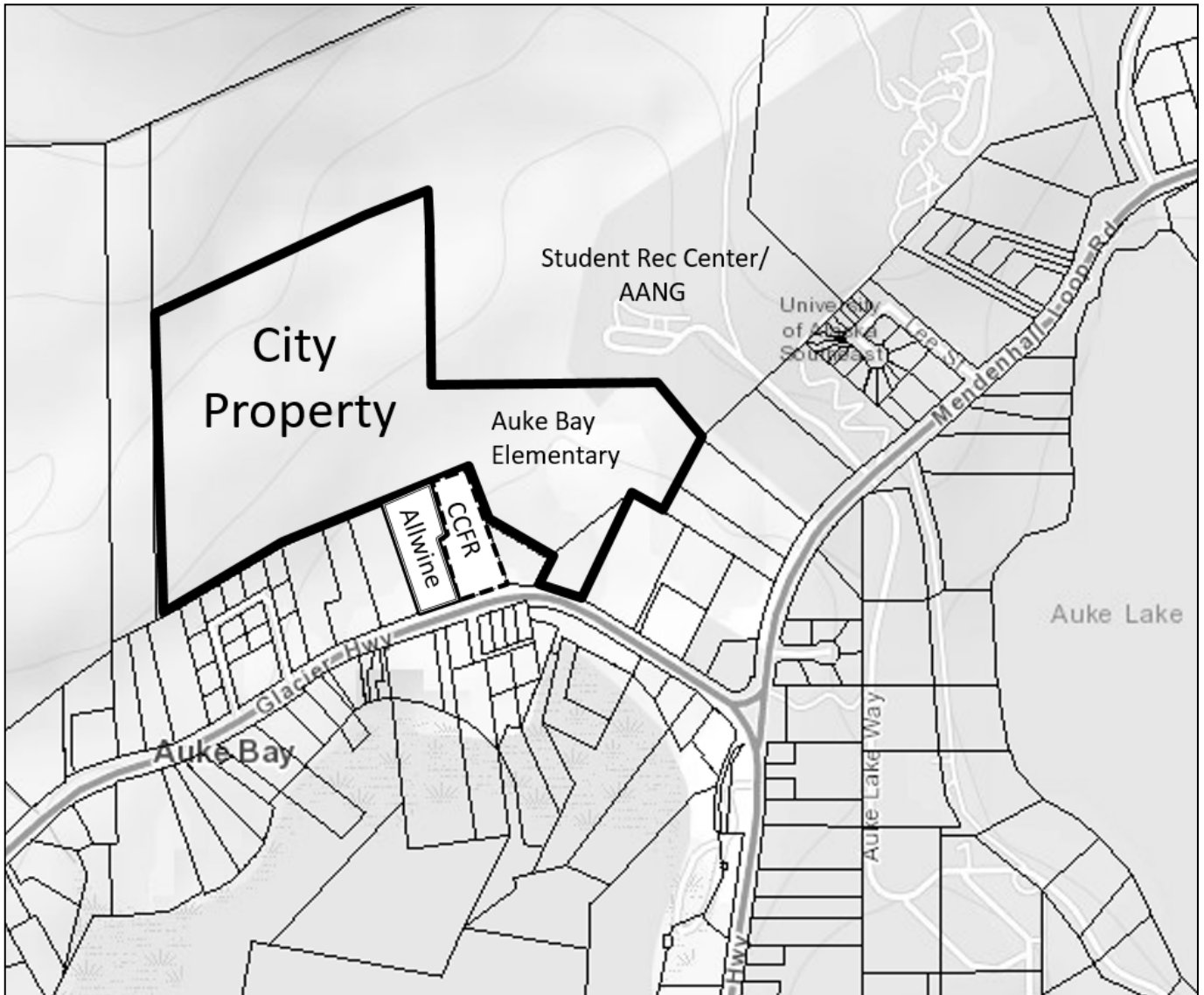
53.09.260

Maps

53.09.260 - Negotiated sales, leases, and exchanges.

(a) Application, initial review, assembly authority to negotiate. Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

(b) Review and approval process. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, after review by the assembly lands committee, and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.





Manager's Report

In September, the Division of Lands and Resources and the Community Development Department met with the owner of 11930 Glacier Highway, Karla Allwine. The City had approached Ms. Allwine in the past to express interest in a land trade that would provide the City with access from Glacier Highway to a large tract of City owned land in Auke Bay, adjacent to the Allwine property. Ms. Allwine is agreeable to a fair market value land trade that would provide the City access, as long as it also provides the necessary minimum lot size for a rezone if her property. The 2016 Land Management Plan designated the City owned property as a parcel for near-term disposal. This conceptual land trade could provide the opportunity to facilitate the disposal and development of City owned property in Auke Bay. If approved by the Assembly this land trade would be completed for fair market value as determined by appraisal.

The Manager requests a motion of support to work with the original proposer towards the disposal of City property through a Land Exchange

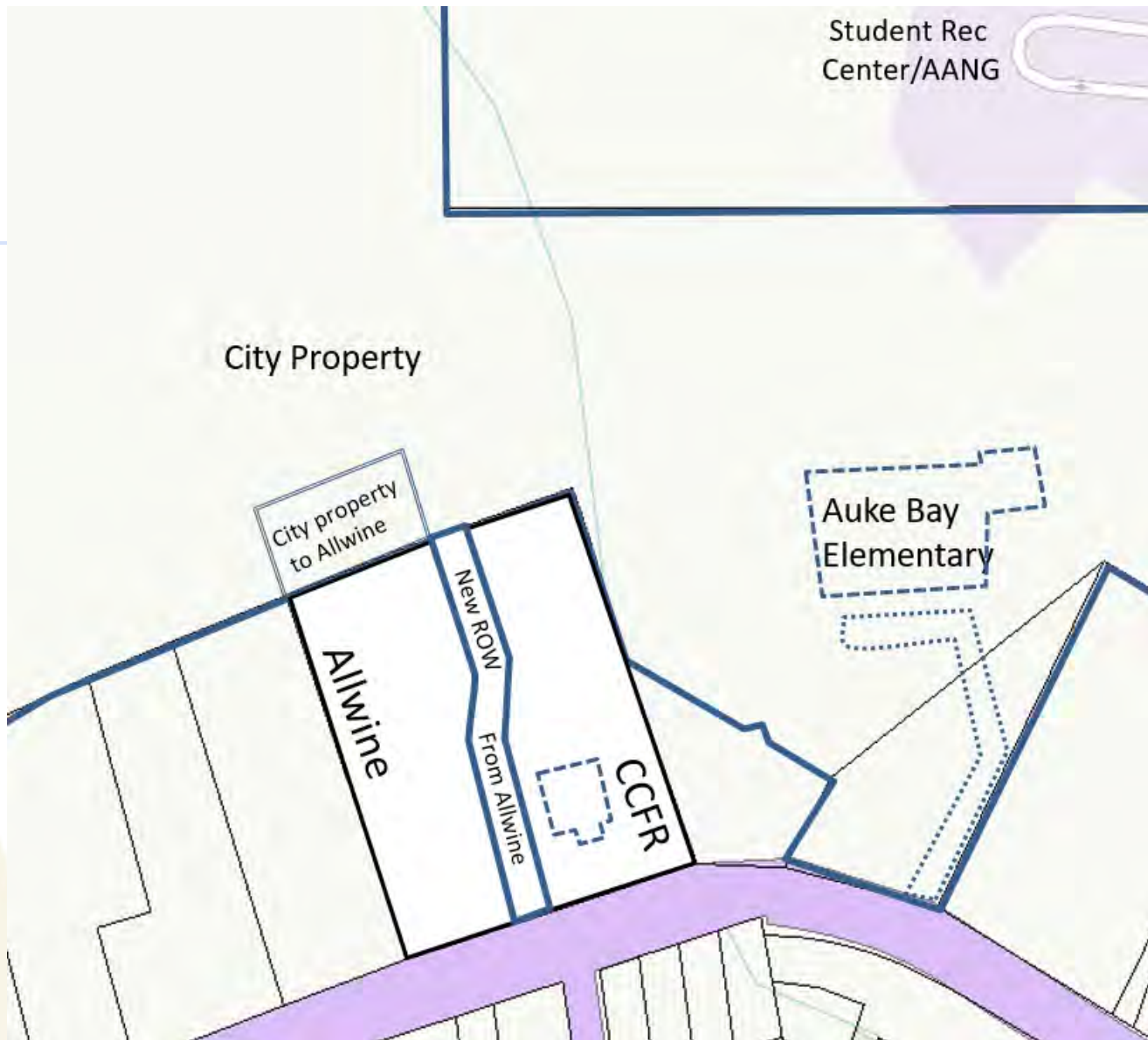
Lands, Housing & Economic Development Committee

November 01, 2021



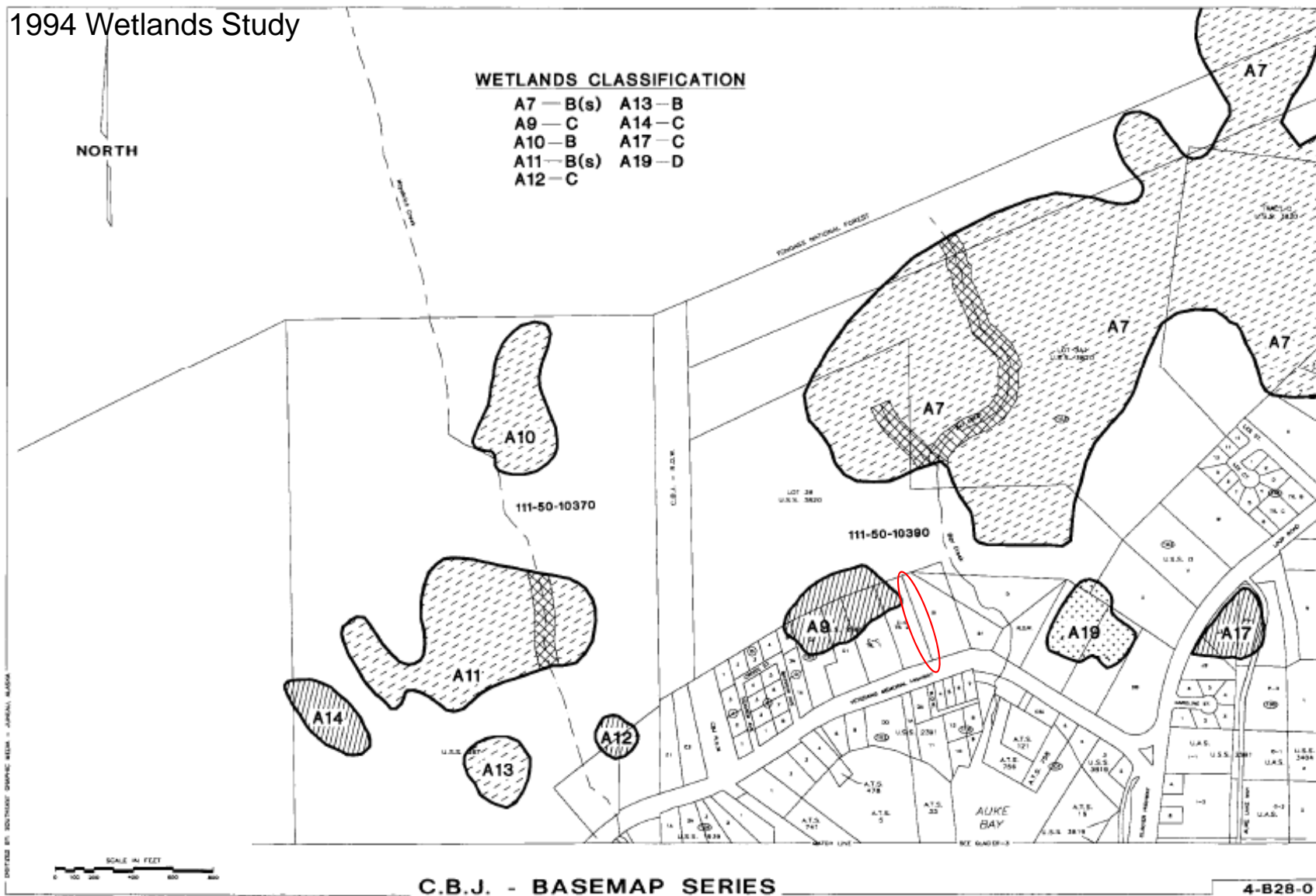
Request for a Negotiated Property Exchange in Auke Bay

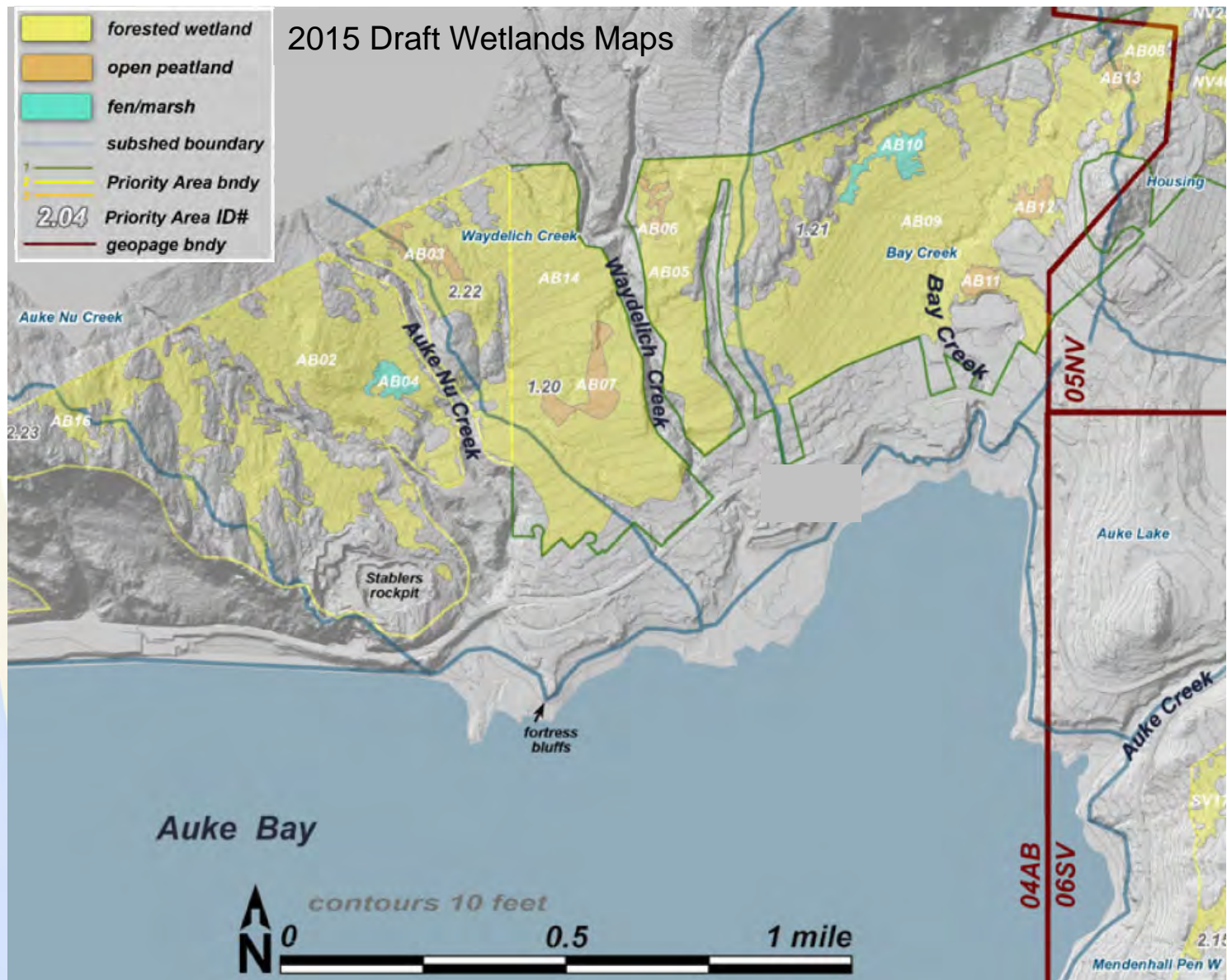






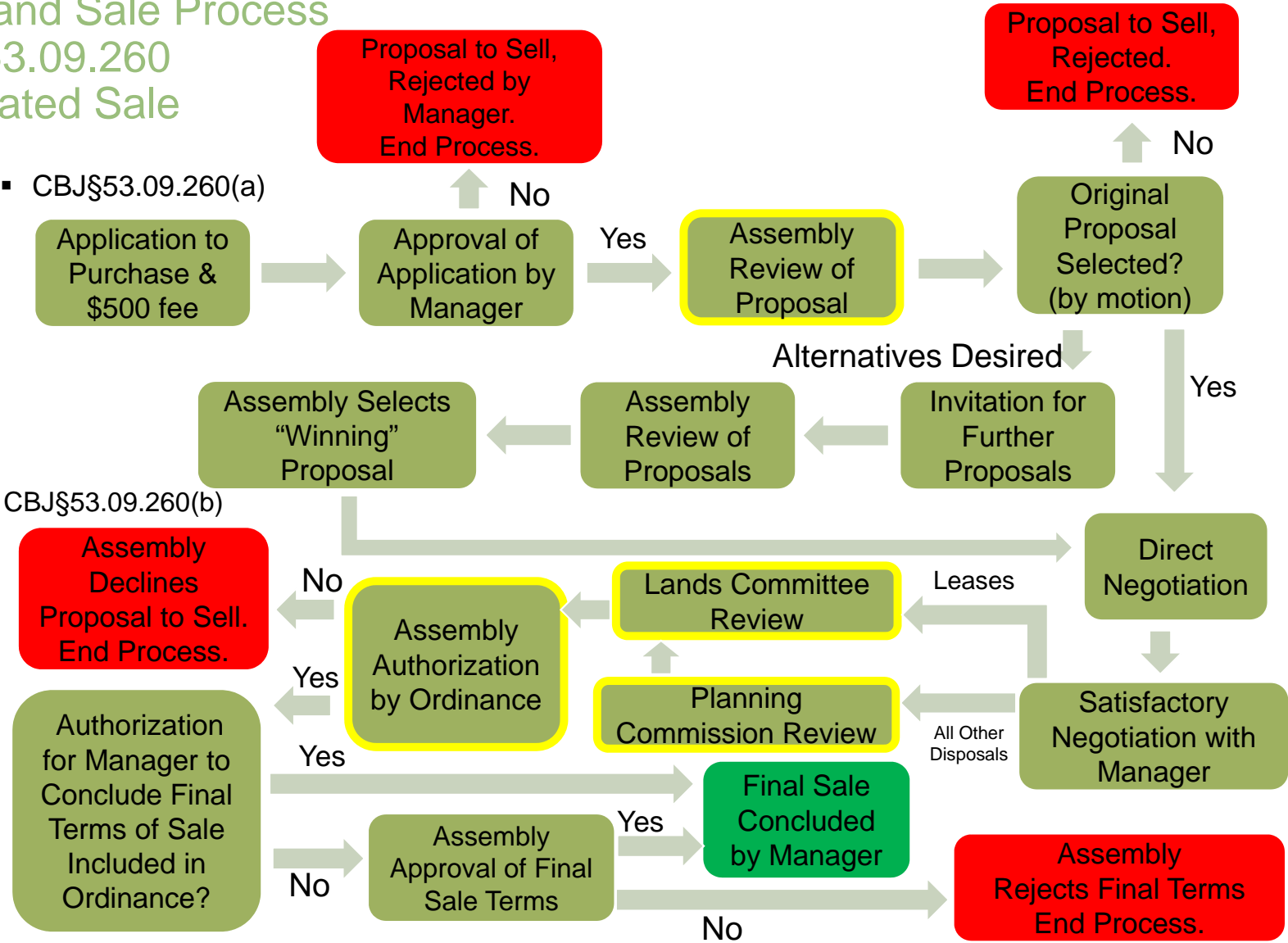
1994 Wetlands Study





CBJ Land Sale Process
CBJ§53.09.260
Negotiated Sale

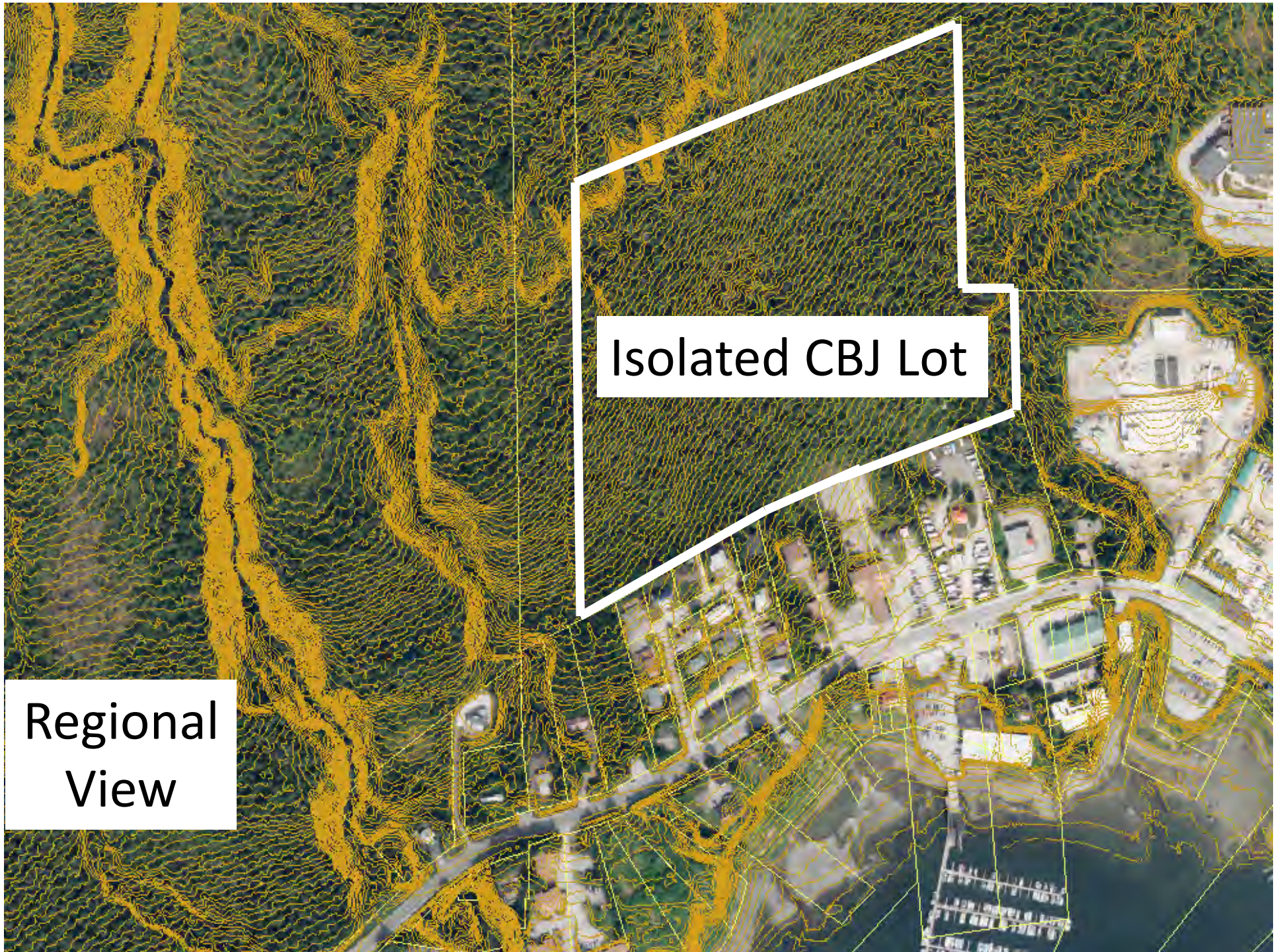
▪ CBJ§53.09.260(a)



Request for a Negotiated Property Exchange in Auke Bay

Staff request that the Lands, Housing and Economic Development Committee forward this application to acquire City property through a property exchange to the Assembly with a motion of support for working with the original proposer in accordance with 53.09.260





Regional
View

Isolated CBJ Lot

Potential
Access
Route
60' Wide



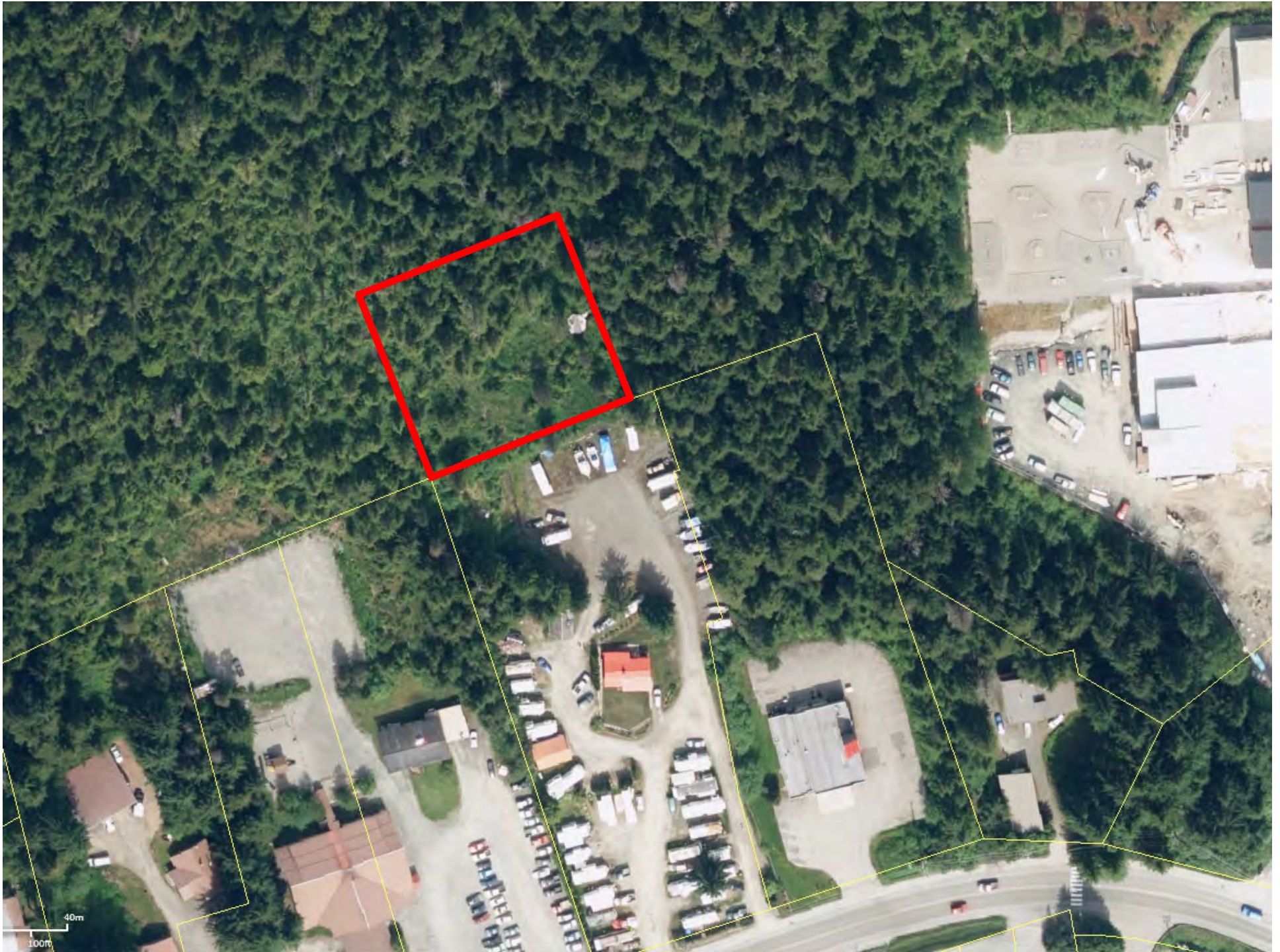


Close Up At Glacier Highway



Access Route to Draft Subdivision (current zoning)

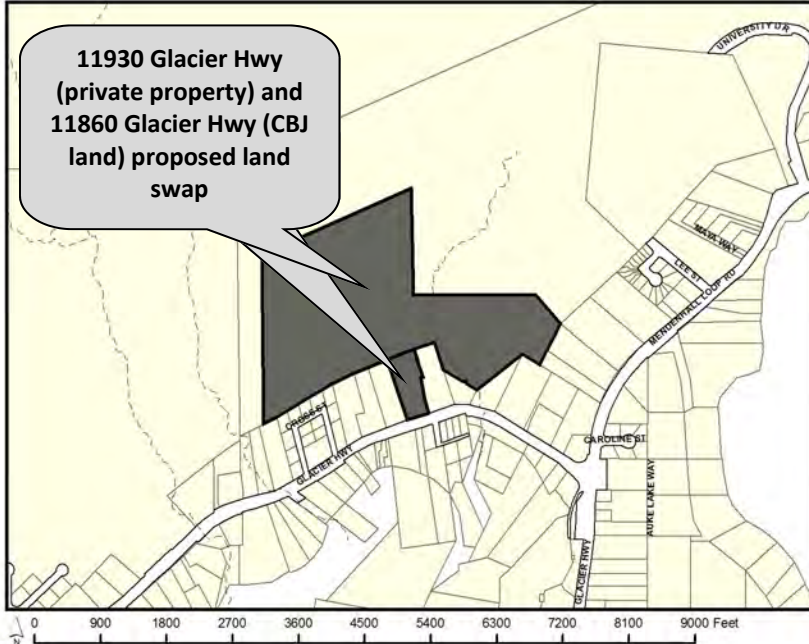




Attachment A - Application Packet

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **land exchange between CBJ land at 11860 Glacier Highway and Private Property at 11930 Glacier Highway. This will create a new right-of-way to access CBJ Land.**

TIMELINE

Staff Report expected to be posted **Monday, January 3, 2022** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through Dec. 20

Comments received during this period will be sent to the Planner, **Allison Eddins**, to be included as an attachment in the staff report.

Dec 21 — noon, Jan. 7

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 7:00 pm, Jan. 11, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/87375675296>. The Webinar ID is: 873 7567 5296. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

Jan. 12

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: pc_comments@juneau.org
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed December 7, 2021

Case No.: CSP2021 0004
Parcel No.: 4B2801040041
CBJ Parcel Viewer: <http://epv.juneau.org>





CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION

Date: June 22, 2004

File No.: SUB2004-00008

Karla Allwine
2180 Fritz Cove Road
Juneau, AK 99801

Application For: A Preliminary Plat for a major subdivision of Spuhn Island into recreation / residential lots, 38 lots plus 3 parcels.

Legal Description: USS 1965, Spuhn Island

Parcel Code No.: 3-D13-0-200-001-0

Hearing Date: June 15, 2004

The Planning Commission, at its special public meeting, adopted the analysis and findings listed in the attached memorandum dated June 15, 2004; and approved the preliminary plat to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1. Prior to final plat recording, the applicant must install electricity to each lot within the subdivision or guarantee the installation by one of the methods detailed in §49.55.010.
2. Prior to issuance of a building permit each lot within this subdivision shall provide the CBJ Engineering Department a report, prepared by an engineer licensed to practice in Alaska, detailing the feasibility of on-lot sewage disposal. If the CBJ Engineering Department determines that on-lot sewage treatment and disposal is feasible, then it shall be the only method of disposal allowed on such lot.
3. The final plat shall denote the requirements stipulated in condition #2.
4. Prior to final plat recording the applicant shall provide five parking spaces for the owners of lots in Spuhn Island Subdivision. The parking spaces will be located within a reasonable walking distance of marine access facilities, located within 5 nautical miles of Spuhn Island. To guarantee the continued presence of the parking spaces, a deed restriction, or some other

Karla Allwine
 File No.: SUB2004-00008
 June 22, 2004
 Page 2 of 4

binding document, must be recorded on the property providing the parking spaces, prior to final plat recording.

5. Prior to final plat recording the applicant must provide a financial guarantee, as provided for in CBJ §49.55.010, for 25 parking spaces provided as follows:
 - (A) Providing five additional parking spaces for the owners of lots in Spuhn Island Subdivision within five years of recording of the final plat of Spuhn Island Subdivision.
 - (B) Providing 10 additional spaces within ten years of final plat recording.
 - (C) An additional ten spaces within fifteen years of final plat recording.

The parking spaces will be located within a reasonable walking distance of marine access facilities located on the mainland. To guarantee the continued presence of the parking spaces, a deed restriction, or some other binding document, must be recorded on the property providing the parking spaces.

6. Prior to final plat recording the applicant shall guarantee, pursuant to CBJ §49.55.010, for the construction of one or two docks, that can accommodate 30 vessels, at least 20-feet long. The construction shall be completed by the earlier of the construction of houses on 19 of the lots in the Spuhn Island Subdivision or five years from the date of the recordation of the final plat of Spuhn Island Subdivision, whichever is earlier. If fewer than ten houses have been constructed by the five-year deadline, the deadline shall be extended until ten houses have been constructed.
7. Prior to final plat approval the applicant shall provide the necessary drawings, of the proposed marine facilities, to facilitate an accurate cost estimate.
8. The final plat shall denote an access easement seaward of the tree line on all lots. Such easement is private, and open to traverse only by the Association's members, and others whose use is authorized by the Association.
9. The Association CCRs shall direct that the Association supervise the sewage disposal system on each lot, such supervision to ensure periodic inspections by sewage system experts, periodic pump outs of the individual sewage system tanks and correction of malfunctioning or non-operational systems.
10. Prior to final plat approval the applicant shall acquire the necessary State and Federal permits, and leases to allow for the proposed docks and utilities within, or on, State tidelands. As an alternative to the above requirement, the applicant may provide the necessary easements, and plans, to facilitate the construction and installation of the required improvements on and within the applicant's property.

Karla Allwine
File No.: SUB2004-00008
June 22, 2004
Page 3 of 4

11. The final plat shall show the following no disturbance easements:

- (A) A fifty foot no disturbance buffer on either side of the perennial stream within Parcel C;
- (B) A twenty-five foot no disturbance buffer on either side of the same perennial stream located on Lots 14 and 15.

A foot trail and associated stream crossings may be constructed and maintained within the easements, but such construction and maintenance shall be done with only that disturbance of land and vegetation within the easements necessary for the trail and stream crossings.

12. The final plat shall show all necessary easements to allow CBJ to install electricity and dock facilities if the applicant doesn't provide them prior to the requirements stipulated in conditions.

13. The final plat shall denote a no disturbance zone within the western half of the wetland unit within Parcel C west of Lots 19-24; provided nothing herein or on the plat shall have any bearing on the question of whether to continue or discontinue the nondisturbance zone in the event of future development of Parcel C.


Attachment: June 15, 2004 memorandum from Nathan Bishop, Community Development to the CBJ Planning Commission regarding SUB2003-00008.

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). Action by the appellee in reliance on the decision shall be at the risk that the decision may be reversed on appeal.

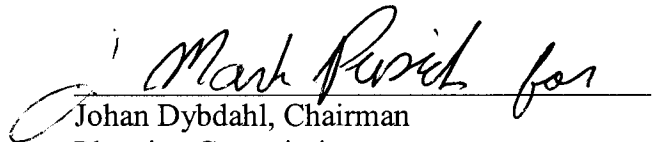
Effective Date: The permit is effective upon approval by the Commission
On June 15, 2004

Expiration Date: The permit will expire 18 months after the effective date, or December 15, 2005, if no final plat has been approved in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.


Project Planner:


Nathan Bishop, Planner

Karla Allwine
File No.: SUB2004-00008
June 22, 2004
Page 4 of 4


Johan Dybdahl, Chairman
Planning Commission

Filed With City Clerk


June 23, 2004

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.

From: [Bizzarro, Caleb T \(DOT\)](#)
To: [Allison Eddins](#)
Cc: [Schuler, Michael K \(DOT\)](#); [Harp, Kelly M \(DOT\)](#)
Subject: DOT&PF Southcoast Region Right of Way Response, CBJ Proposed Land Swap for 60Ft ROW at: 11930 Glacier Highway in Auke Bay
Date: Monday, January 3, 2022 3:04:13 PM

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

Good afternoon Allison,

DOT&PF Southcoast Region Right of Way would like to provide preliminary feedback to CBJ's assessment of a land swap to create a 60Ft ROW within and through a property located at: 11930 Glacier Highway in Auke Bay.

SCR Right of Way would like to express the following: should this CBJ ROW be established, the existing approaches to Mrs. Allwine's property would probably be required to be abolished in favor of access via the newly established CBJ street. As you may be aware, fewer and controlled points of access in general provides for a safer transportation corridor. Furthermore, CBJ would have to attain a drive permit from DOT&PF for the connection onto Glacier Hwy. CBJ would be the signatory as they are the property owner of the 60Ft ROW (CBJ being the signatory on driveway permits has been contentious as of late).

While these challenges are not insurmountable by any means they will need to be addressed should CBJ pursue this course of action. SCR Right of Way received minor feedback from the following departments listed below;

Traffic & Safety: No objections at this time

M&O: No objections at this time

Environmental: No objections at this time

Planning: No objections at this time. Concur with feedback provided by the ROW Department.

DOT&PF is in support of residential development within Juneau. Creating new residential housing is great for the growing community and we hope to support CBJ's endeavors as our statutes and regulations allow.

Best Regards,

Caleb Bizzarro

Right Of Way Agent

Department of Transportation & Public Facilities

Southcoast Region Design & Engineering Services

Ph: (907) 465 4519

Email: caleb.bizzarro@alaska.gov

From: Kleins Auke Bay <kleins@aukebay.org>
Sent: Saturday, January 01, 2022 3:56 PM
To: PC_Comments
Cc: David Klein
Subject: Comment on Case No. : CSP2021 0004

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

Planning Commission,

Hello and happy new year, my name is Dave Klein and I live at 12410 Glacier Highway, just downhill from what was once CBJ property now belonging to Duran Construction Company LLC, more on that later. I'm fortunate to live and work in Auke Bay, managing the UAS Recreation Center / National Guard Armory as the Associate Director for Campus Recreation at the University of Alaska Southeast.

"Auke Bay is a gateway to many outdoor activities, including fishing, kayaking, boating, hiking, and bicycling; study and programs at the University of Alaska Southeast; and, history and cultural significance for the Aak'w Kwa'an who have made Auke Bay their home for millennia." This is the vision statement of Auke Bay, written as part of the Auke Bay Area Plan, Adopted on March 16, 2015 as Assembly Ordinance 2015-13. This vision holds true with Juneau being selected for the Ironman Alaska, with much of the events occurring on the UAS campus and Auke Bay area.

As I indicated above, I live in a single home on Glacier Highway in an area zoned as D1(T)D3, to include the 100+ acres now belonging to Duran Construction Company LLC uphill from my home that once belonged to CBJ. Shortly after acquiring this property, Duran Construction proposed changing the zoning to GC on this large lot so as to accommodate a hotel.

Duran Construction removed their request when it was obvious at a public meeting that the Auke Bay neighborhood did not favor this request. Duran was quoted as saying, "I've seen the Auke Bay Area Plan and I think mine is better". This did not sit well with the large group present, although many at the meeting had not seen the Auke Bay Area Plan or were involved in its development outside of perhaps seeing a flyer or taking part in a public charrette on the UAS campus.

The Auke Bay Area Plan (ABAP) was the first area plan to be developed and during its two year process saw many steering committee members and CBJ planning staff come and go. I was one of the original 20 Auke Bay Committee Members, and one of just a few that actually lived and/or worked in Auke Bay. It's obvious from statements during the recent attempted zoning process, using the ABAP as a guide, that the Plan does not fit Auke Bay well. Staff in the Planning Office have admitted to me that they've learned a lot since making area plans for other part of Juneau.

I do not support the CBJ's request to purchase property in order to gain a new right-of-way to a large area of Auke Bay that has no transparent plan for development. Until there's an area plan that is representative of the residents of Auke Bay, there should be no staging for potential new development of this size. I want a plan that Auke Bay can be proud of that supports our vision, protects existing neighborhoods (shouldn't be tough, there's

only a few), and feathers density from residential to commercial at the core of Auke Bay. Until then, the city will be operating on a plan that is not transparent and at odds to those who call Auke Bay home.

Thank you for your time,

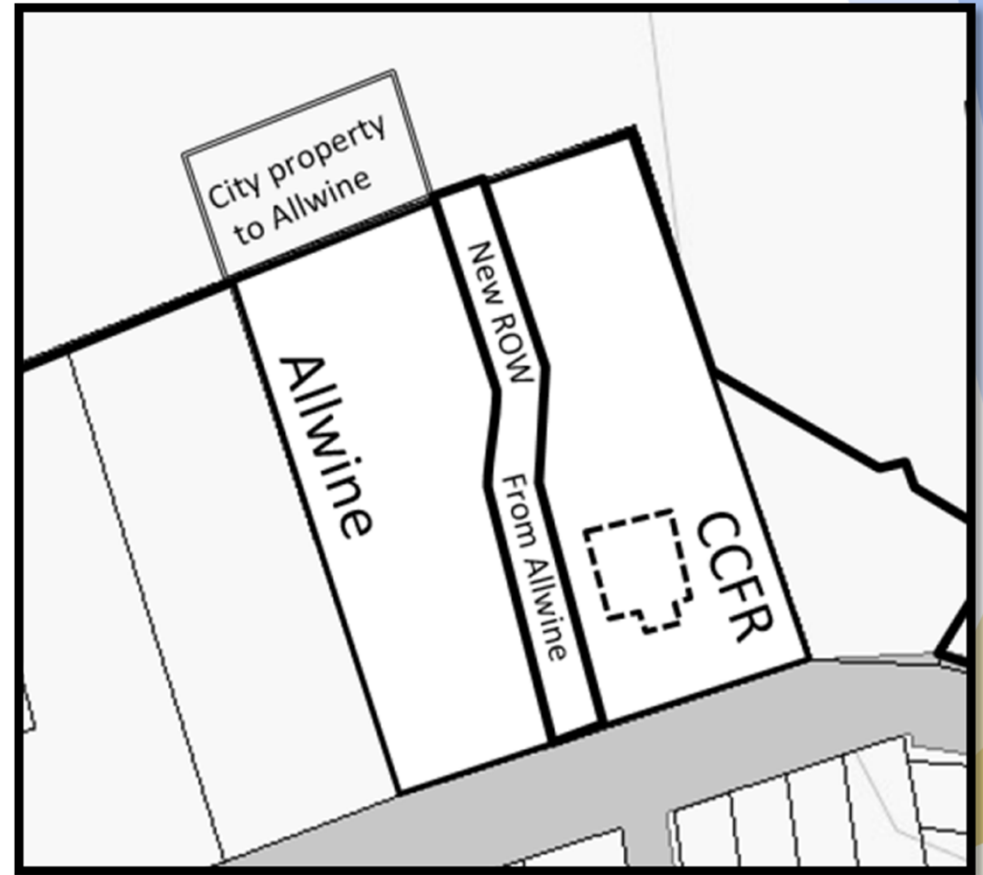
Dave Klein
12410 Glacier Highway
Juneau, AK 99801

Case No. : CSP2021 0004

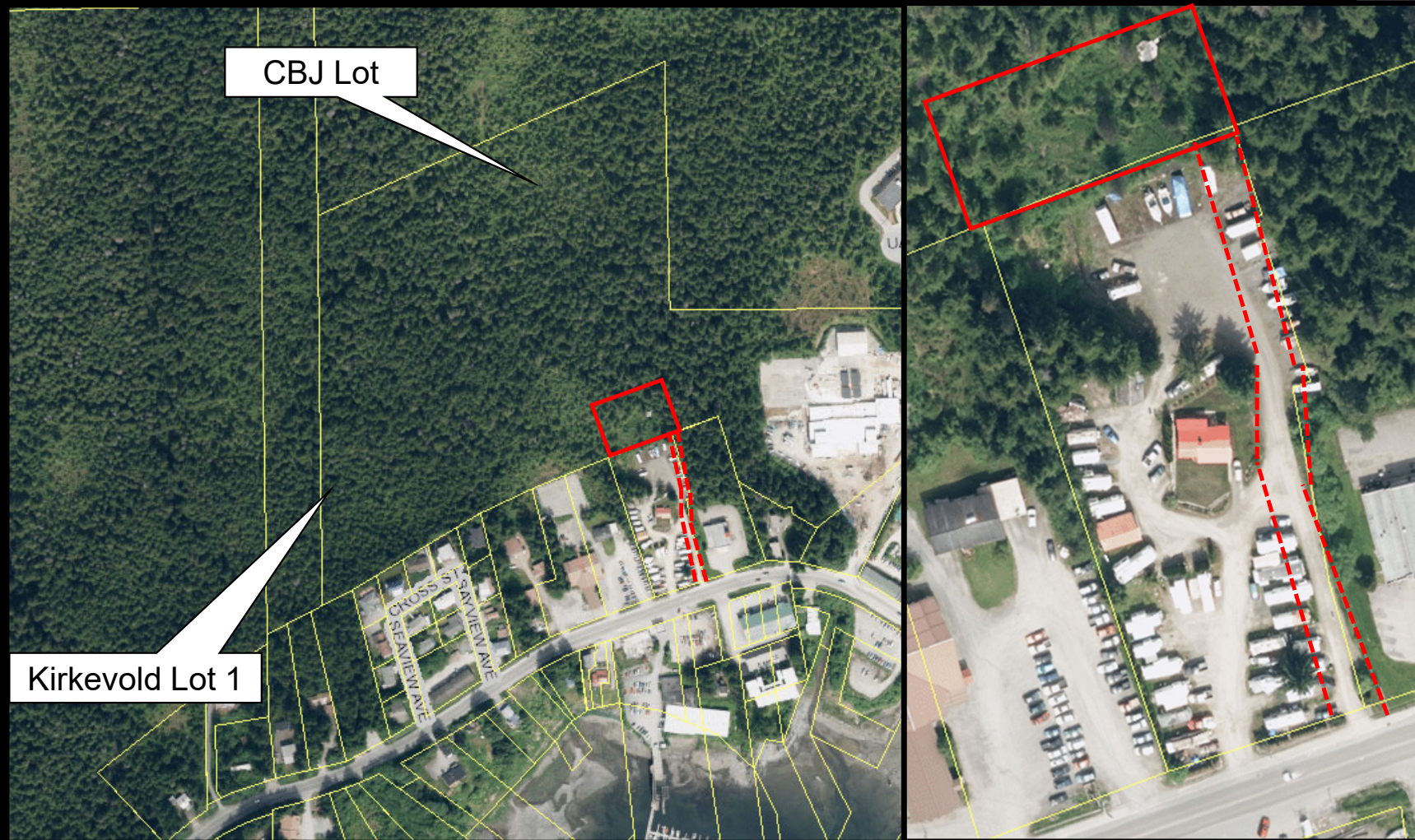
Parcel No.: 4B2801040041

CSP2021 0004

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of **APPROVAL** to the CBJ Assembly for a negotiated fair market land exchange.



Vicinity



Planning Commission Review

CBJ 49.10.170(c) Planning Commission Duties: *The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by Title 53, or capital improvement project by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.*

AKDOT&PF Comments

- Right-of-Way & Planning Departments
 - Existing driveway into Lot 1 would need to be abolished in favor of access via the new CBJ right-of-way.

 - Traffic and Safety Department
 - Environmental Department
 - Maintenance and Operations
- } No objections

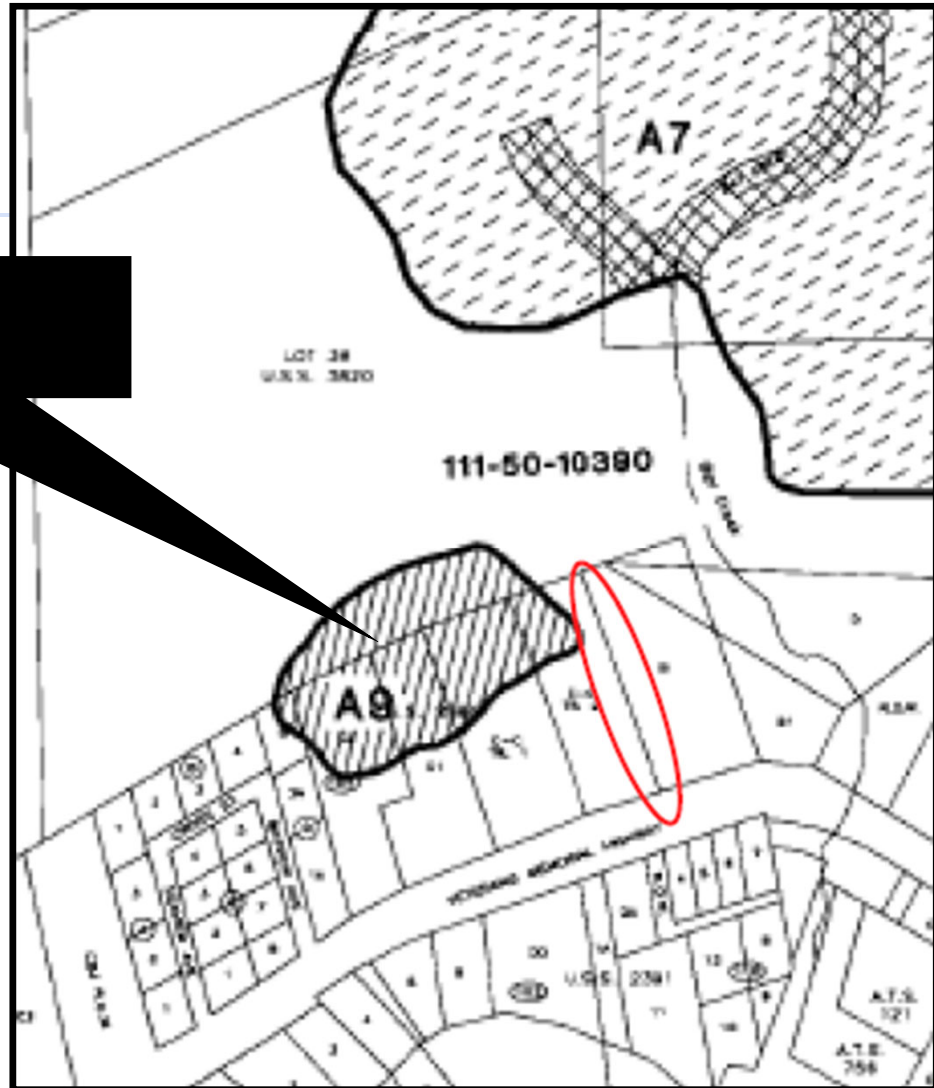


AKDOT&PF Comments cont.



Current Lot Conditions

Class C wetlands
Bay Creek drainage
No known hazards



Current Lot Conditions

Auke Bay RV Park
Developed and relatively flat
45 parking spaces for Spuhn Island residents

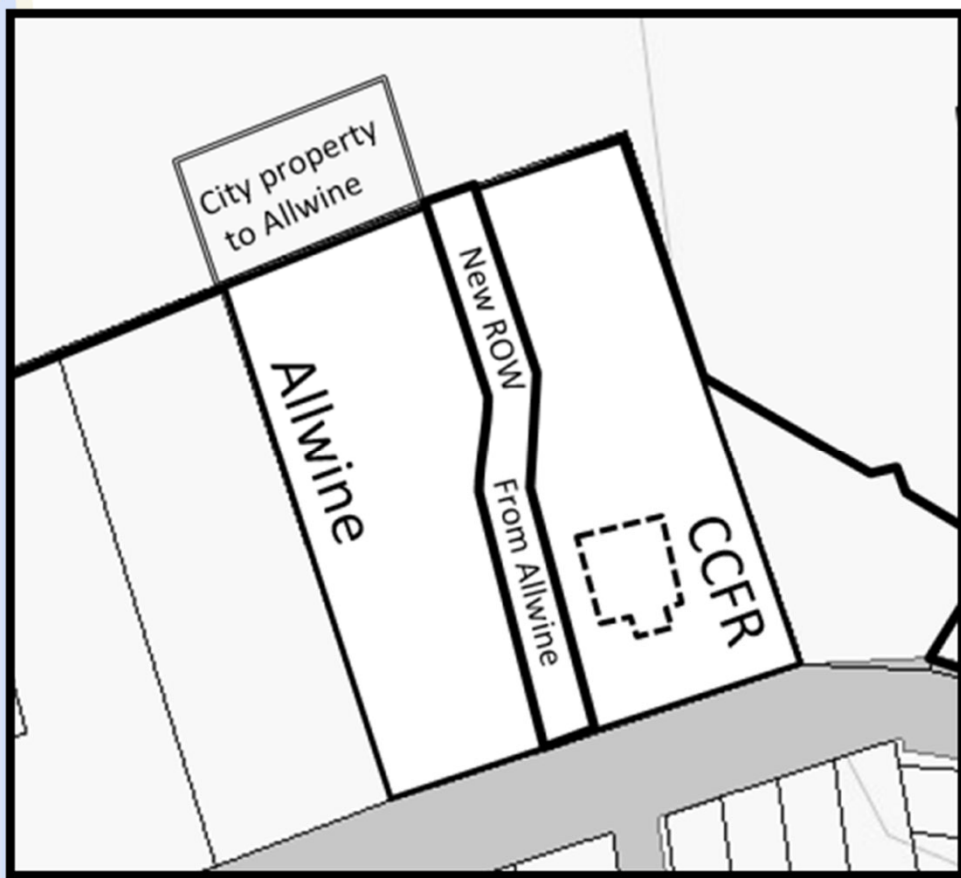
Condition 1: Prior to final plat approval, the owner of Kirkevold Lot 1 must be able to demonstrate that the site can continue to meet the parking requirement per conditions four and five of SUB2004-08 and that no automobile or recreational vehicles will be parked within the CBJ right-of-way. Alternatively, the owner of Kirkevold Lot 1 may apply to have the conditions of SUB2004-08 amended or apply for a parking waiver.



Public comments

Name	Comment Summary
Dave Klein, Auke Bay resident	Does not support the land exchange to gain access to the CBJ owned lot until there is a clear plan for development.
Rick and Lisa Currier, Auke Bay residents	Supports land exchange. Reminding the Commission of the need to expertly planned drainage plans for future development of CBJ lot.

Conformity with adopted plans



The proposed land exchange conforms to:

- 2013 Comprehensive Plan
- 2015 Auke Bay Area Plan
- 2016 Land Management Plan
- 2016 Housing Action Plan

Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of **APPROVAL** to the CBJ Assembly for a negotiated fair market value land exchange with the owner of Kirkevold Lot 1 with the following condition:

Prior to final plat approval, the owner of Kirkevold Lot 1 must be able to demonstrate that the site meets the parking requirement per conditions four and five of SUB2004-08 and that no automobile or recreational vehicles will be parked within the CBJ right-of-way. Alternatively, the owner of Kirkevold Lot 1 may apply to have the conditions of SUB2004-08 amended or apply for a parking waiver.



Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: January 20, 2022
File No.: CSP2021 0004

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a City Project Review for a negotiated land exchange between CBJ land at 11860 Glacier Highway and private property at 11930 Glacier Highway. This will create a new right-of-way to access CBJ land.

Property Address: 11860 & 11930 Glacier Highway

Legal Description
or ROW name: Kirkevoid Lot 1 and USS 3820 LT 3B1

Parcel Code No.: 4B2801040041 and 4B2801030121

Hearing Date: January 11, 2022

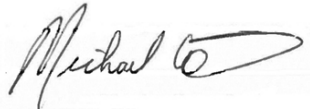
The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 4, 2022, and forwarded a recommendation of approval to the CBJ Assembly for a negotiated fair market value land exchange with the owner of Kirkevoid Lot 1 with the following condition:

1. Prior to final plat approval, the owner of Kirkevoid Lot 1 must be able to demonstrate that the site meets the parking requirement per conditions four and five of SUB2004-08 and that no automobile or recreational vehicles will be parked within the CBJ right-of-way. Alternatively, the owner of Kirkevoid Lot 1 may apply to have the conditions of SUB2004-08 amended or apply for a parking waiver.

City and Borough of Juneau
CBJ Assembly
File No.: CSP2021 0004
January 20, 2022
Page 2 of 2

Attachments: January 4, 2022 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding CSP2021 0004.

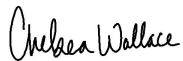
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).



Michael LeVine, Chair
Planning Commission

January 22, 2022

Date



Filed With Municipal Clerk

January 24, 2022

Date

cc: Plan Review

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

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

CSP2021 0006: Disposal of CBJ-owned land to Franklin Foods - RECOMMENDED APPROVAL TO
THE ASSEMBLY AS AMENDED

AGENDA ITEM:

Case No.: CSP2021 0006
Applicant: Franklin Foods LLC
Location: 139 S. Franklin Street
Proposal: Disposal of CBJ-owned land to Franklin Foods

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL WITH CONDITIONS to the CBJ Assembly for the land disposal of 4,000 square feet (Gunakadeit Park) to Franklin Foods.

CONDITION: Amendment of the 2013 Comprehensive Plan Land Use Map M to Traditional Town Center in keeping with the surrounding area.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for CSP2021 0006	1/4/2022	Staff Report
☐ Presentation for CSP2021 0006	1/11/2022	Presentation
☐ Notice of Recommendation for CSP2021 0006	1/24/2022	Notice of Recommendation



PLANNING COMMISSION STAFF REPORT
CITY PROJECT REVIEW CSP2021 0006
HEARING DATE: JANUARY 11, 2021

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

DATE: January 4, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Irene Gallion, Senior Planner *Irene Gallion*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a City Project Review for land disposal of 4,000 square feet (Gunakadeit Park) to Franklin Foods.

STAFF RECOMMENDATION: Approval with conditions

KEY CONSIDERATIONS FOR REVIEW:

- Disposal is contingent on applicant purchase and development of adjoining lots.
- Assembly expressed interest in the future development including housing.
- If consolidated, housing development will be limited to one dwelling unit, unless the Assembly amends hazard maps and land use code.
- 2013 Comprehensive Plan map amendment required.

ALTERNATIVE ACTIONS:

1. **Amend:** amend the recommendation to include conditions and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed project. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

A Notice of Recommendation will be forwarded to the Assembly for further action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for recommendation
- Code Provisions:
 - 49.10.170
 - 49.15.580(a)
 - 49.80
 - 53.09.260

GENERAL INFORMATION	
Property Owner	City and Borough of Juneau
Applicant	Franklin Foods LLC
Property Address	139 South Franklin Street
Legal Description	Juneau Townsite Block 13 Lot 9
Parcel Number	1C070A130012
Zoning	Mixed Use
Land Use Designation	Recreational Service Park, in Traditional Town Center
Lot Size	4,078 square feet
Water/Sewer	CBJ
Access	Franklin Street
Existing Land Use	Outdoor Food Service
Associated Applications	None

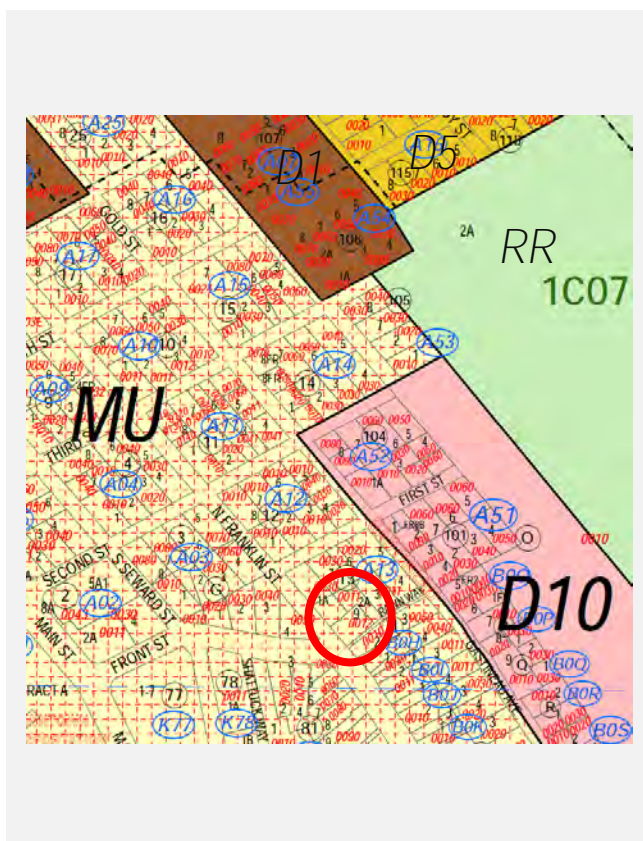
The Commission shall hear and decide the case per

CBJ 49.10.170(c) Planning Commission Duties: *The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by Title 53, or capital improvement project by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.*

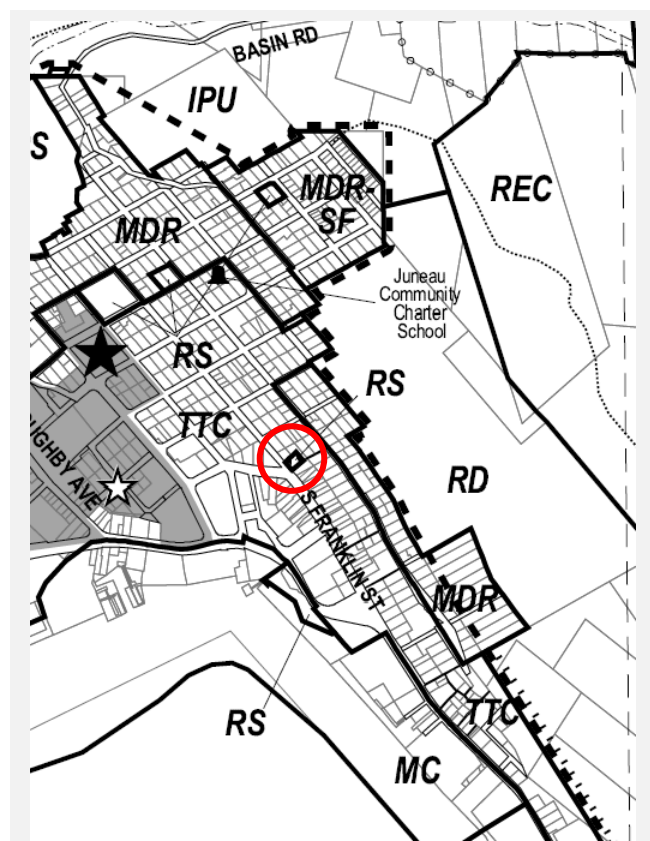
CBJ 49.15.580(a) - CBJ Project Review: *The commission shall review all proposed City and Borough capital improvement projects estimated to cost \$500,000 or more for consistency with this title. The commission may review, at the director's discretion, all proposed City and Borough capital projects estimated to cost more than \$250,000 but less than \$500,000. The commission may recommend conditions on and modifications to any project reviewed by the commission through a notice of recommendation. The notice of recommendation shall be forwarded to the assembly for further action.*

CBJ 53.09.260 (b) – Negotiated sales, leases and exchanges: *Review and approval process. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, after review by the assembly lands committee, and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.*

CURRENT ZONING MAP



LAND USE DESIGNATION MAP



SURROUNDING LAND USES AND ZONING

Direction	Zoning District	Land Use
North	MU	Vacant - residential
South	MU	Retail
East	MU	Retail
West	MU	Retail/Accommodations

BACKGROUND INFORMATION

Project Description – The applicant requests Planning Commission review of 4,078 square feet at 139 S. Franklin (Lot 9 in image below) to Franklin Foods (**Attachment A**). Franklin Foods currently leases the property and provides an open air food service. The sale of the property would be contingent on Franklin Foods acquiring neighboring lots (Lots 1A, 2A, 3 and 4 in the image below) for eventual development.



Background – Lot 9 is located at the corner of South Franklin and Rawn Way, in the core of Juneau’s Downtown Historic District. Lot 9 adjoins the vacant lots that were the site of the Gastineau Hotel & Apartments. Lot 9 provided off-street parking for the residents and guests of the Gastineau. In 1985, CBJ purchased the lot, which became Gunakadeit Park, with Comprehensive Plan Land Use Designation as a Recreation Service Park. In the early 1990’s, the lot had planters that also provided seating and a large covered bus shelter. In the early 2000’s, the bus shelter was removed. The City installed a water feature and a gate to close the park at night, features later removed. The lot was vacant after the Gastineau was torn down in January 2016, and used a staging area for Front Street and Franklin Street reconstruction projects.

In 2018, Sustainable Seafood LLC, doing business as Deckhand Dave’s, was granted a lease to accommodate multiple food carts during the tourist season. Sustainable Seafood LLC had expressed interest in purchase at that time. The Assembly had said that if the neighboring Gastineau Apartments property was purchased, they would consider sale of the lot.

On June 3, 2021, David McCasland of Franklin Foods LLC (formerly Sustainable Seafood LLC) applied to purchase the Lot 9. McCasland has a contract to purchase the former Gastineau Apartments. At their September 27, 2021

meeting, the Lands, Housing and Economic Development Committee (LHEDC) forwarded the application to the full Assembly, contingent on the purchase of adjoining property “for an apartment property.” (**Attachment B**)

At the Regular Assembly meeting on October 25, 2021, the City Manager asked for and received a motion of support for working with the proposer on disposal of the property, with the contingency that the sale of the land would be dependent on a successful purchase of the adjoining property.

The table below summarizes relevant history for the lot.

Item	Summary
BLD20200709	Construction of eight foot display wall and 20 foot aluminum lighted display.
BLD2019 0360	Install propane line for decorative fireplace
CSP2018 0018	Planning Commission recommended the City Manger direct CBJ staff to lease the lot to Sustainable Seafood, LLC for a term of one year, with all other terms and conditions to be negotiated at a later date, including renewal periods.
BLD2007-00530	Demolition of existing planter beds and seating in Gunakadeit (Pocket) Park; construct a separate maintenance and emergency access to Gastineau Apartments consistent with easement; install new planter beds, perimeter fence and lighting; additive alternate one constructs a waterfall at the back of the park and additive alternate two constructs a channel for the water to run from the waterfall towards South Franklin Street.
BLD2006-00250	Demolish shelter at Gunakadeit Park.
Plat 85-148	Creating Lot 9, Lot 1A and 2A

Current Conditions – The lot is in Juneau’s Historic District. Historic review will be conducted under subsequent development permits.

The record indicates the LHEDC’s interest in the Franklin Foods LLC eventual development inclusion of housing. Franklin Foods LLC’s ability to do that will depend on Assembly action on hazard mapping and associated land use code amendments (see “**Hazards**,” below).

Land use code disallows construction across property lines. Building to current plans would require a lot consolidation. Assuming the lots were consolidated, construction of more than one dwelling unit is disallowed under current code due to location in a severe hazard zone.

- Code disallows increased density in a severe avalanche area – a developer can put one dwelling on a lot [CBJ 49.70.300(b)(1)].
 - Avalanche restrictions were drafted based on maps in place at the time, which combined severe landslide and avalanche risk.
 - Severe landslide areas have functionally had the same development restrictions as severe avalanche areas since adoption of the maps in 1987.
 - Under currently-adopted maps, four of the five lots considered for development (including the lot CBJ is interested in transferring) are in a severe landslide and avalanche zone.
 - Under draft maps developed under AME 2021 0008 the lots are outside of the severe avalanche area but inside the severe landslide area.
- While Gastineau Apartments used to have 61 dwelling units, the structure has been demolished and abandoned nonconforming rights.

Under current regulation and adopted mapping, further development of the lots being considered for acquisition would require Planning Commission approval [CBJ 49.70.300(a)(3)]. Regardless of avalanche or landslide hazard, restaurant space in the MU zone requires a Conditional Use Permit if the use is over 10,000 square feet or over 0.5 acres. The combined areas of the properties in question is approximately 20,029 square feet, or 0.46 acres.

ZONING ANALYSIS

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.*

Table of Permissible Uses – The Table of Permissible Uses is not applicable to land transfer or lot consolidation.

Considering future plans, the TPU allows [CBJ 49.25.300]:

- 8.050: Small Restaurants, less than 1,000 ft² without drive-through service.
- 8.100: Restaurants, bars without drive-through service.
- 8.300: Seasonal open air food service without drive-through.

A conditional use permit will be required for [CBJ49.25.300(c)(3)(D)]:

- A residential development of more than 12 units.
- A nonresidential structure
 - Over 10,000 square feet, OR
 - Using more than one half acre of land.

Table of Dimensional Standards – While not applicable to this application, subsequent development will have zero setbacks from all lot lines.

January 4, 2022
CSP2021 0006
Page 6 of 10

Other Permit Required – If the Assembly approves this CSP, subsequent land actions for development may include:

- Lot consolidation, including a new plat. A consolidation in a severe hazard zone would require a Conditional Use Permit [CBJ 49.70.300(a)(3)].
- Conditional Use Permit, depending on the scale of development [CBJ 49.70.300(a)(3)].
- Provide off-street parking or pay fee in lieu for non-ADA spaces.
- Building Permit
 - Historic Resources Advisory Committee review
 - Lighting plan
 - Hillside Endorsement

Roadway Classification Maps – Franklin Street is classified a Collector.

Hazard Areas – Under current code, all Lots 9, 2A, 3 and 4 fall within a Severe Landslide and Avalanche Area (heavy line). Lot 1A is in a Moderate Landslide and Avalanche Area (dashed line).



Currently-adopted maps combine landslide and avalanche hazards.

No lot in a severe avalanche area can increase density on that lot. Each existing lot could have one single-family structure [CBJ 49.70.300(b)(1)]. In order for each current lot to preserve a dwelling unit (for a total of five), those dwelling units would have to be constructed. Subsequent lot consolidation would not be permitted under this scenario, because lot density would be increased through dissolving lot lines, contrary to code.

Current hazard code provides that the applicant can increase density for a lot in a severe hazard area by [CBJ 49.70.300(a)(4&5)]:

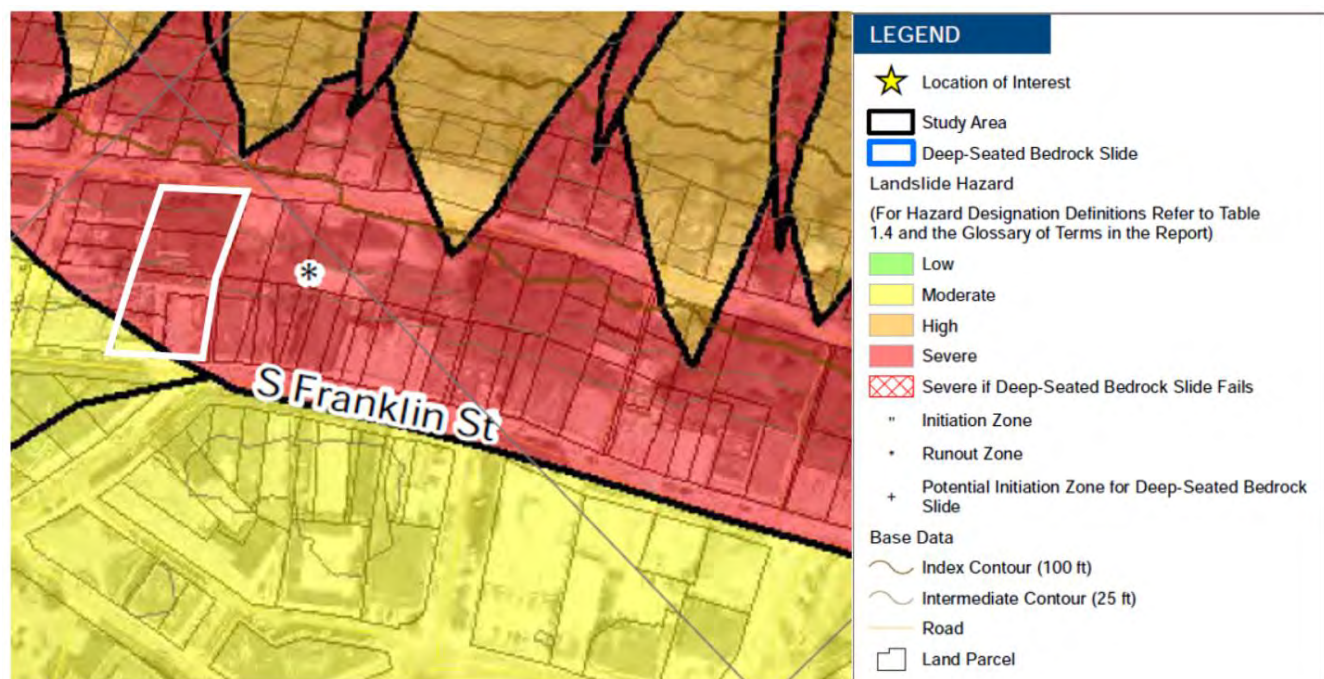
- A study, conducted by an appropriately qualified Professional Engineer with Alaska credentials, showing the lot is outside of a severe hazard area.
- Structural elements engineered for mitigation.

While Gastineau Apartments had 61 units, the structure has been demolished and abandoned nonconforming rights [CBJ 49.30.220(b)(1)]. Under current code, 61 units cannot be rebuilt on the site of the former Gastineau Apartments.

The draft avalanche hazards maps developed under project AME 2021 0008, which are not yet adopted, show the lots outside of the avalanche area.



Of note, the lots remain in a severe landslide zone.



Current code does not explicitly restrict development in a severe landslide zone. However, code was drafted after combined maps were adopted. One possible interpretation is that previous bodies intended that severe landslide hazards have the same restrictions as severe avalanche hazards.

A hillside endorsement is required for development on slopes exceeding 18 percent. Lot 9 is less than 18 percent slope. Lots 3 & 4 exceed 18 percent slope.

Other relevant information:

Nonconformity: Lot 9, intended for transfer, conforms.

Transfer of Lot 9 is contingent on applicant acquisition of Lot 1A and 2A. Both lots are nonconforming for lot size, and Lot 2A is nonconforming for lot width. If the lots are developed without consolidation, nonconforming situation review is required for Lots 1A and 2A prior to issuing building permits.

Note that density on a lot in the Severe Avalanche Area cannot be increased (see above).

- Under CURRENT maps, four of the five lots are within the Severe Avalanche Area.
- Under PROPOSED maps, the lots are outside of the avalanche area, but are in the severe mass wasting area.

Parking: The land transfer and lot consolidation do not have associated off-street parking requirements, but subsequent development will.

COMMUNITY SERVICES

Service	Summary
Urban Service Boundary	Yes
Water/Sewer	CBJ
Fire Service Area	Yes
Schools	No CBJ schools within 1,500 feet.
Recreation	Tourist attractions, Mt. Roberts

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The below table summarizes Conservation, Historic, and Archeological Resources for Lot 9.

Resource	Summary
Conservation Areas	No
Wetlands	No
Anadromous	No
Impaired Waterbodies	No
Historic	Yes
Archeological	Unknown
Comprehensive Plan View sheds	No.

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN -			
Chapter	Page No.	Item	Summary
4	31		Concerns regarding losing housing and urban blight.
4	38	4.2-IA5	Encourage the preservation, rehabilitation and year-round occupancy of Downtown Juneau upper-level rental housing units in mixed use structures.
5	48	Downtown Juneau	Year-round, 24-hour presence, including housing.
5	49	5.5-SOP4	Encourage development and retention of year-round businesses in downtown that provide goods and services to local residents.
5	49	5.5-IA1	Encourage ground floor retail with residences above, such that residents do not need to own a car.
5	49	5.5-IA12	Encourage food and beverage services in the Historic District, that convey the style and character of the community to cruise ship passengers.
11	184	Subarea 6 guidelines	5. Limit development in landslide/avalanche hazard areas.
			10. Encourage mixed use, with retail downstairs and residential upstairs.

The Assembly goal for housing is in keeping with the 2013 Comprehensive Plan. The Assembly's action on hazard map and ordinance revisions will determine if the applicant will be able to develop housing.

Comprehensive Plan Land Use Maps denote this area a Recreational Service Park (RS). RS lands are developed with parks for active recreation, programmed use, and/or community gardening. Recreation, off-street parking, playgrounds and fields, ski lifts, and operations and maintenance-related structure are possible uses or components of Recreational Service designated lands. The lands should be zoned to prevent residential, commercial, and industrial development. CBJ should retain ownership of RS lands (Comprehensive Plan, page 145).

CONDITION: Amendment of the 2013 Comprehensive Plan Land Use Map M to Traditional Town Center in keeping with the surrounding area (**Attachment C**).

2016 HOUSING ACTION PLAN -			
Chapter	Page No.	Item	Summary
9	49	Downtown Strategy	CBJ-owned property is an incubator for improved downtown vitality, and disposition of lots should be strategic, aligned with public priorities, and handled in a way that keeps developers accountable.

2016 LAND MANAGEMENT PLAN -			
Chapter	Page No.	Item	Summary
	43	CBJ Land Holdings	"Retain/Dispose" lands are appropriate for disposal, but sections (stream corridors, high value wetlands, etc.) may be retained for a public purpose. This designation is common for larger parcels.
	56	Juneau	Parcel retention status is Retain/Dispose

AGENCY REVIEW

The CBJ Department applying for the CSP conducts agency review.

PUBLIC COMMENTS

The CBJ Department applying for the CSP conducts public outreach in accordance with their regulations. However, if complementary to other Department public outreach efforts, CDD will ask the applicant to hang a public notice sign notifying the public of the Planning Commission meeting (**Attachment D**). Under this method we have received two comments (**Attachment E**).

Name	Summary
Michael Hekkers	Dispose of the property at fair market value.
Dale Whitney	Supports disposal.

Land will be appraised, then sold at the appraised value.

FINDINGS

In accordance with CBJ 49.15.580, staff finds the proposed land disposal of 4,000 square feet (Gunakadeit Park) to Franklin Foods complies with Title 49 Land Use Code and substantially conforms with adopted plans, if the Comp Plan Land Use Map M is amended to TTC.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL WITH CONDITIONS to the CBJ Assembly for the land disposal of 4,000 square feet (Gunakadeit Park) to Franklin Foods.

CONDITION: Amendment of the 2013 Comprehensive Plan Land Use Map M to Traditional Town Center in keeping with the surrounding area.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Minutes: Lands, Housing and Economic Development, September 27, 2021
Attachment C	Proposed 2013 Comprehensive Plan Map Amendment
Attachment D	Public Notice Sign
Attachment E	Public Comments

DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 139 S. Franklin St		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) JUNEAU TOWNSITE BL 13 LT 9		
	Parcel Number(s) 1C070A130012		
	<input checked="" type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner City and Borough of Juneau	Contact Person Dan Bleidorn	
	Mailing Address 155 S. Seward Street	Phone Number(s) 586-5252	
	E-mail Address lands_office@juneau.org		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u><i>Daniel Bleidorn</i></u> Landowner/Lessee Signature		<u>10/11/21</u> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant Franklin Foods LLC	Contact Person David McCasland		
Mailing Address 3294 Pioneer Ave Juneau AK 99801	Phone Number(s) 907 957 2212		
E-mail Address david.mccasland907@gmail.com			
X <u><i>David McCasland</i></u> Applicant's Signature		<u>10/11/21</u> Date of Application	

Packet Page 75 of 145

DEPARTMENT USE ONLY BELOW THIS LINE

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Intake Initials

11/30/2021 IMG

Case Number

Date Received



CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

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

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

To be completed by Applicant	PROJECT SUMMARY		
	TYPE OF PROJECT REVIEW:		
	City Project Review	City Land Acquisition /Disposal	State Project Review
	PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:		
	Is this project associated with any other Land Use Permits? YES Case No.: _____ NO Capital Improvement Program # (CIP) _____ Local Improvement District # (LID) _____ State Project # _____		
ESTIMATED PROJECT COST: \$			
ALL REQUIRED MATERIALS ATTACHED			
Complete application Pre-Application notes (if applicable) Narrative including: Current use of land or building(s) Proposed use of land or building(s) How the proposed project complies with the Comprehensive Plan How the proposed project complies with the Land Use Code (Title 49) Site Plan (details on page 2)			

NOTE: This application is required even if the proposed project is associated with other Land Use permits.

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

CITY/STATE PROJECT FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ _____ 0 _____			

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
	CSP2021 0006

City and State project review is outlined in CBJ 49.15.580

Each application for a City/State Project is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make recommendations tailored to individual applications.

Application: An application for a City/State Project Review will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed City/State Project Review Application and Development Permit Application forms.
2. **Fees:** No fee required for projects that cost less than \$2.5 million. For projects costing more than this amount, the fee is \$1,600.00. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - a. Plat, site plan, floor plan and elevation views of existing and proposed structures and land;
 - b. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances;
 - c. Proposed traffic circulation within the site including access/egress points and traffic control devices;
 - d. Existing and proposed lighting (including cut sheets for each type of lighting);
 - e. Existing and proposed vegetation with location, area, height and type of plantings; and,
 - f. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

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

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

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

Review: As part of the review process the Community Development Department will evaluate the application for consistency with 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. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All City/State Project Review Permit Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting. The Planning Commission will make a recommendation based on staff's analysis and forward it to the Assembly for final approval/denial.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Irene Gallion

From: Dan Bleidorn
Sent: Wednesday, October 27, 2021 10:37 AM
To: Kyle Paw
Subject: Fw: Franklin Foods request to purchase CBJ property
Attachments: 1 letter to assembly 2021 01.pdf; 2 Area Map.pdf; Franklin Foods Memo.pdf; Franklin Supplemental Material.pdf; DPA signed.pdf; CSP-City_State_Project_Review_Application.pdf

From: Dan Bleidorn
Sent: Monday, October 11, 2021 4:29:15 PM
To: Edward Quinto; Alexandra Pierce
Subject: Franklin Foods request to purchase CBJ property

53.09.260 states that the Planning Commission will review all land disposals.
 Can I set up a pre-app meeting for this proposed disposal and schedule this for PC review?

53.09.260 - Negotiated sales, leases, and exchanges.

(a) Application, initial review, assembly authority to negotiate. Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

(b) Review and approval process. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, after review by the assembly lands committee, and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

Thank you!

Dan Bleidorn | Division of Lands and Resources Manager | ph 907.586.5252
[Lands and Resources](#) | Dan.Bleidorn@Juneau.org |

Dear Mayor Beth Weldon and assembly members,

I am owner and operator of Deckhand Dave's Fish Tacos located in the Franklin food court at the intersection of Front Street and South Franklin Street in Downtown Juneau.

I am currently in the process of further developing my business by securing the property rights of my present site located on previous Gastineau Apartment property, 127 South Franklin Street and have a broader interest in opening discussions with the City and Borough of Juneau to secure the adjacent City owned property formally known as Pocked Park located at 139 South Franklin Street for a business development expansion.

For background information, I moved and developed my current location in 2018 when the food trucks and stands were required to move from the downtown Juneau waterfront location of the Archipelago lot. Because of this required relocation, to open operations, at my current location, I negotiated an agreement with the owners of the Gastineau apartment property and the city to create the Franklin Food Court.

For this initial development, I personally invested over \$100,000 in upgrades to the current site to make the site operational to support my business by upgrading and enlarging the site which required re-grading, security fencing, lighting and connections to sewer, water, and electricity.

The result of this effort provided space for my business as well as (5) seasonal businesses previously located at the Archipelago site that otherwise would not have opened in 2019.

This effort secured (12) of my own employees as well as 20 employees from the other (5) businesses for a total of 32 seasonal workers. Business has since been successful where with my efforts, I expect to expand my current employment by adding a Champagne oyster bar selling local oysters from the Salty Lady.

My personal goal is to be a life-long Juneau resident and to do my best by contributing to the vitality of historic downtown Juneau; a trend we see currently underway along North Franklin Street and throughout downtown Juneau. I intent to do my absolute best to improve Juneau and help make downtown what I know it could be.

I have preliminary sketches that involve expanding pocket park up the hillside for a better view and to create more business opportunities for other food trucks like myself. With this development of this vision, I intend to create retail and hospitality space for year-round business and with plans to create 10 more jobs with just my business alone.

The long-term vision is to work with local interests and potentially introduce more housing in developing the upper portion of the property connecting to Gastineau Avenue.

Juneau has so many empty buildings and I want to make it my life goal to have them all open and operating. All business would do better when there is more activity happening around them.

Immediate interest is to work with development interests and restore the Rockwell Building adjacent to my current operation to historical standards with my personal goal to repaint the exposed 2-story Rockwall wall with a mural suggested to be depicting Elizabeth Peratrovich as a favored ideal. This would be an added highlight in the heart of downtown Juneau.

I am writing to you now to open discussions for the purchase of the Pocket Park property to help secure financing and am in current discussions with numerous local banks. Financing is reliant by securing Pocket Park simultaneously with the purchase of the Gastineau Apartment property to insure future potential growth as primary access to the Gastineau property is through the Pocket Park parcel.

The history of Pocket Park is that Pocket Park was in fact given to the city in 50's and was originally part of the Gastineau parcel.

My request is to have the City and Borough of Juneau sell me 139 s Franklin's contingent on the purchase of the Gastineau apartments parcel.

Thank you for your time and consideration of this inquiry.

David McCasland



MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Maria Gladziszewski, Chair of the Assembly Lands Housing and Economic Development Committee

FROM: Dan Bleidorn, Lands and Resources Manager *Daniel Bleidorn*

SUBJECT: Franklin Foods Request to Purchase City Property at 139 S. Franklin St.

DATE: September 15, 2021

On June 3, 2021, David McCasland of Franklin Foods LLC submitted an application to purchase City property located at 139 S. Franklin St. This property was formally Gunakadeit Park, is roughly 4,000 square feet, and is currently being leased to Franklin Foods as part of a food court. McCasland has a contact to purchase the former Gastineau Apartments property located at 127 S. Franklin St., which is adjacent to the City's property. It is roughly 16,000 square feet and is leased to Franklin Foods for the food court.

In 2018, the Division of Lands and Resources received a similar application to buy this property, also from Franklin Foods LLC. During the Assembly 2018 review, Assembly Member Jones noted that if the purchase of the neighboring property did go through that it would be worth approaching the Assembly again to request another proposal to purchase Gunakadeit Park at that time. The Assembly, at the November 5, 2018 meeting, directed the City Manager to negotiate a fair market value lease of Gunakadeit Park. The current lease agreement is for one year and has two additional one year terms remaining.

City Code 53.09.260 states that the Assembly must determine "whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land."

This Committee forwarded this application to the Parks and Recreation Advisory Committee (PRAC) at the July 19 2021 meeting. The PRAC reviewed this request at the September 7th meeting and provided a recommendation that "The PRAC's mission is to recommend and assist in developing a well-managed park system which improves the quality of life for the citizens of Juneau. To that end, it is not in the best interest of the citizens of Juneau to recommend the disposal of any parkland. That notwithstanding, Gunakadeit Park, due to its historic management challenges, does not meet the definition of parkland as it is a 'Special

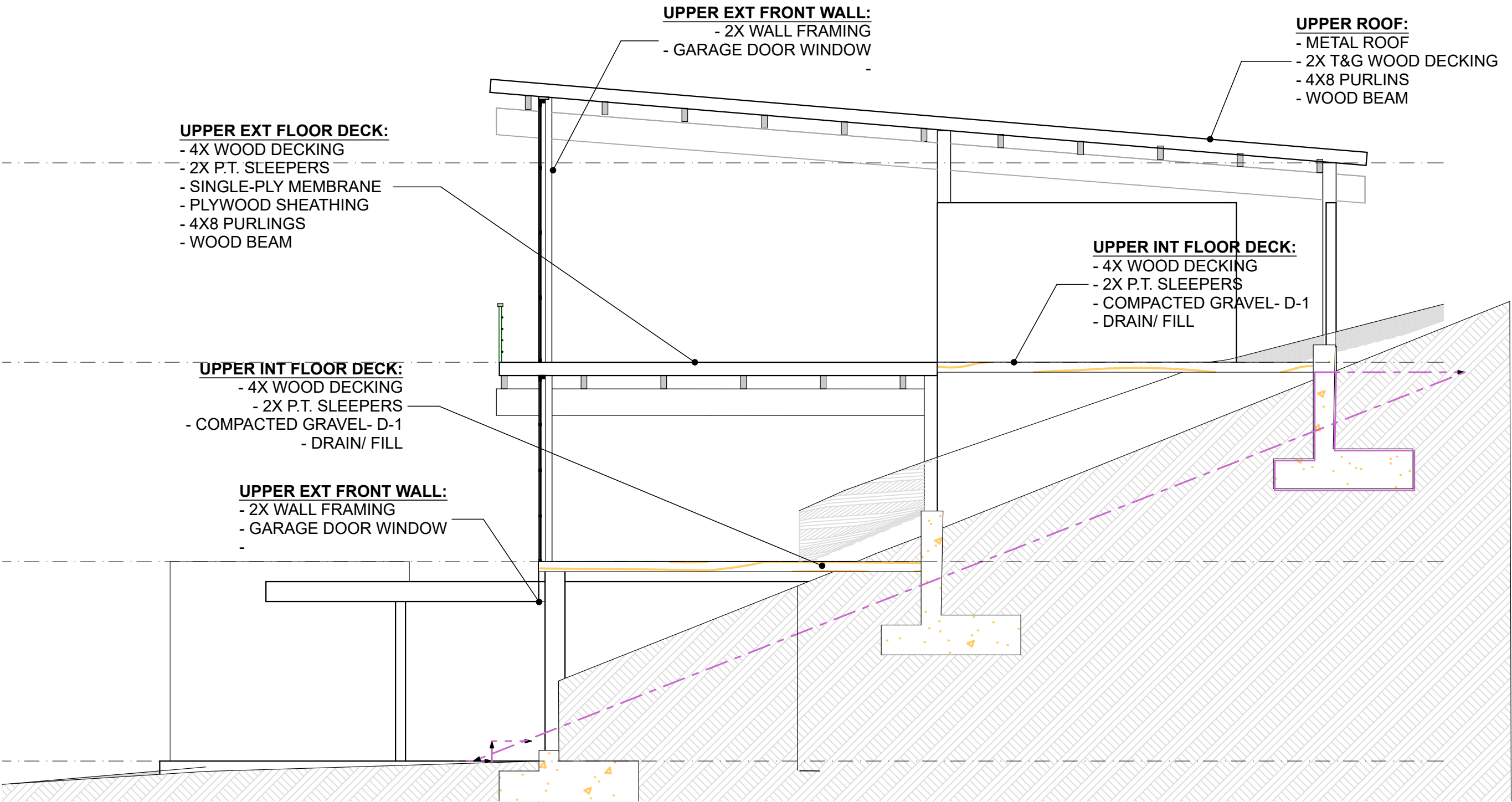
Use Area' and the PRAC recommends the disposal of this small, non-conforming parkland with a recommendation that the proceeds of the sale be used to provide improvements to the park system."

If the Assembly provides direction by motion, the Manager will begin negotiations and if negotiations are successful, an ordinance will be drafted and introduced to the Assembly.

Staff request that the Lands, Housing and Economic Development Committee forward this application to the Assembly with a motion of support for working with the original proposer.

Attachments:

1. Dave McCasland 2021 letter to the Assembly
2. Property Map



1 SECTION
SCALE: 3/16" = 1'-0"

NorthWind Architects LLC
126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

1" ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

Gastineau Apartments Demolition
NWA-1534
#Site City, #Site State

SHEET TITLE: SITE SECTION	
CHECKED	XX
DRAWN	XX
SHEET # G0.2	
PLOT DATE	11/24/20
ISSUE DATE	8/4/15



IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

Gastineau Apartments Demolition

NWA-1534
#Site City, #Site State

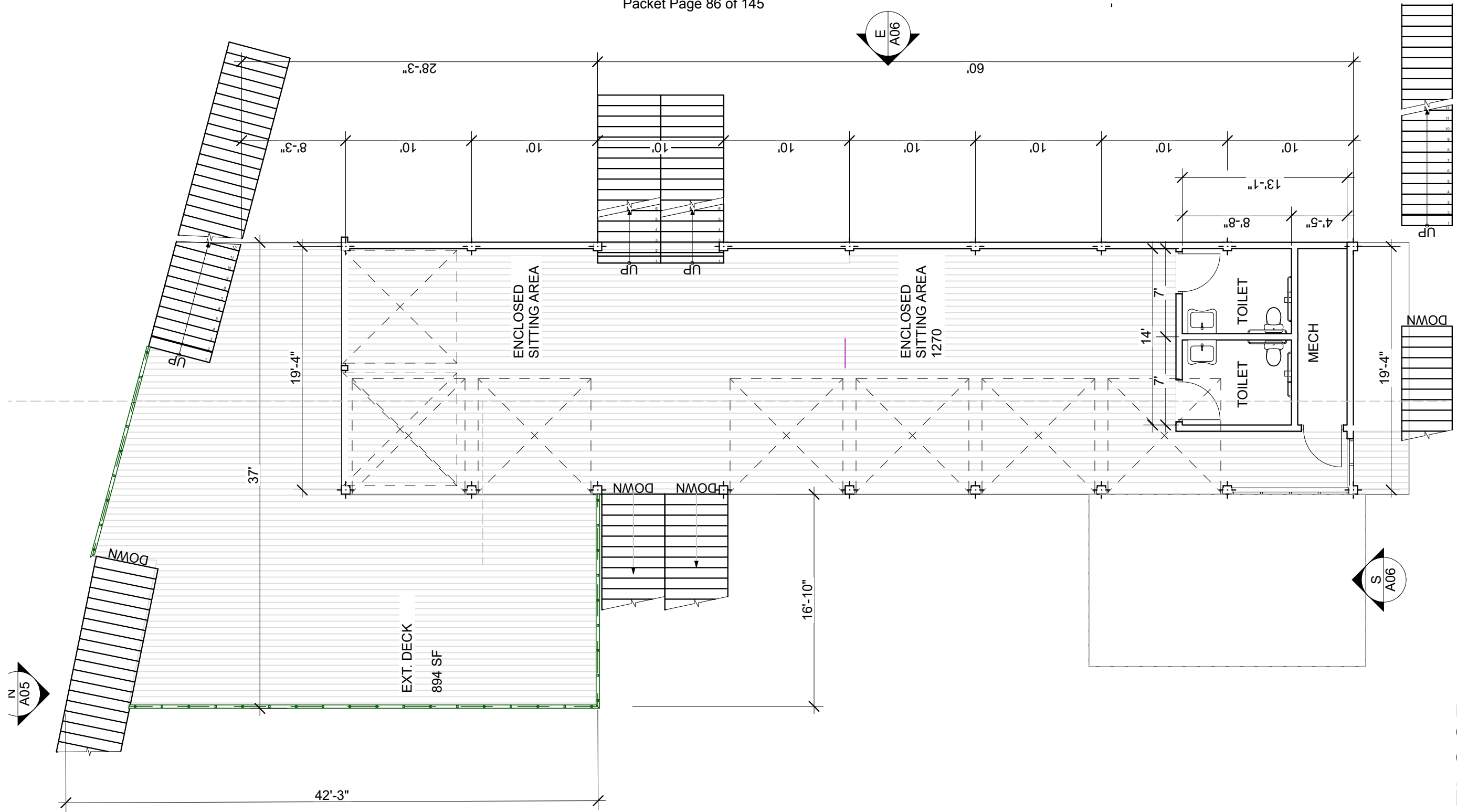
SHEET TITLE:
1st Floor Plan

CHECKED	XX
DRAWN	XX

SHEET #

A 1.1

PLOT DATE 11/24/20
ISSUE DATE 8/4/15



2577 GROSS SQUARE FEET

1894 SF ENCLOSED SPACE
683 SF EXTERIOR DECK



**NorthWind
Architects LLC**
126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

1" ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

Gastineau Apartments Demolition

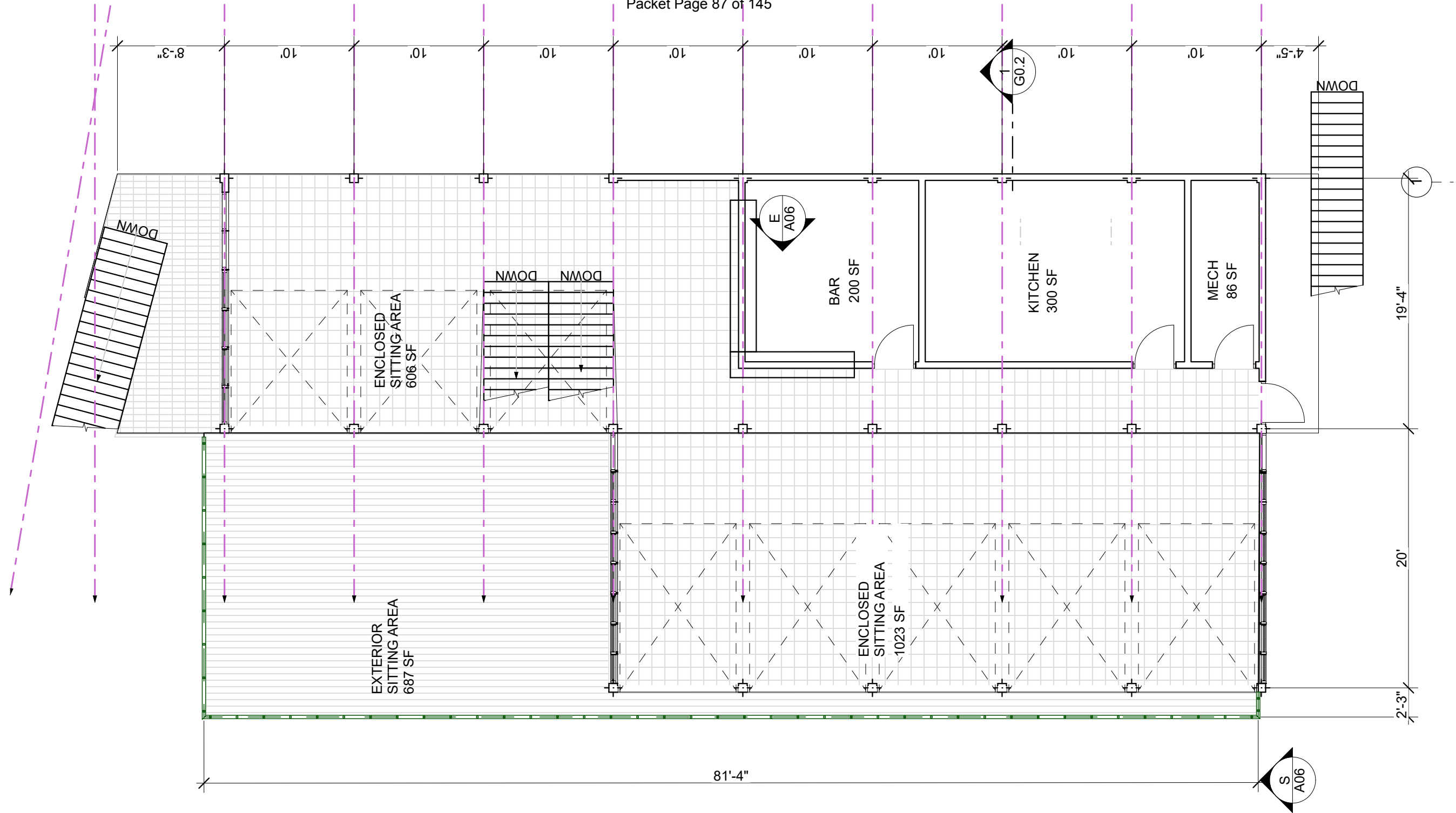
NWA-1534
#Site City, #Site State

FIRST FLOOR

SCALE: 1/8" = 1'-0"

1

SHEET TITLE:		
2nd Floor Plan		
CHECKED	XX	
DRAWN	XX	
SHEET #		
A 1.2		
PLOT DATE	11/24/20	
ISSUE DATE	8/4/15	



3610 GROSS SQUARE FEET
2613 SF ENCLOSED SPACE
687 SF EXTERIOR DECK
310 SF MISC CONNECTION DECK TO GRADE



1" ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

1 FIRST FLOOR

SCALE: 1/8" = 1'-0"

Gastineau Apartments Demolition
NWA-1534
#Site City, #Site State

SHEET TITLE:	
3rd Floor Plan	
CHECKED	XX
DRAWN	XX
SHEET #	
A 1.3	
PLOT DATE	11/24/20
ISSUE DATE	8/4/15

N

W

NorthWind

Architects LLC

126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

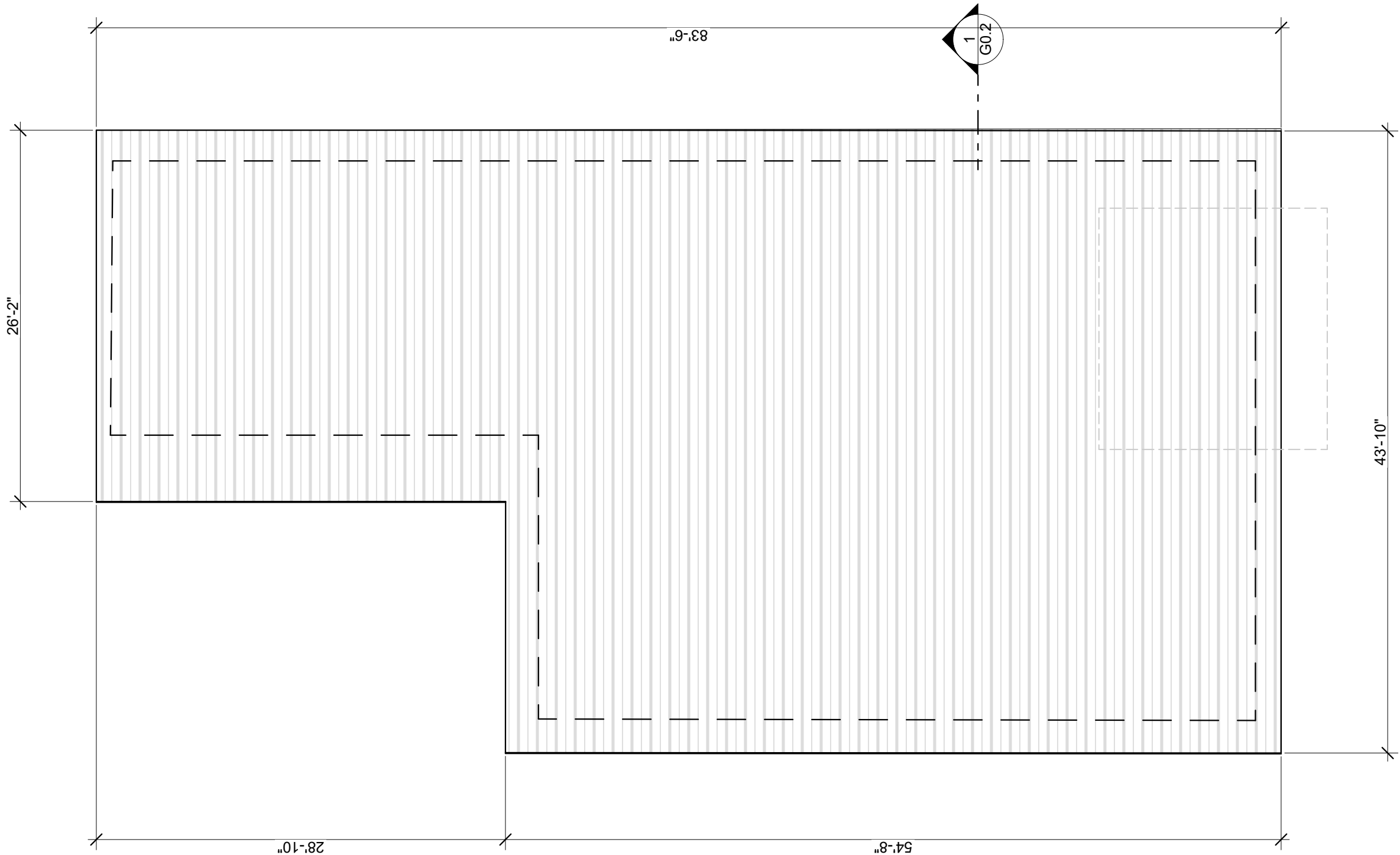
← 1" ACTUAL →

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

Gastineau Apartments Demolition

NWA-1534
#Site City, #Site State

SHEET TITLE:	
4th Floor Plan	
CHECKED	XX
DRAWN	XX
SHEET #	
A 1.4	
PLOT DATE	11/24/20
ISSUE DATE	8/4/15



1 UPPER ROOF PLAN

SCALE: 1/8" = 1'-0"



1 3D Perspective
SCALE: 1:70.47

N

W

NorthWind
Architects LLC

126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

1" ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

Gastineau Apartments Demolition

NWA-1534
#Site City, #Site State

SHEET TITLE:
3D View 1

CHECKED	XX
DRAWN	XX

SHEET #
A12

PLOT DATE	11/24/20
ISSUE DATE	8/4/15

N

W

NorthWind
Architects LLC

126 Seward St
Juneau, AK 99801
Ph #907.586.6150
www.northwindarch.com

1" ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

Gastineau Apartments Demolition

NWA-1534
#Site City, #Site State

SHEET TITLE:
3D View 2

CHECKED	XX
DRAWN	XX

SHEET #

A13

PLOT DATE	11/24/20
ISSUE DATE	8/4/15



1

FIRST FLOOR

SCALE: 1:66.13



Historic Resources Advisory Committee

(907) 586-0715
HRAC@juneau.org
www.juneau.org/history/advcomm.php
155 S. Seward Street • Juneau, AK 99801

August 30, 2021

Dave McCasland, Franklin Food Court
James Bibb, Northwind Architects
126 Seward Street
Juneau, AK 99801

Re: Franklin Food Court

Dear Mr. McCasland,

The members of Juneau's Historic Resources Advisory Committee (HRAC) would like to thank you for bringing your upgrade ideas for the Franklin Food Court to our meeting on June 16, 2021.

The Franklin Food Court has been a delicious addition to the Downtown Historic District attracting hungry locals and tourists since 2019. In 2018 you brought the food court idea to the Committee and headed many of the recommendations. Since then other businesses have added to the food court area bringing more and more people into Juneau's Downtown Historic District.

The upgrade ideas that were discussed in June 2021 include a permanent two-story eating area with room for an outdoor performance space and restrooms. The drawings that were presented as concepts and the final design of the project will be determined in the near future. HRAC was assured that any future design plans for this project will be brought to the committee for review. HRAC reviewed the concepts and looks forward to seeing further development and ways to maintain our historic district with this exciting new project.

Thank you for allowing HRAC the opportunity to provide our support. Should you have any questions please do not hesitate to reach out.

Sincerely,

Zane Jones, Chair of HRAC



**Wild,
Natural &
Sustainable®**

Alaska Seafood Marketing Institute

311 N. Franklin Street, Suite 200, Juneau, AK 99801-1147
907-465-5560 / 800-478-2903
info@AlaskaSeafood.org

Sept. 21, 2021

To Whom It May Concern:

The Alaska Seafood Marketing Institute (ASMI) commends Deckhand Dave's for its exemplary work in the promotion and sales of wild, sustainable Alaska seafood products.

Despite numerous challenges in recent years Deckhand Dave's has persevered to build a highly recognizable brand and food destination centered around the premier seafood caught in the waters of Alaska. By choosing to menu only wild, sustainable Alaska seafood Deckhand Dave's honors the hard work of Juneau's commercial fishing fleet, introduces countless visitors of Alaska's capital city to iconic, nutritious and delicious Alaska seafood products, and promotes wild, sustainable Alaska seafood through imagery, marketing and story-telling.

ASMI also greatly appreciates working with Deck Hand Dave's and its owner Dave McCasland on numerous ASMI marketing campaigns. Most recently, Deckhand Dave's served as the venue for the Alaska X Louisiana Seafood Celebration to recognize the top two seafood producing states that have been booth been gravely economically impacted in the seafood and tourism sectors. This is just one example of how Mr. McCasland is an exemplary ambassador for the Alaska Seafood brand, which represents over 100,000 hardworking Americans found across all fifty states.

ASMI is a partnership between the State of Alaska and the Alaska seafood industry representing over 60,000 Alaskan harvesters, processors and businesses that take pride in providing nutritious, wild, natural, and sustainable seafood to consumers worldwide. Alaska produces over 60 percent of the nation's wild seafood that in turn generates \$13.9 billion in economic output annually. The significant impact and size of the Alaska seafood industry is only made possible, in part, by dedicated businesses such as Deckhand Dave's.

Sincerely,

Jeremy Woodrow
Executive Director
Alaska Seafood Marketing Institute

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

September 27 2021, 5:00 P.M. – Rescheduled from September 20, 2021
Zoom Webinar Meeting

I. CALL TO ORDER

II. ROLL CALL

Chair Gladziszewski called the meeting to order at 5:00pm.

Members Present: Chair Maria Gladziszewski, Alicia Hughes-Skandijs, Greg Smith, Wade Bryson (note, Mr. Bryson experienced technical difficulties and was not able to participate in some of the meeting)

Members Absent:

Liaisons Present: Chris Mertl, Parks and Recreation; Lacey Derr, Docks and Harbors

Liaisons Absent: Dan Hickok Planning Commission

Other Assembly Members Present: Christine Woll

Some Members of the Public Present: Dave McCasland, Dave Bicknell, Liz Perry

Staff Present: Dan Bleidorn, Lands Manager; Jill Maclean, CDD Director; Scott Ciambor, Chief Housing Officer; Irene Gallion, Senior Planner

III. APPROVAL OF AGENDA

Agenda was approved as presented.

IV. APPROVAL OF MINUTES

September 7, 2021 Draft Minutes were approved with minor change that the year listed on the agenda packet should be 2021, not 2020.

V. PUBLIC PARTICIPATION

No public participation.

VI. AGENDA TOPICS

A. Franklin Foods Request to Purchase City Property at 139 S. Franklin St.

Dan Bleidorn brought this topic back after review at the September 1, 2021 PRAC meeting. Mr. Smith is supportive of this idea and asked if there have been other parties interested in this area looking to develop housing on the site. Chair Gladziszewski commented that she was interested in the housing aspect of Mr. McCasland's proposal. Mr. McCasland commented that he has been approved by his bank and has an appraiser, Kim Wold, lined up. He is in the process of closing the deal with the Barrett's, the Gastineau Apartments owners. His plan is to build a tiered foundation wall and going up three levels, about 7,000 square feet wide. The foundational support is for the whole hillside to build housing on the fourth lot of the Gastineau Apartments, which connects to Gastineau Ave. The plan is to build a multi-level food truck park with three levels for a better view and sun exposure and to support the hillside on the fourth level for housing development.

Mr. Mertl commented that he thought it was not a good idea to sell parkland. The disposal of City parkland is not necessarily in the public's best interest and even though the PRAC supports Mr. McCasland's development because there is existing Parks facilities within the downtown core, there are concerns of precedence that this is going to set. It did pass in the PRAC, 6 – 2, with Mr. Mertl one of the no votes. Speaking for the PRAC, Mr. Mertl commented that they would like to see the Assembly move forward and develop some sort of mechanism to be allocated for purchasing or making park improvements in areas of greater need, instead of the proceeds from the sale of parkland going into the general fund. An example would be the shortfall of parkland in Lemon Creek. Overall, the PRAC does support this proposal due to the amount of existing parkland downtown but are looking at the Assembly

for adjustments because we are seeing many requests for disposal of parkland and we are struggling with that. Trades are what have been done in the past. Chair Gladziszewski does not support disposing parkland without the connection to possible housing.

Mr. Smith asked if the buyer will figure out the market value or if that is already known. Mr. Bleidorn replied that the applicant is working on an appraisal and we should have that in a few weeks.

Chair Gladziszewski commented that whoever makes a motion should add that this request should be contingent on the purchase of the Gastineau Apartments parcel. I would like to keep this together if this falls through I wouldn't want to dispose of parkland without it being connected to the other property because then that other property would never get developed.

Mr. Smith moved that Staff request that the Lands, Housing, and Economic Development Committee forward this application for the purchase of the lot at 139 S. Franklin Street to the Assembly with a motion of support for working with the original proposer, with a contingency of the sale of this land would be dependent on a successful purchase of the adjoining property for an apartment property. Motion Passed.

B. Ordinance 2021-38 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Honsinger Pond Lots 3, 4, 5, 6, 7, 8, 9, 10, and 11: Located Near 7900Honsinger Drive

Ms. Maclean discussed this topic. The developer of the Honsinger Pond Subdivision requested to rezone nine lots (2, 3, 4, 5, 6, 10, 11, 12 and 13) from Industrial to General Commercial. The Planning Commission, on August 10, 2021, found the proposal was for more than two acres, expanded an existing zoning district, and substantially conformed to the Resource Development designation of the Comprehensive Plan maps. However, the Planning Commission recommended the Assembly rezone different lots (2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13) because of the noise from the airport, visibility from Egan, and align with nearby existing land uses. Chair Gladziszewski commented that the developer asked for "X" and the Planning Commission made a different proposal, picking a few different parcels.

Mr. Smith commented that he thought the reason from the Planning Commission was for airport noise and asked about exclusion of lot 2 in the rezone, the reason behind it, and if we should be concerned about that lot based on a study for something like 15-years. Ms. Maclean replied that the applicant was requesting nine lots change from industrial to general commercial. When staff conducted their analysis we looked at all of the different types of users that can occur under both zoning districts and also with a greater focus on the airport, which is a neighboring property, and to work with FAA guidelines and their recommendations. The staff report listed noise and wildlife attractant being of concern. Noise decibel levels were looked at and thought those issues could be addressed in the future when a conditional use permit came forth. The Planning Commission felt differently after their review, hearing, and discussion with the applicant. They opted to change it and strike lot 2 with the feeling it was better to shift the rezone area. They gave the applicant the same amount of acreage that was being rezoned but shifted it so there would not be any potential for a housing development close to the airport. It put more weight on future housing versus what the applicant saw that was happening on a particular lot.

Mr. Smith asked if at some point the applicant wanted to build out with the lots, could sound be mitigated through design. If that worked but they did not work to go general commercial and not want to build residential, do we have safeguards in place in the permitting process so that in 15 years or

whatever, they would not build residential if the noise is too much. Chair Gladziszewski commented that there is an airport there. Ms. Maclean commented that the conditional use permit process would give the Commission the authority to make certain recommendations. If it were rezoned general commercial and a housing development were proposed, which I think is unlikely in that location, but could happen, the Commission has the authority to put in place certain constraints or restrictions on how the building is constructed. Soundproofing or something of that nature would be required. To the other extreme, the Commission has the authority to deny a conditional use permit if they feel that the use is not compatible or a detriment to public health, safety or welfare, they have the option to completely deny or condition it in a manner that could address those concerns. I do not think the applicant at this time has any anticipation of building housing there. I would note that we do have housing right across from the airport across from Egan, next to the mercantile armory building, along with the Glory Hall, and a few of the other establishments, which may be a little further away. The question being, does the Commission have authority to issue conditions, and I would say yes, they do or to simply deny it out right.

Chair Gladziszewski asked that if housing is allowed by right in general commercial or do it require a permit. Ms. Maclean replied that for general commercial if the lot is greater than 10,000 square feet or if it is more than 12 units or 12 bedrooms, those all go to the Planning Commission. Anything under 10,000 square feet for the lot itself and 12 bedrooms or less would be director approval and still have the ability to be conditional use or denied if it didn't need public health safety or welfare, those options would still be there. Chair Gladziszewski replied that there are no category ones in the table of permissible uses for housing and then it requires director approval. Ms. Maclean replied that one would be director approval and three Commission approval in the table of permissible uses. Chair Gladziszewski asked if one is allowed by right, you do not need anything. Ms. Maclean replied that prior to 2010, there used to be a two, and the two was those that are allowed by right. I believe the only two that still exist in the TPU is mining, like Kensington or Greens Creek, that level of mining and only parts of it. The one is the director approval and the three is the conditional approval, adding that each of these lots are over an acre or almost an acre in size, so on unless they were subdivided further right now, they would all require a conditional use permit.

Mr. Mertl asked what is the allowable housing in general commercial and a big picture concern is that there is a need for housing but wedging housing in general commercial between two industrial sites, Egan and the Airport, is not a great housing experience, and I think that we just want to be careful with that. We are setting up quality housing in the right location and I have some transportation and egress concerns as well coming off that area. Chair Gladziszewski replied that she agrees with Mr. Mertl and what the Planning Commission did.

Ms. Hughes-Skandijs made a motion for the Lands, Housing, and Economic Development Committee forward a motion of support to rezone lots labeled by recommendation by the Planning Commission, along Honsinger Drive, from Industrial to General Commercial. Motion passed.

C. Travel Juneau Update

Liz Perry from Travel Juneau provided additional information gathered after the September 7, 2021 LHED meeting. Mr. Smith appreciated the information on different independent travelers and wanted to know more about the nonprofit board. Chair Gladziszewski commented that Ms. Perry had offered to write new contracts and draft language, which this committee has not yet forwarded on for a recommended. Regardless of the path of new contract with Travel Juneau or as the ordinance suggests,

a new contract to go out for bid, we still need a scope of work, expectations of this organization, and with examples from different DMOs to pick from in it would be good to get something drafted.

Ms. Hughes-Skandijs appreciated giving this topic the time it deserves. She agrees with Mr. Smith that the Assembly should be interested in the appointment process to show public trust and accountability, since it makes it similar to other factions of City organizations that work in concert with the City that are receiving various kinds of what is ultimately public money. I think you just really summarize whether we were going to go out for bid, or just get a more detailed scope of work that would be contracts, and our next step would be a scope of work. I would be willing to work with Ms. Perry to create a scope of work, bring something back to the committee on a smaller scale, and then see if we come up with something that the committee decides on. Chair Gladziszewski thought that was a great idea for a smaller group to draft something so that we are not grouping at a committee meeting. Anyone else is interested in working with Ms. Hughes-Skandijs let her know. Chair Gladziszewski asked Ms. Perry if they come up with a draft for the next meeting, or for whenever you get it done that would be great. There are many materials to work with, there is probably plenty of language to steal that is good.

Mr. Bryson commented that his zoom connection was coming in and out and missed parts of the meeting and asked if he could be caught up to Ms. Hughes-Skandijs idea. Chair Gladziszewski replied that the idea was to have Ms. Perry draft a new MOA, and if anyone would like help. The draft language could come from other DMO memos and would come up with a more detailed scope of work that could be used either for going out to bid or as the contract with Travel Juneau. Basically, to write a draft, what does the City want, and there is probably some language from Mr. Jones's draft legislation to include.

Mr. Smith appreciates Ms. Perry for being responsive to the numerous questions through the process and giving us information. Ms. Perry appreciates the opportunity to work with this committee and making sure that the Assembly and City leadership are comfortable with what Travel Juneau does and wants to be as transparent as possible. Ms. Perry looks forward to working with Ms. Hughes-Skandijs and anyone else who wants to help create the scope of work. Chair Gladziszewski commented that we have an action item and we will look forward to a draft at some point.

VII. STANDING COMMITTEE TOPICS

A. Status of Housing Initiatives Updates

Mr. Ciambor provided an update. The Juneau Affordable Housing Fund program guidelines and application have been posted. The due date for those applications is October 29. This past Wednesday there was a public information meeting, with seven attendees with constant inquiries from potential applicants. Chair Gladziszewski asked about the next task. Mr. Ciambor replied that process is to set up a committee review training for the second week of October and wait for the applications to come in on the 29th. Chair Gladziszewski congratulated Mr. Ciambor on his progress.

Mr. Smith asked if Mr. Ciambor had heard if other people are making proposals for housing gaps, such as apartments, prior to Gastineau apartment lot and the pocket park lot, are you aware of any proposals for housing there. Mr. Ciambor replied that overtime he had heard about developers poking around for housing and or hotel, but nothing specific and nothing in the last year or so.

Chair Gladziszewski asked about the upstairs downtown housing, if there are still a lot of housing upstairs that are empty and we had an inventory, but is unsure if the City did anything and if this something we can move the ball on. Where are we on that that aspect of housing and downtown. Mr.

Ciambor replied that for the upstairs downtown program, staff has discussed developing language for the rehabilitation and code compliance upgrade program and I have worked a little through the summer to get some community feedback from developers and local architects who have been working with people trying to develop upstairs units downtown. Mr. Ciambor is working to meld that language together into a model and bring it back to the LHED committee. I had hoped to bring something a bit earlier this summer, but getting the Housing Fund out the door was first priority so the upstairs downtown project was put on the back burner, but it is there and I am starting to compile information.

Mr. Bryson asked if Mr. Ciambor had a number of applications that we received for the housing grant funds to the state. Mr. Ciambor replied that the application guidelines and applications were posted on September 10 there is a two month window until October 29 for folks to call and ask questions and to put the applications together. Mr. Bryson asked if any developers reached out to say there were interested, if there is a sense of desire for this program right now. Mr. Ciambor replied that he has received seven different organizations or projects at the information meeting last week, so that was a good sign there's probably been two or three others that have checked in continuously with the expectation that we will get a good amount of applications across the spectrum. I'm encouraged that there's enough folks that know how these application processes works that we might not hear from them until we see an application come across my desk. I'm hopeful that we'll get a good amount of applications. Another thing to note, when I do talk to people I am promoting and encouraging people to submit applications, no matter where they are in the development timeline. This is another communication tool to get to the LHED Committee and the Assembly that people are actually working on affordable projects. I'm encouraging people to apply to let us know what they're thinking about in the future for future rounds of funding.

Chair Gladziszewski noted that the Mayor's Task Force on the joint Chamber Planning Commission Assembly group is going to have its first meeting this Thursday at noon, which should be organizational.

B. Status of Title 49 Updates

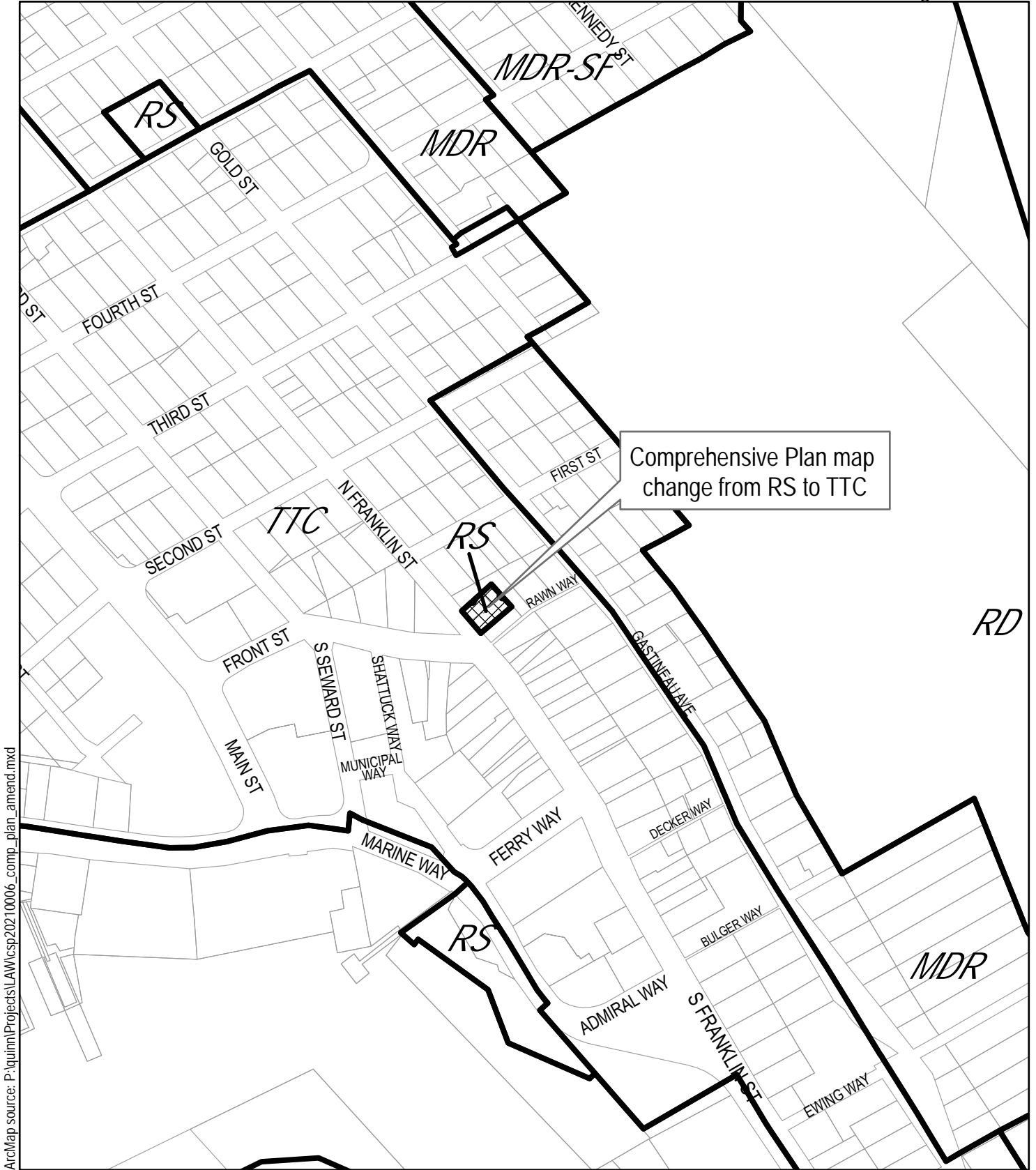
Mr. Bryson asked Ms. Maclean if there was a list of activities that the solution is director's discretion. It seems pertinent to have what the outcomes of all those director's discretion questions are as we move housing forward and as we're doing things with Title 49. He wanted to know the track record is, does it get passed through, or does it gets stopped unless we know what the voting decision factors are, how do we know if we have the right rule in place. Chair Gladziszewski commented that Ms. Maclean is no longer in the zoom meeting and asked to have Ms. Gallion respond. Mr. Bleidorn responded that he believed Ms. Maclean was working to compile this information and the preliminary determination was that the majority of director approvals were going through, and it was timelier than taking them to the Planning Commission but maybe Irene can fill us in more on that. Ms. Gallion commented that she had not been part of those reports and would defer to Director Maclean. Mr. Bryson asked if that information could be provided to the committee.

VIII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None

IX. ADJOURNMENT

Chair Gladziszewski adjourned the meeting at 5:43 PM. Next meeting will be Monday, November 1, 2021.



CDD Case:CSP2021-0006

COMPREHENSIVE PLAN MAP AMENDMENT

Land use designation change for portions of
Juneau Townsite, Block 13, Lots 1A, 2A, & 9
from RS to TTC

0 250 500 Feet



Irene Gallion

From: Dan Bleidorn
Sent: Monday, December 20, 2021 3:49 PM
To: Irene Gallion
Subject: RE: Deckhand Dave/ Franklin Foods sign photo



From: Irene Gallion <Irene.Gallion@juneau.org>
Sent: Monday, December 20, 2021 3:39 PM
To: Dan Bleidorn <Dan.Bleidorn@juneau.org>
Subject: RE: Deckhand Dave/ Franklin Foods sign photo

Can you send in another format? I get this:

IMG_4057.HEIC

Install additional codecs to work with this file.

[Download codecs at Microsoft Store.](#)

From: Dan Bleidorn <Dan.Bleidorn@juneau.org>
Sent: Monday, December 20, 2021 3:37 PM
To: Irene Gallion <Irene.Gallion@juneau.org>
Subject: Deckhand Dave/ Franklin Foods sign photo

Dan Bleidorn | Division of Lands and Resources Manager | ph 907.586.5252
[Lands and Resources](#) | Dan.Bleidorn@Juneau.org |

From: Michael Hekkers <mikehekkers@yahoo.com>
Sent: Monday, December 20, 2021 12:21 PM
To: PC_Comments
Subject: Case CSP2021 0006

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

I propose that CBJ can dispose of this property as long as it's at appraised fair market value.

I hope you are well.

Mike Hekkers

Get your elected officials to tackle the climate emergency and to reduce the plastic and waste stream!

SPICKETT'S PALACE LLC DBA

HELLENTHAL LOFTS

PO Box 23293, JUNEAU, ALASKA 99802 • (907) 321-3504

December 17, 2021

CBJ Planning Commission
c/o CBJ Community Development
155 S. Seward Street
Juneau, Alaska 99801

Re: Case Number CSP20210006

Dear Commissioners:

I am writing on behalf of myself as an owner of the Hellenthal Building and the MacKinnon apartments, and on behalf of my partners and the businesses we run in those two buildings, and also as a citizen who works downtown on Franklin Street.

We strongly support releasing this property to the private ownership of Franklin Foods.

While we are strong supporters of parks, open green spaces, and public ownership of such places, this parcel is best suited for commercial use. Since the city demolished the park that previously stood on this space, it has developed the whale park and an expanded seawalk. Hopefully, the near future we will see even further expansion of the seawalk. These nearby spaces are far more suitable for parks and mitigate any remaining need for public green space in this area. The use that the applicant has made of the space in the last few years does in fact provide a kind of open area to the public that the city cannot replicate, and it serves far more people, appealing equally to cruise passengers, independent travelers, and locals. The applicant's current use does not preclude future development of high-density housing, should a time ever come when that becomes economically feasible in downtown Juneau.

The applicant's use of this space has an outsized beneficial effect on the entire downtown business ecosystem. Both our Airbnb guests at the Hellenthal and our permanent residents at the MacKinnon routinely remark on how the applicant's business contributes to their tourist experiences or their quality of life, respectively. Mr. McCasland collaborates with our commercial tenant and sells their product. Each food truck in the

court represents one tax-paying small business and employer, and I am aware that Mr. McCasland has helped other young people dreaming of starting their own businesses.

At the Hellenthal, we are surrounded on four sides by decaying buildings that are mostly vacant and partly boarded up. The food truck court is one bright spot in this chronically blighted area. We strongly encourage the city to take any possible measures to support businesspeople who demonstrate the energy and ambition that downtown so badly needs.

Thank you for considering our opinions. In conclusion, below are two typical reviews of one of our Airbnb apartments from last summer that I have copied from the Airbnb website. These are representative of what our guests tell us in person, and they show how independent travelers, who are so important to our economy, view the applicant's business.

Sincerely,



Dale Whitney

Hellenthal Lofts 203 - Downtown Apartment
August 2021

The loft was perfect in many ways. Close to everything down town, we went on 2 tours and the pick up spot was only two blocks away. The loft was modern and super clean and comfortable. The food park across the street was delicious (try the salmon tacos) and we loved that Devils Club Brewery was next door. We highly recommend staying at the loft!!

Chuck, St. Louis, MO
Joined in 2017

Hellenthal Lofts 203 - Downtown Apartment
August 2021

This is a fantastic location for exploring town! Walking distance to tons of restaurants and shopping. Deckhand Daves is right down the street. The loft just as pictured, had everything we needed and was nice and clean. Dale was very easy to communicate with and very helpful for recommendations! Thank You!

Wayne, Glen Gardner, NJ
Joined in 2019

CSP2021 0006

Land disposal of approximately 4,000 square feet at 139 South Franklin Street to Franklin Foods

January 11, 2022

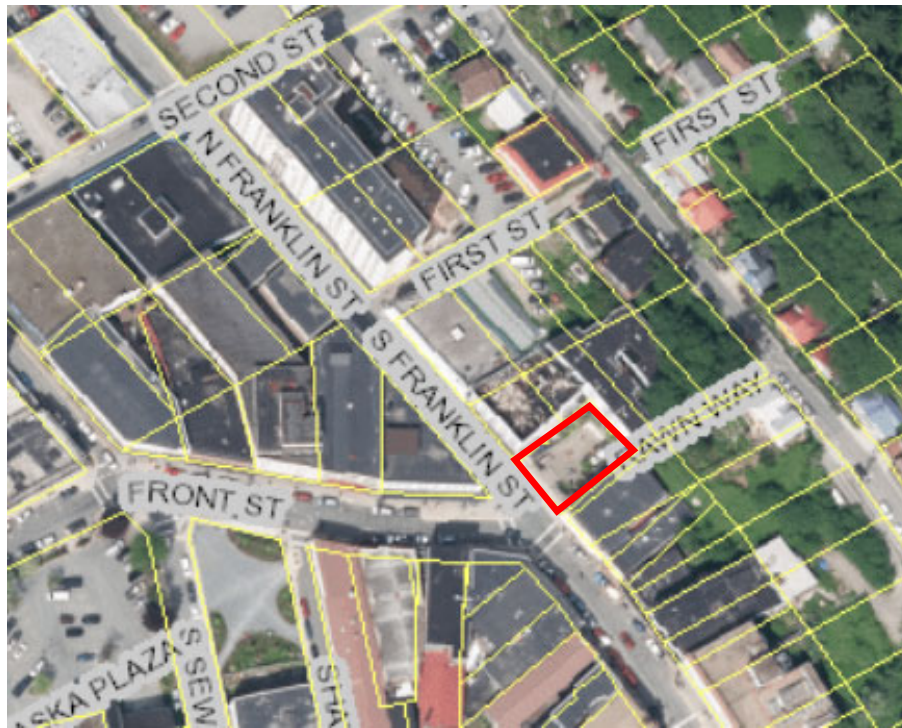
Regular Planning Commission Meeting

Key issue

Would the Commission like to condition the sale of park land on development of housing?

(Amendment to Comprehensive Plan land use maps needed)

Project Location



Project Condition



Project Condition

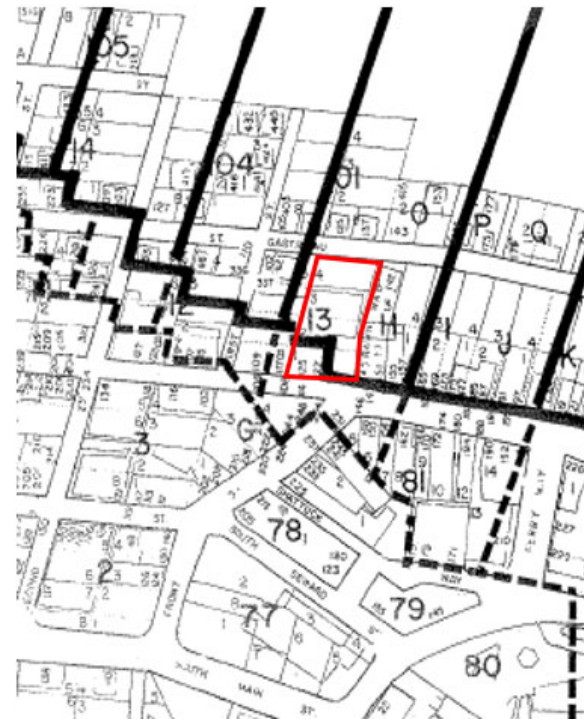
- PRAC: “...recommends disposal of this small, non-conforming parkland...”
- LHED: “...successful purchase of the adjoining property for an apartment property.”
- Assembly: “...sale of this land dependent on a successful purchase of the adjoining property.”

Current code

- In avalanche or landslide zone (MODERATE or SEVERE) a CUP is required for development over SFH [CBJ 49.70.300(a)(3)]
- In severe avalanche area, no density increases [CBJ 49.70.300(b)(1)]

Only one unit could be developed on each lot
[CBJ49.70.300(b)(1)]

- Severe Hazard Zone
- To increase density, need study showing it is outside of the severe hazard zone
- Need a CUP



What could happen to get housing?

- ~~Applicant provides study showing the lot outside of the severe hazard area.~~ If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis...(CBJ 49.70.300(a)(4))

Crux of the issue

Would the Commission like to condition the sale of park land on a particular type of development?

Staff proposes recommending APPROVAL 10 of Land Disposal

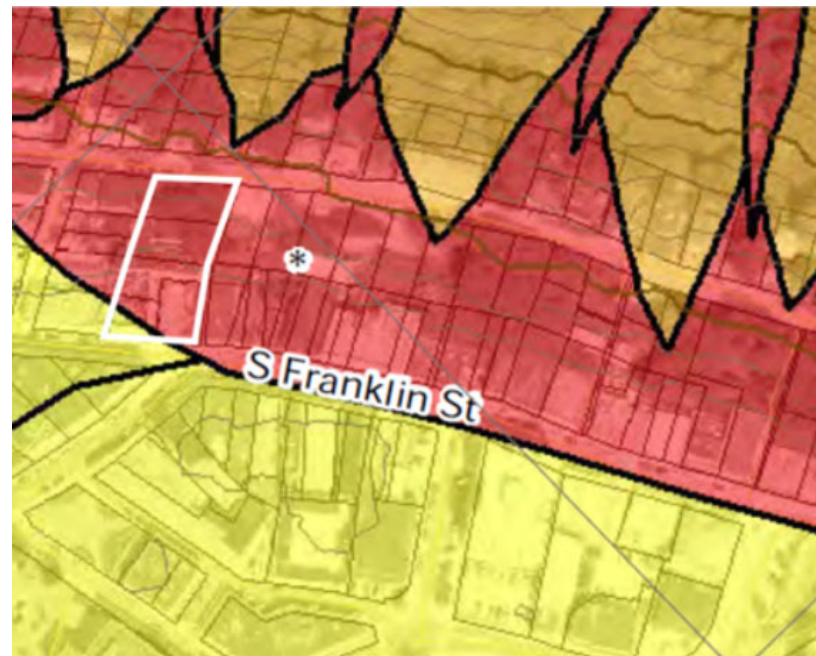
CONDITION: Amendment of the 2013 Comprehensive Plan Land Use Map M to Traditional Town Center in keeping with the surrounding area.

Thank You! Any questions?

Dan Bleidorn
CBJ Lands & Resources Manager



New mapping





Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: January 20, 2022
File No.: CSP2021 0006

City and Borough of Juneau
CBJ Assembly Members
155 S. Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly for land disposal of 4,000 square feet (Gunakadeit Park) to Franklin Foods

Property Address: 139 South Franklin Street

Legal Description: Juneau Townsite Block 13 Lot 9

Parcel Code No.: 1C070A130012

Hearing Date: January 11, 2022

The Planning Commission, at its regular public meeting, amended the analysis and findings listed in the attached memorandum dated January 4, 2022, and recommended that the Assembly direct CBJ staff to proceed with the project and removed the following condition:

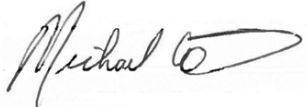
- ~~1. The Commission removed staff's condition of Amendment of the 2013 Comprehensive Plan Land Use Map M to Traditional Town Center in keeping with the surrounding area.~~

Attachments: January 4, 2022 memorandum from Senior Planner Irene Gallion, Community Development, to the CBJ Planning Commission regarding CSP2021 0006.

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

City and Borough of Juneau
CBJ Assembly
File No.: CSP2021 0006
January 20, 2022
Page 2 of 2

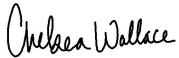
if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).



Michael LeVine, Chair
Planning Commission

January 22, 2022

Date



Filed With Municipal Clerk

January 24, 2022

Date

cc: Plan Review

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

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

USE2021 0023: Modification of USE2021 0002 to allow construction of a 5-foot wide bike path to be delayed until the final condominium building is complete - APPROVED AS AMENDED

AGENDA ITEM:

Case No.: USE2021 0023

Applicant: R & S Construction

Location: 3011 Clinton Drive

Proposal: Modification of USE2021 0002 to allow construction of a 5-foot wide bike path to be delayed until the final condominium building is complete

RECOMMENDATION:

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit Modification. The permit would modify Condition #7 of USE2021 0002 to allow the installation of the 5-foot wide sidewalk to be delayed until prior to the issuance of the final unit in Building B.

The approval is subject to the following modified condition:

***Condition #7:** Prior to the issuance of a temporary certificate of occupancy for the final unit in Building B, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The Homeowners Association agreement must address the ongoing maintenance of the sidewalk including snow removal.*

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report for USE2021 0023	1/4/2022	Staff Report
☐ Presentation for USE2021 0023	1/11/2022	Presentation
☐ Notice of Decision for USE2021 0023	1/24/2022	Notice of Decision



PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT USE2021 0023
HEARING DATE: JANUARY 11, 2022

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

DATE: January 4, 2022
TO: Michael LeVine, Chair, Planning Commission
BY: Allison Eddins, Planner II *A. Eddins*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Conditional Use Permit in order to modify Condition #7 of USE2021 0002 for Clinton Drive Condominiums.

STAFF RECOMMENDATION: Approval with modified condition

KEY CONSIDERATIONS FOR REVIEW:

- A Conditional Use Permit for the development of the 11-unit Clinton Drive Condominiums was approved with conditions on April 13, 2021.
- Condition #7 requires installation of a 5-foot wide paved sidewalk prior to the issuance of a Temporary Certificate of Occupancy (TCO) for the first dwelling unit.

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
 - 49.80

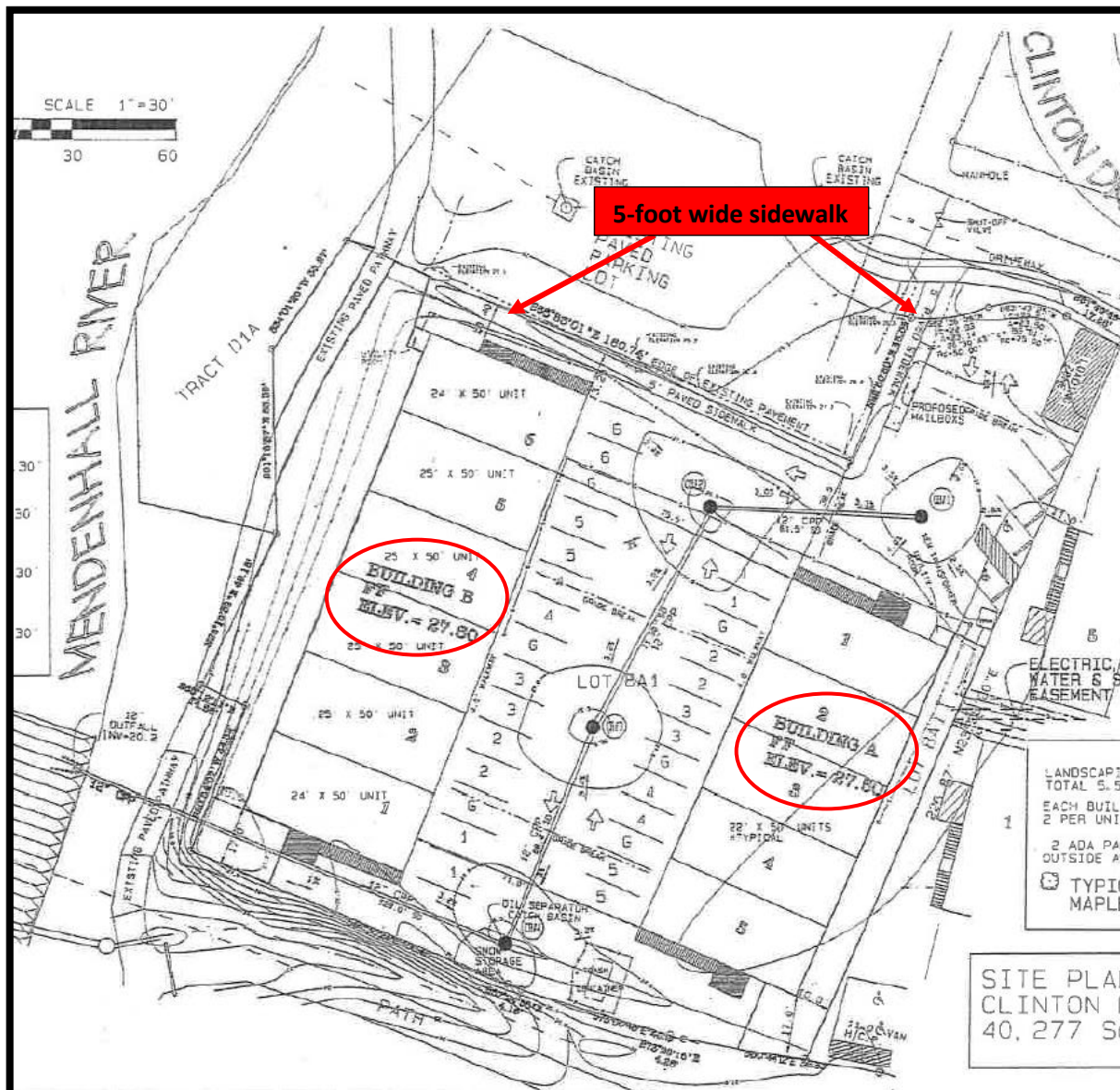
GENERAL INFORMATION	
Property Owner	R & S Construction
Applicant	R & S Construction
Property Address	3011 Clinton Drive
Legal Description	Vintage Park II Block C Lot 8A1
Parcel Number	5B1601440082
Zoning	Light Commercial (LC)
Land Use Designation	Traditional Town Center (TTC)
Lot Size	40,273 Square Feet
Water/Sewer	Public water and sewer
Access	Clinton Drive
Existing Land Use	Residential and Commercial
Associated Applications	USE2021 0002 & BLD2021 0242

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

BACKGROUND INFORMATION

Project Description – On April 13, 2021, the Planning Commission heard a Conditional Use Permit application for the construction of a new condominium development (USE2021 0002). The development proposal was for 11 condominium units within two buildings – Building A and Building B. The Commission adopted staff's analysis and findings and approved the permit with eight conditions. The applicant is requesting a modification of Condition #7. Below is the original language of the condition.

Condition #7: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The Homeowners Association agreement must address the ongoing maintenance of the sidewalk including snow removal.



The approved location of the new sidewalk runs parallel to Building B, approximately 5 feet from the building's exterior wall. Construction of Building B is scheduled to begin in 2022. This will require grading work that may damage the sidewalk if it is already in place. Additionally, the installation of trusses, windows, siding, and decking will take place in the area and will require the use of heavy construction equipment. For safety reasons, the applicant is requesting that the sidewalk installation be delayed until the major construction for Building B is complete. This will help ensure that the sidewalk is not damaged during the construction process and that pedestrians and cyclists are not encouraged to walk or ride near a construction site.

The Homeowners Association agreement addressing the maintenance of the sidewalk has been reviewed by CDD. An excerpt from that agreement can be found in Attachment B.

PUBLIC COMMENTS

CDD conducted a public comment period between December 11, 2021 and January 2, 2022. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on site two weeks prior to the scheduled hearing. At the time of writing this staff report, no public comments have been submitted.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit Modification. The permit would modify Condition #7 of USE2021 0002 to allow the installation of the 5-foot wide sidewalk to be delayed until prior to the issuance of the final unit in Building B.

The approval is subject to the following modified condition:

Condition #7: *Prior to the issuance of a temporary certificate of occupancy for the final unit in Building B, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The Homeowners Association agreement must address the ongoing maintenance of the sidewalk including snow removal.*

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Homeowners Association Agreement for Sidewalk Maintenance
Attachment C	Abutters and Public Notice Sign



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 3011 Clinton Drive		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) CLINTON PARK CONDOMINIUMS (VINTAGE PARK 11 BL CLT 8A1)		
	Parcel Number(s) 5B1601440082 / 5B1601442000 (condo land)		
	<input type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner R's Construction	Contact Person	
	Mailing Address P.O. Box 210194 Auke Bay Ak 99821	Phone Number(s) 907-723-8952	
	E-mail Address iglooracing-7@yahoo.com		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X _____ Landowner/Lessee Signature		12/6/21 Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant Same	Contact Person		
Mailing Address	Phone Number(s)		
E-mail Address			
X _____ Applicant's Signature		_____ Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Attachment A - Application Packet

Case Number

44-21-023

Intake Initials

ANE

Date Received

12/7/21



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

Application to amend Condition #7 of USE2021-0002. See narrative for details.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

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

Table of Permissible Uses Category: 1.300 plus various commercial uses allowed in LC

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☒ YES – Case # USE2021-0002 ☐ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 40,213 square feet Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING

Existing to remain

☒ No

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

Proposed

☒ No

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

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

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

If this is a modification or extension include:

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

☒ Plans including:

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

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

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 750.00			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ 50.00			
Pub. Not. Sign Deposit	\$ 100.00			
Total Fee	\$ 900.00			

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.

Attachment A - Application Packet

Case Number

USE 21-023

Date Received

12/7/21



**PLANNING COMMISSION
NOTICE OF DECISION**

Planning Commission

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

****Revised 4/23/2021 to correct parcel number****

Date: April 27, 2021
Case No.: USE2021 0002

R&S Construction LLC
Attn: Rob Worden
P.O. Box 211574
Auke Bay, AK 99821

Proposal: Conditional Use Permit for the construction of 11 condominium units with residential and commercial space in a Light Commercial zoning district.

Property Address: 3005 Clinton Drive

Legal Description: Vintage Park Condominiums

Parcel Code No.: **5B1601440082**

Hearing Date: April 13, 2021

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 31, 2021, and approved the Conditional Use Permit to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to the issuance of a building permit, the applicants shall submit a revised site plan that shows the location of trash receptacles.
2. Prior to the issuance of a temporary certificate of occupancy (TCO) for the first dwelling unit, a homeowner's association agreement shall be submitted to CDD. The agreement shall specify how the HOA will address snow removal and snow storage in common areas.
3. Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, the applicant must submit to CDD a homeowners association agreement that addresses the on-going

R&S Construction LLC
Case No.: USE2021 0002
April 27, 2021
Page 2 of 3

maintenance of parking spaces, ADA spaces, loading zone and circulation aisles that comply with the requirements of CBJ 49.40.

4. Prior to the issuance of a building permit, the applicant shall submit a revised site plan that shows one off-street loading zone that complies with the requirements of CBJ 49.40.
5. The Mendenhall River walking/bike path must remain open to the public at all times during the construction phase for this project.
6. Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a homeowner's association agreement shall be submitted to CDD. The agreement shall address the on-going maintenance of the Mendenhall River walking/bike path on the subject lot. Maintenance includes snow removal from the path. The path maintenance schedule outlined in the HOA agreement will require coordination with the Vintage Business Park or other future entity responsible for path maintenance.
7. Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a 5 foot wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The HOA agreement must address the ongoing maintenance of the sidewalk including snow removal.
8. Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, bear proof trash receptacles for the use of future homeowners must be installed on the site in a location approved on the site plan.

Attachments: March 31, 2021, memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2021 0002.

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, April 13, 2021.

Expiration Date: The permit will expire 18 months after the effective date, or October 13, 2023, 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.

R&S Construction LLC
Case No.: USE2021 0002
April 27, 2021
Page 3 of 3



Michael Levine, Chair
Planning Commission

April 27, 2021

Date



Filed With City Clerk

April 27, 2021

Date

cc: Plan Review

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

Planning Commissioners, we are writing this letter in regards to a situation that has been brought to our attention for our project at 3011 Clinton Dr.

Condition #7 of our USE Permit lays out the requirement of the 5' wide paved bike path connecting Clinton Dr to the Mendenhall River walking path. The condition states that this is to be done prior to the first TCO being issued on Building A.

In the last week of November we began working on inspections and items we will need for getting our first occupancy of the Building A in late December. One item is to bond the landscaping and other exterior items that will not be completed until all final dirt work is done, which will occur after the completion of the Building B. After talking with our planner and the Building Department director, it was brought to our attention that the bike path is not an item that is able to be bonded. This was a complete surprise to us. Further complicating the matter is that it is Winter. There are multiple reasons we were planning on including the bike path in the bonding and not completing it this season. Reasons as follows below.

At the location, the proposed bike path connects to the existing path along Mendenhall River, it runs parallel to Building B which will be constructed in 2022. The construction of Building B requires grading work to be done for the foundation and deck along the side too the building that is in close proximity to the path. Five feet to be exact. There will be equipment work that will be required to be done in this area that, once completed, will set the proper elevation of the bike path based on backfill elevation of the foundation and deck supports.

During the project there will be construction equipment used in multiple phases that will be running along the building at this end and directly over the proposed location of the bike path. The installation of trusses, windows, siding and deck construction is all in this area. These items will be completed by mid to late summer 2022.

Once utilities and drainage piping have all been completed, final grading will occur. This will allow Secon to pave the balance of the site as proposed in our site plan which will include the bike path. It was our goal to have all exterior items completed in the fall of 2022 for landscaping, parking and the bike path to close out our project as we move towards getting a final CO on Building B.

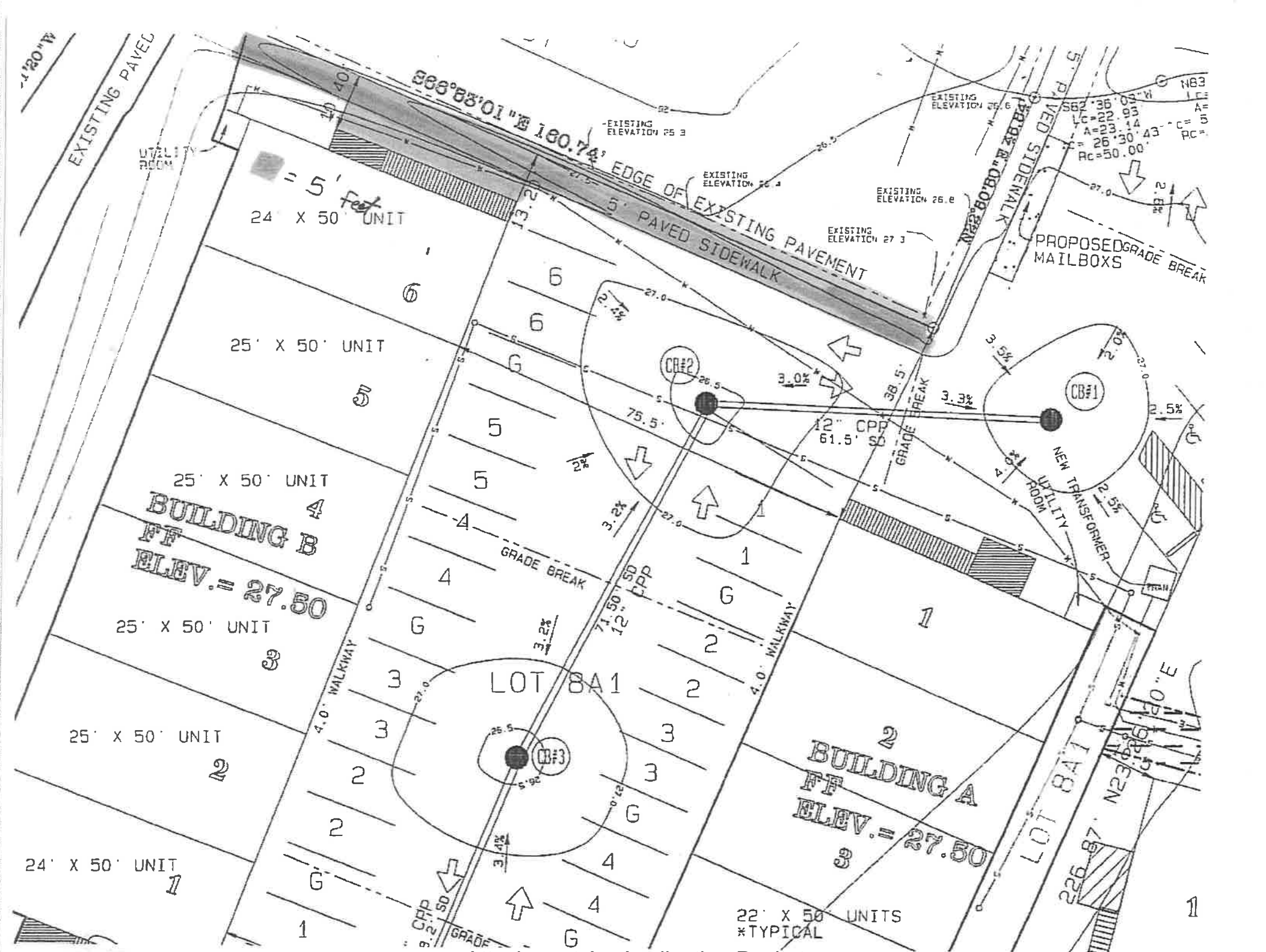
Most importantly, our decision to complete the bike path at the end of our project, is the concern over safety and liability of having a public pathway open during all the months of construction. With excavation, forklifts, man lifts and overhead boom truck work operating in this area we feel that it would be a potentially dangerous situation to have pedestrians utilizing the area. Our General Contractor would not be comfortable with that situation for insurance reasons. Understandably so.

In conclusion we have agreed to do the bike path as proposed and support the Condition. If we would have realized the path was not bondable at an earlier date we would have approached the Commission with the same request. Unfortunately, we are now at a time that dirt work and paving cannot be completed so that puts us in a tough spot. Building A is under final stages of completion. There are buyers making plans to move in to their new units very soon and this is a major factor for their schedules. Additionally, it has negative consequences to their banking and financing situations.

We are requesting that Condition #7 be amended to allow for the completion of the bike path prior to the final CO of building B. This will be completed in the fall of 2022 and will allow for all exterior items to be completed and inspected without having any additional safety issues on the private property during construction. It is also important to note that there are other options in the interim to use alternative walkways that will allow for foot traffic to get from Clinton Dr to the Mendenhall River walking path that are in close proximity to the proposed new bike path.

Thank you for your consideration of this matter.

Scott Jenkins and Rob Worden
R&S Construction.



Attachment A - Application Packet

MENDENHALL RIVER WALKING/BIKE PATH AND SIDEWALK
MAINTENANCE AGREEMENT
FOR CLINTON DRIVE CONDOMINIUMS

Clinton Drive Condominium Association ("CDCA") is an eleven unit condominium association generally located in one building of five units and one building of 6 units each known as 3011 Clinton Drive Condos, buildings A and B on in the City and Borough of Juneau, Alaska.

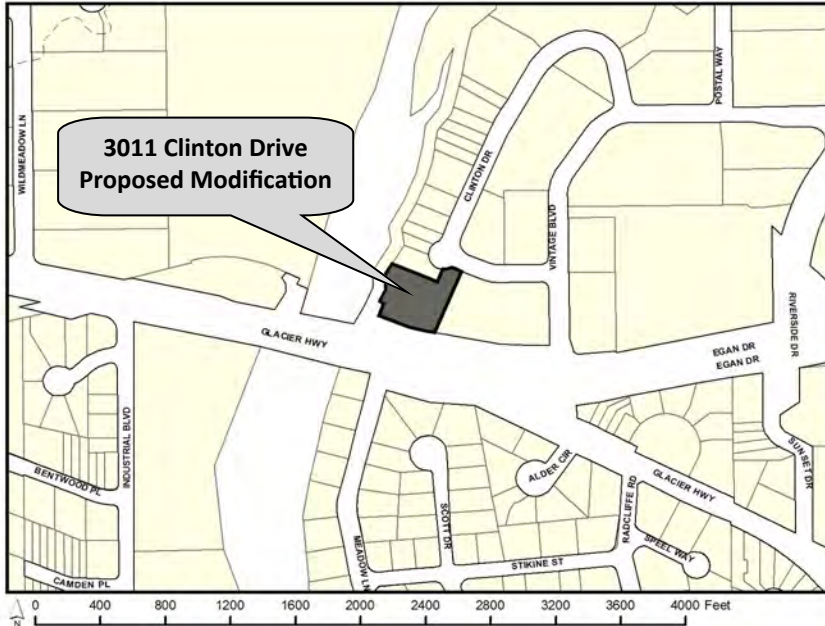
As required by the City and Borough of Juneau for permitting and construction , the Clinton Drive Condominium Home Owners Association will take care of all maintenance and snow removal from the bike/walking areas on the property located at 3011 Clinton Drive. This includes the Mendenhall River walking and bike path as well as the sidewalk on-site that runs parallel to Building B.

CDCA agree to maintain these pathways year round.

_____	_____
CDCA	Date

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 **modification of USE2021 0002 to allow construction of a 5 foot wide bike path to be delayed until the final condominium building is complete at 3011 Clinton Drive in a Light Commercial Zone.**

TIMELINE

Staff Report expected to be posted **Monday, January 3**, at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through Dec. 20

Comments received during this period will be sent to the Planner, **Allison Eddins**, to be included as an attachment in the staff report.

Dec. 21 — noon, Jan. 7

Comments received during this period will be sent to Commissioners to read in preparation for the hearing.

HEARING DATE & TIME: 7:00 pm, Jan. 11, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/87375675296> . The Webinar ID is: 873 7567 5296 . To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

Jan. 12

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed December 9, 2021

Case No.: USE2021 0023
Parcel No.: 5B1601442000; 5B1601440082
CBJ Parcel Viewer: <http://epv.juneau.org>



NOTICE For more information
586-0715
pc.commercial@nyc.gov

CASE: 1802017000
**APPLICATION TO AMEND
CONDITION FOR
CLINTON DRIVE CONDOS**
To allow 5 foot wide sidewalk
construction to be delayed until
final Certificate of Occupancy
HEARING DATE: 1/11/22

USE2021 0023

Application to amend Condition #7 of
USE2021-02.

Recommending **APPROVAL** with
amended condition.

Regular Planning Commission Meeting
January 11, 2021



Key considerations

- A Conditional Use Permit for the development of the 11-unit Clinton Drive Condominiums was approved with conditions on April 13, 2021.
- Condition #7 requires installation of a 5-foot wide paved sidewalk prior to the issuance of a Temporary Certificate of Occupancy (TCO) for the first dwelling unit.

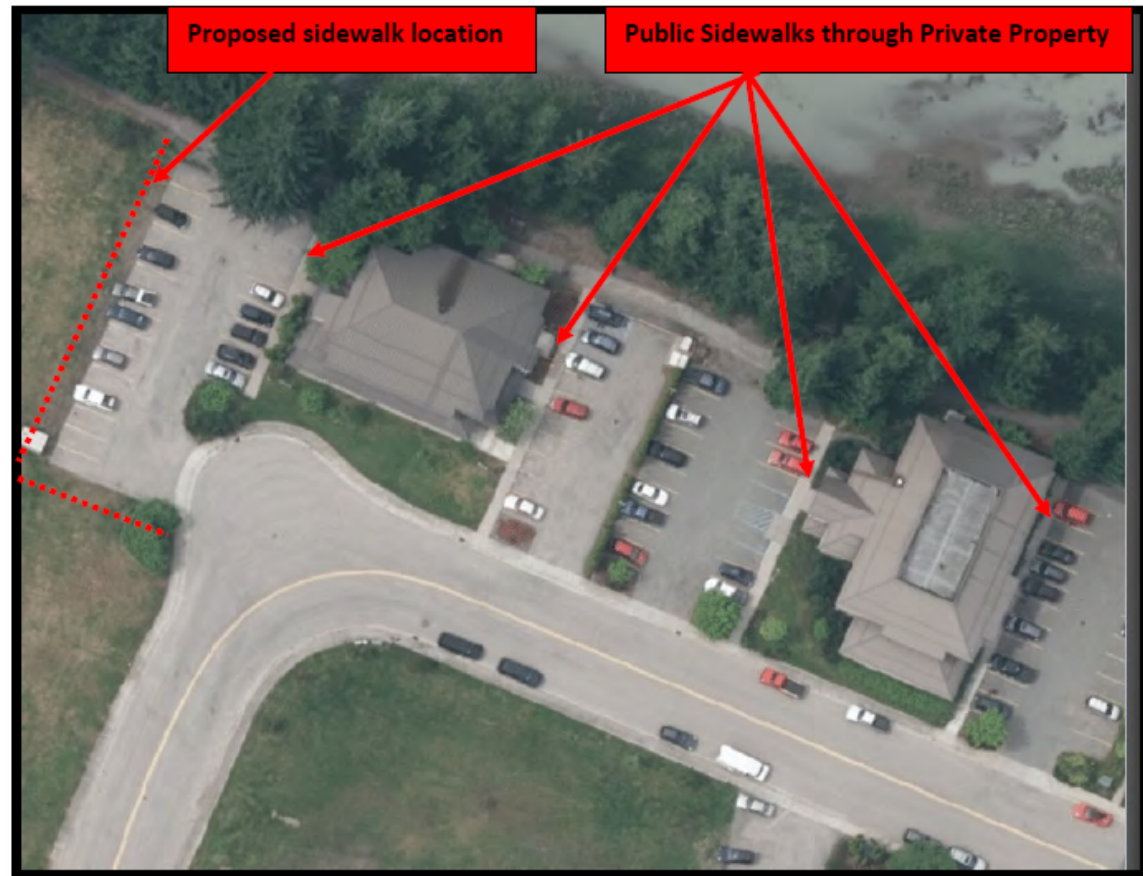
Non-motorized Transportation

Article IV. Public Access

49.35.630 – Trailhead dedications and easements.

The developer shall convey such easements or make such dedications as may be necessary in order to provide public access to existing trails.

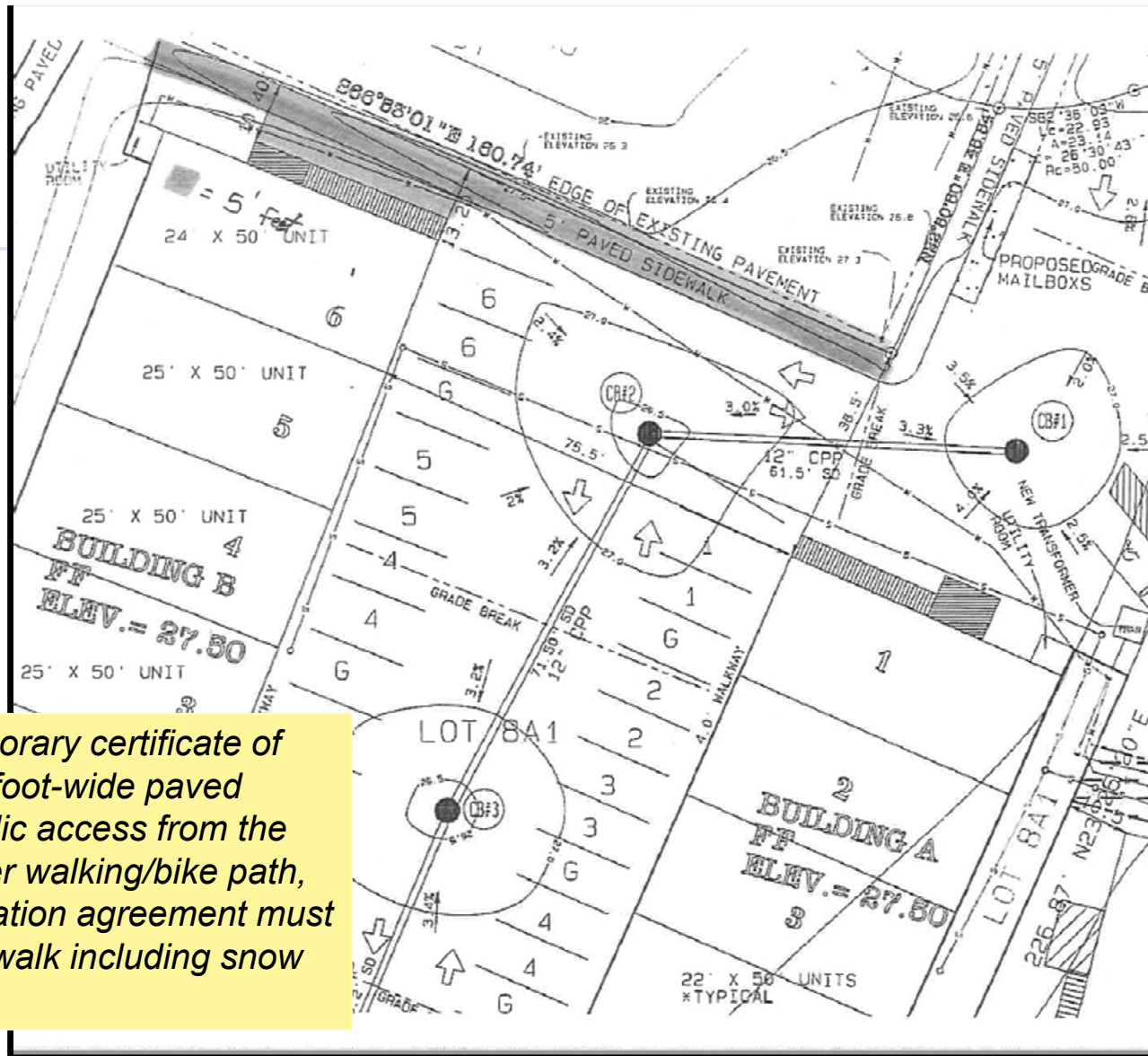
Condition #7: Prior to the issuance of a temporary certificate of occupancy for the first dwelling unit, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The HOA agreement must address the ongoing maintenance of the sidewalk, including snow removal.



Approved Site Plan & Amended Condition

Building A is constructed.
Applicants are seeking TCO for Unit 1 in Building A.

Construction of Building B will begin in Spring 2022.



Condition #7: Prior to the issuance of a temporary certificate of occupancy for the final unit in Building B, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The Homeowners Association agreement must address the ongoing maintenance of the sidewalk including snow removal.

Public Comment

- CDD conducted a public comment period between December 11, 2021 and January 2, 2022. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on site two weeks prior to the scheduled hearing.
- **No public comment has been received.**

Recommend APPROVAL

Modified Condition: *Prior to the issuance of a temporary certificate of occupancy for the final dwelling unit in Building B, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The Homeowners Association agreement must address the ongoing maintenance of the sidewalk including snow removal.*

QUESTIONS?



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: January 20, 2022
Case No.: USE2021 0023

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

Proposal: A Conditional Use Permit to modify Condition #7 of USE2021 0002 for Clinton Drive Condominiums

Property Address: 3011 Clinton Drive

Legal Description: Vintage Park II Block C Lot 8A1

Parcel Code No.: 5B1601440082

Hearing Date: January 11, 2022

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 4, 2022, and approved the Conditional Use Permit in order to modify Condition #7 of USE2021 0002 to be conducted as described in the project description and project drawings submitted with the application. The Planning Commission approved a modified version of recommended condition in the attached memorandum. The Planning Commission approved the following condition:

1. Prior to the issuance of a temporary certificate of occupancy for the first unit in Building B, a 5-foot wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ 49.35.630. The Homeowners Association agreement must address the ongoing maintenance of the sidewalk including snow removal.

Attachments: January 4, 2022 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2021 0023.

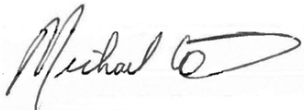
R & S Construction
Case No.: USE2021 0023
January 20, 2022
Page 2 of 2

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, January 11, 2022.

Expiration Date: The permit will expire 18 months after the effective date, or July 11, 2023, 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

January 22, 2022

Date



Filed With City Clerk

January 24, 2022

Date

cc: Plan Review

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

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Additional Materials for January 11, 2022 Planning Commission

ATTACHMENTS:

	Description	Upload Date	Type
▣	Additional Materials for January 11, 2022 Planning Commission	1/7/2022	Miscellaneous

Additional Materials

Regular Planning Commission Meeting

Virtual Meeting Only

7:00pm

Meeting Date: January 11, 2022

1. CSP2021 0004:

- a. Public Comment – Rick & Lisa Currier, received 1.4.22

2. CSP2021 0006:

- a. Public Comment – Carole Bookless, received 1.5.22

Rick and Lisa Currier
12020 Cross Street
Juneau, Alaska 99801

City and Borough of Juneau Planning Commission
155 South Seward Street
Juneau, Alaska 99801

January 3, 2022

Ref: CBJ Planning Commission Case Number CSP2021 004

Dear Commissioners:

As residents of Tanner Terrace Subdivision, we have no objections to the proposed land swap between CBJ Lands and Ms. Karla Allwine. Her property is already in commercial use, and any development that she does on her existing parcel or the lands gained from the city will not adversely affect the views or property values of Auke Bay residential property owners.

Larger questions remain, though, about the disposition of CBJ-owned parcel number 4B280011030121, which extends from Auke Bay Elementary School to Spaulding Meadows Trail. This land is slated for sale to private developers to increase Juneau's housing inventory. It is currently zoned D-3 residential. The parcel size is approximately 39 acres. It is somewhat steeply sloped, especially above the Northwest corner of the Tanner Terrace subdivision. According to CBJ zoning maps, it appears that approximately 25 to 30 percent of the parcel is wetlands, especially in the Northeast corner and behind the Auke Bay Bible Church, Global Missionary Union, and eastern Tanner Terrace properties. Having walked the area many times, we can attest that these are active wetlands with flowing water, regardless of wet or dry seasons. Proper drainage is critical for downslope properties when upslope parcels are developed. A record breaking rainstorm in September, 1999 caused Wire Street pavement to buckle and erode, and required Juneau Police to evacuate a family from their waterfront North Douglas property at two a.m. due to a developer's work on the upslope side of North Douglas Highway.

The Tanner Terrace neighborhood streets were paved by CBJ about seven years ago. The project involved extensive sewer and drainage improvements. We do not believe that Tanner Terrace storm sewers have the capacity to handle high density development in the CBJ parcel. We hope that any development on CBJ parcel 4B280011030121 will incorporate proper drainage engineering with consideration and due diligence for downslope residents during buildout and post completion.

Lastly, I'm sure most of us in Tanner Terrace would appreciate a greenbelt along the property line that adjoins our neighborhood, or the opportunity to buy a greenbelt strip upslope from our property.

Regards,

Rick and Lisa Currier
ricklisa@gci.net
907-209-3120

From: Carole Bookless <carobo@rocketmail.com>
Sent: Wednesday, January 05, 2022 11:29 AM
To: PC_Comments
Subject: Franklin Foods (CSP2021 0006)

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

Dear Planning Commission,

I am providing a comment on CSP2021 0006, selling City land on Franklin Street. I oppose this proposal. Downtown City land is limited and irreplaceable. This land has been used in the past as public park land. Granted, the park has sometimes been used as a gathering place for local citizens with limited means at times, but it was used by everyone and I had used the park myself as a place to sit. Since it has been rented out for food trucks, I have not used the park. Personally, I don't support the rental of the property either, because of that reason. I feel the land has been taken out of our common space and we have limited common space as it is. If it is sold, it will be taken out of common space for ever.

I also feel it isn't equitable to other similar businesses downtown and others who might have wanted to purchase some very limited downtown land. My prediction is that should this land be sold, it will either be resold for profit, or a permanent structure will be built there eventually. The land is just too valuable as private land to continue to be used for food trucks. Notwithstanding, it's true value is immeasurable as public land.

Other public uses for this land, if it is not park, include museum space, City services/offices, tourism offices, stand-alone-library freeing up office space, etc. Right now the City is considering moving City Hall out of rental space to City owned land, so why sell any City owned land? It doesn't make sense.

Please don't sell this land.

Carole Bookless
Douglas, Alaska