

MEMORANDUM

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

TO: Planning Commission

FROM: Teri Camery, Senior Planner 

DATE: May 8, 2013

SUBJECT: USE20130005 5/7/13 Comment Letter from Baxter Bruce & Sullivan P.C.

Attached is a detailed comment letter from Baxter Bruce & Sullivan P.C. regarding the concerns of the Auke Bay Towers Homeowners Association. This letter was received before the packet deadline, so it has been included with the staff report. However it is not possible to address and integrate these comments into the staff analysis at this date. Staff will review these comments in detail at the Planning Commission hearing.



Teri Camery

From: Cordova Pleasants on behalf of PC_Comments
Sent: Tuesday, May 07, 2013 4:18 PM
To: Teri Camery
Subject: FW: Written Comment for Planning Commission Meeting on May 14, 2013
Attachments: ltr to CBJ.written comments re May 14 mtg.with exhibit.pdf

Hi Teri,

This comment just arrived for Statter Harbor. Let me know if you'd like to add it to your staff report or if you'd like me to make it a blue folder item.

Cordova

From: Chris Hildebrand [<mailto:childebrand@baxterbrucelaw.com>]
Sent: Tuesday, May 07, 2013 4:14 PM
To: PC_Comments
Subject: Written Comment for Planning Commission Meeting on May 14, 2013

Attached please find correspondence which we would like to have included in the information packets for the Planning Commission members for the May 14 meeting including discussion of the Statter Harbor project.

Please give me a call or reply email if you have any questions. Thank you! Chris

Christine Ann Hildebrand
Legal Assistant
Direct line: (907) 790-7101

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Daniel G. Bruce
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May 7, 2013

Planning Commission
City and Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
pc_comments@ci.juneau.ak.us

Re: Statter Harbor Improvements Project
Your File No. USE2013 0005
Hearing Date: May 14, 2013
Our File No. 8968-001

Dear Planning Commission Members:

This letter is written on behalf of my client Auke Bay Towers Homeowners' Association as it pertains to the Statter Harbor launch ramp relocation and construction and the related development of the adjacent uplands and tidelands for parking scheduled for hearing before the Planning Commission on May 14, 2013.

The Board of Directors of the Auke Bay Towers Homeowners' Association and interested association owners/residents met on April 18th to review the status of the proposed relocation and construction of the boat launch ramp and associated upland and tideland parking at Statter Harbor (the second phase of the Statter Harbor reconstruction project) in light of the now-pending application of the CBJ Docks and Harbors Committee to the CBJ Planning Commission for a conditional use permit for the project.

The Auke Bay Towers Association consists of the owners of 19 condominium units housing 30 – 32 residents. The project for which the Association is responsible was constructed in 1969.

As should be evident, residents' concerns continue to chiefly involve the intrusion on daily life at Auke Bay Towers that is to be expected by the proposed redevelopment of the upland and tideland parcels. These are precisely the types of issues that the Community Development staff and the Commission must consider when evaluating a conditional use permit application under Title 49.15.330. The Planning Commission must consider their concerns and to incorporate into the applicant's conditional use permit specific conditions that will reasonably protect the interests of Auke Bay Towers residents in continuing to have the beneficial use and

enjoyment of their homes while also minimizing the negative impact of the development on the value of their homes.

The following summarizes the Board's concerns regarding the permit application:

1. Most Auke Bay Tower residents believe the proposal for expanding the upland and filled tideland and wetland parking development overestimates the demand expected for vehicle and vessel use. The plan invests heavily in boat-and-trailer parking. Residents' experience is skeptical that, across the expected span of the recreational boating season, the allotted spaces would be filled. No doubt the applicant has some rationalization for the anticipated boat-and-trailer and individual vehicle usage that it believes to be sufficient to justify the magnitude of its development plan but, if use expectations cannot be reasonably defended – then before issuing a permit, the Planning Commission should require the Docks and Harbors Committee to revisit its calculations and make necessary adjustments.

Residents' concerns were not satisfied by Port Director Carl Uchytel's February 23 summary response that "We [i.e. the Docks and Harbors Committee] have performed a study that establishes existing parking needs. The number of spaces provided accounts for future growth." Those comments were amplified by Port Engineer Gary Gillette in the April 3 supplemental project narrative, explaining that the results of field counts and estimates determined on design standards and guidelines support parking capacity of 99 vehicle-trailer spaces and 79 vehicle spaces.

To be sure, the file behind the application contains study material predicated in large part on usage demand during the 2010 Salmon Derby weekend. Residents have reason to question the numbers compiled. During the 2012 Salmon Derby weekend Laury Roberts Scandling counted vehicles and trailers parked on the Back Loop Road, the old NOAA facility, the lot across from Squires Rest and Fisherman's Bend. That count totaled 154 – approximately 31% less than the design capacity of the project of 224 spaces. Experience outside of the downtown core with parking requirements within the Juneau Borough would lead one to believe that parking lots are often overbuilt and underutilized. The assumptions of growth by the applicant should be viewed skeptically by both staff and the Commission.

While we believe that the burden to establish reasonable need falls on the permit applicant and can debate expected usage demand based on activity on high demand weekends, given the parking expansion's proposed intrusion on adjacent tidelands and wetlands, the approach should look to normative usage rather than exceptional demand. We were reminded, also, that one additional source of that information rests with the applicant – namely, the issuance of annual launch permits, under which the permit applicant indicates his or her preference of launch site. Also, it was noted that, rather than making use of the Statter Harbor facility, many vessel operators choose, instead, to save on costs of more expensive vessel fuel by using the recently expanded facility at Amalga Harbor, a facility that has gained more interest since the information relating to usage demand was compiled.

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As noted earlier, if the applicant cannot defend its reasonable usage expectations, then before issuing a permit, the Planning Commission should require the Docks and Harbors Committee to revisit its calculations and make necessary adjustments in the dimensions of the proposed upland parking areas; more specifically, under CBJ Code Sec. 49.15.330(g)(15), the Planning Commission should add a condition to require the Docks and Harbors Committee to limit the size of the project's parking area development. If a reduction of parking is warranted, we'd hope that any adjustment would eliminate proposed expanded vehicle and vessel parking in areas adjacent to Bay Creek, the common property line between the applicant's project and the Association.

2. Our previous communication mentioned the Association's owners' concerns with the project's lighting:

Residents of the Auke Bay Towers units nearest the development have expressed a concern about the effect of the proposed lighting of the area and would hope to have the plan contain requirements on the type and extent of illumination that minimize lighting intrusion affecting the Auke Bay Towers owners' units and residents.

To which Mr. Uchityl responded: "Lighting is planned to be full cut off similar to ABLF." In the supplemental project narrative, Mr. Gillette's additional explanation notes that "The final lighting plan has not been design[ed;] however the concept for lighting the facility is to incorporate . . . luminaries that concentrate the light downward . . . [and that] eliminates side glare that may be offensive to neighboring properties." While we're not sure about the "ABLF" reference or how that may translate into protections of the interests of the Association, we urge the commission to bear in mind that, at the common property line along Bay Creek, the project abuts residences. Thus, as authorized by CBJ Code Sec. 49.15.330(g)(17), the Planning Commission must require as a condition of the applicant's permit specific direction as to the type, extent, and direction of illumination intended to reasonably eliminate or substantially reduce light intrusion affecting residents in these adjacent Auke Bay Towers units. In addition, under CBJ Code Sec. 49.15.330 (g)(14), the Planning Commission should require adequate screening to further reduce impact of the development's lighting on the residents of Auke Bay Towers.

3. In our earlier communication, we noted the necessity of paving the parking area:

. . . For purposes of reducing wind-blown dust generated by vehicle use, the conditional use permit should require that the final project's vehicle traffic lanes and parking pads be paved.

On this point, Mr. Uchityl's mid-February response was hardly comforting: "The plan is to pave unless funds are short." Mr. Gillette's additional comments make the same point, reiterating the applicant's intent to pave depending on availability of funding.

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This matter should not be left to fortune. Auke Bay Towers Association owners and residents are concerned about the effects of dust and debris generated by an anticipated substantial increase in vehicle and vessel-trailer traffic and by runoff into Bay Creek and Auke Bay water if the parking lot surfaces are left unfinished.

The Planning Commission's permit should include, under CBJ Code Sec. 49.15.330(g)(16) and (18), an additional condition that requires the committee to seek, obtain, and use funds to secure paving of the proposed parking areas. If the applicant does not have the funding to pave the entire parking surface then the project obviously should be scaled back so that all conditions necessary to protect neighboring landowners can be completed. Adjoining property owners should not be forced to bear the burden of the applicant's lack of funding.

4. We remain concerned about the potential for allowing on-shore marine-related support activities in the parking lot during the long off-season period. Specifically, based on observation of activity adjacent to the existing launch ramp, we had previously questioned whether

. . . the docks and harbors committee may allow portions of the upland and filled tideland and wetland parking areas to be used – either by intent or by oversight – for off-season or over-winter boat storage and vessel repair. Auke Bay Towers residents believe that the committee sponsoring the boat launch ramp expansion plan treats the upland and filled tideland wetland area across Bay Creek from the condo property as parking essential for support of owners' vessel access to and use of the expanded ramps, and the use of the area to be redeveloped should be strictly limited to that purpose.

Mr. Uchityl's earlier response to us on this point was not reassuring: "This is a management issue but it is not intended to offer storage or boat repair." Mr. Gillette's expanded response, set out as part of the supplemental project narrative, also acknowledges the permit applicant's intent that the launch ramp project wouldn't be used for storage or vessel repair activities, and indicating that, before changing that policy, the applicant would seek to amend the conditional use permit through the public permitting process.

At this time, we'd urge the Planning Commission to remove this as a matter of potential controversy. Management should not be allowed to drive a Mack Truck through the conditional use process by having the "discretion" to increase the intensity of the use of the property. The Commission should act to affirm statements of intent of Mr. Uchityl and Mr. Gillette by eliminating the option as one that would be left to discretion in the management of the redeveloped area.

Specifically, as a follow up to our earlier request on this point, we reiterate that, under CBJ Code Sec. 49.15.330(g)(18), the Planning Commission's conditional use permit should include provisions that expressly preclude the use of the area to be redeveloped as parking for vessel storage, boat repair, and similar common boat yard purposes, by vessel owners personally

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or on a commercial basis. If the upland and filled tidelands are to serve the redeveloped Statter Harbor as parking, then parking, and only parking, should be authorized.

5. We hope that, following the redevelopment of the Statter Harbor properties, the Docks and Harbors Committee and the Association will remain good neighbors. Good fences – or at least the inclusion along the common property line of good buffers – should significantly contribute to that likelihood. In our earlier notation to counsel on this point, the Association said:

As a further buffer to protect the integrity of the Bay Creek stream flow and to reduce anticipated noise from vehicle and pedestrian uses of the proposed upland portion of the developed property, the Auke Bay Tower residents urge that, in addition to any dedication of public access easements along the thread of Bay Creek, the planning commission require inclusion and maintenance of a planting of trees along the developed property from Glacier Highway seaward and above the tide line along the property line that is common to the upland area and the Auke Bay Towers Homeowners' Association's parcels that abut Bay Creek. The requirement should extend this tree line buffer along or adjacent to side slopes seaward to the point that the parking area angles to accommodate the Bay Creek meander . . . so that the entire west-facing boundary of the parking area is effectively screened.

For the permit applicant, Mr. Uchityl's February 23 cryptic reply to our statement was not encouraging: "We may be able to plant trees along the Bay Creek edge." Mr. Gillette's later comment noted that the final landscape design was incomplete "but it is intended to provide a variety of vegetation that will offer noise and visual screening to the extent possible." Such a remark is contrary to the requirements of CBJ Code Sec. 49.50.310 which requires that "*The areas to be maintained with vegetative cover shall be shown on the plans submitted for a development permit.*"

Residents believe that requiring the inclusion of an appropriate buffer – a planting of native spruce and hemlock trees (rather than deciduous trees or non-native species) along the entirety of the west-facing parking lot Bay Creek boundary, trees that complement, and that would eventually match the heights of, the variety of species of plantings already in place on the Bay Creek shore of the Association's property – to enhance the screening from view of much of the expected upland traffic activity would be mutually beneficial. In addition to reducing noise and traffic-generated dust, a well planted and maintained vegetation buffer would contribute to maintenance of the integrity of the shoreline of Bay Creek and could materially reduce or prevent sedimentation runoff into the creek. In the past, the Planning Commission has endorsed a condition requiring a creekside vegetation buffer to mitigate anticipated noise and soil disturbance from upland commercial activity. Minimizing traffic noise from commercial activity and aiding the protection of the Bay Creek water quality cannot be left to the applicant's discretion under CBJ Sec. 49.50.310 but must be part of the Plan Submittal. Failure to have a

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plan that depicts the vegetative cover results in an incomplete plan which should not be processed further.

We would note the contractor preparing the Scenery Resources Report for the Statter Harbor Improvements Project suggests the permit applicant's obligation:

Special attention needs to be paid to the views from the Auke Bay Towers Condominiums and providing sufficient buffering within the site and the large paved parking area. Work in conjunction with the engineers to determine if planting soils and native plant material can be placed within the shot rock fill slopes on the Auke Bay and Bay Creek sides to the high tide line.

We'd encourage the Commission to follow up on the contractor's statement, to be proactive with respect to this permit application and, under CBJ Code Sec. 49.15.330(g)(14) and Sec. 49.50.310, to impose a screening condition of plantings substantially as the Association has outlined.

6. CBJ Code Sec. 49.15.330(f), a subsection of the CBJ conditional use permit ordinance, requires the Planning Commission to make certain determinations, including a determination that a permit may not issue if there is evidence that the proposed development under the conditional use permit will not meet each of three specified standards. One of the standards, paragraph (2), is that "the [proposed] development will more probably than not substantially decrease the value or be out of harmony with property in the neighboring area." The CBJ Assessor's Office concludes, in a summary manner and without extensive discussion as to basis and methodology, that "the proposed project will have little to no discernible impact upon values of surrounding residential properties." Apart from misstating the applicable standard, we believe that, if the Assessor's Office statement and determination is to be accepted by the committee as the basis for determining that the project qualifies for the permit under the subsection (f) standards, we believe that the Assessor should be forthcoming with the specific information on which the office made its determination.

Auke Bay Towers also believes that the applicant's assumption that there will be no negative impact on property values of adjoining property owners is without merit. The input from the Assessor's Division of the CBJ is without merit on the impact of the development of wetlands and water views into a view shed of a massive parking lot. By his own admission the Assessor has acknowledged that the department's analysis is not property specific but based upon computer models of neighborhood sales. Fortunately, the residents have relevant information from recent appraisals of units that clearly and unequivocally establish that at a minimum the value of a water view unit at Auke Bay Towers versus a non-water view is Five Thousand Dollars (\$5,000.00). Attached to this correspondence is part of an appraisal report prepared for Heather Marlow, who owns unit 304. It shows the sales of other units in Auke Bay Towers and adjusts the non-water view unit 201 downward \$5000.00 for view versus the water view units.

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The result of the development will be to turn three units currently enjoying water views (units 101, 201 and 301) and turn them into non-water view units. Furthermore, these three units and 9 others will be only 50 to 100 feet from construction area during the development of the parking lot. These units will bear the consequences of 18 months of filling, compacting and paving work scheduled by the applicant. Thus, it would appear that the Assessor's opinion of negligible impact is without merit.

7. Finally, we had earlier expressed to counsel our concern about the noise to be expected from the project during the estimated 18-month development period for this phase of the project:

The planning commission should include within a conditional use permit reasonable conditions to reduce or eliminate sound intrusion across the common property line between the permit area and the Auke Bay Towers Homeowners' Association's property during the upcoming construction periods, taking into account residents' activities.

For the applicant Committee, Mr. Uchityl noted: "We plan to work within the city code limitations on work days relative to high noise generation i.e. 7am to 10pm M-F and 9am to 10pm S-S." Mr. Gillette's response reiterated that the applicant planned to honor the CBJ code provisions respecting high impact sound construction activities.

With due respect to the CBJ ordinance cited by Mr. Uchityl and Mr. Gillette, we firmly believe that the commitment is less than satisfactory. There is a general acknowledgment that, with ongoing delivery of fill and continuing regular use of heavy construction machinery to place and compact the delivered material, the launch ramp and parking lot development will be an exceedingly noisy activity. With a projected eighteen-month project construction timetable, it will occur principally across two off seasons and immediately adjacent to a residential building in which the overwhelming number of owners and residents are currently employed, working during usual business hours. A handful of the residents, however, are employed in construction, engaged in work that has very early "start" hours, as early as 5 a.m. on as often as six day shifts; for building residents, but especially for those employed in construction, a project construction work day extending to as late as 9 or 10 p.m. on each of seven nights a week would surely detract from their ability to have enough sleep to be awake and alert the following morning.

CBJ Code Sec. 49.15.330(g)(11) authorizes the Commission to impose sound-mitigation related conditions to discourage the production of more than 65dBa at the property line during the day or 55dBa at night. For the duration of this project, we urge the Commission to impose a maximum 12-hour daily work limit, requiring conclusion of work by not later than 6 p.m. In any event, we urge the Planning Commission to require the committee to meet the burden of monitoring and documenting compliance with the relevant sound requirements – establishing and maintaining a noise log with regular daily readings entered – and demonstrating compliance. The Committee may choose to identify and allow a limited number of exceptions, but should make clear that the violation of the terms of the noise condition would require the Committee and its contractor(s) to work shortened hours.

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Independently of the above comments, we would offer one final point. Government projects should be held to the same standards in the conditional use permit process as any other project. The Board of Auke Bay Towers and the residents have experienced a degree of real indifference and apparent lack of consideration by the Docks and Harbors Committee for the concerns of the neighboring property owners as the Committee has pushed the Statter Harbor project forward. The best recent evidence for that is the summary response offered by Mr. Uchityl. On the whole, we're left with the impression that the Committee is determined to have the project in its fashion, the project's intrusive impacts or effects on residents of the neighborhood notwithstanding. The board and interested owners are looking to the Planning Commission to maintain and enforce the standards and protections afforded the citizens of Juneau by the conditional use permit process. The residents ask that the Commission provide a better measure of balance to a project that, if left exclusively to the Committee and its staff without the additional conditions, promises to be disruptive to the lives and property interests of the adjacent property owners.

If you have any questions, you may contact me as set out above or directly by email at: dbruce@baxterbrucelaw.com. Thank you.

Best Regards,

BAXTER BRUCE & SULLIVAN P.C.



Daniel G. Bruce

cc: client

MEMORANDUM

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

DATE: May 8, 2013

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: USE2013 0005 and CSP2013 0006

PROPOSAL: A Conditional Use Permit and City Project Review for construction of a new two-lane boat launch ramp and associated parking at Statter Harbor

GENERAL INFORMATION

Applicant: CBJ Docks & Harbors

Property Owner: CBJ

Property Address: Auke Bay

Legal Description: Alaska Tidelands Survey 121

Parcel Code Number: 4-B28-0-101-007-0; 006-0; 005-0; 004-0

Site Size: 6.01 acres

**Comprehensive Plan
Land Use Designation:** Marine Mixed Use

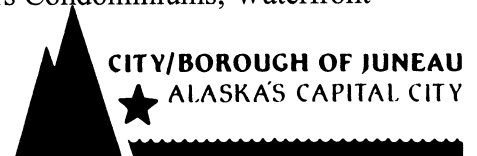
Zoning: Waterfront Commercial

Utilities: CBJ Water and Sewer

Access: Glacier Highway

Existing Land Use: vacant lot and tidelands

Surrounding Land Use: North – Glacier Highway; UAS Bookstore; General Commercial
South – Auke Bay
East – Statter Harbor Upland Facility; Waterfront Commercial
West – Bay Creek; Auke Bay Towers Condominiums; Waterfront Commercial



Vicinity Map



ATTACHMENTS

Attachment 1	Development Permit Application
Attachment 2	Conditional Use Permit Application
Attachment 3	Project Narrative 2/8/13
Attachment 3A	Proposed Action Alternative Concept 9 Master Plan
Attachment 3B	Statter Harbor Uplands Proposed Master Plan
Attachment 3C	Concept Number One Site Plan
Attachment 3D	Proposed Action Alternative Concept 9, the Proposed Project
Attachment 3E	Statter Harbor Improvements Proposed Project Site Plan
Attachment 3F	U.S. Fish and Wildlife Service Decision Notice; Finding of No Significant Impact
Attachment 3G	U.S. Army Corps of Engineers Permit 9/17/12
Attachment 3H	State of Alaska Department of Environmental Conservation Certificate of Reasonable Assurance
Attachment 3I	State of Alaska Department of Fish and Game Fish Habitat Permit
Attachment 3J	Visual Simulations
Attachment 3K	CBJ Assessors Office Review 2/22/13
Attachment 3L	Special Waterfront Area Map
Attachment 4	Supplemental Project Narrative 4/3/13
Attachment 5	Flood Zone Analysis 5/7/13
Attachment 6	Parking and Aisle Dimension Site Plan
Attachment 7	DOT Comment 3/20/13
Attachment 8	USKH Traffic Analysis 5/21/08
Attachment 9	Traffic Analysis Supplemental Information 4/3/13
Attachment 10	Wetlands Review Board 3/21/13 DRAFT Minutes
Attachment 11	Zoning Map
Attachment 12	Supplementary email correspondence regarding the 2/22/13 Assessor's Office review

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a new two-lane boat launch ramp and associated uplands parking in the northeast section of the Statter Harbor facility, located across from Squires Rest and the UAS Bookstore properties. The proposed project is a component of the Statter Harbor Master Plan. The Statter Harbor Master Plan is included in Attachment 3A.

The primary purpose of the proposed project is to improve safety, reduce congestion, and increase harbor efficiency. The purpose of improving safety and efficiency is driven by the need for:

- safe access to the harbor
- improved pedestrian access
- adequate on-site parking
- increased boat launch capacity and efficiency
- reduced congestion; and
- separation of various user groups.

In accordance with the Environmental Assessment (described in the Background and Habitat Sections of this report), the proposed project was developed and designed to:

- 1) Meet the purpose and need for the project;
- 2) Incorporate improvements identified by the Statter Harbor Master Plan;
- 3) Minimize the size of the intertidal fill footprint;
- 4) Minimize impacts to Bay Creek's active estuarine channel complex;
- 5) Minimize impacts to Bay Creek's alluvial delta;
- 6) Minimize impacts to eelgrass habitat;
- 7) Utilize upland areas for parking;
- 8) Minimize visual and noise impacts to adjacent properties; and
- 9) Be financially feasible.

The proposed project includes the following features from the Statter Harbor Master Plan:

- 1) An armored slope and marine seawall to retain intertidal fill;
- 2) A double-lane boat launch ramp and associated parking;
- 3) A new access driveway from Glacier Highway for vehicles with trailers
- 4) A sea walk along the harbor frontage and trail access to Bay Creek;
- 5) Reconfigured vehicular access and traffic circulation in the harbor area;
- 6) Segregated launch and retrieve operations (non-motorized boats such as kayaks would use the existing boat launch, while motorized boats would use the new double-lane launch ramp);
- 7) Scenic viewing opportunities along a seawalk; and
- 8) Landscaped buffer areas near adjacent properties.

The proposed project would fill approximately 4.3 acres of estuarine intertidal fill, reduced from the six acres originally proposed.

The project is ready for final design and development of construction and bid documents. Pending approval of this Conditional Use Permit, the project could go to bid in late 2013 or early 2014, construction could begin in 2014, and the project would be completed in 2015.

BACKGROUND

Attachment 3, Project Narrative, pages 2-5, provides a detailed history and timeline regarding project design, voter and CBJ Assembly approval, public meetings, and funding for the project. The project is funded by voter-approved sale tax revenues, state legislative appropriations, and

federal funding from angler and boating taxes that is granted through the Alaska Department of Fish and Game.

Because federal funding was secured for the project, an Environmental Assessment (EA) was required. In early 2008 conceptual plans were developed based on the 2005 Master Plan. The launch ramp element of the Master Plan resulted in Design Concepts 1 and 2. Concept 1 was the same as Concept 2, except that Concept 1 included retail and park space. Federal resource agencies objected to Concept 1 because the additional retail and park space would result in additional intertidal fill. Many different designs were explored and evaluated against the project goals while meeting state and federal regulations. These previously evaluated alternatives are all included in the EA, which is approximately three inches thick and therefore not practicable to include as an attachment. However the EA may be found through the following link: www.juneau.org./harbors/hot_issues.php.

The EA resulted in the final Proposed Action Alternative, which is the current Conditional Use Permit proposal, included as Attachments 3D and 3E.

Public Meetings. The applicant's Project Timeline also refers to the dates that the project obtained state and federal permits, Assembly updates, and public meetings. The ten-year history of project development includes seven meetings with the CBJ Assembly and Assembly Committees; one meeting with the Planning Commission; four meetings with the Statter Harbor Steering Committee; and two public presentations. The applicant's summary does not include resource agency meetings.

Agency Review Period. CDD staff conducted an Agency Review Period from February 28, 2013 through March 20, 2013. The customary 15-day agency review period was extended due to the complexity of the project. The Alaska Department of Fish and Game indicated that a Fish Habitat Permit was issued, and had no further comment. The Alaska Department of Environmental Conservation Water Quality Standards and Assessment Division replied that they had no questions regarding the project. Staff received no response from the CDD Building Division, CBJ Engineering, CBJ Lands, CBJ Public Works, CBJ Fire, the CBJ Police Department, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or the U.S. Army Corps of Engineers. Comments from the Alaska Department of Transportation and Public Facilities have been noted in the traffic section of this report.

ANALYSIS

Project Site and Project Design -

The project site is zoned Waterfront Commercial and comprises one section of the larger Statter Harbor facility. Parcels both east and west of the project site are also zoned Waterfront Commercial. Parcels on the north side of Glacier Highway are zoned General Commercial. Auke Bay is south of the site. (Attachment 11, Zoning Map)

The existing two-lane launch ramp at Statter Harbor has exceeded its design life and has serious deterioration that is beyond the level of repair. The end of the ramp is at the zero-foot tideline, therefore the ramp is not useable during most low tides. In addition, the location of the current ramp results in extreme congestion and user conflicts due to inadequate parking and circulation and access limitations at the Harbor Drive and Glacier Highway intersection.

The proposed ramp will reach the -5 foot tide line, and will launch vessels further out into the harbor into a less congested area, which will provide safer vessel navigation in the harbor. Circulation patterns within the loading and parking facility will be more efficient, which reduce congestion and improve maneuverability with truck and trailer vehicles. (Attachment 3, p.7)

The original 2005 Statter Harbor Master Plan envisioned landscaping and park-like areas, along with commercial and retail uses at the facility. However adjacent business owners opposed public retail space, and the federal environmental review process required limiting the inter-tidal fill footprint to the minimum necessary to meet the project purpose. The original plan would have filled over six acres of intertidal area and would have re-channeled Bay Creek. To retain the most critical project components in accordance with the project purpose, some of the landscaped area was eliminated, the park-like space was eliminated, and the commercial/retail areas were eliminated. These changes reduced the final inter-tidal fill footprint to approximately 4.3 acres. As an example, compare Attachment 3C (Concept 1), with the final preferred alternative and Conditional Use Permit Design, Attachment 3D.

Despite the reduction in scope, the project includes a sea walk at the water's edge along the entire waterfront line of the project with viewing platforms in several locations, with landscaping. The project also includes a walkway adjacent to Bay Creek to view the stream habitat. Lastly, the project incorporates landscaped buffers along the roadway and small landscaped islands within the parking lot.

Traffic, Parking, and Circulation

Access Drive. The current access drive into Statter Harbor, at the DeHart's/Glacier Highway intersection, has been a safety concern due to limited visibility and inadequate site distance. The proposed project would change current traffic patterns by relocating the driveway that provides access to the boat launch. The new access driveway would be directly across from Squires Rest and the UAS Bookstore.

The existing launch ramp area has an insufficient number of parking spaces, therefore most users must first launch their boat, then exit back to Glacier Highway for parking at the Horton Lot (across from Squires Rest), at Auke Bay Elementary, or along the roadway of Back Loop Road. This lack of parking creates significantly more traffic, as well as safety concerns from pedestrians walking along the roadway back to the ramp. The proposed project would have adequate on-site parking (described later in this section), and therefore would significantly improve traffic flow and safety in the area. (Attachment 3, p. 7-8)

The Alaska Department of Transportation and Public Facilities (ADOT/PF) is in the final design stages of a project that would create a center turn lane along this section of Glacier Highway, which would improve ingress to the proposed launch ramp site.

ADOT/PF provided the following comment:

“[We] are satisfied with the driveway location as proposed on Attachment E. We will receive the design details, vehicle turning movement diagrams and traffic impact analysis at the permitting phase of the project.” (Attachment 7)

CDD staff requested additional information from the applicant to ensure conformance with the CBJ Code Section 49.40.300, Traffic Analysis. CDD specifically requested information regarding the average number of daily trips from the development. The applicant responded with a traffic analysis conducted in 2008, which stated that “The development is not expected to generate more than 100 vehicle trips on a highway during any hour of the day, nor is it expected to detract from the safety of the highway.” (Attachment 8)

CDD staff responded with questions about whether the proposed development would generate more traffic than the existing facility, whether the proposal would be compatible with DOT/PF’s proposed improvements, and whether the new traffic pattern would ensure safety for vehicles and pedestrians.

Below is a brief summary of the applicant’s response, included in Attachment 9:

- 1) **Traffic generation.** The proposed ramp will reduce traffic by providing on-site parking. Currently most users park off-site, which increases the number of trips. (This pattern has already been described in this section.)
- 2) **Compatibility with DOT/PF Improvements.** CBJ Docks and Harbors has been in steady communication with DOT/PF to ensure that the projects complement each other. DOT/PF’s comment in Attachment 7 indicates approval of the driveway location.
- 3) **Vehicle and Pedestrian Safety.** The new launch ramp driveway will divert all launch ramp patrons from the Harbor Way entrance, which is unsafe. The new driveway has much better sight distance, will be relatively flat, and will have a center turn lane to avoid stacking. With DOT/PF improvements, sidewalks will be provided on each side of the roadway which will significantly improve safety for both vehicles and pedestrians.

Pedestrian Access. The existing facility has few pedestrian walkways to separate automobile and pedestrian traffic. As described above, most harbor users park off-site and must walk to the launch ramp across the highway and/or along the roadway. ADOT/PF is in the final design phase of the Glacier Highway improvements which will provide sidewalks on both sides of the road. The proposed launch ramp project will include pedestrian walkways and a seawalk along the water’s edge that will provide safe access within the site. (Attachment 3, p. 7)

Parking. As described earlier, the current facility has inadequate parking which causes users to park in undesignated areas such as along Back Loop Road or in the Auke Bay Elementary parking lot. ADOT/PF will be constructing a roundabout at Glacier Highway and making improvements to Back Loop Road in the summer of 2013. After this work is completed, parking will no longer be allowed in these areas. Nor will parking be allowed at Auke Bay Elementary, due to anticipated summer use at the school.

Off-site parking contributes to safety concerns and the harbor's overall inefficiency. Users who launch their boat but cannot use the limited on-site parking must leave their boat tied up at the ramp while they park their car off-site and walk back to the facility. This results in inefficiency and long wait times at the ramp.

The proposed project would construct a new parking lot with 99 truck/trailer parking spaces and 79 vehicle spaces, which would alleviate, if not eliminate, the need for off-site parking. CBJ Code does not specify a parking requirement for boat launching facilities. The applicant used engineering guidelines from the Alaska Department of Fish and Game, Corps of Engineers, and the Oregon State Marine Board to determine an adequate number of parking spaces. The resulting number is intended to address current needs and allow for future growth. Existing truck and trailer spaces near the Statter Harbor Office will be converted to vehicle parking space to supplement parking for Statter Harbor moorage patrons. (Attachment 3, p 8-9) The proposed parking layout meets or exceeds requirements for parking dimensions and aisle width, as listed in CBJ Land Use Code 49.40.210. (Attachment 6)

Noise -

Noise impacts from the proposed project are expected to be similar to those at the current facility, because the proposed ramp is replacing an existing ramp and does not directly increase capacity. The noise generation will vary according to the activity level and season; noise impacts will be greater in summer. As noted earlier, parking-related traffic off-site would be significantly reduced due to the on-site parking at the facility, therefore noise might be reduced.

The Environmental Assessment (EA) included a noise study, which observed sounds in a range of 48-70dba at the site. Sound levels occasionally rose above 70 dba when combined with high volumes of traffic or passing aircraft. The study generally indicated that sound levels from the proposed development would not be higher than the current site. (Attachment 3, p. 10)

Noise impacts would be most significant during the construction phase of the project, which would include hauling and placing rock for fill, and pile driving. The back-up alarms on trucks and equipment would be disruptive, however these alarms are required by federal safety regulations.

The applicant states that construction activity would comply with the CBJ Noise Ordinance, 42.20.095(b), which restricts use of heavy construction equipment to the hours of 7 a.m. to 10 p.m. Monday through Friday, and 9 a.m. to 10 p.m. Saturday and Sunday.

Lighting –

The proposed launch ramp will include lighting that allows for safe operation under dark conditions. Lighting would be controlled by photo cells to ensure that the facility is lit only during dark times. Specific lighting fixtures have not been selected, however the applicant intends to utilize downward-facing lighting that does not cause off-site glare. Staff recommends the following standard lighting condition:

Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.

Flood Zone –

CDD Certified Flood Manager Eric Feldt has reviewed the proposed development for conformance with CBJ Land Use Code Flood Regulations, 49.70.400, and provided the following comment:

“Since there are no buildings proposed with the Statter Harbor project, the developer will need to submit drawings from a PE that the fill will be designed to withstand 100-year storm forces. This will ensure it will not erode away.” (Attachment 5)

To address this issue, staff proposes the following condition:

Prior to the issuance of a building permit, the applicant shall submit a letter from a Licensed Professional Engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough’s Flood Insurance Study.

Public Health or Safety -

No available evidence indicates that the development will adversely impact public health or safety. The proposed access driveway and on-site parking will reduce the number of vehicle and pedestrian trips to the site. New sidewalks along Glacier Highway, proposed by ADOT/PF, will ensure safer routes for pedestrians. The launch ramp design includes pedestrian walkways and a seawalk along the water’s edge. No on-site storage of fuel or other hazardous materials has been proposed.

Habitat -

Environmental Assessment. The proposed project would be constructed with federal, state, and local funds. Because of federal funding, the project required an Environmental Assessment (EA). CBJ Docks and Harbors prepared the EA with several consultants, who developed the EA in accordance with the National Environmental Protection Act.

The EA evaluated many alternatives including the final alternative under review with this Conditional Use Permit application, with a primary focus on reducing the size of the inter-tidal fill footprint and impacts to Bay Creek. The EA concluded, with the final chosen alternative, that the project did not have significant impacts and would not require a full Environmental Impact Statement.

The Finding of No Significant Impact (FONSI), documented and signed by the U.S. Fish and Wildlife Service, is included as Attachment 3F and includes a detailed summary of project impacts to habitat. The full EA may be viewed through this link: www.juneau.org./harbors/hot_issues.php. The document includes detailed project descriptions, explains the alternatives considered, and provides numerous studies, surveys, and reports generated to examine potential project impacts.

According to the FONSI, the project would eliminate approximately 4.3 acres of estuarine habitat and its habitat functions (including .11 acres of mapped eelgrass beds and .95 acres of mud flats) due to fill placement. Estuarine habitats adjacent to Bay Creek likely provide refuge and rearing habitat for juvenile salmon during their out-migration to coastal waters and provide food sources for other fish and wildlife. Eelgrass has been identified as Essential Fish Habitat for a number of marine fish species. (Attachment 3F, p. 5-6) The document notes that “Although EFH would be permanently eliminated due to the placement of fill, the project is not likely to adversely impact EFH fish species at the population level. The project will have little if any effect on intertidal spawning of Bay Creek salmon.”

Page seven of the FONSI explains proposed compensatory mitigation ratios for the habitat impacts for the project. The applicant intends to address compensatory mitigation requirements through a fee-in-lieu of mitigation payment to the Southeast Alaska Land Trust, following final negotiations with the U.S. Army Corps of Engineers. The final fee-in-lieu amount is not available at this writing.

State and Federal Permits. The proposed project requires a U.S. Army Corps of Engineers Permit, an Alaska Department of Environmental Conservation (ADEC) Clean Water Certification, and a Fish Habitat Permit from the Alaska Department of Fish and Game to allow fill in a small area of the Bay Creek intertidal floodplain. These permits have all been finalized and are included in Attachments 3G-3I. The project does not require fill, grading, or vegetative removal within the 50-foot setback of Bay Creek and therefore does not require a streamside setback variance. (Attachment 3, p. 6-7)

Stormwater will be managed and treated at the project site with oil/water separators. The ADEC Clean Water Certification requires that the applicant retain spill response equipment at the site, and prohibits on-site storage of fuel. (Attachment 3H)

Regarding impacts to Bay Creek, the ADFG Fish Habitat Permit notes:

“The project footprint avoids the active channel of Bay Creek and only affects a small portion of an overflow channel during low tides. The intertidal floodplain of Bay Creek consists of a low gradient, gravelly alluvial fan, which allows for natural meanders and shifts in stream channels

over time. We expect Bay Creek to continue to shift throughout the floodplain with no encroachment or narrowing from the proposed launch ramp.” (Attachment 3-I)

Wetlands Review Board. The Wetlands Review Board reviewed the project in its advisory role at the March 21, 2013 regular meeting. Draft minutes have been included as Attachment 10. The Board reviewed the EA process with the applicant, and specifically discussed stormwater management, water quality monitoring, minimization of the inter-tidal fill footprint, and impacts to Bay Creek. The board expressed appreciation for oil-water separators and Bay Creek educational pathway, unanimously passed the following motion:

USE2013-0005, Statter Harbor Launch Ramp, is approved for recommendation to the Planning Commission with the Board’s comments that the oil-water separator maintenance program and use of the oil and water separators are appreciated and the Board appreciates the path that allows school children to access Bay Creek safely.

CBJ Land Use Code Habitat Policies. The project is located in a Special Waterfront Area (SWA). (See Attachment 3L, Special Waterfront Area Map.) These areas are designated in the Juneau Coastal Management Plan for commercial and industrial development. (The Juneau Coastal Management Plan is still in effect in the CBJ Land Use Code, even though the state program no longer exists.) SWA’s are exempt from the prohibition on intertidal fill for expansion of upland areas per CBJ Code (49.70.905(13)), however the fill footprint must be limited to the size necessary for the use, per the following section:

49.70.960(2). Fill proposals within the special waterfront areas are not subject to the fill prohibition of subsection 49.70.905(13) relating to coastal development. Each fill proposal shall be individually reviewed to ensure that configuration, timing, composition and construction practices will minimize impacts on habitats and meet the water quality standards and other Juneau Coastal Management Plan provisions. The size of any fill shall not exceed that necessary for the use unless a larger fill is needed to maintain integrity of the fill, maintain or enhance habitat values, or to fulfill other enforceable provisions of this section.

The EA review evaluated many different project alternatives, and concluded with a preferred alternative that reduced the original intertidal fill footprint of six acres to approximately 4.3 acres. Therefore the proposed development complies with CBJ Code 49.70.960(2).

Other habitat policies from the CBJ Land Use Code under review include the following:

49.70.950 (C)(3) Wetlands and tideflats shall be managed so as to ensure adequate waterflow, nutrients, and oxygen levels, to avoid the adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances;

49.70.950 (C)(7) Rivers, streams and lakes shall be managed so as to protect natural vegetation, water quality, important fish or wildlife habitat, and natural waterflow.

Based on the analysis in the EA, impacts to intertidal wetlands and to Bay Creek have been minimized to the greatest extent practicable while meeting project goals. Permits from ADFG, ADEC, and the U.S. Army Corps of Engineers further indicate that habitat impacts have been minimized. Stormwater will be treated with oil/water separators, and on-site fuel storage will not be allowed. Remaining unavoidable impacts will be addressed through a mitigation agreement, negotiated with the U.S. Army Corps of Engineers, for fee-in-lieu of mitigation payments to the Southeast Alaska Land Trust. Based on this analysis, the project substantially conforms with CBJ Land Use Code Policies 49.70.960(2), 49.70.950(c)(3), and 49.70.950(c)(7).

Property Value or Neighborhood Harmony -

The project site is zoned Waterfront Commercial. The Waterfront Commercial Zoning District includes all properties on the waterside of Glacier Highway from the UAS Anderson Building (adjacent to the NOAA Lab) to properties two properties beyond the Fisherman's Bend Marina. This includes parcels both east and west of the project site, including the Auke Bay Towers Condominiums. Parcels on the north side of Glacier Highway are zoned General Commercial. Auke Bay is south of the site. (Attachment 11, Zoning Map)

Waterfront Commercial uses must be water-dependent, water-related, or water-oriented. The proposed facility is consistent with this zoning district, and is also consistent with the Juneau Comprehensive Plan Marine Mixed Use designation.

Landscaped areas are planned for the perimeter of the project, within the upland fill footprint near Glacier Highway, and within islands of the parking lot. Landscaping options are limited due to the federal regulatory requirement to minimize the intertidal fill footprint. The applicant will use native plant material whenever possible to allow the development to blend into the surrounding landscape. Natural rock will be used to blend in with surroundings and the current filled area at the Horton Lot and boat yard facility.

The applicant has provided photo simulations at five different locations which compare existing conditions with a depiction of the proposed project. (Attachment 3J) These simulations include two locations from water level inside Auke Bay, two locations along Glacier Highway, and a final location from the Auke Bay Towers Condominiums. The visual impacts from water level do not appear to be significant, while the visual impact from the roadway may be improved, compared to existing conditions, due to proposed roadside landscaping. However the impact to the Auke Bay Towers condominiums, adjacent to the site, may be significant, because the development would change the existing view of a beach and intertidal area into a large parking lot. The visual impact may be magnified beyond what the visual simulations indicate, because the simulations show a vacant lot; when the lot is filled with vehicles the impact may be greater.

The Auke Bay Towers condominiums are zoned Waterfront Commercial. The Waterfront Commercial Zoning District is defined in the CBJ Land Use Code, Section 49.25.250, as follows:

49.25.250 - Waterfront districts.

The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

- (a) The WC, waterfront commercial district, is intended to provide both land and water space for uses which are directly related to or dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented. Residential development is allowed in mixed- and single-use developments in the waterfront commercial district.

The condominium development is a water-oriented residential development and therefore allowed in the Waterfront Commercial zone. This zoning district allows for commercial freight and passenger traffic in accordance with other CBJ Code requirements and permits, such as this Conditional Use Permit review. While the proposed project may have a significant visual impact on the view from Auke Bay Towers, the development is not inconsistent with expected uses within the Waterfront Commercial Zoning District. As described in the noise, traffic, and lighting sections of this report, the development is not expected to substantially increase noise or congestion in the Statter Harbor area. The development will not increase capacity, and may reduce traffic noise in the vicinity by the reducing the overall number of vehicle trips, since parking will be available on site.

The Auke Bay Towers Association (ABTA) has hired legal representation regarding the proposed project. The law firm formally notified both CDD and CBJ Docks and Harbors of their representation in July 2012. Attachment 4 includes a Supplemental Project Narrative and correspondence between the law firm and the applicant. The representing attorney identified six major concerns of the ABTA, briefly summarized by the applicant as:

- 1) The development overestimates vehicle and vessel use.
- 2) Facility lighting might intrude on residents.
- 3) If the staging area and parking lot are not paved, it will cause wind born dust.
- 4) Concern regarding off-season use for vessel storage, boat repair, and boat yard purposes.
- 5) The need for a vegetative buffer along Bay Creek.
- 6) Concern about construction sound impacts to residents.

The applicant has addressed each of these concerns in detail in the Supplemental Narrative. Below is a brief summary of the applicant's comprehensive response, with additional discussion from CDD staff:

- 1) **Vehicle and Vessel Use.** The applicant described the EA process, the evaluation process used to determine the number of parking spaces, and launch ramp standards and guidelines, to explain the background behind the final number of 99 proposed spaces.
- 2) **Lighting impacts.** The applicant has proposed downward-facing lighting features. Staff has proposed a project condition, described in the staff report Lighting Section, to ensure that lighting for the project does not cause off-site glare.
- 3) **Paving.** Docks and Harbors intends to pave the site.
- 4) **Off-season Use.** The current project is not intended for storage or vessel repair. If it is necessary to use the facility in this manner at a later date, a modified Conditional Use Permit would be necessary.
- 5) **Buffer along Bay Creek.** Attachment 3E, the final proposed project, indicates a landscape buffer along Bay Creek. It is not possible to achieve the project's goals and to increase the size of this buffer due to restrictions on the intertidal fill footprint required by federal regulations through the EA process.
- 6) **Sound Impacts During Construction.** CBJ Code Section 49.20.095(b) restricts high-impact sounds from construction activities to 7 a.m.-10 pm Monday through Friday and 9 a.m. to 10 p.m. on weekends. The applicant intends to work within these parameters. Back-up alarms from equipment may be highly intrusive, however these alarms are required for conformance with federal safety standards. If a further reduction in hours is warranted, the Planning Commission could consider reducing construction hours to 8 a.m. to 9 p.m. Monday-Friday and 9 a.m. to 9 p.m.

The applicant has provided comments from the CBJ Assessor's Office. The appraiser summarizes his review as follows:

"The proposed use appears to be consistent with [Waterfront Commercial] zoning and with the current uses in the immediate area. I have viewed the subject site and reviewed the plans, maps and aerial photos. I reviewed historical residential sales information from the Juneau market, focusing on areas adjacent to waterfront development. Based on the information available to me, I anticipate that the proposed project will have little to no discernible negative impact upon values of surrounding residential properties." (Attachment 3K)

An Auke Bay Towers resident has provided email correspondence from the CBJ Assessor's Office that includes an explanation of how the Assessor's review was conducted. In an email message, the Assessor's Office stated,

"My comments were made in light of the limitation of our information and scope of work, neither of which support a more detailed or unit-specific determination of future market affect. Additional analysis or comment on the Auke Bay Towers situation is not warranted at this time."

(Attachment 12)

The Planning Commission may wish to consider whether the Assessor's Office determination is adequate, or if further assessment is necessary.

In conclusion, the proposed development is in general harmony with property in the neighboring area. While the development may have a negative visual impact for residents of the adjacent condominiums, the development is typical for the Waterfront Commercial zoning district. Based on available evidence, the development is not expected to adversely affect property values.

Conformity with Adopted Plans -

The 2008 City and Borough of Juneau Comprehensive Plan designates the proposed project area as Marine Mixed Use, which is defined as follows:

These lands are characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Suitable locations include Auke Bay, Downtown Juneau, Downtown Douglas, and the waterfront areas of the West Douglas and Echo Cove New Growth Areas when Master Development Plans are developed. Typically, neighborhood-serving and marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium- and high-density residential uses at densities ranging from 10 to 60 residential units per acre. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to berthing locations, are appropriate for these areas.

The proposed development meets the intent of this designation by providing marine services. The development does not meet the intent to provide Mixed Use. However the complete Statter Harbor Facility does include recreational services, marine-related retail, and food and beverage services, such as the Hot Bite, kayak rental, and other businesses.

Relevant Comprehensive Plan polices include the following:

Policy 5.6. *It is the policy of the CBJ to facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce, recreation, public access to the shoreline and enjoyment of the waterfront through development of well-designed port facilities.*

The proposed development supports water-dependent uses and marine commerce and also facilitates public access to the shoreline with the proposed water's edge seawalk.

Relevant Comprehensive Plan Development guidelines include:

5.6.DG1. Assure public access to the shoreline and water when reviewing development applications.

5.6.DG2. To the greatest extent practicable, orient new structures and facilities located on the waterfront in such a way as to preserve views of the water from public roadways and vista points.

5.6.DG3. Deep water ports and navigable waters are valued assets and are critical to the sustainability of our economy and livability. New development along the shoreline should ensure that deep water navigable lanes and deep water port sites for marine vessels critical to the local economy are protected from encroachment from incompatible uses or obstructions.

The proposed development ensures public access to the shoreline by providing a water's edge seawalk. With regards to preserving views of the water from public roadways, the applicant has what might be considered a "Catch 22" problem, because the proposed landscaping that is necessary to minimize the view of the parking lot from the roadway may also minimize views of the water from the roadway. However water views of Auke Bay are available from other nearby sections of Glacier Highway adjacent to the Statter Harbor facility, therefore the proposed development does not appear to be in direct conflict with this guideline. The ramp design ensures deep water access to the -4 foot tideline, and therefore meets Guideline 5.6.DG3 regarding deep water navigable lanes.

Cultural and Historic Resources -

The applicant hired a contractor to conduct a cultural resources survey of the project area, as required by the Environmental Assessment. The Juneau Historic Resources Advisory Committee (HRAC) was consulted at three meetings (November 5, 2008; March 4, 2009; and January 9, 2013). The HRAC concurred with the findings that no impacts are anticipated to National Register of Historic Places properties as a result of the proposed project. (Attachment 3, p. 11)

FINDINGS

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

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

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

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

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 9.600 for the Waterfront Commercial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 12, 2013 and April 19, 2013 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way. Due to a public notice error, the project was rescheduled, therefore notice was also provided in the May 3 and May 10 2013 issues of the Juneau Empire's "Your Municipality" section, and a second Notice of Public Hearing was mailed to property owners within 500 feet of the subject parcel. The Public Notice sign was changed to indicate the correct hearing date.

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

No. Based on staff's analysis, no available evidence indicates that the proposed development will materially endanger public health or safety. Pedestrian and vehicle safety has been significantly improved with new pedestrian walkways, on-site parking, separation of user groups, and improved circulation patterns.

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

Yes. Based on the preceding analysis, no available evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area. The development is compatible with the Waterfront Commercial Zoning District, while the project design minimizes traffic and congestion and will provide for non-glare lighting to reduce off-site impacts. The CBJ Assessor's Office review has determined that the project will have little to no discernible negative impact on surrounding property value.

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

Yes. Based on staff's analysis, the proposed development is in general conformity with the 2008 City and Borough of Juneau Comprehensive Plan, specifically Policy 5.6 and Guidelines 5.6DG1, 2, and 3 regarding marine development.

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

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

Yes. Based on the preceding analysis, the project substantially conforms with CBJ Land Use Code Juneau Coastal Management Program Policies 49.70.960(2), 49.70.950(c)(3), and 49.70.950(c)(7) regarding intertidal fill, wetlands, and streams. Furthermore, the project has undergone a full Environmental Assessment and comprehensive review of habitat impacts, which resulted in a federal Finding of No Significant Impact.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit for development of a two-lane boat launch ramp and associated parking at Statter Harbor, subject to the following conditions:

- 1) Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.
- 2) Prior to the issuance of a building permit, the applicant shall submit a letter from a Licensed Professional Engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough's currently adopted Flood Insurance Study.

Staff recommends that the Planning Commission find that the proposed city project, to develop a two-lane boat launch ramp and associated parking at Statter Harbor, is consistent with adopted plans of the CBJ, and to endorse the city project as required by CBJ Code 49.15.540 and AS 35.30.010, with the following conditions:

- 1) Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.
- 2) Prior to the issuance of a building permit, the applicant shall submit a letter from a Licensed Professional Engineer indicating that the fill will be designed to withstand the 100-year storm force which is described in the City & Borough's currently adopted Flood Insurance Study.

DEVELOPMENT PERMIT APPLICATION

Project Number: CSP20130006	CITY and BOROUGH of JUNEAU	Date Received: 2/8/13
Project Name (City Staff to Assign Name) And Use 2013 0006		

INFORMATION	Project Description Construct a new two-lane boat launch ramp facility at Starter Harbor in Duke Bay		
	PROPERTY LOCATION		
	Street Address 11765 & 11755 Glacier Hwy + tidelands	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lots 4 & Lot 5 + Tidelands U95 26CA + tidelands		
	Assessor's Parcel Number(s) 4-B28-0-101-004-0 plus 4-B28-0-101-005-0		
	LANDOWNER/LESSEE		
	Property Owner's Name City & Borough of Juneau Docks & Harbors	Contact Person: Gary Gillette	Work Phone: 586-0398
	Mailing Address 155 S. Seward 99801	Home Phone:	Fax Number:
	E-mail Address gary-gillette@ci.juneau.ak.us	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/LESSEE CONSENT ***Required for Diving 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			2/7/2013
		Landowner/Lessee Signature	Date
X			5/9/2013
		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" and sign and date at X below			
Applicant's Name City Docks & Harbors	Contact Person: Gary Gillette	Work Phone: 586-0398	
Mailing Address 155 S Seward 99801	Home Phone:	Fax Number:	
E-mail Address gary-gillette@ci.juneau.ak.us	Other Contact Phone Number(s):		
X		8 Feb 13	
	Applicant's Signature	Date of Application	

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	<input checked="" type="checkbox"/>	Building/Grading Permit		
	<input checked="" type="checkbox"/>	City/State Project Review and City Land Action	2/8/13	CSP20130006
	<input type="checkbox"/>	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
	<input type="checkbox"/>	Mining Case (Small, Large, Rural, Extraction, Exploration)		
	<input type="checkbox"/>	Sign Approval (If more than one, fill in all applicable permit #'s)		
	<input type="checkbox"/>	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	<input type="checkbox"/>	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
	<input type="checkbox"/>	Variance Case (De Minimis and all other Variance case types)		
	<input type="checkbox"/>	Wetlands Permits		
	<input type="checkbox"/>	Zone Change Application		
<input type="checkbox"/>	Other (Describe)			
***Public Notice Sign Form filled out and in the file.				
Comments:				

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT D
I:FORMS12010 Applications

~~ALLOWABLE~~/CONDITIONAL USE PERMIT APPLICATION

Project Number <u>USE20130005</u>	Project Name (15 characters)	Case Number <u>USE20130005</u>	Date Received <u>2/8/13</u>
--------------------------------------	------------------------------	-----------------------------------	--------------------------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- Accessory Apartment*** (AAP) Driveway in Right-of-Way (ADW)
 Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: 9.600 Marine Commercial Facilities

***An Accessory Apartment Application will also be required.

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED

Construction of a new two-lane boat launch ramp at Statter Harbor in Aupe Bay

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

NO YES - Case # _____

CURRENT USE OF LAND OR BUILDING(S):

partial filled area used for parking - balance of land undeveloped, small picnic shelter to be demolished

PROPOSED USE OF LAND OR BUILDING(S):

two-lane boat launch ramp and associated parking

UTILITIES PROPOSED: N/A WATER:

Public On Site

SEWER:

Public On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 4 +/- ^{acres} square feet

Total Area of Existing Structure(s) 200 +/- square feet

Total Area of Proposed Structure(s) N/A square feet

EXTERNAL LIGHTING:

Existing to remain No Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed No Yes - yet to be designed Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- | | |
|--|--|
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| <input type="checkbox"/> Floor Plan of proposed buildings | <input type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) |
| <input type="checkbox"/> Elevation view of existing and proposed buildings | |
| <input type="checkbox"/> Proposed Vegetative Cover | |

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

ALLOWABLE/CONDITIONAL USE FEES

Fees	Check No.	Receipt	Date
Application Fees			
Admin. of Guarantee			
Adjustment			
Pub. Not. Sign Fee			
Pub. Not. Sign Deposit			
Total Fee			

CL IV
 \$ 1,000
 \$
 \$
 \$ 50.00
 \$ 100.00
 \$ 1,150.00 Paid by PaC 2/8/13

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

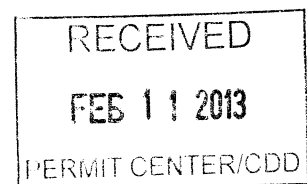
Application for a Conditional Use Permit and City/State Project Review

for
**Statter Harbor Master Plan
Phase II - New Boat Launch Facility**

PROJECT NARRATIVE

Submitted by:
Gary Gillette, Port Engineer
On Behalf of the Applicant
CBJ Docks and Harbors
Phone: 907-586-0398
Fax: 907-586-0295
gary_gillette@ci.juneau.ak.us

February 8, 2013



INTRODUCTION

The City and Borough of Juneau (CBJ) Docks and Harbors (D&H) proposes to develop a new two lane boat launch ramp and associated uplands parking facility at Statter Harbor. The proposed project is a component of the Statter Harbor Master Plan within the City and Borough of Juneau, Alaska. This phase of the Master Plan development is to construct a new boat launch facility at the northeast section of the overall Statter Harbor facility (across Glacier Highway from the Squires Rest and UAS Bookstore properties). A map of the current Statter Harbor Master Plan is included in this document as Attachment A.

BACKGROUND

Improvements at Statter Harbor have been a topic of the Docks and Harbors Board for over ten years. In 2002 voters approved \$3.25M in General Obligation bonds to construct a commercial loading facility at Statter Harbor. During the planning phase of the commercial loading facility it became clear that there was insufficient space at Statter Harbor to support the variety of uses (recreational boat launch, boat haul out, boat yard, commercial loading, moorage, and passenger-for-hire vendors). The goals at Statter Harbor were to separate the different uses to reduce congestion, improve safety, and increase efficiency of the existing facilities. The decision was made to locate the commercial loading facility at a separate site which ultimately resulted in the Auke Bay Loading Facility at Auk Nu Cove which was completed in 2011.

In 2005 CBJ purchased the former DeHart's Marina and uplands boat repair facility with a goal to make room for a passenger-for-hire float to serve the tourist charter businesses of Juneau. In 2009 CBJ purchased Lot 4, USS 2664 for the uplands development of the new boat launch facility. In 2010 the Assembly transferred management of the city owned Lot 5, USS 2664 from Parks and Recreation to Docks and Harbors so it would be available for the uplands development of the proposed project.

In 2005 the Statter Harbor Planning Steering Committee was established to develop the Statter Harbor Master Plan. Individuals were appointed to the committee representing the following stakeholders: Docks and Harbors Board (2); Parks and Recreation Advisory Committee (2); Cruise Industry (2); Alaska Fish and Game (1); Alaska Department of Natural Resources (1); Community Development Department (1); Docks and Harbors Staff (2); Parks and Recreation Staff (1).

After months of planning, public review, and response to comments, the committee put forth a preferred Master Plan for Statter Harbor that subsequently was reviewed by the Docks and Harbors Board, Planning Commission, and Assembly. The 2005 Statter Harbor Master Plan is included in this document as Attachment B.

Key components of the plan included: construction of a new two-lane boat launch ramp; removal of DeHart's Marina; construction of new moorage slips, construction of a passenger-for-hire float; construction of a boat lift and repair yard; construction of a kayak launch ramp; inclusion of a seawalk; development of park areas; and space for retail development. As planning progressed on the project a structural assessment was performed on the existing travel-lift equipment and supporting structure. The study determined that both were beyond their useful life. Plans were made to utilize a self-propelled boat lift on a haul-out ramp as the best course of action.

The strategy for implementation of the Statter Harbor Master Plan was to develop it in phases as funding allows. The launch ramp component was seen as a high priority as it would make considerable impact to the goals of increasing safety and efficiency at Statter Harbor.

Because federal funding was secured for the project, an Environmental Assessment (EA) was required. In early 2008 concept plans were further developed base on the 2005 Master Plan. The launch ramp element of the Master Plan resulted in Design Concepts 1 and 2. Concept 2 was the same as Concept 1 but for retail space shown where the boat yard was included in Concept 1. The thought at the time was to consider relocating the boat yard to another location but public comment against moving it and there being no readily identifiable new location resulted in Concept 2 being dropped. Concept 1 is included in this document as Attachment C.

Concept 1 for the boat launch ramp was put forth in the initial EA documents and forwarded to the permitting and regulatory agencies. The concept received considerable objections from the regulatory agencies for the amount of park and retail space that would be developed resulting in fill of intertidal zones. There was also objection by the public that the retail space would put CBJ in a position of competing with local area businesses and landowners. Numerous concepts were explored and evaluated against the project goals while meeting environmental regulations imposed by state and federal agencies resulting in the Proposed Action Alternative as shown in the plan included in this document as Attachment D.

PROPOSED PROJECT

The proposed project, subject of this permit application, is the boat launch ramp component of the Statter Harbor Master Plan as shown in the plan included in this document as Attachment E. This plan differs from the Proposed Action Alternative in that it includes a recent easement request from ADOT/PF across CBJ property for driveway access to the Deems property. This easement request is part of ADOT/PF's plans to construct the Auke Bay Roundabout and associated upgrades to Glacier Highway and Back Loop Road. The easement would result in a loss of a portion of the proposed vegetative buffer along Glacier Highway and one truck and trailer parking space.

PROJECT PURPOSE AND NEED

The primary purposes of the proposed project are to improve safety, reduce congestion, and increase harbor efficiency by incorporating elements identified in the Statter Harbor Master Plan. The project's purpose to improve safety and efficiency is driven by the needs for: safe access to the harbor; improved pedestrian access; adequate onsite parking; increased boat launch capacity and efficiency; reduced congestion; and separation of various user groups.

PROJECT TIMELINE

Considerable effort has taken place in planning for the proposed project which included development of the Statter Harbor Master Plan. The following is a timeline of milestone events that have been accomplished in developing the Statter Harbor Master Plan and the proposed boat launch project.

October 1, 2002 - Voters approve \$3.25M GO Bond for Commercial Loading Facility.

November 22, 2004 – Docks and Harbors presents Statter Harbor Master Plan concept to Assembly Lands Committee which includes new 2-lane boat launch, commercial for-hire boarding float, boat haul out facility, and commercial loading facility.

2004 - Based on comments received, Docks and Harbors Board decides to separate commercial loading uses out of Statter Harbor and begins search for alternate site for commercial loading facility.

April 2005 - RFP for conceptual planning phase of Statter Harbor Master Plan awarded to Jensen Yorba Lott, Architects.

2005 - Statter Harbor Planning Steering Committee established.

May 6, 2005 - Design workshop held with Statter Harbor Planning Steering Committee led by planning consultants.

May 23, 2005 - Follow-up meeting with Statter Harbor Planning Steering Committee and planning consultants to review and comment on draft plan.

May 24, 2005 - Statter Harbor Master Plan presented to Planning Commission.

June 7, 2005 - Statter Harbor Planning Steering Committee recommends preferred Statter Harbor Master Plan.

June 13, 2005 - Statter Harbor Master Plan presented to Assembly Public Works and Facilities Committee.

June 13, 2005 - Statter Harbor Master Plan presented to Assembly Lands Committee.

June 13, 2005 - Assembly adopts Resolution 2316 authorizing Docks and Harbors to purchase DeHart's Marina for purpose of developing cruise ship tourism related bus and boat loading facility as part of the Statter Harbor Master Plan concept.

June 14, 2005 - Port Director submits Statter Harbor Master Plan to Mayor and Assembly.

June 15, 2005 - Assembly adopts Resolution 2317 authorizing Docks and Harbors to purchase ATS 357, Lot 1 at Auk Nu Cove for purpose of developing a separate commercial loading facility as identified in the Statter Harbor Master plan concept.

June 15, 2005 - Docks and Harbors presents Statter Harbor Master Plan at an Open House and Public Meeting.

October 4, 2005 - Voters approve \$2.5M in sales tax revenues for new boat launch as part of Statter Harbor Master Plan.

October 2, 2007 - Voters approve \$5M in sales tax revenues for new boat launch as part of Statter Harbor Master Plan.

February 5, 2008 - RFP for Statter Harbor Planning and Permitting Services for improvements in accordance with the Statter Harbor Master Plan awarded to PND Engineers.

February 2008 - Commencement of the NEPA Environmental Assessment process.

June 18, 2008 - 30-day public comment scoping period commences with an open house held at Chapel by the Lake to seek comments on the proposed project.

April 1, 2010 - Draft Environmental Assessment document released to the public for comment.

May 17, 2010 - Comment period closes for draft Environmental Assessment document.

May 2011 - FY12 State Legislative appropriation of \$5M for improvements at Statter Harbor.

December 20, 2011 - Statter Harbor Master Plan Update public presentation at Egan Lecture Hall on UAS Campus.

March 1, 2012 - Army Corps of Engineers issues Public Notice of Application for Permit of the proposed project and begins 30-day public comment period (ends March 30, 2012).

March 1, 2012 - State of Alaska Department of Environmental Conservation issues Notice of Application for State Water Quality Certification for the proposed project and begins 30-day public comment period (ends March 30, 2012).

May 2012 - FY13 State Legislative appropriation of \$1.5M for improvements at Statter Harbor.

August 15, 2012 - State of Alaska Department of Environmental Conservation issues Certificate of Reasonable Assurance (Water Quality Certification) for the proposed project.

September 17, 2012 - Army Corps of Engineers issues permit for new boat launch facility and associated parking area.

October 2, 2012 - Voters approve \$1.5M in sales tax revenues for Statter Harbor boat haul-out and kayak launch ramp as part of Statter Harbor Master Plan.

October 27, 2012 - Assembly updated on the Statter Harbor Master Plan progress at its annual retreat.

November 29, 2012 - Docks and Harbors Board reaffirms Statter Harbor Master Plan.

December 7, 2012 - U.S. Department of the Interior, Fish and Wildlife Service signs Finding of No Significant Impact upon review of the final Environmental Assessment Document for launch ramp project.

PROJECT DESCRIPTION

The proposed project would construct a new two lane boat launch facility with associated parking and other user amenities. The work of the project would develop a reduced scope envisioned by the 2005 Statter Harbor Master Plan in response to issues and concerns expressed by state and federal agencies during the EA process. The proposed project alternative was developed and designed to: 1) meet the purpose and need of the project; 2) incorporate critical improvements identified by the Master Plan; 3) minimize the size of the intertidal fill footprint; 4) minimize impacts to Bay Creek's active estuarine channel complex; 5) minimize impacts to Bay Creek's alluvial delta; 6) minimize impacts to eelgrass habitat; 7) utilize upland areas for parking; 8) minimize visual and noise impacts to adjacent properties, and 9) be financially feasible.

The proposed project would meet the needs for: safe access to the harbor; improved pedestrian access; adequate onsite parking; increased boat launch capacity and efficiency; reduced congestion; and separated user groups. The proposed project features many components identified in the Statter Harbor Master Plan including:

1. An armored slope and marine seawall to retain intertidal fill
2. A double-lane boat launch ramp and associated parking
3. A new access driveway from Glacier Highway for vehicles with trailers
4. A sea walk along the harbor frontage and trail access to Bay Creek
5. Reconfigured vehicular access and traffic circulation in the harbor area
6. Segregated launch and retrieve operations (non-motorized boat [e.g. kayaks] would use the existing boat launch and motorized boats would use the new double lane launch ramp)
7. Scenic viewing opportunities along a sea walk.
8. Landscaped buffer areas near adjacent properties.

ENVIRONMENTAL ASSESSMENT

The proposed project would be constructed with federal, state and local funds. Because of the federal funding the project was required to undergo an extensive Environmental Assessment (EA). The project developer, in this case CBJ Docks and Harbors, is responsible for preparing the EA. D&H hired a host of consultants led by PND Engineers, Inc. to perform the EA in compliance with the National Environmental Protection Act (NEPA) and in accordance with U.S. Fish and Wildlife Service (USFWS) guidelines.

The EA considered multiple alternatives including the proposed project alternative. The alternatives were examined with sufficient evidence and analysis to determine whether to prepare an Environmental Impact Statement (EIS). It was concluded at the end of the EA process that there were no significant impacts of the project that would require an EIS. With this determination a Finding of No Significant Impact (FONSI) was documented and signed by the USFWS. The FONSI is included in this document as Attachment F.

The EA document contains detailed project descriptions, explains the alternatives considered, and provides numerous specific studies, surveys, and reports generated in examining the potential impacts of the project. The EA document is voluminous and may be found on the Docks and Harbors web site at www.juneau.org/harbors/hot_issues.php. Look for Design Projects; Statter

Harbor Master Plan Improvements; Phase II – New Launch Ramp. Hard copies are available for review at Juneau’s three libraries in Downtown, Mendenhall Mall and Douglas.

PERMITTING

The proposed project requires an Army Corps of Engineers (ACOE) permit and a clean water certification issued by the Alaska Department of Environmental Conservation (ADEC). ACOE and ADEC issued public notices for the project that established 30-day public comment periods ultimately resulting in the issuance of the clean water certification and the permit to construct the proposed project. Copies of the ACOE and ADEC permits are included as Attachments G and H respectively. The project has also received a Fish Habitat Permit (FHP) issued by the Alaska Department of Fish and Game (ADF&G) to allow fill in a small area of the Bay Creek intertidal flood plain. A copy of the FHP permit is included in this document as attachment I.

The proposed project requires a CBJ Conditional Use Permit and a City/State Project Review approved by the Planning Commission which is the subject of this document. No variances are anticipated for this project. A local building permit would be sought once final design is completed.

TWO LANE LAUNCH RAMP

The existing two lane launch ramp at Statter Harbor exceeds its design life and is showing serious signs of deterioration. The end of the ramp is at zero foot tide which limits usability during low tide occurrences. There is serious deterioration of the concrete ramp and boarding float causing safety concerns. The facility is beyond repair and must be replaced. The location of the existing facility does not offer adequate make ready or tie down areas resulting in extreme congestion and conflict issues; has access limitations at the Harbor Drive and Glacier Highway intersection; has inadequate circulation within the launch ramp area; and lacks sufficient parking in the immediate vicinity.

The proposed new two lane launch ramp will alleviate a host of issues present at the existing facility. The end of the ramp will be at -5 foot tide thereby extending the effective use period during low tides. The new ramp will launch vessels further out into the harbor in a less congested area thereby offering safer vessel navigation in the harbor. Sufficient make-ready and tie-down areas will provide for easier and more efficient traffic flow within the facility and allow better queuing for those waiting turns to launch. Circulation patterns within the facility will be more efficient thus reducing congestion and improving maneuverability especially with truck and trailer vehicles.

VEHICULAR ACCESS

The current access drive into Statter Harbor, located next to the DeHart’s Store off Glacier Highway, has been a safety concern of Alaska Department of Transportation and Public Facilities (ADOT/PF) for many years. The drive is difficult to navigate while pulling a boat and trailer. Limited visibility and less than desirable stopping sight distance cause unsafe conditions at the Glacier Highway intersection.

The proposed project would change the current traffic patterns in Auke Bay by relocating the driveway that provides access to the boat launch. The proposed launch ramp would be accessed from a new driveway off Glacier Highway directly across from Squires Rest and the UAS Bookstore.

ADOT/PF has reviewed and approved this new proposed location as it would significantly improve sight distance and reduce congestion at the current access driveway. In addition, ADOT/PF is in the final design stages of a project that would create a center turn lane along this section of Glacier Highway thereby significantly improving ingress to the proposed launch ramp site.

In the existing launch ramp area there are insufficient truck and trailer parking spaces thus the bulk of launch ramp users must exit the area back onto Glacier Highway to seek parking opportunities at the Horton Lot, Auke Bay Elementary School or along the roadway of Back Loop Road. This situation has the effect of significantly increasing the traffic service at the Harbor Drive/Glacier Highway intersection. The proposed project would have adequate on-site parking thereby significantly improving traffic flow and safety in this area.

PEDESTRIAN ACCESS

The existing pedestrian access to and within Statter Harbor has been identified as a safety concern. The existing harbor parking and facility layout has few pedestrian walkways to separate automobile and pedestrian traffic. Many harbor users park offsite due to limited onsite parking. There are no pedestrian pathways to connect these offsite parking areas to Statter Harbor. The lack of pedestrian walkways causes existing boat launch users to walk along the access drive from the boat launch ramp to Glacier Highway, walk west along the highway, and cross the highway to retrieve their vehicles.

ADOT/PF is in the final design phase of the Glacier Highway improvements which will include pedestrian sidewalks on both sides of the road thereby improving safety for pedestrians transiting the area. The proposed launch ramp project includes pedestrian ways and a seawalk along the water's edge that will provide safe pedestrian access within the site.

PARKING

Statter Harbor does not currently have adequate parking for launch ramp users. On-site parking is often full causing users to park in undesignated areas such as along Back Loop Road. Some use the Auke Bay Elementary School parking lot although it is not officially sanctioned by the School District. ADOT/PF will be constructing a roundabout at Glacier Highway and making improvements to Back Loop Road. The project also includes improvements such as sidewalks on both sides of the roadway and pedestrian crosswalks within the project area. The project is scheduled for construction in the summer of 2013 and once completed there will no longer be parking allowed along the roadway in these areas. Additionally, the School District has indicated they will not allow parking at the Auke Bay Elementary School in the future due to anticipated summer use of the school facility.

Offsite parking contributes to the harbor's overall inefficiency. For example, users who launch their boat but cannot park onsite must leave their boat tied up along the boat launch ramp while finding an offsite parking space and returning to the facility. This inefficient process results in congestion at the launch ramp and users having to wait longer than would otherwise be necessary to perform launch and retrieve operations.

The proposed project would construct a new parking lot of ninety-nine (99) truck/trailer parking spaces and seventy-nine (79) vehicle spaces. The project would provide adequate parking for trucks and trailers plus vehicle parking that would alleviate the need for users to venture back onto Glacier

Highway to seek off site parking. The CBJ Code does not specify a parking requirement for launch ramps thus engineering guidelines from the States Organization for Boating Access (recommended by Alaska Department of Fish and Game), Corps of Engineers, and the Oregon State Marine Board were used to determine the appropriate number of parking spaces needed for the facility. The resulting number of truck and trailer spaces should be adequate for today's needs and allow for future growth. Existing truck and trailer spaces near the Statter Harbor Office will be converted to vehicle parking thus supplement parking for Statter Harbor moorage patrons.

SITE AMENITIES

The 2005 Statter Harbor Master Plan envisioned significant areas of landscaping and park-like spaces along with several commercial/retail facilities. From the outset of the EA process, the state and federal regulatory agencies made it clear they would not approve fill in valuable intertidal areas for park and commercial uses. The original plan would have filled over 6 acres of intertidal area and re-channel Bay Creek. Upon completion of the EA process the project was scoped back to 4 acres of fill and retaining Bay Creek in its existing channel. In order to retain critical components for meeting project's purpose and need along with the reduction of two acres of fill resulted in the loss of some of the landscaped area; the park-like spaces; and the commercial/retail uses.

Despite reduction in scope, the project would provide important amenities that will benefit facility users and the community at large. A sea walk will be developed at the water's edge along the entire waterfront line of the project. The sea walk would feature projections to support viewing platforms in several locations. Landscaping will be featured along the sea walk in select areas to complement the overall experience. A spur walk will be developed along Bay Creek which will allow users to view the stream habitat. Buffers along the roadway and landscaped islands within the parking lot would help soften the expanse of hard surfaces.

VISUAL CHARACTER

The existing visual character of the site will be altered as a result of development of the proposed project. The new facility will be primarily viewable from the water of Auke Bay as one approaches the facility by boat; from Glacier Highway; from the Auke Bay Towers Condominiums (ABTC); and the Squires Rest commercial development. The primary visual elements would be along the face of the fill slopes, marine seawall, the boat launch ramp, parking lot, and the boarding float.

Landscaped areas are planned along the perimeter of the project and within islands of the parking lot to minimize visual impacts to the extent possible. Areas available for landscaping are limited as a result of state and federal agency's restrictions on fill allowed for such components of the project. Native plant material would be used as much as possible such that the new development will blend into the surrounding landscape. Natural rock will be used for fill slopes which will blend with the natural surroundings and the current filled area at the Horton Lot and boat yard facility.

A series of photographs were taken from select view points. These photos were then digitally enhanced to show the project as it might look when completed. These photos are included in this document as Attachment J.