

MEMORANDUM

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

DATE: October 17, 2013

TO: Planning Commission

FROM: Beth McKibben, Planner *BMc*
Community Development Department

FILE NO.: USE2013 0032
USE2013 0033

PROPOSAL: Conditional Use Permits and Hillside Endorsement for 40 units of multi-family housing and 35 units of multi-family housing.

GENERAL INFORMATION

Applicant: DOWL HKM

Property Owner: JLC Properties, Inc.

Property Address: Vista Drive

Legal Description: Lot 3 & Tract B1A Emerald 2 Subdivision

Parcel Code Number: 1-D05-0-L51-001-2; 2-D04-0-C05-007-0 (portion);

Site Size: Total site size 6.57 acres (project site size 3.49 and 3.08 acres)

Comprehensive Plan Future Land Use Designation: Medium Density Residential (MDR) Map O

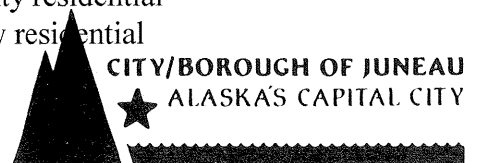
Zoning: D-18

Utilities: City Water & Sewer

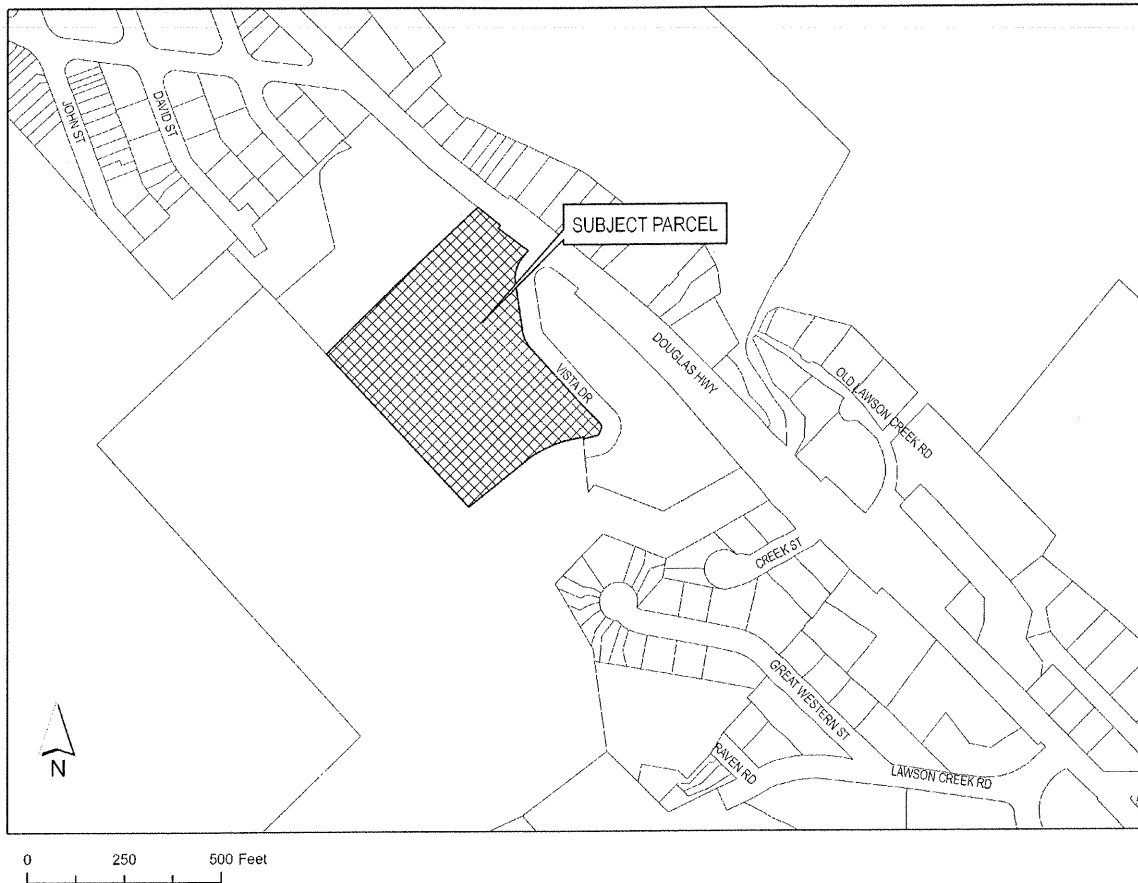
Access: Vista Drive

Existing Land Use: Vacant

Surrounding Land Use: North - (D-18) Multi-family residential, Douglas Hwy
South - (D-5) Vacant
East - (D-18) Mixed density residential
West - (D-18) Multi-family residential



VICINITY MAP



ATTACHMENTS

- Attachment A – Public Comments
- Attachment B – Sign in sheet, neighborhood meeting September 30, 2013
- Attachment C – Meeting notes, neighborhood meeting September 30, 2013
- Attachment D – Illustration showing planned lot line adjustments
- Attachment E – Email from AKDOTPF
- Attachment F – Email from Robert Kneifel regarding TIA
- Attachment G – Memo from Ron King, CBJ Engineer
- Attachment H – Email from Ed Foster, Streets Superintendent
- Attachment I – Parking Plan
- Attachment J – Email from Bryce Johnson, Police Chief
- Attachment K – Gastineau Elementary School Bus Routes
- Attachment L – Email from Glenn Gellart regarding estimated number of elementary age residents

Attachment M – Email from Glenn Gellart regarding reserves and maintenance
Attachment N – Email from ADF&G
Attachment O – Letter from Robin Potter, CBJ Assessor
Attachment P – PowerPoint from Volunteers of America presentations

PROJECT DESCRIPTION

The applicant requests two Conditional Use permits. USE2013 0032, if approved, will permit 40 units of multi-family housing and a 1,800 square foot community building. USE2013 0033, if approved, will permit 35 units of multi-family housing. The proposed projects meet the criteria requiring a hillside development endorsement.

BACKGROUND

The project site is currently vacant. It is accessed by Vista Drive, which dead ends at the edge of the property. In 2006 an application for a boundary adjustment between lot 3, Emerald 2 Subdivision, and Tract B-1, Gastineau Vista Subdivision was submitted and withdrawn.

Public Comment

Staff received a significant amount of public comment in response to this proposal. All comments received at the writing of this staff report are included in attachment A. Public comments cover a wide range of issues and concerns. The majority of comments received are from residents of neighboring condominium developments. Concerns identified include, but are limited to, impacts to traffic at the intersection of Vista Drive and Douglas Highway, winter street maintenance, hill side development and slope stability, long term maintenance of the slope, buildings and drainage, management of the development, sight visibility from Vista Drive on to Douglas Highway, safety of pedestrians, particularly children, and impacts to Gastineau Elementary School.

Public Outreach

The Volunteers of America held a meeting with the residents of Crest Condominiums on June 27, 2013 at the downtown library. The purpose of the meeting was to share information about the project, answer questions and hear concerns from the Crest residents. Many of these residents raised concerns about the project when the Alaska Housing Finance Corporation grant award was announced in the Juneau Empire. Community Development Director Hal Hart and Senior Planner Beth McKibben also attended this meeting.

On September 30, 2013 Community Development Department (CDD) staff held a neighborhood meeting at Gastineau Elementary School. Invitations were mailed to owners of property within 500 feet of the project site and the meeting was noticed in the newspaper with 10-day, 5-day and 1-day advertisements. This meeting was facilitated by CDD Senior Planner Beth McKibben. Chrissy McNally, Planner I and Holly Kveum, Administrative Assistant II also attended to help and take

notes. The meeting was very well attended with 43 people signing in (attachment B). The meeting notes are found in attachment C. The purpose of the meeting was to provide information, respond to questions, and to get a sense of concerns that the neighborhood might have, so issues could be addressed in advance of the formal public hearing with the CBJ Planning Commission. CDD staff explained the conditional use process and the applicant presented the conceptual drawings. The project has been revised since the June meeting with the Crest residents, and those changes were pointed out. Many questions were raised, some about the process, the majority about the project. A short summary of concerns raised are: steepness of the site and Vista Drive, winter road maintenance, potential impacts to downhill neighbors from uphill development, traffic impacts and impacts to Gastineau Elementary School. The applicants also explained how applications for these rental units are screened, how the rents are determined and how the day to day management of the facility will take place. There were many questions about those topics.

Volunteers of America also made a presentation to the Affordable Housing Commission on Tuesday, October 1. The same power point presentation from the September meeting was used. The presentation had 60 slides. A copy of the presentation is found at attachment P. Not all 60 pages are included.

ANALYSIS

Permits - USE2013 0032 is an application to permit 40 one, two and three bedroom units with covered parking. The units will be spread out in four multi-story buildings. There will be an 1,800 square foot "community building" which will be available to the residents of the complex for parties, meetings, etc. Fifteen of the units (38%) will be available at market rate and the remaining 25 units will be income based rental units. Eight units will be set aside for those with disabilities. There will be onsite property management, a resident property manager and a service coordinator. This project has received funding and pending approval of the conditional use permit and hillside endorsement, construction is anticipated to begin in spring 2014.

USE2013 0033 is an application to permit 35 one, two and three bedroom units, three of which will be for those with disabilities. The community building, onsite property management, resident manager will be shared with the project permitted by USE2013 0032 which will come first. Funding has not yet been obtained for USE2013 0033. The applicants felt it was prudent to apply for permits for this project at the same time as the 40 unit project. This means the hill side endorsement, site work, associated drainage and traffic impacts can be addressed comprehensively and ensure they are adequate for both projects.

A Conditional Use permit expires 18 months after approval if substantial work has not begun. An 18 month extension of a Conditional Use permit may be granted by the Planning Commission in accordance with CBJ 49.15.250. An applicant can apply for two such extensions. If substantial work has not started after two extensions a new permit must be obtained.

The two applications include both Lot 3 & Tract B1A Emerald 2 Subdivision. However, the majority of both projects are located on Tract B1A Emerald Subdivision. Pending approval of the Conditional Use permits, the property owner, Dave Hanna, will apply for a minor subdivision. The proposed subdivision will adjust the property lines between Lot 3, Emerald 2 Subdivision and Tract B1A, and subdivide the property so that the 40-unit project and the 35-unit project will each be located on an individual lot (attachment D). Vista Drive will be extended to provide access to the projects. The extension of Vista Drive will be designed and constructed to all to CBJ standards with intention of being re-platted and turned over to the City at completion. The reason for permitting it as a private drive has to do with financing criteria that gives provides tax credits for work on property they own. The project funding would not pay for the road construction if it was in a public right-of-way.

Slopes -CBJ 49.70.220(a) requires that all development on hillsides shall be pursuant to a hillside endorsement to the Conditional Use permit. The hillside endorsement must be obtained prior to site work (other than survey, engineering and soils exploration) and the endorsement must be submitted with the Conditional Use permit application. The Hillside Endorsement will be fully discussed later in this staff report.

Project Site - The project site includes all of what is currently Tract B1A Emerald 2 Subdivision and a portion of what is now Lot 3. As discussed above, pending approval of the conditional use permits the property owner will apply for a minor subdivision which, if approved, will incorporate a portion of Lot 3 into a new lot and create a new property line between the project being permitted as USE2013 0032 and USE2013 0033. The extension of Vista Drive, into the project is located on what is currently Lot 3 and the lot line will be moved so that the access is on the same lot as USE2013 0032. The site is steeply sloped, hence the requirement for a Hillside Endorsement. As discussed above, the extension of Vista Drive will be constructed to city street standards, but will initially be a private driveway. Once the project is completed the applicant intends to dedicate it as a public right-of-way.

Project Design – For USE2013 0032 the project consists of four buildings. Building one is 10,774 square feet two story building with a partial basement. There will be 2 three bedroom units, 6 two bedroom units, and 2 one bedroom units. Buildings 2 and 3 are identical two story buildings with a basement (15,696 sq. ft.) and have 2 three bedroom units, 6 two bedroom units, and 2 one bedroom units and parking in the basement. Building 4 (15,696 sq. ft.) is also two stories with a basement and will have 4 three bedroom units, 4 two bedroom units and 2 one bedroom units and basement parking. The buildings will be long rectangular structures, with flat roofs. The building heights range from 22 to 32 feet, well within the maximum of 35 feet allowed. The project also includes a 1,800 square foot single story community building and a playground. The proposal meets the all setbacks.

For USE2013 0033, four apartment buildings are also planned. The buildings are numbered sequentially starting at 5. Building 5 (29,970 sq. ft.) will have 6 two bedroom units and 12 three bedroom units and basement parking. Building 6 (5,489 sq. ft.) will have four 2 bedroom units and 2

one bedroom units with basement parking. Building 7 (5,489 sq. ft.) will have four 2 bedroom units, 2 one bedroom units and basement parking. Building 8 (4,669 sq. ft.) will have three 2 bedroom units, 2 one bedroom units and basement parking. The building height will range between 22 and 32 feet high, well within the maximum of 35 feet allowed. The proposal meets all setback requirements. Building 5 and building 8 are shown ten feet from the adjacent property line. The required side yard setback is 5 feet. Forests Edge Condominiums are on the adjacent property. During the neighborhood meeting, at least one resident of that complex expressed concern about the nearness of the development and the loss of trees. Staff recommends a condition that a vegetative buffer be planted in the side yard setback on the eastern property line between buildings 5 and 8 as well as the parking area.

The applicant has indicated they plan to heat the buildings using geothermal heat. The buildings will be constructed to meet the AHFC BEES Five Star Energy rating for each dwelling unit.

Traffic - The application includes a "Traffic Assessment" by Kittleson and Associates. This assessment estimates the average daily traffic for the total 75 units to be 440 trips at full build out. CBJ 49.40.300 states that a traffic impact analysis may be required when a development is projected to generate between than 250 and 500 average trips in a day. The application was supplemented with a full Traffic Impact Analysis (TIA) also completed by Kittleson and Associates. The TIA was completed per the requirements of CBJ 40.40 Article III and AK Department of Transportation and Public Facilities (AKDOTPF). The TIA states the current Level of Service (LOS) for the Vista Drive and Douglas Highway intersection is A. The TIA estimates 2015 traffic with the additional 40 units, 2016 traffic with 75 units, as well as 2036 traffic with 75 units. The TIA estimates a LOS of A on Douglas Highway and LOS of B on Vista Drive in 2015, 2016 and 2036.

CBJ 49.40.310 (a) states that the minimum acceptable LOS for a roadway segment or intersection affected by a development on the projected opening date or full build out is LOS D. CBJ 49.40.320 requires traffic impact mitigation when an affected roadway or intersection has a LOS of D without traffic generated by the development or when the LOS will drop below LOS D with traffic generated by the development at opening date or full build out. According to the TIA traffic impact mitigation is NOT required.

Further, David Epstein, Regional Traffic and Safety Engineer for AKDOTPF submitted the following comments (attachment E):

Traffic/Safety - I have reviewed Kittleson's TIA and have no objections or comments. The sight distance to the right on the Vista approach to Douglas Highway should be verified. The TIA states the intersection meets AKDOTPF dimensional standards.

As discussed above, many concerns have been raised by the public in regard to the intersection of Vista Drive and Douglas Highway. The TIA recommends that concerns raised about the safety of the intersection during the winter months needs to be brought to the attention of CBJ Street Maintenance. The TIA also recommends AKDOTPF brush along the side of Douglas Highway to

increase sight visibility.

Bob Kniefel PE, Senior Engineer with Kittelson and Associates, provided the following clarifications in response to some public comment (attachment F):

- Delay time at intersection - observations were taken during the AM and PM peak hours with the maximum delay of 8 seconds in the afternoon peak hour.
- Vehicle sight distance coming from Lawson Creek - As noted in the report, the physical dimensions meet the standards from AKDOTPF . It was noted in the report that some brush had grown on the west side of the roadway which partially impeded the view to the south from the Vista Drive intersection. It was recommended the brush be removed from the sight lines.
- School Bus pullout – The school bus stop recommendations from AKDOTPF actually want the school bus to stop in the travelled way in order to stop vehicles in both directions to provide for a safe movement of school children across the roadway.

Access is via Vista Drive from Douglas Highway. Vista Drive will be extended beyond the entrance of the last building terminating in an approved hammer head that meets the requirements of the IFC for fire apparatus access. Vista Drive is a CBJ maintained public right-of-way that currently provides access to the Crest Condominiums. It has a four foot wide sidewalk and currently ends in a temporary cul-de-sac. There are no plans to extend David Street to connect with Vista Drive at this time. The applicant proposes to construct the extension of Vista Drive as a private road/driveway that is built to city standards with curb-gutter on each side of the roadway and a five foot wide sidewalk on one side. Ron King, CBJ Regulatory Engineer (attachment G) requests that the road design be modified to eliminate the curb-gutter and drainage structures on the south side of the new roadway. He proposes these items be replaced with bioswales, cross culverts and dissipation devices that naturally treat runoff before entering the Lawson Creek Drainage. Reasons for the change are as follows:

- 1) Drainage from the new roadway can be directed into the bioswale, treated and dispersed into the existing Lawson Creek drainage. This will eliminate most of the collected roadway runoff from the enclosed drainage system lessening the impact to the existing oil water separator at Douglas Highway.
- 2) The bioswale will be used as snow storage during CBJ plowing operations.
- 3) Deleting the cost of the curb-gutter and underground drainage will provide savings to the overall project.

The dumpster serving the Crest Condominium residents is currently located in the cul-de-sac within the public right-of-way. With the extension of Vista Drive the dumpster will have to be relocated.

CBJ Street Maintenance submitted comments (attachment H). Ed Foster, Streets Superintendent says that street lights should be on the same side of the street as the sidewalk, have LED lights and be

metered separately from the rest of the project to better facilitate the transition to a public right-of-way and CBJ maintenance. He further recommends curb and gutter on the downhill side of the street and an additional catch basin on the South side of Vista Drive to catch water before it can enter the Crest Condominium driveway. Additionally, Mr. Foster has concerns about the hammerhead terminus of Vista Drive and his staff's ability to effectively keep it clear of snow for emergency vehicles. The application materials note that constructing a temporary cul-de-sac at the end of Vista Drive will require substantial cuts into the slope. The CBJ Engineer confirms this. At the pre-application conference, the Fire Marshal indicated that a hammerhead would be sufficient to meet their needs. Staff recommends that additional area in the hammerhead be cleared and graveled to provide room for snow storage and to facilitate efficient snow plowing within the hammerhead. Snow storage in this area should be limited to snow cleared from the hammerhead only.

Parking and Circulation -

CBJ49.40.210 –Table of Minimum Parking Standards requires 1 space per 1 bedroom unit, 1.5 spaces per 2 bedroom unit and 2 spaces per 3 and 4 bedroom unit. For USE2013 0032 a total of 61 parking spaces are required and three of those are required to be van accessible. For USE2013 0033 a total of 56 parking spaces are required and three of these parking spaces are required to be van accessible. The site plan shows 62 on-site parking spaces for USE2013 0032 and 65 on-site parking spaces for USE2013 0033 (attachment I). Staff recommends a condition that prior to issuance of a building permit for the proposed structures; the applicant must submit a revised site plan showing the accessible vehicle spaces that comply with the requirements of CBJ 49.40.

Provisions for pedestrian movement between parking areas is shown. CBJ 49.40.230(e)(2) requires crosswalks be clearly designated by pavement markings or signs where pedestrians must cross service or access roads to reach parking areas.

Public comments speak to a stairway from the project down to Vista Drive. This was discussed at the June meeting with the Crest Condominium residents as an option. The proposal does not include a stairway in the design. The applicants have indicated that in their opinion the sidewalk is sufficient access to Douglas Highway.

Noise - Surrounding development is primarily multi-family residential. The proposed development is not expected to create noise impacts to the neighborhood beyond those expected in D-18 multi-family area. During the meeting in June when the developers met with the Crest Condominium residents a concern was raised about the noise from the playground. With changes that were made to the site plan for submittal of these Conditional Use permit applications, the playground was moved farther away from the Crest. During the September neighborhood meeting no concerns about playground noise were raised.

Landscaping - The D-18 district requires 30% of the lot be maintained with live vegetative cover (CBJ 49.50.300). For what will become Lot 1 a total of 45,607 square feet of area is required to be planted with living plants. For what will become Lot 2, a total of 40,249 square feet of vegetative

cover is required. According to application materials 25% of the natural vegetation will be retained, primarily along the perimeter of the site. Landscaping will be added within the development and slopes will be reseeded with native grasses.

Staff recommends a condition that prior to issuance of a certificate of occupancy or a temporary certificate of occupancy, 30% of the lot must be planted with vegetation or the installation of vegetation must be bonded for. Staff further recommends a condition that the vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans

Exterior Lighting - A lighting plan was not submitted with the Conditional Use permits, but examples of the type of lighting that might be used was included. CBJ 49.15.330(g)(17) and CBJ 49.40.230(d) requires exterior lighting in parking areas, along pedestrian pathways, and immediately adjacent to the building. All exterior lighting should have appropriate cut-off optics and house-side shields to efficiently focus light in the desired areas and to minimize the impacts to adjacent neighbors. As a condition of approval staff recommends that prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

Public Health or Safety - The structures meet all zoning requirements for height and setbacks and will meet all applicable building code requirements for fire safety. Fire vehicle access to the property will be via Vista Drive and an approved hammer head that meets the requirements of the IFC for fire apparatus access will be provided.

As discussed above, public health or safety concerns have been raised by this proposal. Numerous public comments identify concerns with construction on the slope, traffic impacts to Vista Drive, winter safety for pedestrians and cars traveling on Vista Drive, safety of children traveling to and from school, drainage and impacts to Lawson Creek and long term maintenance of the development

The Hillside Endorsement will be discussed fully later in the staff report. In general terms, the Hillside Endorsement is intended to address construction on hillsides and protect both the development and adjacent properties during and after construction. Engineered drawing have been submitted and reviewed. If the Conditional Use permits and Hillside Endorsement are approved the applicant will then be able to apply for building and grading permits. Grading permits also require engineered drawings and involve regular inspections by CBJ Engineering staff as well as the project engineer. Both of these permitting mechanisms are in place to ensure that drainage and slopes are appropriately addressed both during and after construction. The project will also be subject to the Storm Water Prevention and Pollution permit from the Alaska Department of Environmental Conservation.

Traffic impacts and particularly winter safety on Vista Drive are a concern shared by many, including the Juneau Police Chief (attachment J). A TIA has been completed per CBJ 49.40 by a licensed traffic engineer and has been reviewed by the AKDOT Regional Traffic and Safety Engineer. LOS on Vista Drive and Douglas Highway will be well within the limits specified by CBJ 49.40. The applicants intend to dedicate Vista Drive as a public right-of-way upon completion of USE2013 0032. CBJ will then be responsible for road maintenance. Typically the streets with the lowest volume of traffic are plowed and sanded last. With the increased development it is likely winter maintenance will be better than what is currently enjoyed by the residents on Vista Drive.

During both the June and September meetings the public pointed out that the sidewalk on Douglas Highway to Gastineau Elementary School is on the far side of the highway and that students would be required to cross the highway to the crosswalk and again to the school. There is a school bus stop at Vista Drive on Douglas Highway (attachment K) for Gastineau Elementary School students, as well as middle and high school students. Staff spoke with a school district representative and a school bus will not be sent up the hill into the development. Students will need to walk down the hill but will not have to walk to school. Providing a trail access to Gastineau isn't feasible, primarily because of Lawson Creek. The CBJ Safe Routes to Schools plan identifies a need for a sidewalk on the west side of Douglas Highway, but no funding is scheduled.

Impacts to Gastineau Elementary were also identified as a concern. Currently this school is not at capacity. The applicants provided an estimate of how many children they anticipate in the development during the September neighborhood meeting based on their experience in Anchorage and Fairbanks. This has been followed by an email (attachment L). Based on that estimate Gastineau Elementary will be able to accommodate the additional students. The overall school district enrollment projects are not aggressive, and enrollment has been and is predicted to rise slowly.

The applicant has responded to the concerns raised regarding building maintenance (attachment M). As a tax credit project the development is required to set aside reserves per dwelling unit to ensure maintenance.

Habitat - The applicant has already received a US Army Corps of Engineers permit for fill. Comments were received from Alaska Department of Fish & Game (ADF&G) (attachment N). ADF&G fish habitat permits are not required and the project as proposed will not impact anadromous fish and anadromous fish habitats in Lawson Creek.

Property Value or Neighborhood Harmony – The two Conditional Use permits are for multi-family housing in a D-18 zoning district. The purpose of the D-18 zoning district according to CBJ 49.25.210 is:

“...to accommodate primarily multi-family residential development at a density of 18 dwelling units per acre. This is a high density multi-family zoning district intended to accommodate mid-rise type development.”

The surrounding neighborhood is primarily made up of multi-family housing of similar size and density to the proposed development. Concerns have been raised by the public about impacts to property values because about 60% of the units will be income based rental units, where the rents will be established based on income. The CBJ Assessor reviewed the application materials, contacted assessors in Ketchikan and Anchorage as well as the State Assessor. She also reviewed several studies that evaluate the impacts of “low income housing” on neighboring property values. She has indicated that she does not foresee a negative impact to neighboring property values from the proposed development (attachment O).

Conformity with Adopted Plans - Conformity with Adopted Plans - The 2008 Comprehensive Plan, Chapter 4 addresses Housing. This chapter strongly states the need for more housing in Juneau and states that Juneau is suffering a housing crisis.

Policy 4.1 It is the policy of the CBJ to facilitate the provision and maintenance of safe, sanitary and affordable housing for its residents.

Policy 4.2 It is the policy of the CBJ to facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.

Policy 4.6 It is the policy of the CBJ to facilitate and assist in the development of affordable housing.

Chapter 6 of the 2008 Comprehensive Plan speaks to Energy.

Policy 6.12 It is the policy of the CBJ to encourage cost effective energy effective buildings and remodeling practices.

612.IA1 Encourage the installation of energy efficient heating systems in new construction.

Chapter 10 of the 2008 Comprehensive Plan speaks to Land Use.

Policy 10.3 It is the policy of the CBJ to facilitate residential development of various types and densities that are appropriately located in relation to site conditions, surrounding lands uses, and capacity of public facilities and transportation systems.

10.4DG1 New developments in the USAB, particularly in-fill development on vacant land within established neighborhoods, should be designed in such a way as to promote compatibility in scale and massing as the adjacent or nearby built environment and should ensure privacy, light and air to adjacent homes. Density alone should not be considered as a criterion for determining neighborhood harmony within the USAB provided that (1) light air and privacy is assured to adjacent residential occupants (2) parking for the subject project is screened or hidden from view from public streets and from adjacent residential neighbors

and (3) project-serving roads and intersections are improved to a Level of Service D or better. When these criteria are met, higher density development is encouraged.

The project is located in Subarea 9. Guidelines and Considerations 1 is relevant to the proposal:

1. Provide for additional medium-high density residential development in areas with access to arterials and served by municipal sewer and water and adequate road intersection capacity (to Level of Service D or better).

Granting a Conditional Use permit for multi-family development in the D-18 district, with appropriate conditions, is consistent with the 2008 CBJ Comprehensive Plan.

HILLSIDE DEVELOPMENT

BACKGROUND

The proposed project meets the criteria requiring a hillside development endorsement. The CBJ Land Use Code contains the following provisions regarding hillside development:

49.70.200 Purposes.

The purposes of this article are to:

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

49.70.250 Standards for approval. Hillside development shall meet minimum standards regarding roads, weather, sediment and peak discharge.

49.70.260 Criteria. The Commission shall consider the extent to which development meets the criteria regarding soil erosion, existing vegetation, contours, time of exposure and soil retention, replanting, drainage, foundations, very steep slopes, soil retention features, and wet weather periods.

49.70.270 Conditions on approval. The Commission may place conditions upon a hillside development endorsement as necessary or desirable to ensure the spirit of this chapter will be implemented in the manner indicated in the application. The engineer shall certify fulfillment of conditions.

ANALYSIS

The applicant has submitted information regarding slope stability, topography, and site development, as well as other information, which are the basis of review for the hillside development endorsement.

Standards for Approval- The standards for approval address roads, weather, sediment, peak discharge and other issues. The following analysis and comments are based on the application and review and recommendations by the CBJ Engineer.

49.70.250 Standards for approval

(1) **Roads** - The roadway section as designed meets CBJ Standards to allow for CBJ Street maintenance once a right of way is dedicated. However CBJ Engineering is suggesting a revision to the typical section.

The submitted roadway typical section delineates curb-gutter on each side of the roadway and sidewalk on one side. The road will be extended beyond the entrance of the last building to construct an approved hammer head that meets the requirements of the IFC for fire apparatus access. A request from CBJ Engineering is to modify the typical section to eliminate the curb-gutter and drainage structures on the south side of the new roadway. These items will be replaced with bio swales, cross culverts and dissipation devices that naturally treat the runoff before entering the Lawson Creek Drainage. Reasons for the change are as follows:

- 1) Drainage from the new roadway can be directed into the bioswale, treated and dispersed into the existing Lawson Creek drainage. This will eliminate most of the collected roadway runoff from the enclosed drainage system lessening the impact to the existing oil water separator at Douglas Highway.
- 2) The bioswale will be used as snow storage during CBJ plowing operations.
- 3) Deleting the cost of the curb-gutter and underground drainage will provide savings to the overall project.

(2) **Weather** The applicant has indicated they will coordinate the work schedule with predominant weather conditions and CBJ requirements. When construction does occur, CBJ inspectors will monitor the work and stop work if excessive erosion is taking place.

(3) **Sediment** CBJ Engineering has reviewed the project for sediment control issues. Furthermore the project will be required to submit and adhere to a DEC required Storm Water Pollution Prevention Plan. A US Army Corps of Engineers fill permit has been obtained which has requirements for soil restoration and sediment control. CBJ Engineering will require a specific erosion/sediment control plan for submission with the grading permit, and finds that the project, as presented, should have no adverse sediment issues with the implementation of the required plan.

(4) Peak Discharge CBJ Engineering has reviewed project drainage concerns. The civil design provides erosion and drainage control by the use of underground storm drainage system, filter strips, bioswales and energy dissipation devices. The features have been designed in accordance with the CBJ Manual of Stormwater Best Management Practices (SMBMP) and Title 19.12.120 Erosion control & stormwater quality. Based on the stormwater calculations submitted by the engineer, the system has the capacity to function properly during heavy rain events. Staff recommends a condition that the project shall incorporate the BMPs from the Manual of Stormwater Best Management Practices, produced by the CBJ in partnership with the USF&WS, 2008.

COMMISSION CRITERIA

The Commission shall consider the extent to which the development meets the following criteria when considering a hillside endorsement:

(1) Soil Erosion. Soil disturbance and soil erosion shall be minimized and the effects thereof mitigated.

Soil disturbance will be kept to a minimum by conducting work on the project in the dryer springtime months of the year. The applicant has also provided other soil control measures, such as covering slopes with jute mesh and hydroseeding slopes after work is completed.

(2) Existing Vegetation. Depletion of existing vegetation shall be minimized.

The project has been sited in such a way so that the steepest areas of the site are undisturbed and natural vegetation is retained.

(3) Contours. The developer shall recontour the finished grade to natural-appearing contours, which are at, or below thirty percent or the natural angle of repose for the soil type, whichever is lower, and which will hold vegetation.

The project has been sited so that the buildings will be built on existing “native” soil and not on fill. Fill areas will sloped at 2:1.

(4) Time of exposure and soil retention. The developer shall minimize the period of time that soil is exposed and shall employ mats, silt blocks or other retention features to maximize soil retention.

The applicant will employ any measures required by the CBJ Engineering Department to retain soil during construction. These measures will be part of the grading permit.

(5) Replanting. The developer shall mat, where necessary, and plant all exposed soil in grass or other soil-retaining vegetation and shall maintain the vegetation for one full growing season after planting.

The applicant will revegetate slopes after construction is completed. Slopes will be covered with jute mesh, topsoil and hydroseeded.

(6) Drainage. The developer shall minimize disturbance to the natural course of streams and drainage ways. Where disturbance is unavoidable, the developer shall provide a drainage system or structures which will minimize the possibility of sedimentation and soil erosion on-site and downstream and which will maintain or enhance the general stream characteristics, spawning quality, and other habitat features of the stream and its receiving waters. Where possible, development shall be designed so lot lines follow natural drainage ways.

CBJ Engineering has reviewed the project. Waterways will be protected from sedimentation and pollution during construction by the use of temporary erosion control devices that will add additional protection as required by the CBJ SMBMP.

(7) Foundations. The developer shall ensure that buildings will be constructed on geologically safe terrain.

Building foundations are mostly placed on existing soils, excavated to grade. Construction of embankments and improvements required for the building foundations will be follow the recommendation of the Engineering Geologic Report. The applicant shall submit final engineering designs with the building permit. The CBJ Engineer review indicates that the site design as presented is based on geotech analysis and engineering modeling required for a hillside development and does not present any additional hazards that may cause damage or injury.

(8) Very steep slopes. The developer shall minimize excavation on slopes over 30 percent.

Slopes towards the two drainages (which is roughly perpendicular to the hillside) exceed 30%. The prevailing slopes towards Douglas Highway are 25% or less. The buildings are located above slopes that are less than 30% to minimize slope stability issues. The steeper slopes between the drainages are being mitigated by constructing an engineered, stabilized embankment.

(9) Soil retention features. The developer shall minimize the use of constructed retention features. Where used, their visual impact shall be minimized through the use of natural aggregate or wood, variation of facade, replanted terraces, and the like.

Three retaining walls are planned. The building foundations will also act as retention structures.

(10) Wet weather periods. The developer shall minimize exposure of soil during the periods of September 1--November 30 and March 1--May 1.

The applicant has indicated they will coordinate the work schedule with predominant weather conditions and CBJ requirements. CBJ inspectors will monitor the project during construction and if excessive erosion is occurring, will halt the project and require soil stabilization measures to be implemented.

FINDINGS CONDITIONAL USE PERMITS and HILLSIDE ENDORSEMENT

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.300 for the D-18 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 October 11, 2013 and October 21, 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.

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

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

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

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

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

Yes. As discussed above, the proposed development is in general conformity with the land use plan, particularly Policies 4.1, 4.2, 4.6, 6.2 and 10.3.

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

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

N/A. This proposal will not impact habitat regulated by the Alaska Coastal Management Program.

8. *Has the Planning Commission considered the extent to which criteria for the hillside endorsement have been met?*

Yes. Based on the preliminary Engineer's review and recommendations regarding site drainage, soil erosion, soil retention, revegetation, and construction schedule, it appears that the criteria for the hillside endorsement have been met.

RECOMMENDATION

USE2013 0032

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit and Hillside Endorsement. The permit would allow the development of a 40 unit multi-family development and a 1,800 sq. ft. community building. The approval is subject to the following conditions:

1. Prior to issuance of a grading or building permit, the applicant shall submit a complete grading and drainage plan, including information on sediment and erosion control.
2. Prior to commencement of excavation, the applicant shall submit a guarantee bond to assure sediment control and removal and to repair any damage or reconstruction required as a result of this project. The bond shall be in the amount to be determined by the Community Development Director.
3. Additional area in the hammerhead will be cleared and graveled to provide room for snow storage and to facilitate efficient snow plowing within the hammerhead. Snow storage in this area should be limited to snow cleared from the hammerhead only.
4. Prior to issuance of a building permit for the proposed structures; the applicant must submit a revised site plan showing the accessible vehicle spaces that comply with the requirements of CBJ 49.40.
5. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
6. The project shall incorporate the BMPs from the Manual of Stormwater Best Management Practices, produced by the CBJ in partnership with the USF&WS, 2008.

USE2013 0033

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit and Hillside Endorsement. The permit would allow the development of a 35 unit multi-family development. The approval is subject to the following conditions:

1. A vegetative buffer will be planted in the side yard setback on the eastern property line between buildings 5 and 8 as well as the parking area to provide screening between the development and Forests Edge Condominiums.

2. Prior to issuance of a grading or building permit, the applicant shall submit a complete grading and drainage plan, including information on sediment and erosion control.
3. Prior to commencement of excavation, the applicant shall submit a guarantee bond to assure sediment control and removal and to repair any damage or reconstruction required as a result of this project. The bond shall be in the amount to be determined by the Community Development Director.
4. Prior to issuance of a building permit for the proposed structures; the applicant must submit a revised site plan showing the accessible vehicle spaces that comply with the requirements of CBJ 49.40.
5. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
6. The project shall incorporate the BMPs from the Manual of Stormwater Best Management Practices, produced by the CBJ in partnership with the USF&WS, 2008.