


MEMORANDUM

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

DATE: February 24, 2014

TO: Planning Commission

FROM: Chrissy McNally, Planner 
Community Development Department

FILE NO.: USE2014 0003

PROPOSAL: A Conditional Use Permit request for an outdoor seasonal restaurant in a landslide and avalanche zone.

GENERAL INFORMATION

Applicant: NorthWind Architects

Property Owner: Alaska Pacific LLC

Property Address: 406 South Franklin Street

Legal Description: Tidelands Addition Block 83 Lot 8

Parcel Code Number: 1-C07-0-K83-004-0

Site Size: 0.26 acres

Comprehensive Plan Future Land Use Designation: Traditional Town Center

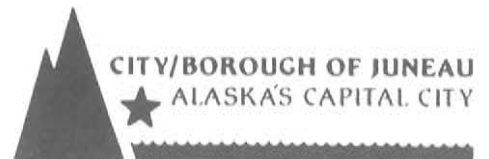
Zoning: Waterfront Commercial

Utilities: Public water & sewer

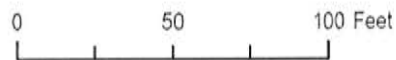
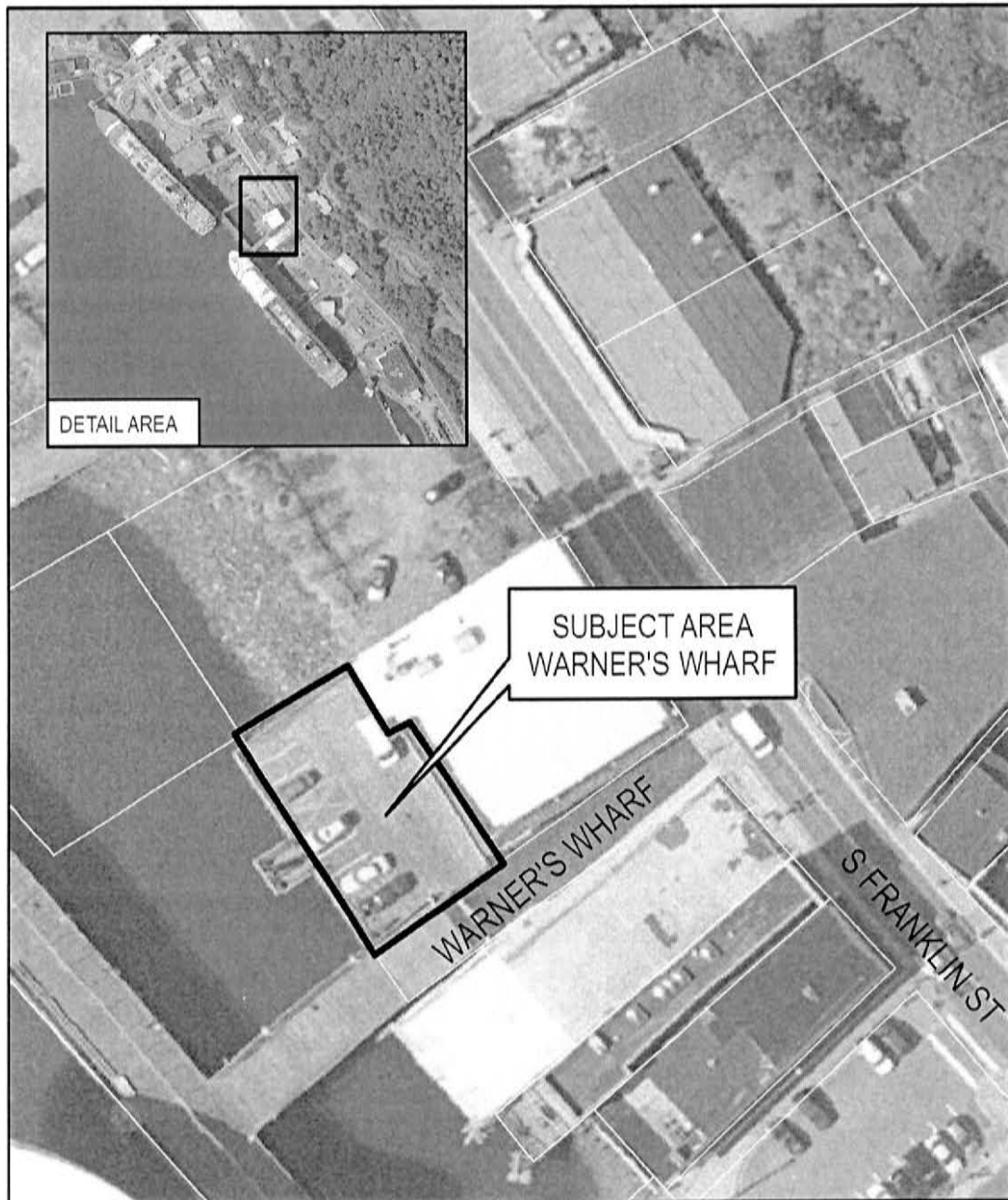
Access: South Franklin Street

Existing Land Use: Parking area

Surrounding Land Use:
North – Waterfront Commercial; Vacant; South Franklin Street
South – Waterfront Commercial; Retail; South Franklin Street
East – Mixed Use; Retail; South Franklin Street
West – Gastineau Channel



VICINITY MAP



ATTACHMENTS

- Attachment A: Development Permit application
- Attachment B: Adopted 1987 landslide and avalanche boundary map
- Attachment C: Unadopted 1992 Juneau Area Mass-Wasting & Snow Avalanche Hazard Analysis Map
- Attachment D: Site plan
- Attachment E: Certified engineer's statement from USE2004 0025

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a seasonal outdoor restaurant on a 4,150 square foot deck behind the Alaska Pacific Pier Building which lies within a moderate hazard zone. The applicant's proposal consists of an outdoor cook shack, order shack, beverage shack and dining area (see Attachment D).

The proposed site is the deck directly behind the Alaska Pacific Pier Building at 406 South Franklin Street. The site is within a moderate landslide/avalanche area as shown on the adopted 1987 landslide and avalanche boundary map (see Attachment B).

BACKGROUND

The Alaska Pacific Pier Building and rear deck sit along the base of the Mount Roberts slope on South Franklin. According to the Assembly adopted 1972 Geophysical Hazards Investigation, the area below Mount Roberts extending from Third and Harris Streets to the start of Thane Road is the most hazardous landslide area in the City and Borough of Juneau.

The Juneau Area Mass-Wasting & Snow Avalanche Hazard Analysis was conducted in 1992. However, the maps associated with this study were never adopted. While the 1972 (adopted in 1987) maps show the site to be in the moderate hazard zone, the 1992 map shows the site outside the hazard zone (see Attachment C).

According to CBJ 49.70.300(a)(3);

Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling within landslide or avalanche areas shall require a conditional use permit.

Mitigating measures may be required as part of development in landslide or avalanche areas. CBJ §49.70.300(a)(5) states:

The Commission may require mitigating measures certified as effective by a professional engineer for development in landslide and avalanche areas. Such measures may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measures may also include reduction in the proposed density.

The outdoor restaurant would operate during the summer tourist season, approximately early May to late September.

In 2004, the previous single-story Timberwolf Building was demolished for a new 2-story building now known as the Alaska Pacific Pier Building. This 2-story 12,942 square foot building contains retail, residential, and office spaces. The deck behind the Timberwolf Building was kept intact. According to staff's records, the deck has existed in its current form since at least 1972. Since the construction of the new building in 2005, the deck has been used as parking, as seen on the Vicinity Map.

In 2004 the proposed Alaska Pacific Pier Building was granted a Conditional Use permit for development in a landslide and avalanche zone (USE2004 0025). That approval was based on the mitigating measures taken by development to the east in the severe hazard zone. While the permit approved a use on the same lot; Lot 8, Block 83, Tidelands Addition, it did not address potential uses of the deck aside from parking.

Three projects uphill from the site employed retaining walls to address potential avalanche hazards to the site. USE1997-00025 addressed avalanche concerns with Lots 3 & 4, Block 3, Pacific Coast Addition. USE2001-00043 addressed avalanche concerns with Lot 1A, Block 1, 7A Addition, across the street from the applicant's property. USE2000-00009 addressed avalanche concerns with Lot 5A, Block 1, Townsite Addition to the City of Juneau, also across the street from the applicant's property. In addition, the Board of Adjustment granted a Flood Zone Exception to allow a building to be built on a dock seaward of the mean high tide in a Velocity flood zone for this same proposal at the February 11, 2014 meeting.

ANALYSIS

Project Site – The proposed site is on the channel side of South Franklin Street. The site is located in a designated moderate hazard zone. A severe hazard zone is located to the north and east of the site. The seasonal restaurant would be located over water on the deck behind the Alaska Pacific Pier Building.

Project Design – The proposed development would include three temporary outdoor structures and a dining tent. The structures include a 296 square foot cook shack, a 124 square foot order shack and a

48 square foot beverage shack. Additional indoor improvements associated with the restaurant will include the installation of freezers, coolers, dishwashing station, and restroom facilities. However, the indoor space will remain primarily as retail.

Public Health or Safety – Staff sought comments from CBJ Fire, Streets, Docks and Harbors, Wastewater, Building, and Engineering. There were no concerns with the proposal from any city agency. CBJ Engineering did provide the following comment:

“It would not be logical to deny the CUP...Community Development previously approved a CUP for the existing building. Also the adopted hazard boundary is a generality and does not relate to a clear engineered designation for individual lots.”

The restaurant will be limited to the tourism season, which could be seen as a mitigating factor since the most significant landslide/avalanche issues generally occur from October to April. In addition the 2004 engineer's statement (see Attachment E), was reviewed by CBJ Engineering and mitigating factors of existing buildings and retaining walls uphill have been addressed by approval of similar Conditional Use permits.

Property Value or Neighborhood Harmony – There is no evidence to suggest that the development of a seasonal outdoor restaurant in a moderate hazard zone would affect property value or neighborhood harmony. The restaurant has operated since 2006 adjacent to Admiral Way approximately 400 feet to the northwest and is within an active commercial area.

Conformity with Adopted Plans – Chapter 7 of the 2013 Juneau Comprehensive Plan addresses issues relative to development in a landslide and avalanche zone. Policy 7.17 is to,

“minimize the threat to human safety and development posed by landslides (mass wasting) and avalanches.”

The development of a seasonal outdoor restaurant on the deck behind the Alaska Pacific Pier Building would not increase any threat to human safety or development given that mitigating measures have been addressed by neighboring properties. As previously stated, Tracy's Crab Shack has operated in the official moderate hazard zone 400 feet to the northwest since 2006.

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. 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 8.300 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 February 28, 2014 and March 10, 2014 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. Comments provided by CBJ Engineering and the previously issued Conditional Use Permits for development in a moderate and severe hazard zone indicate there is no evidence to suggest the seasonal outdoor restaurant would endanger public health and safety. The subject site

is sufficiently buffered from the threats associated with landslides and avalanches.

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

No. The proposed development is a seasonal outdoor restaurant that has been in operation along nearby Admiral Way since 2006. Relocating the restaurant approximately 400 feet to the south would not disturb the harmony that currently exists in this area. There is no evidence to suggest that the development would decrease the value of the neighboring properties.

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

Yes. Policy 7.17 of the 2013 Juneau Comprehensive Plan states that it is the policy of the CBJ to “minimize the threat to human safety and development posed by landslides (mass wasting) and avalanches.” This policy has been addressed in previously approved Conditional Use permits for properties that buffer the deck behind the Alaska Pacific Pier Building.

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?*

Not Applicable. The proposed project was reviewed for conformance with the JCMP relative to the issue of construction in a hazard zone. It was found that no enforceable policies of the JCMP apply to the proposed development.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of an outdoor seasonal restaurant in a landslide and avalanche zone.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name <small>(City Staff to Assign Name)</small>		

PROJECT / APPLICANT INFORMATION	Project Description Construct temporary structures on the deck facing the waterfront for the purpose of providing food service during the summer tourist season.		
	PROPERTY LOCATION		
	Street Address 406 SOUTH FRANKLIN ST	City/Zip 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) TIDELANDS BL 83 L 8		
	Assessor's Parcel Number(s) 1C070K830040		
	LANDOWNER/ LESSEE		
	Property Owner's Name Alaska Pacific LLC	Contact Person: Mike Tripp	Work Phone: 907 586 9502
	Mailing Address 120 Mill St, Juneau AK 99801	Home Phone:	Fax Number:
	E-mail Address michael@shirtco.com	Other Contact Phone Number(s): James Bibb - 586-6150	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X	 Landowner/Lessee Signature	1/27/14 Date	
X	_____ Landowner/Lessee Signature	_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name northwind architects / Tracy's King Crab Shack	Contact Person: james bibb	Work Phone: 907 586 9502	
Mailing Address 126 seaward st juneau ak 99801	Home Phone:	Fax Number:	
E-mail Address james@northwindarch.com	Other Contact Phone Number(s):		
X	 Applicant's Signature	1/27/14 Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	P	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		1/31/14	LSE 14-003
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials	
_____ _____ _____				BSL	

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>use 14-003</i>	Date Received <i>11/31/14</i>
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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: 8.3

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

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

Construct temporary structures on the deck facing the waterfront for the purpose of providing food service during the summer tourist season.

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

NO YES – Case # _____

CURRENT USE OF LAND OR BUILDING(S):

retail, storage and residence

PROPOSED USE OF LAND OR BUILDING(S):

seasonal restaurant

UTILITIES PROPOSED:

WATER: Public On Site

SEWER: Public On Site

SITE AND BUILDING SPECIFICS:

Total Area of Lot 18,462 square feet

Total Area of Existing Structure(s) 6,471 square feet

Total Area of Proposed Structure(s) 468 square feet

EXTERNAL LIGHTING:

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

Proposed No Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

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 \$ <u>500</u>	_____	_____	_____
Admin. of Guarantee \$ _____	_____	_____	_____
Adjustment \$ _____	_____	_____	_____
Pub. Not. Sign Fee \$ <u>50</u>	_____	_____	_____
Pub. Not. Sign Deposit \$ <u>100</u>	_____	_____	_____
Total Fee \$ <u>650</u>	<u>016796</u>	<u>0164748</u>	<u>11/31/14</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT



January 27, 2014



Memo

Re: Pacific Pier Waterfront Restaurant Operating in a Mass Wasting Site
120 Mill Street, Juneau AK
Parcel No. 1-C07-0-K83-004-0 Tidelands Addition, block 83, Lots a8 & 9B

To: CBJ, Permit Department

Att: Eddie Qinto, CBJ Permit Specialist

CC: Mike Tripp, Pacific Pier Building

Mr, Quinto, per our conversation with you and Ben Lymann, CBJ, Planner, we submit our application to operate a season outside restaurant in a mass wasting, (Landslide/Avalanche Hazard) wasting location.

Project Description: The applicant requests a conditional use permit to operation of a seasonal restaurant on an existing 4,150 dock located channel side of South Franklin Street and seaward of the Pacific Pier Building, 120 Mill street, Juneau.

The location will provide 18 tables for seating plus over-flow benches. There will be (3) non-permanent buildings as part of this proposed use:

- 124 sf Seasonal Order Shack
- 296 sf Seasonal Cook Shack
- 48 sf Seasonal Beverage Shack

Please reference attached site Plan, G03.

The site will be seaward of the Alaska Pacific Pier Building, a 2-story steel and concrete building permitted and constructed in 2004, 2005. This building stands between the proposed outside restaurant location and the hillside from where a landslide and/or avalanche event will occur. USE2004-00025 was approved reviewing this site noting that the Alaska Pacific Pier Building, protecting this site from potential risk of landslide or avalanche noting that endanger to public health and safety was mitgaed by existing retaining wall structures uphill from that property.

We ask support of this proposed use.

NorthWind Architects LLC
James Bibb

Sean M Boily AIA
Principal Architect

Evelyn F Rousso AIA LEED
Principal Architect

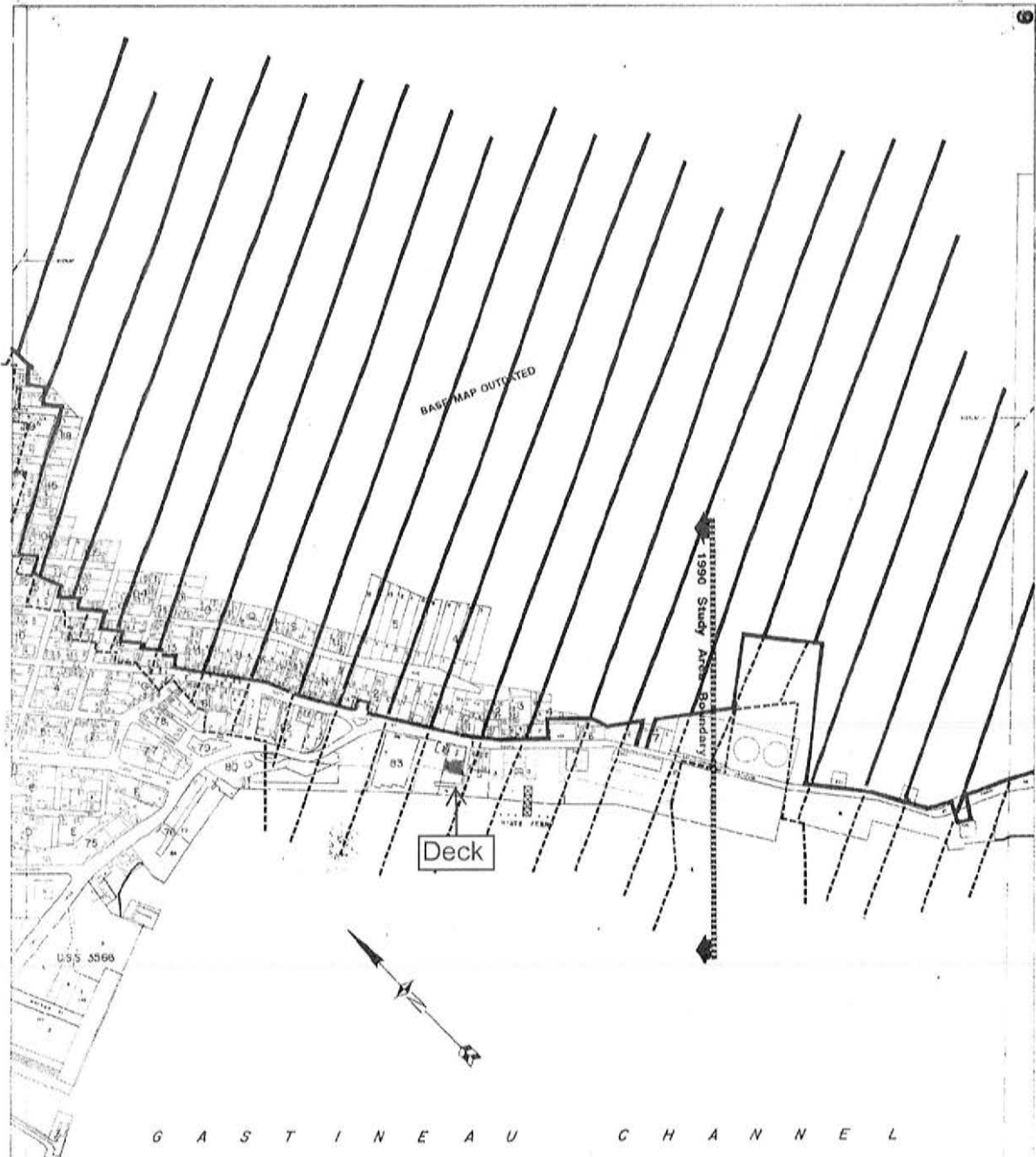
Gerald R Gotschall AIA
Principal Architect

James Bibb AIA
Principal Architect

David Hurley AIA
Principal Architect

126 Seward Street
Juneau, AK 99801

p.907.586.6150
f.907.586.6181



SEVERE LANDSLIDE/AVALANCHE AREA —————
 MODERATE LANDSLIDE/AVALANCHE AREA - - - - -

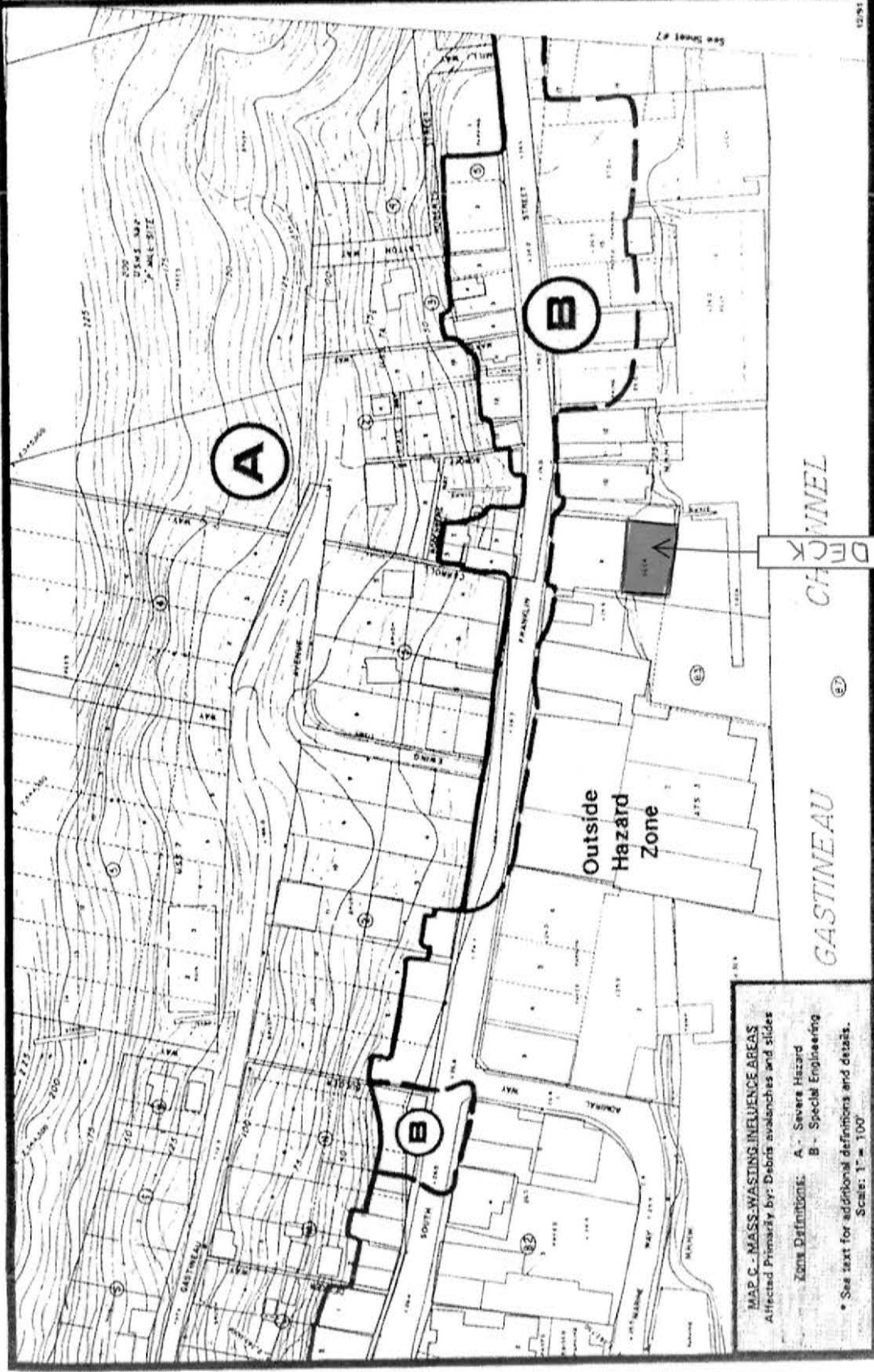
NOTE: SEE OFFICIAL MAPS IN COMMUNITY DEV. DEPT. FOR ACCURATE UPDATES

Scale: 1" = 100' (approx.)

LANDSLIDE AND AVALANCHE AREA

Revised: September 4, 1987
 Adopted by Ordinance Serial No. 87-15
 SHEET 1 OF 7

MASS WASTING: MAP C



MAP C - MASS WASTING INFLUENCE AREAS
 Affected Primarily by: Debris avalanches and slides

Zones Definitions: A - Severe Hazard
 B - Special Engineering

* See text for additional definitions and details.
 Scale: 1" = 100'

JUNEAU - BOUGLAS
 TOPOGRAPHICAL BASE MAP
 DESIGN BY TOWN OF JUNEAU
 AS SHOWN ON PLANS
 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025

ATTACHMENT C

1

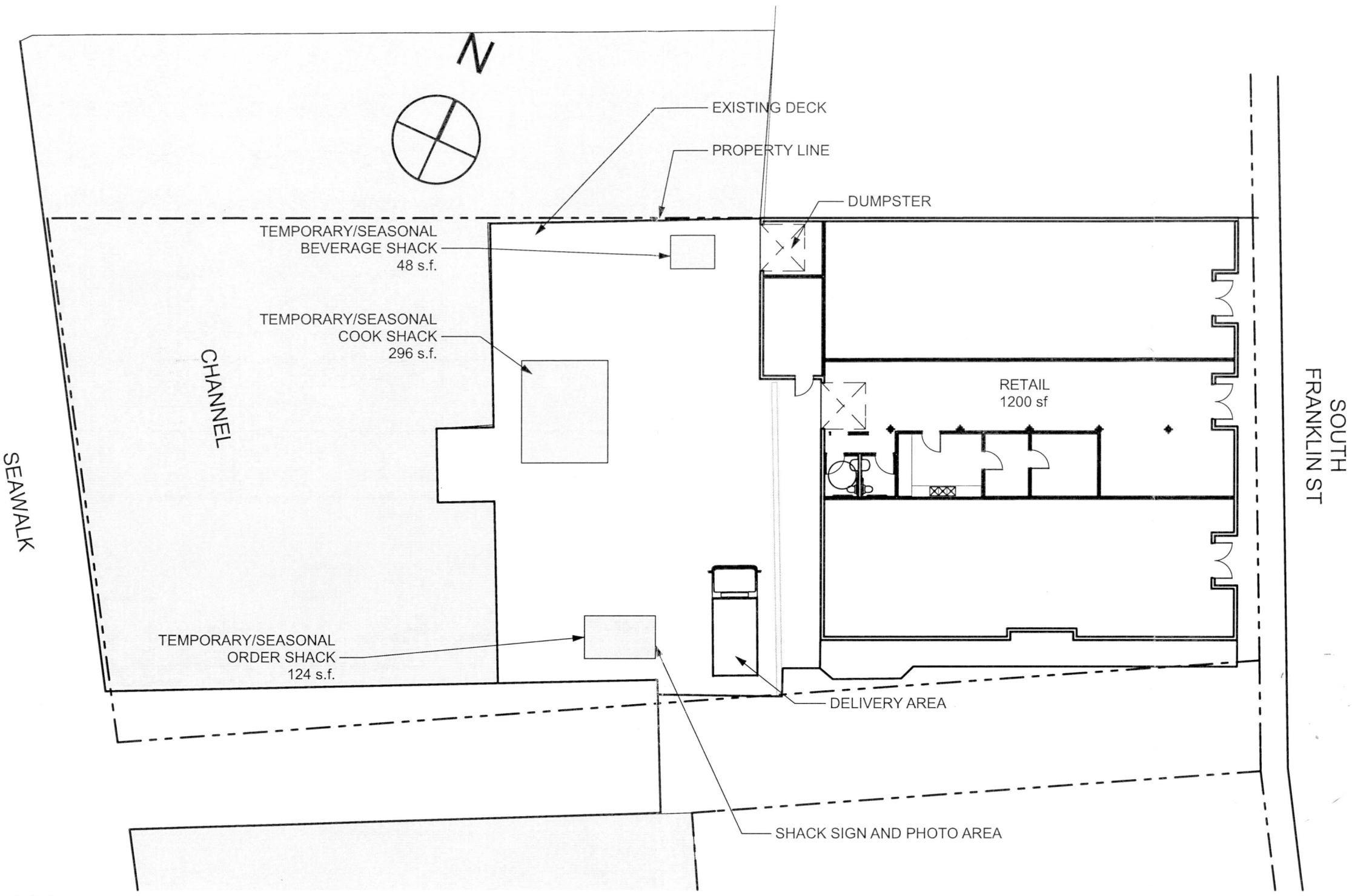
SITE PLAN

SCALE: 1" = 20'

RECEIVED
JAN 31 2014
PERMIT CENTER/CDD

LAND USE ZONE: WC (WATERFRONT COMMERCIAL)
BUILDING SETBACK
- FRONT YARD 0'
- SIDE YARD 0' (BASED ON PREVIOUS VARIANCE FROM 10')
- BACK YARD 20'

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



N W
N
 NorthWind Architects LLC
 126 Seward St
 Juneau, AK 99801
 Ph #907.586.6150
 Fx #907.586.6181
 www.northwindarch.com
 © NorthWind Architects, LLC

PACIFIC PIER IMPROVEMENTS
 NWA 1333
 406 SOUTH FRANKLIN ST
 JUNEAU ALASKA JUNEAU

SHEET TITLE:
 ZONING / CODE REVIEW
 DATE** DATE OF ISSUE **
 REVISION:
 CHECKED BY:
 DRAWN:
 SHEET #
G03
 PLOT DATE: 1/27/2014

June 28, 2004

Debra Purves
CBJ Permit Coordinator
Community Development Department
155 South Seward St.
Juneau, AK. 99801

Re: Alaska Pacific Pier Building Conditional Use Permit Landslide & Avalanche
Variance

Dear Debra,

The proposed Alaska Pacific Pier Building is located at 406 South Franklin Street in downtown Juneau. The building site is in a moderate landslide area on the waterside of South Franklin St. and across from recent construction that will provide satisfactory protection from the west face of Mt. Roberts. Because of this protection please provide a variance from your requirements for any additional structures at the Alaska Pacific Pier building site.

Sincerely,



Robert Lium
Structural Engineer

Lium Engineering
3210 Foster Ave.
Juneau, AK. 99801



ATTACHMENT E

July 19, 2004

Debra Purves
City & Borough of Juneau Permit Coordinator
Community Development Department
155 South Seward Street
Juneau, AK 99801

Dear Debra:

The proposed Alaska Pacific Pier Building is located at 406 South Franklin Street in downtown Juneau. The building site is across from a mass-wasting area where recent construction provides protection.

The "Juneau Area Mass-Wasting & Snow Avalanche Hazard Analysis" by Mears, Fesler, and Fredston, 1992, shows the site to be in the Outside Hazard Zone where no special provisions for mass-wasting need to be provided. (See enclosed)

Between the proposed building site and the mass-wasting west slope of Mt. Roberts, several structures have been built in recent years that should shield the site from mass-wasting.

Due to the above conditions, please provide a variance from your requirements for any additional structures at the Alaska Pacific Pier Building Site.

Sincerely,



Robert Lium
Structural Engineer

Enclosure