

Original Application



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION																	
	Physical Address 0 Egan Drive																	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Juneau Subport Lot C1																	
	Parcel Number(s) Parcel: 1C060-K01-0031 (C-1)																	
	<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which No																	
	LANDOWNER/ LESSEE																	
	Property Owner Huna Totem Corporation	Contact Person Fred Parady																
	Mailing Address 9301 Glacier Highway, Suite 200, Juneau, AK 99801	Phone Number(s) 907.789.8504 (office) 907.723.3903 (cell)																
	E-mail Address fparady@hunatotem.com																	
	LANDOWNER/ LESSEE CONSENT																	
Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.																		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.																		
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NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.																		
APPLICANT If same as LANDOWNER, write "SAME"																		
Applicant (Printed Name) Same	Contact Person Same																	
Mailing Address Same	Phone Number(s) Same																	
E-mail Address Same																		
X <u>01.24.2023</u>																		
Applicant's Signature Date of Application																		

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

Intake Initials <u>1/25/23</u>

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number USE23-003	Date Received 1-25-23
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ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

The project proposed phased development of mixed use, including retail, community park, docking, and associated parking. Phase 1 includes a total of 24,800 square feet of retail, and approximately 60,000 square feet of City park area. Tourist season parking includes 124 stalls for buses and cars. In the off-season the parking area will be able to accommodate 117 cars. External lighting to be developed. The Aak'w Landing uplands project will be a concrete Bus Staging and vehicle Garage topped by a landscaped Park sloping up from Egan Drive. The project will include 34,000 sf of Retail spaces in the first phase with future phases adding 9,000 sf of additional Retail and 40,000 sf of facilities with a use yet to be determined. Total square footages are approximate at this initial design stage, but as shown on the Zoning and Parking Study, the target square footages are well below what would be allowed on the site by zoning or parking.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- Accessory Apartment – Accessory Apartment Application (AAP)
- Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: See attachment regarding Aak'w Landing Zoning and Parking

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

- YES – Case # _____
- NO

UTILITIES PROPOSED

WATER: Public On Site SEWER: Public On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 125,377 square feet Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) Phase 1 150,000, future phase build square feet 1ST PHASE 34,000 sf, per narrative

EXTERNAL LIGHTING

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

ALL REQUIRED DOCUMENTS ATTACHED

If this is a modification or extension include:

Narrative including:

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

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

Plans including:

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

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

ALLOWABLE/CONDITIONAL USE FEES			
	Fees	Check No.	Receipt Date
Application Fees	\$ <u>4,000⁰⁰</u>	<u>ph 1 class IV</u>	
Admin. of Guarantee	\$ _____		
Adjustment	\$ _____		
Pub. Not. Sign Fee	\$ <u>50⁰⁰</u>		
Pub. Not. Sign Deposit	\$ <u>100⁰⁰</u>		
Total Fee	\$ _____		

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Case Number	Date Received
<u>USE23-003</u>	<u>1-25-23</u>

Allowable/Conditional Use Permit Application Instructions

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

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

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

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

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

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

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

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

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



Huna Totem Corporation

WOOSH-JEE-EEN • PULLING TOGETHER

May 18, 2023

Revised Materials

Ms. Irene Gallion
Senior Planner
Community Development Division
City and Borough of Juneau
4th Floor – Marine View Center
230 South Franklin Street
Juneau, Alaska 99801

Dear Ms. Gallion:

As we discussed yesterday, enclosed please find the updated materials we are submitting for our Conditional Use Permit Application USE23-003 for our project Aak'w Landing project. The updated materials combine reflect the original submittal for the uplands portion of the project with the requested inclusion of the tidelands portion. Included are the following:

1. The original Development Permit Application
2. An email attachment from the additional landowner for the relevant tidelands of the State of Alaska.
3. The original Conditional Use Permit Application showing the case number.
4. An updated project summary description.
5. Two drawings of the planned dock alignment.
6. An updated Architectural Narrative dated 5.17.23.
7. An updated Zoning and Parking Study also dated 5.17.23, which updates the Site and Building Specifics numbers to reflect
8. The completed Traffic Impact Analysis.

All other attachments in the original remain as submitted. We hope to complete review in a timely manner in order to make the agenda for the Planning Commission shown on the calendar for Tuesday, July 11, 2023.

Thank you for your time in reviewing these materials and your insight into the process. We look forward to moving into the next steps necessary to advance the Aak'w Landing project.

Cordially,

Fred Parady
Chief Operating Officer



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X	01.24.2023																
Applicant's Signature	Date of Application																

To be completed by Applicant

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Case Number USE23-003	Intake Initials 1/25/23
Date Received 1-25-23	

Fred Parady

From: Hillgartner, Megan G (DNR) <megan.hillgartner@alaska.gov>
Sent: Friday, April 21, 2023 3:14 PM
To: Fred Parady
Subject: RE: Aak'w Landing Tidelands
Attachments: Aak'w Landing Concept Plans 2022.11.22.pdf; 2023 04 17 HTC CBJ Tidelands DEVELOPMENT PERMIT APPLICATION.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Fred,

Just gave you a call back but appears I've missed you, so figured I'd follow up via email.

As we discussed on the phone last week, it seems premature for DNR to sign the CBJ Development Permit Application (attached) as we have not seen or reviewed any application requesting use of state land for this proposal. The preliminary drawings you sent on April 17th were helpful in determining the location of the proposed tideland lease we discussed over the phone, however, I cannot sign any document granting "complete understanding and permission" for an activity until we've received, reviewed, adjudicated, and approved a complete tideland lease application from the entity requesting the use of state tidelands (whether that be CBJ or Huna Totem Corporation – as it is still unclear who is requesting this use).

The CBJ Development Permit Application does, however, note that alternative written approval may be accepted. I would like to offer this email as a proof that we have received the tentative drawings ("Aak'w Landing Concept Plans 2022.11.22") and have confirmed that this proposal, as indicated on PDF page 6, involves use of state-owned, DMLW-managed submerged lands. Placement of permanent infrastructure and long-term, commercial use of state-managed lands requires written authorization from DNR -DMLW. We look forward to receiving and reviewing your tideland lease application for this requested activity.

I hope this email will sufficiently address your needs to move forward with the City in obtaining your preliminary approvals for this project. Please feel free to give me a call if you have any questions.

Thank you,

Megan G. Hillgartner
Southeast Regional Manager
Department of Natural Resources
Division of Mining, Land and Water
P: (907) 465-3406

From: Fred Parady <FParady@hunatotem.com>
Sent: Monday, April 17, 2023 11:27 AM
To: Hillgartner, Megan G (DNR) <megan.hillgartner@alaska.gov>
Subject: Aak'w Landing Tidelands

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

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PROJECT SUMMARY
The project proposed phased development of mixed use, including retail, community park, docking, and associated parking. Phase 1 includes a total of 24,600 square feet of retail, and approximately 60,000 square feet of City park area. Tourist season parking includes 124 stalls for buses and cars. In the off-season the parking area will be able to accommodate 117 cars. External lighting to be developed.
 The Aak'w Landing uplands project will be a concrete Bus Staging and vehicle Garage topped by a landscaped Park sloping up from Egan Drive. The project will include 34,000 sf of Retail spaces in the first phase with future phases adding 9,000 sf of additional Retail and 40,000 sf of facilities with a use yet to be determined. Total square footages are approximate at this initial design stage, but as shown on the Zoning and Parking Study, the target square footages are well below what would be allowed on the site by zoning or parking.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED
 Accessory Apartment – Accessory Apartment Application (AAP)
 Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: See attachment regarding Aak'w Landing Zoning and Parking

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? YES – Case # _____ NO

UTILITIES PROPOSED WATER: Public On Site SEWER: Public On Site

SITE AND BUILDING SPECIFICS
 Total Area of Lot 125,377 square feet Total Area of Existing Structure(s) ⁰ square feet
 Total Area of Proposed Structure(s) Phase 1 150,000, future phase build square feet ~~1st PHASE 34,000 sf, per narrative~~ **All Phases**

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

ALL REQUIRED DOCUMENTS ATTACHED
 Narrative including:
 Current use of land or building(s)
 Description of project, project site, circulation, traffic etc.
 Proposed use of land or building(s)
 How the proposed use complies with the Comprehensive Plan
 Plans including:
 Site plan
 Floor plan(s)
 Elevation view of existing and proposed buildings
 Proposed vegetative cover
 Existing and proposed parking areas and proposed traffic circulation
 Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

If this is a modification or extension include:
 Notice of Decision and case number
 Justification for the modification or extension
 Application submitted at least 30 days before expiration date

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

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>4,000⁰⁰</u>	<u>ph I class IV</u>		
Admin. of Guarantee	\$ _____			
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Pub. Not. Sign Fee	\$ <u>50⁰⁰</u>			
Pub. Not. Sign Deposit	\$ <u>100⁰⁰</u>			
Total Fee	\$ _____			

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Case Number <u>USE23-003</u>	Date Received <u>1-25-23</u>
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(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/community-development
 155 S. Seward Street • Juneau, AK 99801

Huna Totem Dock

Case Number: PAC2022 0047
 Applicant: Huna Totem Corporation, Fred Parady
 Property Owner: Aak W Landing LLC
 Property Address: Egan Dr.
 Parcel Code Number: 1C060K010031
 Site Size: 125,406 SF/2.8789 Acres
 Zoning: MU2 Mixed Use 2 (Willoughby)
 Existing Land Use: Seasonal restaurant/Construction trailer

Conference Date: October 26, 2022
 Report Issued: November 2, 2022

DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Fred Parady	Huna Totem, COO	FParady@hunatotem.com
Russell Dick	Huna Totem, President/CEO	Russell.Dick@hunatotem.com
Mickey Richardson	Huna Totem, Dir of Marketing	Mickey@hunatotem.com
Wayne Jensen	JYW Architects, President	Wayne@jensenyorbawall.com
Corey Wall	JYW Architects, Vice President	Corey@jensenyorbawall.com
Irene Gallion	Planning	Irene.Gallion@juneau.org
Emily Suarez		Emily.Suarez@juneau.org
David Peterson		David.Peterson@juneau.org

Sydney Hawkins	Permit Tech II	Sydney.Hawkins@juneau.org
Jill Maclean	CBJ CDD Director	Jill.Maclean@juneau.org
Alex Pierce	CBJ Tourism Manager	Alexandra.Pierce@juneau.org
Dan Bleidorn	CBJ Lands Manager	Dan.Bleidorn@juneau.org

Conference Summary

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

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

Flood plain development: FEMA mapping shows the flood plain area ending at the beach. Elements of the proposal closer to Egan Drive are below the 27 foot special flood hazard area elevation, but are outside of the mapped area. The Director has determined that flood proofing will not be required for development outside of the mapped area.

Lot coverage: See #7 below.

Construction across lot lines: A reminder that CDD cannot permit construction that crosses lot lines (CBJ 49.25.430).

Tidewater Lot Line setbacks: According to CBJ 49.25.430(4)(G): In any zoning district, yard setbacks are not required from tidewater lot lines. Reference #3 below.

Seawalk requirements: See the attached Ordinance 2005-29(am). Property owners within the area of the Long Range Waterfront Plan shall dedicate all easements necessary for construction of a seawalk 16 feet in width.

Project Overview

The project proposed phased development of mixed use, including retail, community park, docking, and associated parking.

Phase 1 includes a total of 24,800 square feet of retail, and approximately 60,000 square feet of City park area. Tourist season parking includes 124 stalls for buses and cars. In the off-season the parking area will be able to accommodate 180 cars.

Materials provided by the applicant include:

- Existing Site Plan
- Seawalk (Grade) Level and Site Plan (with bus parking).
- Seawalk (Grade) Level and Site Plan (with off-season parking).
- Upper Plaza Level Phase 1.
- Upper Plaza Level Future Phases.
- Site Section.
- Zoning and parking study.
- Architectural Narrative for CBJ Pre-Application Conference.

The Applicant is working through early development stages. There are two meetings on November 7, 2022:

- Assembly Lands, Resources and Economic Development: The lease of the tidelands will be discussed in light of 53.09.260. Coast Guard land ownership and seawalk requirements will be discussed. Focus is on the specifics of the lease.
- Assembly Committee of the Whole: Huna Totem will be presenting development ideas and concepts to the Assembly. Focus will be on the vision for the community.

Coast Guard land ownership negotiations may result in modifications to the

The project will require a conditional use permit (CUP), because of public interest will be require a public meeting before the application goes to the Planning Commission.

Planning Division

1. **Zoning** – MU2, Town Center Parking area
2. **Subdivision** – Not applicable.
3. **Setbacks** –
 - a. Minimum front yard setback: 5 feet
 - b. Minimum street side yard setback: 5 feet
 - c. Minimum rear yard setback: 5 feet
 - d. Minimum side yard setback: 5 feet
 - e. 49.25.430 (4)(G) - Yard setbacks. Tidewater lot line setback is zero (0)
4. **Height** – Maximum height permissible use: 45 feet
5. **Access** – Primary access is from Whittier Street. At this time the Applicant is unsure if access off Egan Drive will be required. Egan Drive is an Arterial. If access off Egan Drive is proposed, a driveway permit will be required from The Alaska Department of Transportation and Public Facilities.

Contact: Michael K. Schuler

Email: michael.schuler@alaska.gov

Phone: 465-4499

6. **Parking & Circulation**– Parking per submitted materials. Note that the parking shown on Whittier is illustrative, and is not considered in parking calculations provided by the Applicant. CBJ does not permit back-out parking for commercial operations (CBJ 49.40.235(b)(6))

The Applicant does not anticipate pursuing a waiver for parking at this time. If pursued, a waiver application should be made at the same time as the Conditional Use Permit application.

7. **Lot Coverage** – Maximum lot coverage is 80%. CDD’s interpretation is that the park area on top of the garage is not lot coverage.

The definition of “lot coverage” means the percentage of horizontal lot area that is occupied by all buildings on the lot, each measured at the outside of those exterior walls of the floor having the greatest horizontal dimensions. The garage creates horizontal lot area by providing park space on the roof.

Phase 1 proposal current lot coverage is 8%.

8. **Vegetative Coverage** – Per CBJ 49.50.300 - Minimum vegetative cover is 5%. (Met)
9. **Lighting** – Proposed lighting will need to be downward cast full cut off. Lighting conditions established by the commission. Verified during building permit process.
10. **Noise** – Anticipated noise from this project is not expected to be excessive for the zoning district.
11. **Flood** –



Elements of the proposed structure and improvements are in the VE flood zone with elevations of 23 to 26 feet. VE Zone is a Special Flood Hazard Area (SFHA) inundated by 1% annual chance flood; coastal floods with velocity hazards. New development that follows within the definitions stipulated in 49.80 shall obtain a floodplain development permit (FDP). Proposed structures will need to be design to meet the requirements of CBJ 49.70 Article IV, and 49.70.400(j) for additional provisions in zones VE and V.

12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The project is not within a mapped hazard area. The project does not appear to need a Hillside Endorsement. A Hillside Endorsement will be required if slopes in excess of 18% are created, or cut into.

13. **Wetlands** – Wetlands are not anticipated on this lot. Fill of wetlands will require a United States Army Corp of Engineers fill permit.

Contact them at: 907-753-2689

14. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.

15. **Plat or Covenant Restrictions** –There were not applicable Plat notes in Plat number 2009-37.

16. **Traffic** – A traffic impact analysis (TIA) will be required per CBJ 49.40.300 (a)(1)

Parking level: 5,300 SF and 9,500 SF: Total SF: 14,500 SF (Retail)

Phase 1: 10,000 SF Plaza level (Retail)

Total: 24,800 SF retail

According to the Institute of Transportation Engineers Trip Generation Manual 9th edition a variety store generates 64.03 average annual daily traffic (AADT). Generating 1,587.94 AADT.

Per plans parks are approximately 60,000 SF, or approximately 1.4 Acres (Scaled off Plaza Level Phase 1 drawings) According to the Institute of Transportation Engineers Trip Generation Manual 9th edition a City park generates 1.89 average annual daily traffic (AADT).

The applicant will review the parking analysis done by the previous applicant, and modify if necessary.

17. **Nonconforming situations** – There are not nonconforming situations evident

Building Division

18. **Building** – Building plans will be reviewed during the permitting process, no comments at this time.

19. **Outstanding Permits** –

a. BLD20190242 – “Temp power for job trailer.”

General Engineering/Public Works

20. **Engineering** –

a. Note that a single water meter would be required. Does not anticipate many challenges since the project will have engineers involved.

b. Per discussion above, review building elevations with FEMA elevation requirements for this area.

21. **Drainage** – None at this time.

22. **Utilities** – (water, power, sewer, etc.) None at this time.

Fire Marshal

23. **Fire Items/Access** – No comments at this time.

Other Applicable Agency Review

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24. The Traffic Impact Analysis will be submitted to the Alaska Department of Transportation and Public Facilities for their evaluation and review. If they have concerns, the Commission may condition the project to address them.
 25. The application will be circulated to the Alaska Department of Transportation and Public Facilities, the United States Army Corps of Engineers, the Alaska Department of Natural Resources, the United States Fish and Wildlife Service, the Alaska Department of Fish and Game, the Federal Aviation Administration, and the United States Coast Guard.

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Allowable/Conditional Use Permit Application

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. Traffic Impact Analysis. The Final draft will be required to go to the Planning Commission.

Exceptions to Submittal Requirements

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. None

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. \$1,000 Class IV Permit
2. Public Notice Sign \$150. \$100 refundable if the sign is brought back by the Monday after the Commission meeting.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.org
OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

49.70 Article IV

49.15.330

Ordinance 2005-29(am)

Development Permit Application

Allowable/Conditional Use Permit Application

49.15.330 Conditional use permit.

- (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.
- (b) *Preapplication conference.* Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the conditional use permit procedure. The director shall discuss with the developer, regulation which may limit the proposed development as well as standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this subsection shall be provided to the developer at the conference.
- (c) *Submission.* The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.
- (d) *Director's review procedure.*
 - (1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable and, if it is not, what corrective action may be taken.
 - (2) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with section 49.15.230.
 - (3) The director shall forward the application to the planning commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in subsections (1)(A)—(1)(C) of subsection (e) of this section.
 - (4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.
 - (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
 - (A) Will materially endanger the public health or safety;
 - (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
 - (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.
- (e) *Review of director's determinations.*

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- (1) At the hearing on the conditional use permit, the planning commission shall review the director's report to consider:
 - (A) Whether the proposed use is appropriate according to the table of permissible uses;
 - (B) Whether the application is complete; and
 - (C) Whether the development as proposed will comply with the other requirements of this title.
 - (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) 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.
- (f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the 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) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.
- (g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:
- (1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.
 - (2) *Use.* Use of the development may be restricted to that indicated in the application.
 - (3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.
 - (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.
 - (5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.
 - (6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.
 - (7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.
 - (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.

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- (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.
 - (10) *Habitat.* Development in the following areas may be required to minimize environmental impact:
 - (A) Developments in wetlands and intertidal areas.
 - (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBa at the property line during the day or 55 dBa at night.
 - (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
 - (13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
 - (14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.
 - (15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.
 - (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
 - (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
 - (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c)(am), § 9, 8-31-2015 ; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018)

49.70.400 Floodplain.

- (a) *Purpose.* The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. Other purposes are to:
 - (1) Reserved;
 - (2) Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;
 - (3) Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;
 - (4) Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;
 - (5) Reserved;
 - (6) Ensure that potential buyers are notified that property is in a special flood hazard area; and
 - (7) Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.
- (b) *Interpretation.*
 - (1) In the interpretation and application of this article, all provisions are considered minimum requirements and are liberally construed in favor of the governing body.

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- (2) This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where the provisions of this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
 - (3) This article shall apply to all areas of special flood hazard areas (SFHAs) within the jurisdiction of the City and Borough of Juneau.
 - (4) The special flood hazard areas identified by the Federal Insurance Administrator (FIA) in a scientific and engineering report entitled the "Flood Insurance Study" (FIS) and the flood insurance rate maps (FIRMs) dated September 18, 2020 for the City and Borough of Juneau, Alaska are adopted. The FIS and FIRMs shall be on file with the community development department and available to the public at 155 South Seward Street, Juneau, Alaska.
- (c) *Implementation.* The director is responsible for administering and implementing the provisions of this chapter and is responsible for maintaining for public use and inspection appropriate records and information relevant to implementation of this chapter. Such records and information must include:
- (1) Actual elevations, in relation to mean lower low water, of the lowest floor, including basement, of all new or substantially improved structures located in the special flood hazard area (SFHA), and whether or not such structures have basements;
 - (2) Actual elevations, in relation to mean lower low water, of all new and substantially improved floodproofed structures and the required floodproofing certifications;
 - (3) Flood insurance studies (FISs);
 - (4) Flood insurance rate maps (FIRMs);
 - (5) Any reports or studies on flood hazards in the community, such as written reports by the U.S. Army Corps of Engineers, U.S. Geological Survey, or private firms provided to the director; and
 - (6) A file of all floodplain permit applications, permits, exceptions, and supporting documentation.
- (d) *Enforcement.* Enforcement of this chapter is per CBJ 49.10.600—49.10.660.
- (e) *Floodplain development permit required.* A floodplain development permit is required for any development or industrial uses located within a special flood hazard area, including placement of manufactured homes. The director must:
- (1) Review all floodplain development permit applications for development in the special flood hazard area for compliance with the provisions of this chapter, and to determine if other permits may be necessary from local, state, or federal governmental agencies.
 - (2) Interpret the location of the special flood hazard area boundaries and regulatory floodway. If there appears to be a conflict between a mapped boundary and actual field conditions, the director must determine and interpret the documents. When base flood elevation data has not been provided, the director shall obtain, review, and reasonably utilize base flood elevation and floodway data available from any federal, state, municipal, or any other source to implement the provisions of this chapter.
 - (3) If the director determines that a proposed development is within a special flood hazard area, a permit fee must be collected and the following information must be provided before processing a floodplain development permit:
 - (A) Elevation of the lowest floor, including a basement, of all structures;
 - (B) Elevation to which any structure has been floodproofed;
 - (C) Certification by an engineer or architect that the floodproofing methods for any nonresidential structure meet generally accepted floodproofing standards;

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- (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - (E) Description of the plan for maintenance of the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished; and
 - (F) When base flood elevation data have not been provided, the director shall obtain, review and reasonably apply any base flood elevation and floodway data available from federal, state or other sources.
- (f) *Methods of reducing losses.* In order to accomplish its purpose, this article includes methods and provisions to:
- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities;
 - (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
 - (4) Control filling, grading, dredging, and other development that may increase flood damage; and
 - (5) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas.
- (g) *General standards for flood hazard protection.* In special flood hazard areas the following standards apply:
- (1) *Anchoring.*
 - (A) Design, modify, and anchor new construction and substantial improvements to prevent flotation, collapse, or lateral movement of the structure(s).
 - (B) A manufactured home must be anchored to prevent flotation, collapse, or lateral movement and be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - (C) An alternative method of anchoring may be used if the system is designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the director that this standard is met.
 - (2) *Construction materials and methods.*
 - (A) Construct new construction and substantial improvements with materials and utility equipment resistant to flood damage.
 - (B) Use methods and practices that minimize flood damage for new construction and substantial improvements.
 - (C) Design or locate electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (D) Require adequate drainage paths around structures on slopes to guide floodwaters away from existing and proposed structures for new construction and substantial improvements within zones AH and AO.
 - (3) *Utilities.*

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- (A) Design new and replacement water supply systems to minimize or eliminate infiltration of floodwaters into the system.
 - (B) Design new and replacement sanitary sewage systems to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 - (C) Locate on-site waste disposal systems to avoid impairment to them or contamination from them during flooding.
- (4) *[Subdivision and development proposal criteria.]* Subdivision and development proposals must meet the following criteria:
- (A) Be designed to minimize flood damage;
 - (B) Locate and construct utilities and facilities, such as sewer, gas, electrical, and water systems to minimize flood damage;
 - (C) Provide adequate drainage to reduce exposure to flood damage; and
 - (D) Include base flood elevation data if the development consists of at least 50 lots or five acres, whichever is the lesser. If base flood elevation data is not available, the proposal must provide the data and backup information for how the base flood elevation data was generated for the proposal.
- (5) *[Floodplain development permit requirements.]* Review of floodplain development permits must include:
- (A) Review of the flood insurance rate map and flood insurance study for flood zone determinations for new or substantially improved structures;
 - (B) For new or substantially improved structures:
 - (i) Submittal of the proposed and finished lowest floor elevations in zones A, AE, AO, and AH.
 - (ii) Submittal of the proposed and finished bottom elevation of the lowest horizontal structural member of the lowest floor and its distance from the mean lower low water mark in zones V and VE; and
 - (iii) Submittal of specific requirements for zones V and VE as set forth in subsection 49.70.400(i).
 - (C) In zones A and V, where elevation data are not available through the flood insurance study or from another authoritative source, applications for floodplain development permit shall be reviewed to ensure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and may be based on historical data, high water marks, photographs of past flooding, and other similar or relevant data. Failure to elevate construction at least two feet above grade in these zones may result in higher insurance rates.
 - (D) Provision of an elevation certificate to demonstrate that the lowest floor of a structure is at or above base flood elevation. The certification must be provided on a form approved by the National Flood Insurance Program and prepared by a registered land surveyor or professional engineer who is licensed in the State of Alaska and authorized to certify such information. This requirement may be waived by the director if an approved record elevation demonstrates that the lowest floor is substantially above the base flood elevation due to natural ground level.
- (6) *Other permits.* The applicant must certify that all other necessary permits have been obtained from any federal or state governmental agencies.
- (7) *[Maintaining watercourse.]* Maintain altered or relocated portions of a special flood hazard area mapped watercourse so that the flood-carrying capacity is not diminished. The department must notify the state coordinating agency, if any, and the Federal Emergency Management Agency prior to

issuance of a floodplain development permit that seeks to alter or relocate any watercourse within a special flood hazard area.

- (h) *Specific standards for flood hazards protection.* In special flood hazard areas where base flood elevation data is provided, the following provisions are required:
- (1) *New structures or substantial improvements.* Fully enclosed areas below the lowest floor of new construction or substantial improvements, that are useable solely for parking of vehicles, building access, or storage in an area other than a basement, must automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect licensed in the State of Alaska or must meet or exceed the following minimum criteria:
 - (A) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (B) Height of the bottom of all openings must be no higher than one foot above grade; and
 - (C) Openings may be equipped with screens, louvers, or other coverings or devices provided that the automatic entry and exit of floodwaters is allowed.
 - (2) *Residential construction.* New construction and substantial improvement of any residential structure:
 - (A) Construct the lowest floor, including basement, elevated to or above the base flood elevation within zones A, AE, or AH; or
 - (B) Construct the lowest floor elevated to the base flood depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO.
 - (3) *Manufactured homes.* New or substantially improved manufactured homes must:
 - (A) Be placed at or above, the base flood elevation, within zones A, AH, or AE, and shall be elevated to, or above, the base flood elevation, and comply with subsection (g); or
 - (B) Elevate the lowest floor to the depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO; and meet the provisions of subsection (g)(1).
 - (4) *Recreational vehicles.* Recreational vehicles placed within any special flood hazard area must be:
 - (A) Situated on the site for fewer than 180 consecutive days;
 - (B) Fully licensed, operational, and approved for road use; or
 - (C) Meet the requirements of subsection (h)(3).
 - (5) *Nonresidential construction.* New construction or substantial improvement of any nonresidential structure must:
 - (A) Elevate the lowest floor, including basement, to or above the base flood elevation within zones A, AE, and AH;
 - (B) Elevate the lowest floor to the depth number specified on the flood insurance rate map, or higher, or if no depth number is specified, at least two feet above the highest adjacent natural grade within zone AO; or
 - (C) Floodproof the area below the base flood elevation within zones A, AE, AH, and AO, so that:
 - (i) The structure and utility and sanitary facilities are watertight with walls substantially impermeable to the passage of water;

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- (ii) Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (D) A floodproof structure must be designed by an engineer or architect licensed in the State of Alaska, certifying that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on the engineer's or architect's development or review of the structural design, specifications, and plans. Certification must be provided to the director;
 - (E) Applicants proposing to floodproof nonresidential buildings must be notified at the time of floodplain development permit application that flood insurance premiums are based on rates that are one foot below the floodproofed level.
 - (6) *Industrial uses.* Industrial uses within the special flood hazard area are subject to the following provisions:
 - (A) Sand and gravel operations, recreation activities, open space, and parking lots may be allowed in 100-year floodplains if the use does not increase the flood hazard.
 - (B) Industrial equipment and raw materials stored in 100-year floodplains must be adequately bermed or otherwise protected.
 - (C) Disposal of hazardous materials in 100-year floodplains is prohibited. No new development that involves storage of hazardous materials will be permitted in the 100-year floodplain unless there is no feasible and prudent alternative and adequate safety measures are provided to prevent accidental discharge.
 - (D) Establishment of sanitary landfills in floodplains is prohibited.
 - (7) *Increasing water surface elevation in special flood hazard area mapped watercourses where floodways are not mapped.* Notwithstanding any other provisions of this article, development in zones A, AE, and AH may increase the water surface elevation of the base flood:
 - (A) Up to one foot with the submittal of an analysis completed by an engineer licensed in the State of Alaska demonstrating the cumulative effects of the proposed, existing and anticipated, development to the base flood; or
 - (B) By more than one foot only after a conditional letter of map revision and final letter of map revision is approved by the Federal Emergency Management Agency flood insurance administrator.
 - (i) *Additional provisions in floodways.*
 - (1) Residential and nonresidential structures are prohibited in floodways, no exceptions apply. Culverts and bridges are not subject to this prohibition.
 - (2) Encroachments, including fill, new construction, and other development, except subdivisions, within a floodway are prohibited unless an engineer licensed in the State of Alaska submits a hydrologic and hydraulic analyses to the director indicating that the encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. The hydrologic and hydraulic analyses must be performed in accordance with standard engineering practice acceptable by the Federal Emergency Management Agency.
 - (3) Development along a floodway cannot increase the water surface elevation unless a conditional letter of map revision and final letter of map revision that revises the floodway are approved by the Federal Emergency Management Agency.
 - (j) *Additional provisions in zones VE and V.*

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- (1) New construction and substantial improvements in zones V and VE must be elevated on pilings and columns so that:
 - (A) The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation; and
 - (B) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used are those required by applicable state statute and local code. A registered professional engineer or architect licensed in the State of Alaska must develop or review the structural design, specifications, and plans for the construction and must certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (j)(1)(A) and (B) of this section.
 - (C) The use of fill for structural support of buildings is prohibited.
 - (2) In zones VE and V, new habitable construction must be located landward of the reach of mean high tide.
 - (3) In zones VE and V, new construction and substantial improvements must have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
 - (4) Breakaway walls must have a design safe loading resistance of not less than ten pounds per square foot and no more than 20 pounds per square foot. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect licensed in the State of Alaska certifies that the designs proposed meet the following conditions:
 - (A) Breakaway wall collapse must result from a water load less than that which would occur during the base flood; and
 - (B) The elevated portion of the building and supporting foundation system must not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination must each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Wind loading values used shall be those required by applicable state statute and local code.
 - (C) Enclosed space within breakaway walls are limited to parking of vehicles, building access, or storage. Such space must not be used for human habitation.
 - (k) *Warning and disclaimer of liability.* The degree of flood protection required by this article is intended for minimum regulatory purposes only and is based on general scientific and engineering principles. Floods larger than expected, can and will occur. Flood heights may be increased by human or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City and Borough, any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision made thereunder.

(Serial No. 87-49, § 2, 1987; Serial No. 90-46, §§ 2—9, 1990; Serial No. 2013-19(b), § 2, 7-15-2013 ; Serial No. 2020-42, § 2, 8-24-2020, eff. 9-23-2020 ; Serial No. 2021-06, § 2, 4-26-2021, eff. 5-26-2021)

49.70.410 Exceptions.

- (a) The planning commission shall hear all applications for an exception from the provisions of this article, and are limited to the powers granted in this article and those necessarily implied to ensure due process and to implement the policies of this article.
- (b) In passing upon such application, the planning commission must consider all technical evaluations, relevant factors, standards specified in other sections of this article, and:
 - (1) The danger that materials may be swept onto other lands and cause injury to other persons or property;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (c) Exceptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b)(1)—(b)(11) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the exception increases.
- (d) Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the commission may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article.
- (e) Exceptions may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
- (f) Exceptions must not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (g) Exceptions must only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.
- (h) Exceptions must only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the exception would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local laws or ordinances.
- (i) Reserved.
- (j) Warning and disclaimer of liability. The degree of flood protection required by this article is intended for minimum regulatory purposes only and is based on general scientific and engineering principles. Floods larger than expected,

can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City and Borough, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Serial No. 87-49, § 2, 1987; Serial No. 90-46, § 10, 1990; Serial No. 2021-06, § 3, 4-26-2021, eff. 5-24-2021)

Presented by: The Manager
Introduced: 09/12/2005
Drafted by: J.W. Hartle

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2005-29(am)

**An Ordinance Relating to the Seawalk in the Area
Encompassed by the Long Range Waterfront Plan.**

WHEREAS, the Assembly has adopted the Long Range Waterfront Plan; and

WHEREAS, that plan includes a seawalk extending along the entire downtown waterfront to provide a useable transportation corridor; and

WHEREAS, the CBJ Land Use Code currently requires property owners developing or redeveloping their property to construct the seawalk and dedicate an easement for it; and

WHEREAS, having the City and Borough construct the seawalk will facilitate development of a coherent, useable corridor; and

WHEREAS, the LID process can be used to provide for construction of the seawalk along properties not under development.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough code.

Section 2. Amendment of Subsection. CBJ 49.70.960 Special waterfront areas, is amended at subsection (c)(6) to read:

...

(6) Seawalk. A pedestrian access easement and walkway intended to provide a continuous pedestrian path along the entire downtown waterfront area, shall be included with all future development or redevelopment along the downtown waterfront shoreline. This walkway, to be known as the seawalk, shall be a continuous path along the entire downtown waterfront as depicted in the Long Range Waterfront Plan. In lieu of constructing the required seawalk, property owners developing or redeveloping property along the waterfront shoreline within the area encompassed by the Long Range Waterfront Plan shall pay a fee to the City and Borough equal to twenty percent of the final project cost for a seawalk constructed to public assembly standards for the section abutting their property. Unless the alignment of the seawalk requires otherwise, owners of property along

the waterfront shoreline within the area encompassed by the Long Range Waterfront Plan developing or redeveloping their property shall dedicate all easements necessary for construction of a seawalk sixteen feet in width.

(A) *Reserved.*

(B) *Reserved.*

(C) The seawalk shall not be required for existing buildings located along the water's edge until additions or alterations, or both, in excess of 50 percent of the gross square footage of the existing structure are proposed or undertaken within a 36-month period as determined by the City and Borough building division. General maintenance or repair work is exempt from this requirement.

(D) *Reserved.*

...

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 10th day of October, 2005.


Bruce Botelho, Mayor

Attest:


Laurie J. Sica, Clerk