



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

We own a 5-acre property that is undeveloped (5617 Aisek St). It currently has no structures on it, just vegetation. We propose to build a 51-unit apartment building designed for those experiencing a combination income disparities, recovery, and reentry challenges. We have the conceptual designs completed and need to get a conditional use permit to move forward with the requirements of some time-sensitive federal and state funding applications for the project. It will be accessible at the end of Aisek Street which leads right to the property. It will naturally fit with our strategic plans to offer a continuum of care for those coming through recovery and reentry programs that we offer who currently lack available affordable permanent housing options. This project advances the housing element of the CBJ Comprehensive Plan, including: 4.1: permanent supportive housing, affordable housing, new rental housing, special needs and adaptive housing and supportive services.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- Accessory Apartment – Accessory Apartment Application (AAP)
- Use Listed in 49.25.300 – Table of Permissible Uses (USE)
- Table of Permissible Uses Category: 1.920

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 224,622 square feet Total Area of Existing Structure(s) NA square feet

Total Area of Proposed Structure(s) 18,072 square feet

EXTERNAL LIGHTING

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

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

ALL REQUIRED DOCUMENTS ATTACHED

Narrative including:

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

If this is a modification or extension include:

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

Plans including:

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

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

ALLOWABLE/CONDITIONAL USE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1,600.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ <u>1,750.00</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
<u>USE24-015</u>	<u>7/2/24</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

Project: **Gastineau Human Services Permanent Supportive Housing**
Subject: Planning and Design Narrative
By: Zane Jones AIA; Paul Voelckers AIA
Date: Rev June 28, 2024

MRV 2408

PLANNING AND DESIGN NARRATIVE

MRV Architects has completed Schematic design documents for the Gastineau Human Services (GHS) Permanent Supportive Housing project. Current architectural drawings, including site plan and building plans by floor, are attached with this package. The Owner intends to begin construction late in the fall of 2024, if remaining grant funds are secured. Dawson Construction has been selected as the Contractor.

OVERVIEW OF NEW BUILDING

The proposed design includes 51 residential SRO (single resident) units in a three-story building. Support spaces include the entry lobby, elevator, tenant storage space, janitor's closet, laundry room, data/IT room, and mechanical space. The new facility is located adjacent to the existing GHS campus, where other GHS services and housing are provided.

The residents of the facility will be those in substance abuse recovery. The design will utilize trauma-informed design principles, such as removing environmental stresses, supporting self-reliance, providing daylight and connection to nature, providing personal privacy, reinforcing a sense of personal identity, and promoting the opportunity for choice while balancing the needs and safety of others. These principles will be addressed through construction details controlling sound transmission, provisions of views, and comfortable site features and buffers.

Access to the facility will utilize one primary entrance with a second emergency egress located off a stairwell at the building end. Video security systems covering both exterior and interior spaces will be monitored by GHS staff from a nearby facility. The building will include a small workstation for staff inside the main entrance, allowing the potential for staff control at certain times of operation.

The exterior of the building will include metal siding and fiberglass windows. Visual emphasis will focus on the entry, which incorporates covered protection from the elements. Space for secure bike racks will be in this covered area. The entry vestibule interior space will have walk-off mats, tackboard for messaging, and secure mailboxes.

PROPERTY AND SITE CONDITIONS

The new building site is accessed off of Aisek Street with a street extension. The site parcel is Horn Lot 1, 5617 Aisek St, Juneau AK 99801. The site measures 218,671 sq.ft., or 5.02 acres.

The property is currently undeveloped with attractive stands of mature spruce, hemlock, and alder forest. It is abutted on the northern side by Lemon Creek, the west side by unrelated commercial development, the east side by new Tlingit/Haida commercial facilities including kitchen, and on the south side by existing GHS buildings and parking development.

CDD PLANNING AND DESIGN REQUIREMENTS

The zoning for the site is GC (General Commercial). The lot size substantially exceeds the minimum dimensional standards of 2,000 sq.ft. GC zoning standards require a minimum setback on development of 10' on all sides, and a maximum height of 55'. These requirements are comfortably met with the building and site as illustrated.

Per CBJ 49.25.500, housing unit density allowed for GC is 50 units per acre. Per footnote J-2, SRO units count as one half of a dwelling unit for density calculations. Phase I dwelling units would therefore calculate as 26 units, on a parcel sized for (50x5.02) or 251 units.

Per CBJ 49.400.210, parking required for SRO development is one per unit, plus 1 additional for each four SRO units. For 51 units, the calculated parking would be 51 + 13 or 64 units. The phase I parking lot contains 64 striped vehicle stalls with three accessible vehicle stalls, one with an 8' van aisle. For fire truck and emergency vehicles, a T-style emergency vehicle turn around is provided.

5' wide concrete sidewalks will be constructed on each side of the 24' wide paved access road accessing the new GHS housing project. The new sidewalks would connect to the existing sidewalks located on Aisek Street.

A projected Phase II expansion is also illustrated on the site plan and should be evaluated as part of the current review and application process. Phase II expansions would add an additional 48 SRO units. The Phase II plan has been coordinated to work with the Phase I entry, elevator, and access control.

The extension of Aisek Street onto the new property will be a private driveway after crossing the property line. However, it will be constructed to meet CBJ standards for both dimensions and construction details. Future development of the remainder of Horn Lot 1 beyond Phase I and Phase II housing is uncertain. If it happens, that will likely involve the subdivision of the current large parcel into two or more future lots, accessed by a street which is then converted to CBJ ROW, and made otherwise compliant with CBJ subdivision requirements.

BUILDING and PARKING LOT SITE PREPARATION

The finish floor of the structure will be located above the Lemon Creek flood zone AE elevation of 29.50'. Site geotechnical analysis will be performed to confirm the bearing

capacities of the underlying soils. It is assumed that building foundations will utilize a first floor slab on grade with deepened perimeter edge.

SITE CIVIL/MECHANICAL AND ELECTRICAL UTILITIES

CBJ public sanitary sewer, domestic/fire water, and storm sewer underground utilities currently exist at the west end of Aisek Street. It is assumed that this project will connect to the existing CBJ underground utilities in Aisek Street with appropriate buried services as detailed following.

Power, telephone, television cable and fiber optic lines exist near Aisek Street in above ground and underground configurations.

WATER SUPPLY

An existing CBJ 8" DIP water main is in Aisek Street, capped just outside of the existing cul-de-sac. A new tee fitting with 6" gate valve with transition fittings will be connected to the existing 8" ductile iron water main at the end of Aisek Street. New 8" HDPE water line with transition fittings will provide domestic water and fire protection water to the new GHS Support Housing is recommended. The distance of new 8" HDPE water line will be approximately 275'.

SANITARY SEWER

Collection of wastewater from the new GHS Support Hosing building will discharge by gravity sewer methods from the southeast corner of the building. An existing sanitary sewer manhole structure is located at the end of Aisek Street. A new 6" PVC sanitary sewer service with sewer cleanouts spaced at 100' intervals would then connect to the existing sanitary sewer manhole. Approximately 270 lineal feet of 6" PVC sanitary sewer, SDR 35 pipe is required to make the connection from the new building to the existing sanitary sewer manhole. A 6" diameter sanitary sewer cleanout will be located 5' from the building wall. Once the wastewater enters the existing sanitary sewer mainline pipe it flows by gravity to Anka Street and then to the CBJ Lemon Creek lift station and eventually to the CBJ Thane wastewater treatment plant where the waste will be treated.

STORM SEWER

An existing underground storm drain system is located at the west end of Aisek Street which, until topographic mapping is complete, it is not known if there will be adequate elevation drop to convey the storm water by gravity methods. The existing storm drain pipes at the end of Aisek Street are conveyed through an existing 18" CPP outfall pipe that discharges to Lemon Creek. The parking lot could be graded to allow the storm water to sheet flow off the parking lot into the existing undeveloped area where it would percolate into the existing sand/gravel soils. Roof gutter downspouts from the building would be collected in a perimeter 6" diameter PVC drain and routed to the existing underground storm drain system on Aisek Street, a distance of approximately 300'. All storm drain structures and pipes will be installed per current CBJ Engineering Department Standard Specifications and Details.

SITE LIGHTING

All exterior lighting for the project will include fixtures designed for carefully controlled cut-off illumination which avoids meaningful light spill into adjoining properties. Code-required illumination levels for walkways and parking will be met, with attractive and obvious lighting emphasis at entry areas.

POTENTIAL SITEWORK PERMITS

The following is a list of potential development permits that may be required for this project:
State of Alaska Permits:

1. Alaska Department of Environmental Conservation (ADEC) for Storm Water Pollution Prevention Plan (SWPPP). Environmental Protection Agency (EPA), Section 402/40 CFR 125, National Pollutant Discharge Elimination System (NPDES) Nationwide Permit Compliance. (Storm Water Pollution Prevention Plan, Notice of Intent, Notice of Termination).
2. ADEC Storm Water Pollution Prevention Plan (SWPPP) as area of disturbance is anticipated to be greater than 1 acre.

CBJ: The following is a list of development permits that most likely will be required from the City and Borough of Juneau:

- CBJ Conditional Use Permit
- CBJ Allowable Use Permit
- CBJ Grading and Drainage Permit
- CBJ Building Permit
- Flood Plain Elevation Certificate

ENERGY EFFICIENCY

The project is detailed for high energy efficiency. The building will be designed to achieve 6-star BEES certification for substantial energy savings. The 6-star envelope will utilize an insulated 2x6 stud wall in combination with 4" of rigid exterior insulation. The wall system will achieve approximately R30 insulation value. Roofing will be a fully adhered membrane over TJI joists. The joists will have full 12" batt insulation with an additional 2" foil-faced PIC rigid board insulation on the interior. The hot roof will achieve R55 roof insulation value. The slab on grade will meet an R20 minimum value, with 4" EPS below the concrete slab. All these values surpass code minimums for the region. Windows and glazed openings will be upgraded to high performance triple glazed with fiberglass frames. The building will be wrapped in corrugated metal siding for durability. Dawson construction may substitute an exterior insulated metal panel system over the stud walls, depending on best installed pricing.

NOISE TRANSMISSION

Shared walls and floors will surpass IBC building code requirements and meet all federal guidelines with a target STC and ITC rating of at least 50. Corridors will utilize acoustic ceilings to mitigate sound reverberation. Doors and openings will include commercial seals

and sweeps which improve sound control. Ducting will be controlled and isolated to avoid "cross-talk" between units.

UNIVERSAL DESIGN & ADA

All resident units in the building will be designed to meet ADA guidelines and ICC/ANSI A117.1 for accessibility and universal design in layout. A minimum of 25% of the units will be further improved to provide ADA "equipped units." In addition to meeting ADA guidelines, these equipped units will include grab bars, roll-under counters, bathrooms with roll-in or seated shower stalls or tubs, and other applicable equipment for persons with hearing or vision disabilities.

Equipped units will comply with the design requirements noted in Section 504 of the Rehabilitation Act of 1973's Uniform Federal Accessibility Standards (UFAS). In addition to equipped units, one unit on each floor will surpass standard ADA design and will follow the US Fair Housing Act Design Manual and meet the requirements of the "U.S. Department of Housing & Urban Development Office Of Fair Housing & Equal Opportunity UFAS Accessibility Checklist" as required.

END OF NARRATIVE



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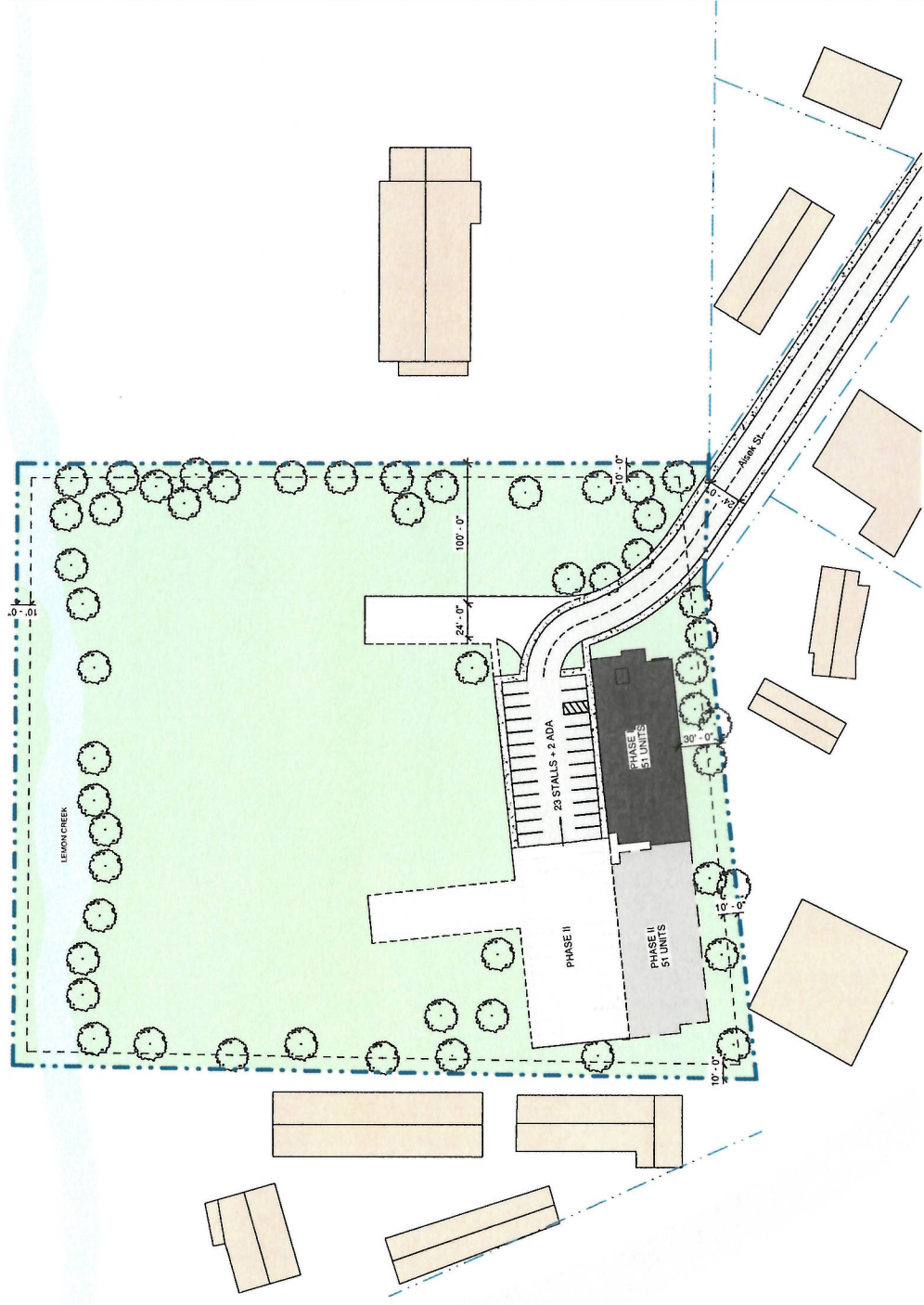
GASTINEAU HUMAN SERVICES
GHS SUPPORTIVE HOUSING
 SCHEMATIC DESIGN

No.	Description	Date

SHEET TITLE:
SITE PLAN

DATE: 04.29.2024
 DRAWN: MRV
 CHECKED: PV

SHEET NO.
A100



PROJECT NORTH
 ACTUAL NORTH



NOTE: 11x 17" PRINT IS HALF SIZE

① SITE PLAN
 1" = 40'-0"





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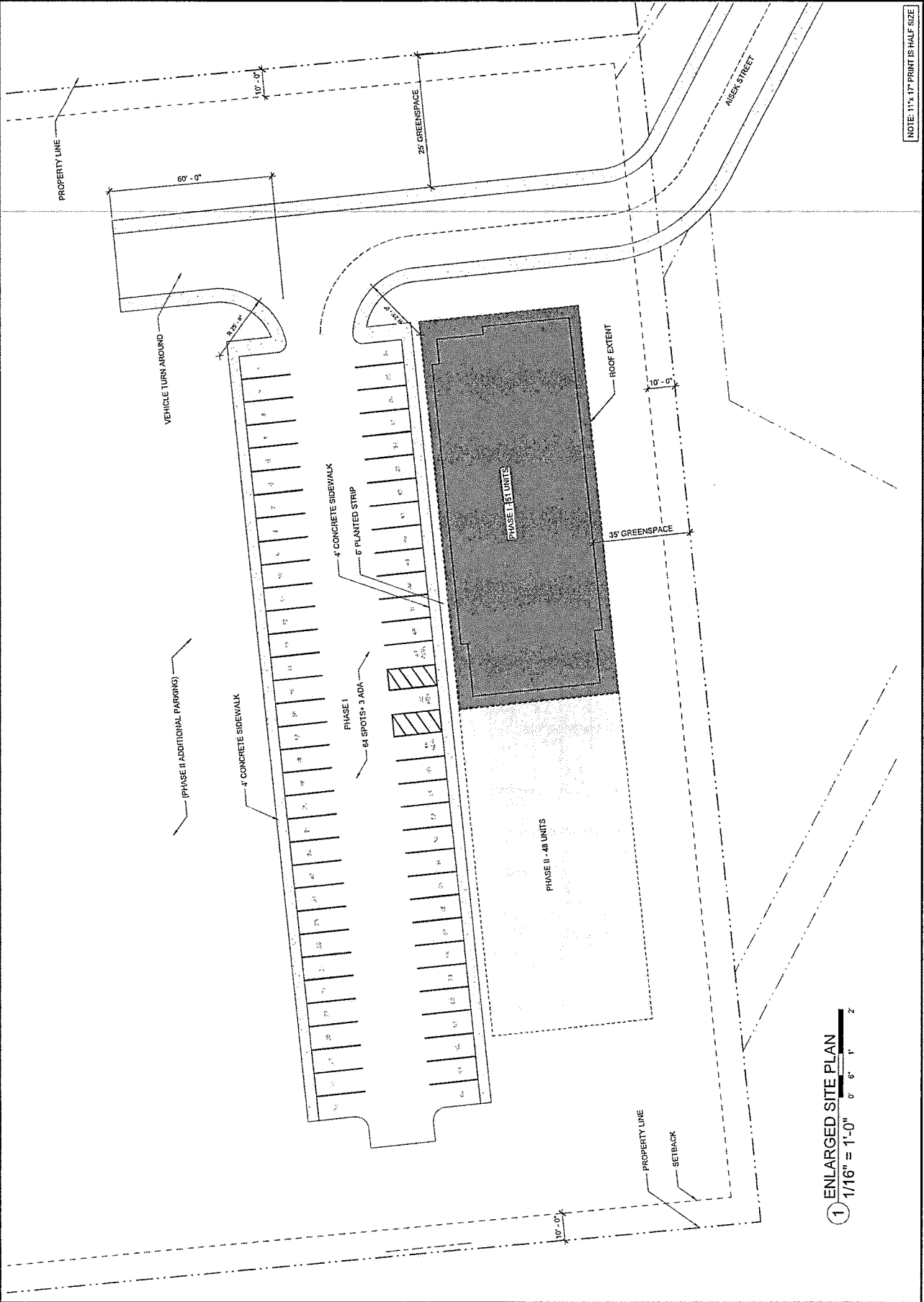
MRV #2418

GHS SUPPORTIVE HOUSING
 SCHEMATIC DESIGN

No.	Description	Date

SHEET TITLE:
ENLARGED SITE PLAN

DATE: 04.29.2024
 DRAWN: MRV
 CHECKED: PV
 SHEET NO. **A101**



NOTE: 1/4" = 17' PRINT IS HALF SIZE

① ENLARGED SITE PLAN
 1/16" = 1'-0" 0' 6" 1" 2"



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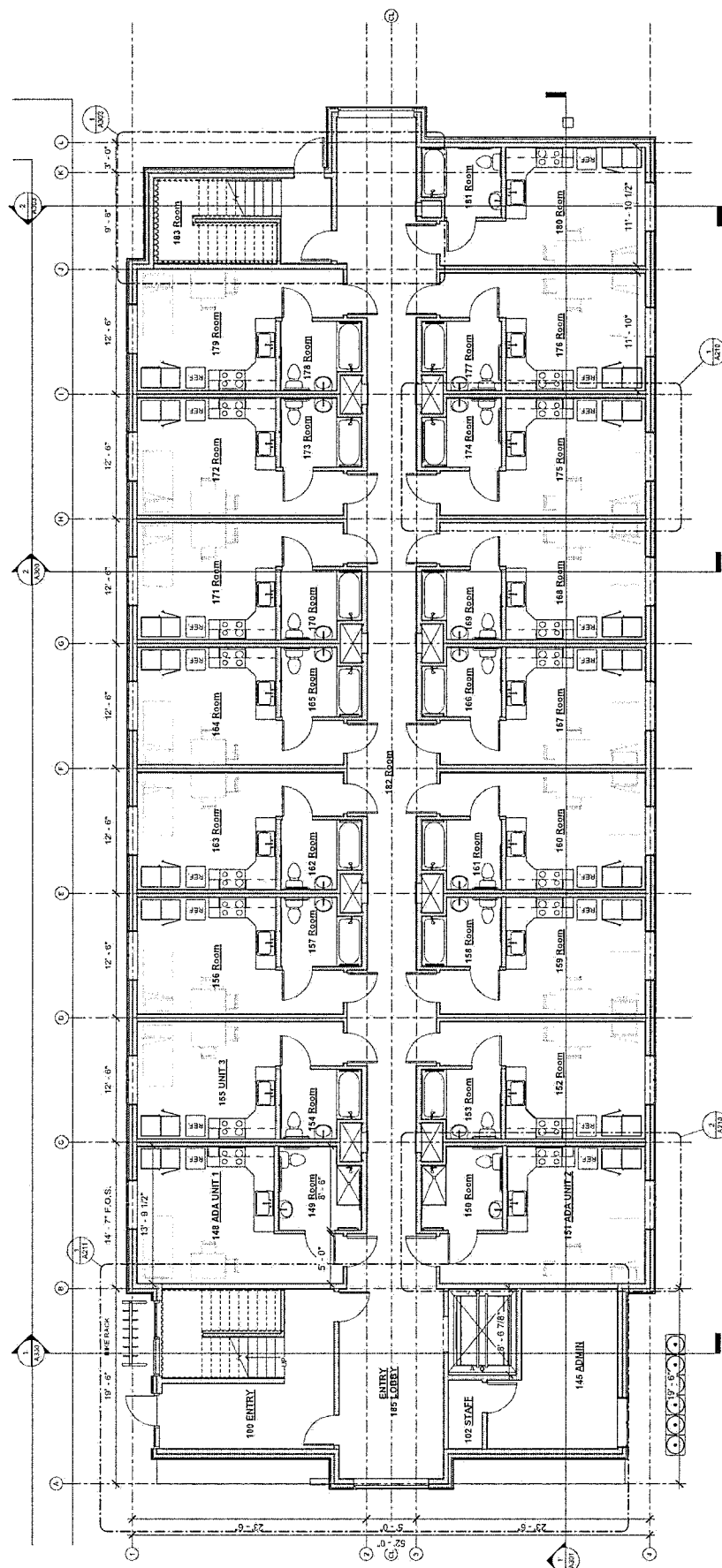
GASTNEAU HUMAN SERVICES
CHS SUPPORTIVE HOUSING
SCHEMATIC DESIGN

No.	Description	Date

SHEET TITLE:
FLOOR PLAN 1

DATE: 04.27.2024
DRAWN: ARV
CHECKED: PV
SHEET NO. **A201**

NOTES:
TOTAL FLOOR SF 6,519.



1 FLOOR 1
3/16" = 1'-0"

PROJECT NORTH
ACTUAL NORTH

NOTE: 11"x 17" PRINT IS HALF SIZE



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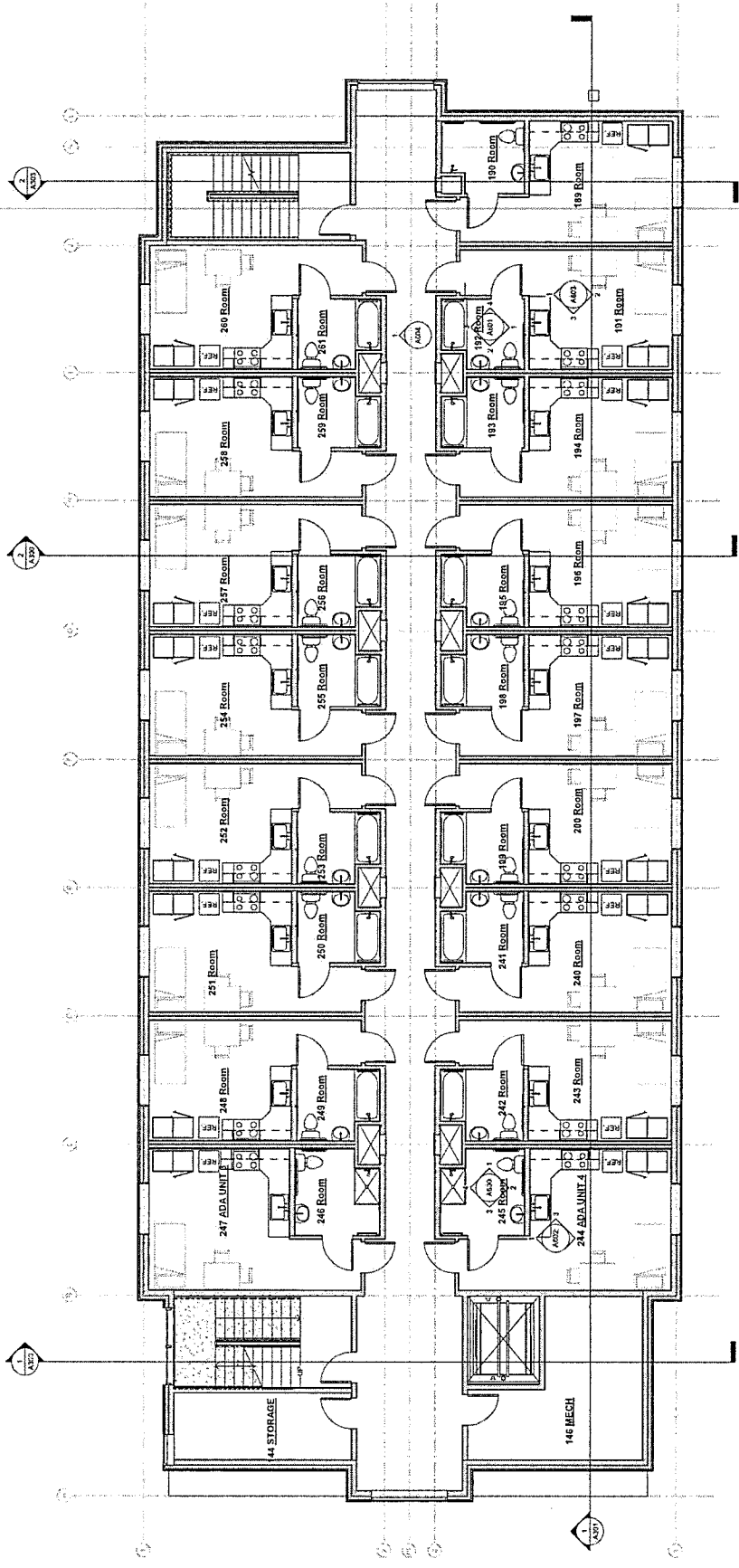
SCHEMATIC DESIGN
GHS SUPPORTIVE HOUSING
GASTINEAU HUMAN SERVICES

No.	Description	Date

SHEET TITLE:
FLOOR PLAN 2

DATE: 04.23.2024
DRAWN: MRV
CHECKED: IV
SHEET NO. A202

NOTES:
TOTAL FLOOR SF 6,519.



PROJECT NORTH
ACTUAL NORTH

1 FLOOR 2
3/16" = 1'-0"



NOTE: 1/4" 17" PRINT IS HALF SIZE



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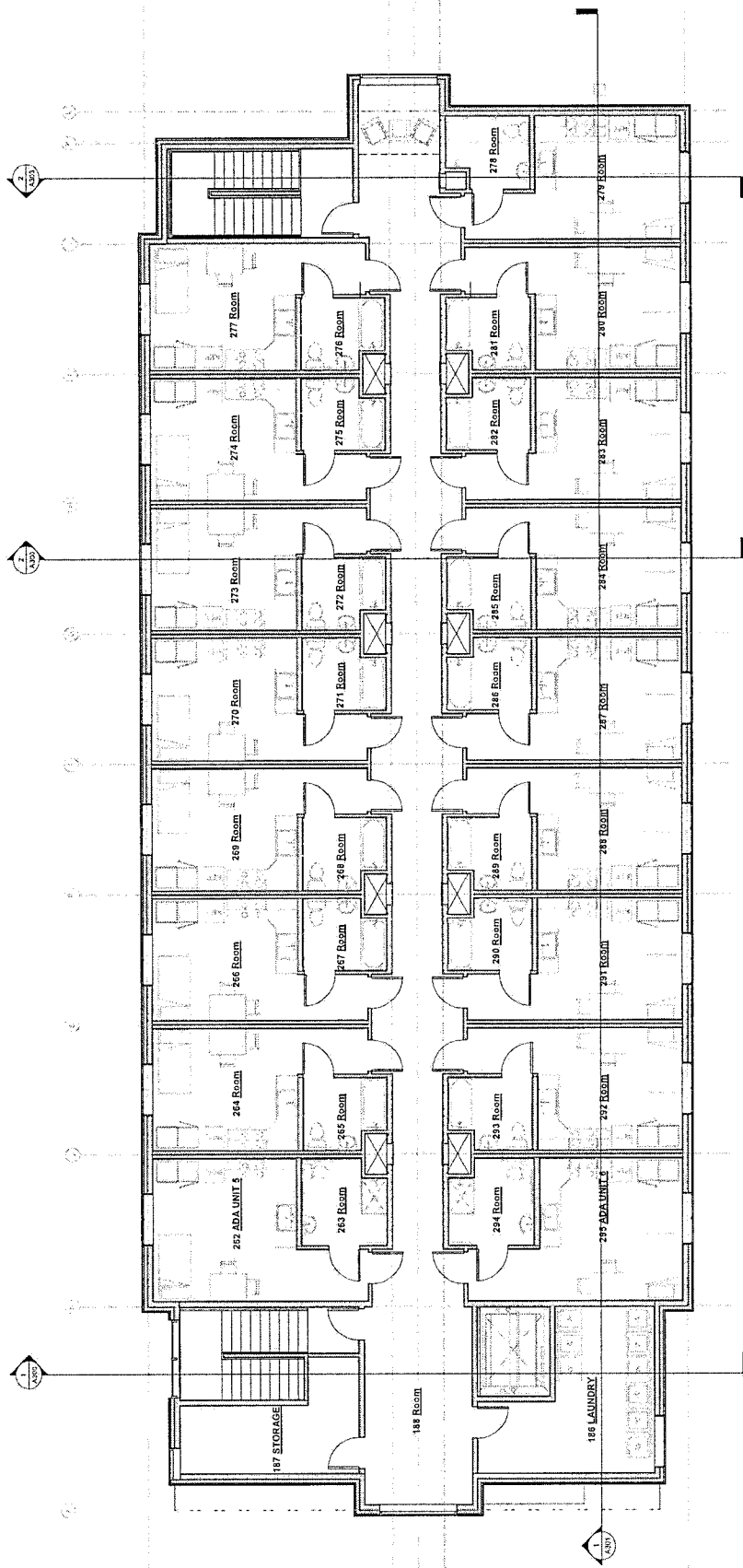
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CHS SUPPORTIVE HOUSING
GASTINEAU HUMAN SERVICES

No.	Description	Date

SHEET TITLE:
FLOOR PLAN 3

DATE: 04.29.2024
DRAWN: Aulfox
CHECKED: PV
SHEET NO. **A203**

NOTES:
TOTAL FLOOR SF 6,519.



1 FLOOR 3
3/16" = 1'-0"



PROJECT NORTH
ACTUAL NORTH

NOTE: 11"x 17" PRINT IS HALF SIZE



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 www.juneau.org/community-development
 155 Heritage Way • Juneau, AK 99801

GHS Apartments

Case Number: PAC2024 0033
 Applicant: Jonathan Swinton
 Property Owner: Gastineau Human Services Corporation
 Property Address: 5617 Aisek Street
 Parcel Code Number: 5B1201040060
 Site Size: 218,671 sq. ft./ 5.02 acres
 Zoning: General Commercial (GC)
 Existing Land Use: Vacant

Conference Date: May 30, 2024
 Report Issued: June 7, 2024

DISCLAIMER: Pre-application conferences are conducted for the purpose 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
Ryan Kauzlarich Jonathan Swinton Colter Nubson Paul Voelckers	Applicant	Ryan_Kauzlarich@ghscorp.org Jonathan_Swinton@ghscorp.org Colter@mrvarchitects.com Paul@mrvarchitects.com
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Jeff Hedges	Building	Jeffrey.Hedges@juneau.gov
Paul Beck	General Engineering	Paul.Beck@juneau.gov
Theresa Ross	CCFR – Fire Marshal	Theresa.Ross@juneau.gov
Sydney Hawkins	Permitting	Sydney.Hawkins@juneau.gov

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.

Project Overview

The applicant proposes a phased development of two (2) single room occupancy (SRO/PF), three-story buildings on a five (5) acre lot in a General Commercial zoning district. Each proposed building has a total of 51 units, for an overall development of 102 new SROs.

Planning Division

1. **Zoning** – General Commercial (GC)
2. **Table of Permissible Uses** – 1.630- Single room occupancies with private facilities. (1,3)
Because this is a phased development proposing a total of 102 SROs with private facilities, this project is considered a major development and a Conditional Use Permit will be required.
3. **Subdivision** – N/A for this proposal. For possible future subdivisions, please note the floodway and anadromous stream setback requirements.
4. **Setbacks** – GC zoning district requires a 10-foot setback on all sides; however, in accordance with CBJ 49.70.330, a 50-foot setback from the ordinary high water mark of an anadromous stream is required.
5. **Height** – 55-foot maximum
6. **Access** – Extension/ private driveway built to CBJ standards of Aisek St.
7. **Parking & Circulation** – 64 parking spaces are required for the first phase of development; 128 parking spaces are required for full build-out. However, the applicant has indicated that a Parking Waiver will be pursued to reduce parking to one space per two units for a total of 26 spaces per phase, and 52 spaces at full project build-out.
8. **Lot Coverage** – N/A for GC
9. **Vegetative Coverage** – 10% of 218,671 sq. ft = 21,867 sq. ft. of vegetative cover required.
10. **Lighting** – Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site. Industrial and exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.

Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at §49.40.230(d).

All exterior lighting fixtures shall be of a “full cutoff” design.

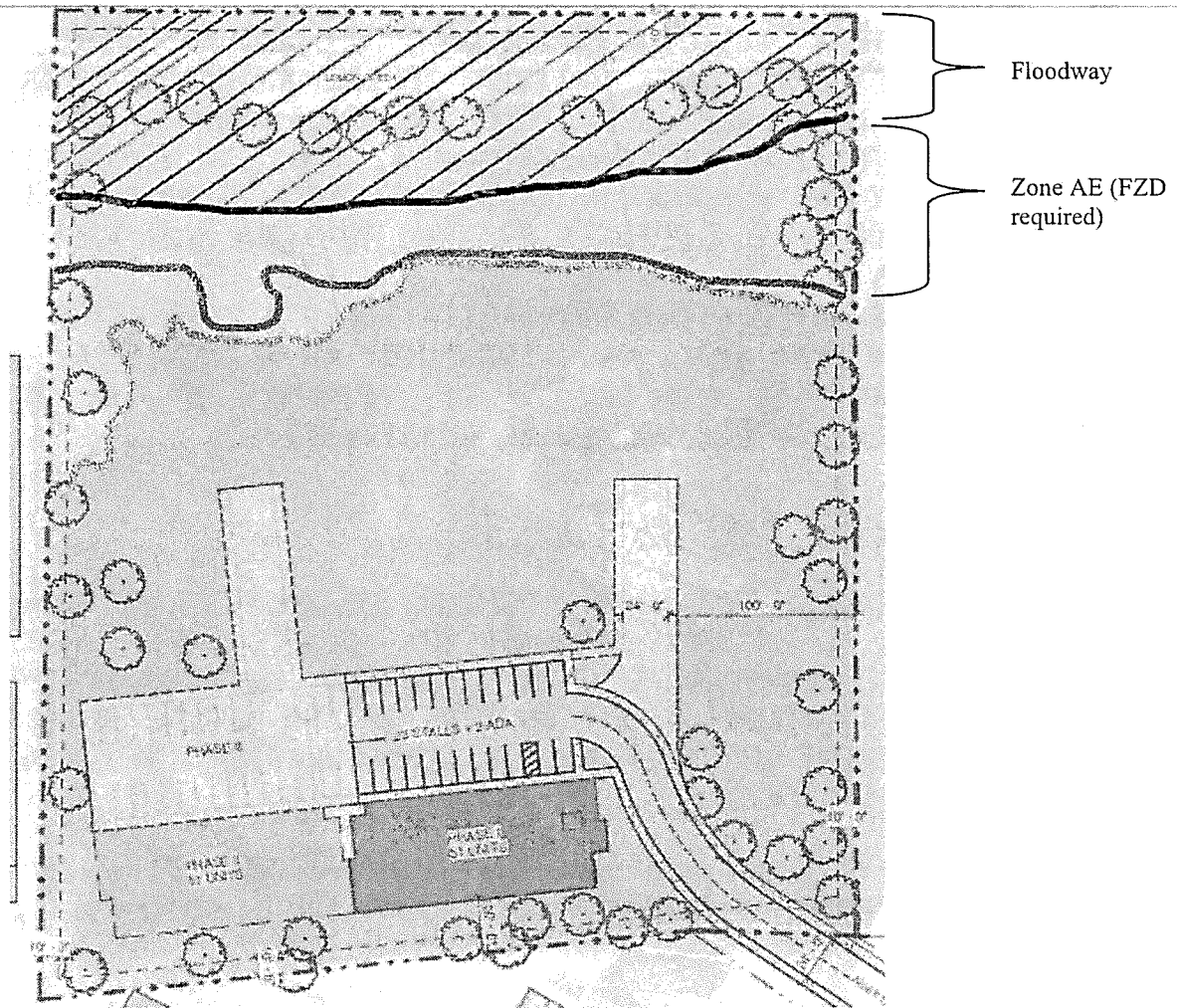
11. **Noise** – Noise is anticipated to be in keeping with General Commercial zoning.
12. **Flood** – The northwest (rear) property line extends to the opposite bank of Lemon Creek, so this lot encompasses approximately 31,370 square feet of the creek. Per FEMA regulations, no development is

permitted in the floodway. Flood zone AE would require a Flood Plain Development (FZD) permit application; however, anadromous stream setbacks would also apply. See "Habitat" section below.

13. Hazard/Mass Wasting/Avalanche/Hillside Endorsement – N/A

14. Wetlands – N/A

15. Habitat – Lemon Creek is an anadromous stream, which requires a 50 foot no-disturbance development buffer. While this proposed development will be well outside of the mandatory setback, lot subdivision was mentioned in the project narrative.



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.

16. Plat or Covenant Restrictions – From Plat 89-45 for HORN SUBDIVISION:

3. ALL FUTURE CONSTRUCTION SHALL BE IN CONFORMANCE WITH APPLICABLE CITY AND BOROUGH OF JUNEAU CODES AND OTHER REGULATIONS PERTAINING TO REQUIRED SETBACKS RELATIVE TO LEMON CREEK FOR DISTURBANCE AND CONSTRUCTION ACTIVITIES ALONG WITH NECESSARY FINISHED FLOOR ELEVATIONS WITHIN A FLOOD HAZARD BOUNDARY.
4. PORTIONS OF THIS PROPERTY APPEAR TO BE WITHIN THE AREA OF 100-YEAR FLOOD AS SHOWN ON PANEL 885 OF 1050, FLOOD INSURANCE RATE MAP, NATIONAL FLOOD INSURANCE PROGRAM, FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED FEBRUARY 4, 1981, AS PREPARED FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA. THE BASE FLOOD ELEVATION VARIES BETWEEN 27' AND 30' (M.L.L.W.).
5. PRIOR TO ANY CONSTRUCTION ACTIVITIES, A WASTEWATER FACILITY PLAN SHALL BE PREPARED BY AN ALASKAN REGISTERED CIVIL ENGINEER AND SAID PLANS APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

A. WASTEWATER DISPOSAL - LOT 1

NO SEWAGE TREATMENT OR DISPOSAL SYSTEM SHALL BE PERMITTED ON LOT 1 OF THIS SUBDIVISION UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED, AND EQUIPPED IN ACCORDANCE WITH THE REGULATIONS AND STANDARDS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERN THESE SYSTEMS.

17. **Traffic** – The applicant does not believe that traffic will be greatly impacted and expect the majority of the residents to utilize the public transit system and intend to pursue a parking waiver thusly. The nearest public transit stop is located approximately 230 feet from the property.
18. **Nonconforming situations** – N/A
19. **Building** – For Building Permit, supply plans designed by Alaska licensed design professionals for all trades.
20. **Outstanding Permits** – No outstanding permits.

General Engineering/Public Works

21. **Engineering** – No comments at this time.
22. **Drainage** – If possible, the applicant shall direct drainage away from Lemon Creek. If this cannot be avoided, mitigation shall be required.

23. **Utilities** – A site plan showing plans for cul-de-sac and underground utilities are required for submission and review.

Fire Marshal

24. **Fire Items/Access** – Suppression system plans must be submitted with the building permit application. Suppression system design cannot be deferred.

Fire Department access- IFC 2021 503- this is the requirement to provide emergency services access and leads into the two points of access- (IFC 2021 D106) (100 units drives the two points of access, an approved turn around with under 100 units (D102). I would strongly recommend looking at the two points of access for future expansion.

Hydrant locations- fire flow requirements IFC 2021 B105, hydrant location and spacing IFC 2021 C102 & C103 table C102., there must be a hydrant located within the required spacing which looks like would be at the top of their new driveway. However during design, they need to review IFC 2021 requirements for fire flow and hydrant location and spacing and provide this information on the site plan.

Sprinkler system- IFC 2021 903.2.8 (13R 903.3.1.2) this system is required based on the occupancy type and needs to be submitted for review and approval, this is a required system therefor cannot be a deferred submittal.

Fire Alarm system- IFC 2021 907.2.9 this system is required based on the occupancy type and needs to be submitted for review and approval, this is a required system therefor cannot be a deferred submittal.

Portable fire extinguishers- IFC 2021 906.1- one 10 ABC minimum required in each unit.

Knox Box IFC 2021 506- needs to be provided and in an approved location.

Other Applicable Agency Review

25. Possibly DNR / USF&W / F&G

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 for each application submitted
2. Conditional Use Permit
3. Parking Waiver Permit

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.

Exceptions to Submittal Requirements

Submittal requirements that 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. N/A

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. Development Permit Application (for each application submitted) – N/A
2. Parking Waiver Permit (\$400 reduced by 20% per CBJ 49.85.100(21)) – \$320
3. Conditional Use Permit (Class V- Residential Structures over 60 dwelling units) – \$1,600
4. Public Notice Sign Preparation fee – \$50
5. Public Notice Sign Deposit – \$100 (Refundable if returned in a timely manner, exact date will depend on the hearing date)

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.gov

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 – Flood Hazard Areas
- 49.15.330 – Conditional Use Permit

Applications:

- Development Permit Application
- Conditional Use Permit Application
- Parking Waiver Application

ARTICLE IV. FLOOD HAZARD AREAS*

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;

*Cross reference—Building regulations, tit. 19.

- (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.
- (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;
 - (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.*

- (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;
- (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.*

- (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)

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 informa-

tion 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.*

- (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.
- (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)