

# MEMORANDUM

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

**DATE:** December 21, 2004  
**TO:** Planning Commission  
**FROM:** Chris Beanes, Planner  
Community Development Department



**FILE NO.:** USE2004-00067 - Conditional Use

**PROPOSAL:** A Conditional Use permit to construct a retail building in a moderate hazard zone.

## GENERAL INFORMATION

**Applicant:** North Pacific Erectors  
**Property Owner:** Boudewin Roeland & Hendrika Flamee  
**Property Address:** 422 S. Franklin Street, Juneau  
**Legal Description:** Tidelands Addition, Block 83, Lot 10  
**Parcel Code No.:** 1-C07-0-K83-005-0  
**Site Size:** 4,543 square feet  
**Zoning:** WC, Waterfront Commercial  
**Utilities:** CBJ Water and Sewer  
**Access:** Franklin Street  
**Existing Land Use:** Vacant  
**Surrounding Land Use:** North - South Franklin  
South - Public Dock/Gastineau Channel  
East - South Franklin  
West - Public ROW/Commercial



## **PROJECT DESCRIPTION**

The applicant requests a conditional use permit for the construction of an 8,320 square foot tourist-oriented retail structure. Because the proposed building is located in a moderate landslide/avalanche area, delineated by the CBJ on the "Landslide/Avalanche Hazards Map (see Attachment A, not officially adopted), the proposal will require a Conditional Use permit to review the proposal under CBJ §49.70.300(a)(3):

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

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

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

The building will be two floors, each with a gross floor area of 4,160 square feet. The first floor will be divided into 3 sub-spaces that will be leased to retail operators (see Attachment B).

The lot drops at a slight angle from Franklin Street towards the Gastineau Channel. The approximate first 10 feet (from Franklin) of the new building will be on ground, and the remaining portion of the building towards the channel will be supported by steel pilings on a steel construction with concrete infill deck.

## **BACKGROUND**

This building will occupy Lot 10, Block 83, Tideland Addition. The site is within the mapped "Juneau Area Mass-Wasting & Snow Avalanche Hazard Analysis" (1992). Map C from the study (see Attachment A) indicates the site to be outside of the Hazard zone.

Three projects uphill from the site employed retaining walls to address potential avalanche hazards to the site. USE1997-00025 addressed avalanche concerns with Lots 3 & 4, Block 3, Pacific Coast Addition. USE2001-00043 addressed avalanche concerns with Lot 1A, Block 1, 7A Addition, across the street from the applicant's property. USE2000-00009 addressed avalanche concerns with Lot 5A, Block 1, Townsite Addition to the City of Juneau, also across the street from the applicant's property.



*Policy 3.11 it is the policy of the CBJ to minimize the threat to human safety and development posed by landslides and avalanches.*

The project would be constructed in accordance with recommendations of the hazard analysis report submitted with the application, and thus be in conformance with adopted plans.

**Juneau Coastal Management Program** - Section 3 of the JCMP addresses Geophysical Hazards. More specifically related to this case are the following policy sections:

C. Administrative Policies

It is the policy of the CBJ to:

- (1) *Minimize the threat to human safety and development posed by landslides and avalanches, flooding, seismicity, and loss contamination of groundwater.*

E. Enforceable Policies

§49.55.40 Geophysical Hazards

- (b) *Development in areas having known hazards may not be approved until siting, design, and construction measures for minimizing property damage and protecting against loss of life have been provided.*
- (e) *Mitigating measures are required for development in areas of moderate hazard. These may include dissipating structures or dams, appropriate structural engineering, or other techniques that respond to the specific site hazards.*

The applicant has complied with the above-listed aspects of the JCMP by hiring a recognized engineer to evaluate the site and existing structure and to assess the risk and recommended mitigation commensurate with the proposed change of use of the building.

## **FINDINGS**

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

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

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

CBJ §49.15.330 (f), Commission Determinations, states that even if the Commission adopts the

Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

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

Per CBJ §49.15.300 (e)(1)(A thru C), Review of Director's Determinations, the Director makes the following findings on the proposed development:

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

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

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

**Yes.** The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 2.120 for the Waterfront Commercial zoning district.

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

**Yes.** The proposed development complies with the other requirements of this chapter. Notice was provided in the Juneau Empire under Your Municipality, which ran on December 17 and December 27, 2004. A public notice sign was posted on the site at least fourteen days prior to the meeting and notice was mailed to owners of record of all property within 500 feet of the subject property.

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

**No.** Based on the analysis by Robert Lium, certified Structural Engineer, and concurrence by CBJ Engineering (see Attachment D), mitigative measures are addressed by existing retaining wall structures uphill from the subject property.

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

**No.** A risk to property value is associated with the proposed development, however, the risk can be mitigated with proper design and construction. Thus, the proposed development would not substantially decrease the value of or be out of harmony with property in the neighboring area.

**6. *Will the proposed development not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?***

**No.** Policy 3.11 of the Juneau Comprehensive Plan states; “It is the policy of the CBJ to minimize the threat to human safety and development posed by landslides and avalanches.” The proposed development would be constructed in accordance with recommendations of a hazard analysis report dated February 1992. Thus, the proposed project is consistent with adopted plans of the CBJ.

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

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

**RECOMMENDATION**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested conditional use permit. The permit would allow the development of an 8,320 square foot building in a moderate hazard zone.

# ALLOWABLE CONDITIONAL USE APPLICATION

(APPLICANT PLEASE FILL IN TOP PORTION OF PAGE AFTER FIRST LINE AS A MINIMUM)

Project Number	Project Name <u>MINER'S HALL</u>	Case Number <u>45504-67</u>	Date Received <u>11/22/04</u>
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APPLICANT INFORMATION

**DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. ATTACH A DETAILED DESCRIPTIVE LETTER ABOUT THE PROJECT DESCRIBED IN THIS APPLICATION.**

DEVELOPMENT WITHIN A MODERATE HAZARD MASS WASTING ZONE

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**MODIFICATION OF EXISTING APPROVAL?**     No     Yes - CASE NUMBER \_\_\_\_\_

**EXISTING USE OF LAND AND/OR BUILDING(S):**  
VACANT

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**PROPOSED USE OF LAND AND/OR BUILDING(S):**  
WATERFRONT BUILDING

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

**SITE DIMENSIONS:**  
Width 39.8' ft.      Depth 102 ft.      Total Area 4160 square feet

**DIMENSIONS OF STRUCTURE:** (Outside Dimensions)  
Length 34.5 ft.    Width 39.8 ft.    Height 35' ft.      Total Area 4160 square feet

**SIGNS:** Sign Approvals are a separate permit approval. Provide sign plan as an information item.

**EXTERNAL LIGHTING**  
Existing to remain     No     Yes - provide fixture information, illumination pattern, and location of lighting fixtures.  
Proposed               No     Yes - provide fixture information, illumination pattern, and location of lighting fixtures.

**PARKING**  
Existing Spaces: NONE      Proposed Spaces: ONE ACCESSIBLE /LOADING

**PLEASE NOTE: INCOMPLETE APPLICATIONS MAY NOT BE SCHEDULED FOR PLANNING COMMISSION ACTION. UNACCEPTED APPLICATIONS WILL BE RETURNED TO THE APPLICANT FOR COMPLETION.**

CIRCLE TYPE OF PERMIT: ALLOWABLE USE / CONDITIONAL USE	TABLE OF PERMISSIBLE USES CATEGORY:		
Fees	Check No.	Receipt No.	Date
Application Fees	\$ <u>350.00</u>	_____	_____
Adjustment	\$ _____	_____	_____
Public Notice Sign Fee	\$ _____	_____	_____
Public Notice Sign Deposit	\$ _____	_____	_____
Total Fee	\$ <u>350.00</u> <u>Charge</u>	<u>19419</u>	<u>11/23/04</u>

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**NOTE: MUST BE ACCOMPANIED BY "DEVELOPMENT PERMIT APPLICATION" FORM WHICH HAS LAND OWNER OR LESSEE CONSENT SIGNED**

# DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	<b>CITY and BOROUGH of JUNEAU</b>	Date Received: <b>11/22/04</b>
Project Name (City Staff to assign name) <b>MINERS HALL</b>		

PROJECT / APPLICANT INFORMATION	Project Description <b>2 STORY, 8,320 SF WATERFRONT RETAIL</b>																
	<b>PROPERTY LOCATION</b>																
	Street Address <b>504TH FRANKLIN'S &amp; WARNER'S WHARF WAY</b>		City / Zip <b>JUNEAU, ALASKA</b>														
	Subdivision (if known) <b>LOT 16, TRACT 80</b>	Survey (if known)	Block / Tract (if known) <b>80</b> Lot (if known) <b>10</b>														
	Assessor's Parcel Number (if known) <b>10070 K83 0050</b>																
	<b>LANDOWNER / LESSEE</b>																
	Property Owner's Name <input type="checkbox"/> Contact by E-Mail: <b>BOUDEWIJN ROELAND / HENDRIKA FLAMEE</b>		Contact Person														
	Mailing Address <b>OUDENAARDESESTRAAT 189 9500 GERARDSBERGEN</b>		Work Phone No.														
			Home Phone No.														
			FAX No.														
<b>LANDOWNER/LESSEE CONSENT</b> (Required for Planning permits not needed on Building/Engineer permits)		<b>INITIAL ALL THAT MAY APPLY</b>															
<p>I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 60%;">APPLICATION TYPE</th> <th style="width: 40%;">OWNER'S INITIALS</th> </tr> <tr> <td>ALLOWABLE USE</td> <td></td> </tr> <tr> <td>CONDITIONAL USE</td> <td></td> </tr> <tr> <td>VARIANCE</td> <td></td> </tr> <tr> <td>DESIGN REVIEW</td> <td></td> </tr> <tr> <td>SUBDIVISION</td> <td></td> </tr> <tr> <td>OTHER _____</td> <td></td> </tr> </table>		APPLICATION TYPE	OWNER'S INITIALS	ALLOWABLE USE		CONDITIONAL USE		VARIANCE		DESIGN REVIEW		SUBDIVISION		OTHER _____	
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ALLOWABLE USE																	
CONDITIONAL USE																	
VARIANCE																	
DESIGN REVIEW																	
SUBDIVISION																	
OTHER _____																	
<p><input checked="" type="checkbox"/> <b>KARL VANDER</b> <b>11-22-04</b></p> <p>Landowner/Lessee Signature Date</p> <p><input checked="" type="checkbox"/> _____</p> <p>Landowner/Lessee Signature Date</p> <p>NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.</p>																	
<b>APPLICANT</b> (If same as OWNER, write "SAME" and sign and date at X below)																	
Applicant's Name <input type="checkbox"/> Contact by E-Mail: <b>NORTH PACIFIC ERECTORS</b>		Contact Person	Work Phone No.														
Mailing Address <b>P.O. BOX 240748 DOUGLAS, ALASKA 99824</b>		Home Phone No.	FAX No.														
<input checked="" type="checkbox"/> <b>KARL VANDER</b>		<input checked="" type="checkbox"/> <b>11-22-04</b>															
Applicant's Signature		Date of Application															

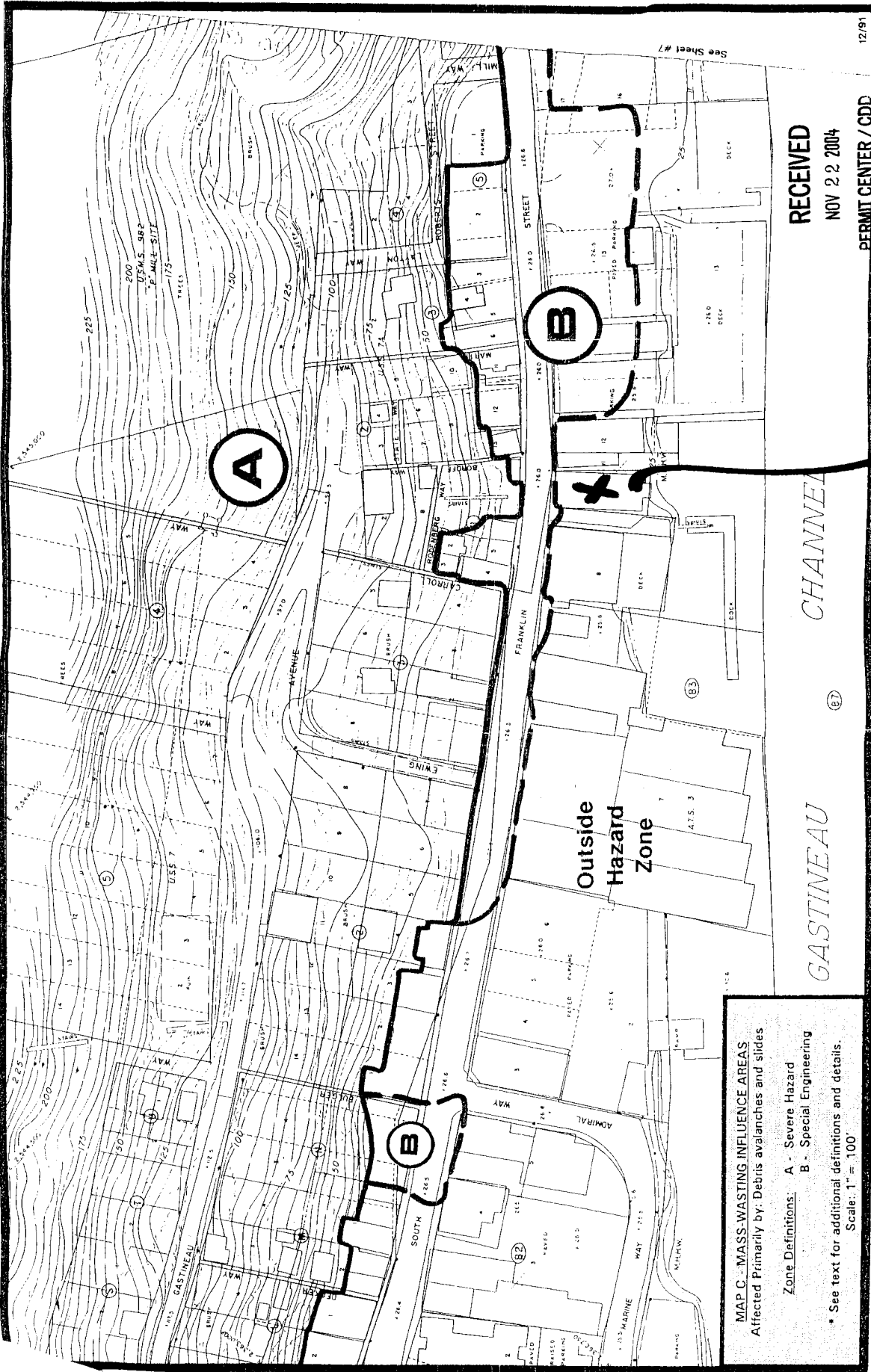
(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
		ALLOWABLE USE APPROVAL					WATER PERMIT		
		CONDITIONAL USE APPROVAL	<input checked="" type="checkbox"/>	<b>11/22/04</b>	<b>USE 04-106/107</b>		SEWER PERMIT		
		VARIANCE	<input checked="" type="checkbox"/>	<b>11/22/04</b>	<b>VAR 04-49/50</b>		GRADING PERMIT		
		DESIGN REVIEW APPROVAL					DRIVEWAY PERMIT		
		SUBDIVISION					RIGHT-OF-WAY PERMIT		
		STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
		SIGN APPROVAL					OTHER - (Describe)		
		BUILDING PERMIT					Permit Intake Initials <b>DJG</b>		
		Zone	Total Lot Area	Required Setbacks					
			Front	Back	Side	Other			
COMMENTS:									

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





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NOV 22 2004

PERMIT CENTER / CDD

12/91

**Site**

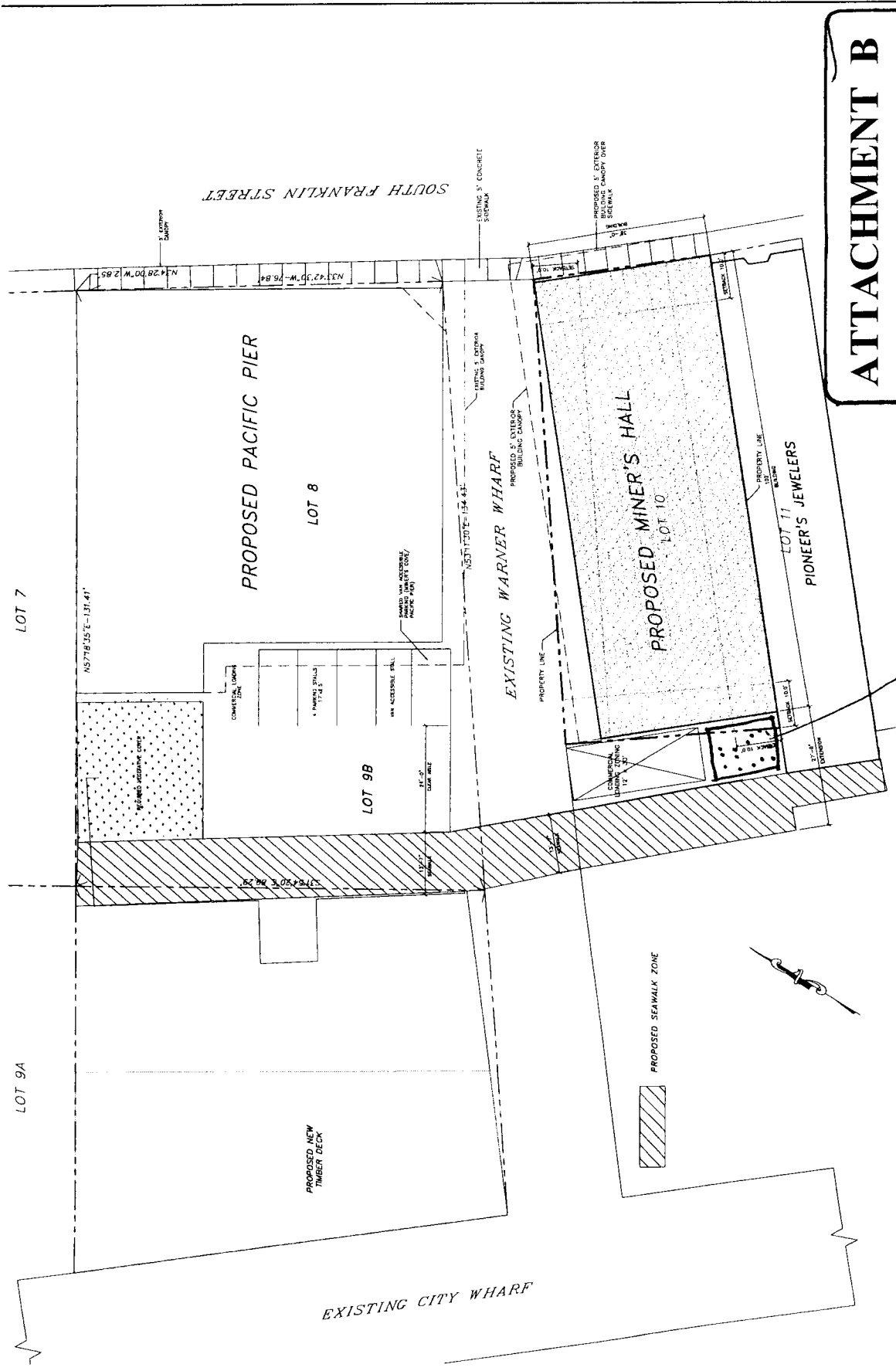
**ATTACHMENT A**

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

Zone Definitions: A - Severe Hazard  
 B - Special Engineering

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

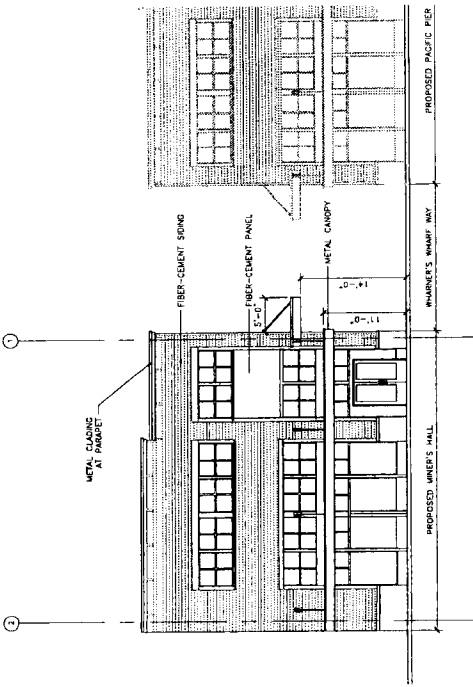
JUNEAU - DOUGLAS  
 TOPOGRAPHICAL BASE MAP  
 CONTROL POINTS  
 55 5000 5000 5000  
 55 5000 5000 5000  
 55 5000 5000 5000



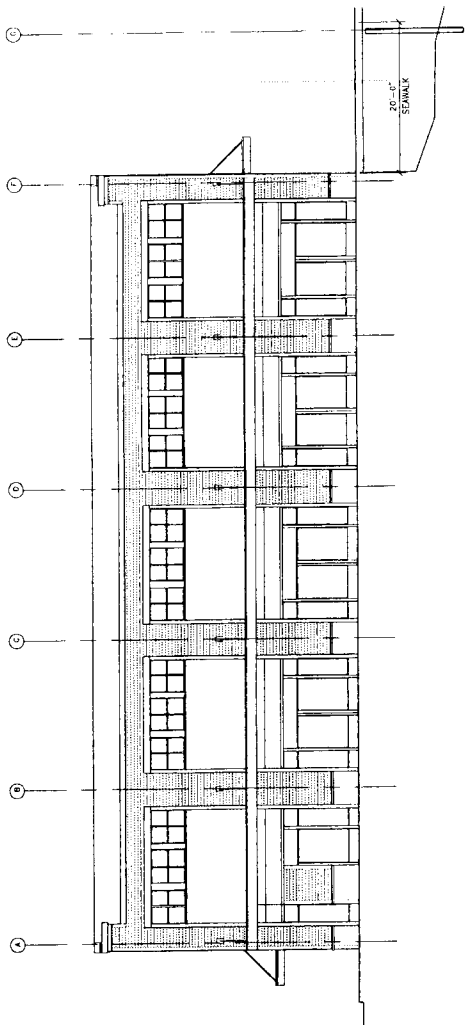
**ATTACHMENT B**

*required vegetative cover, urban amenities including benches planters (rest area)*

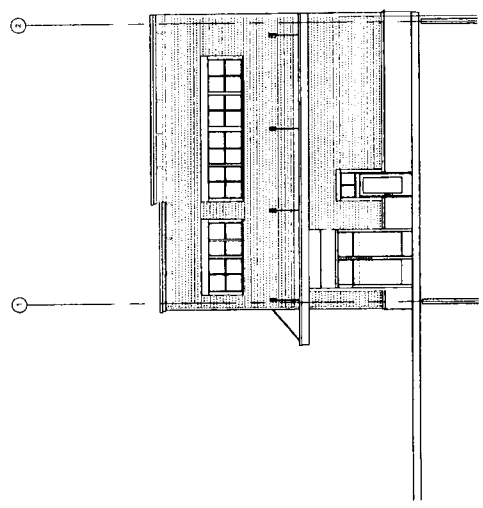
1 PROPOSED SITE PLAN



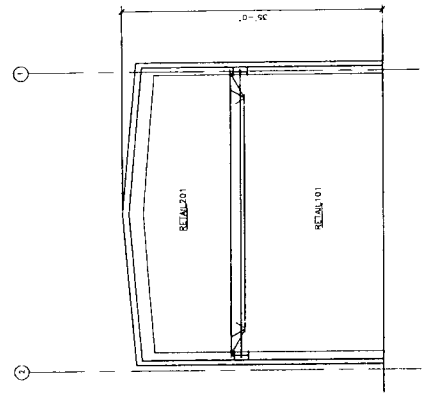
1 SOUTH FRANKLIN STREET ELEVATION  
 SCALE: 0 1 2 3 4



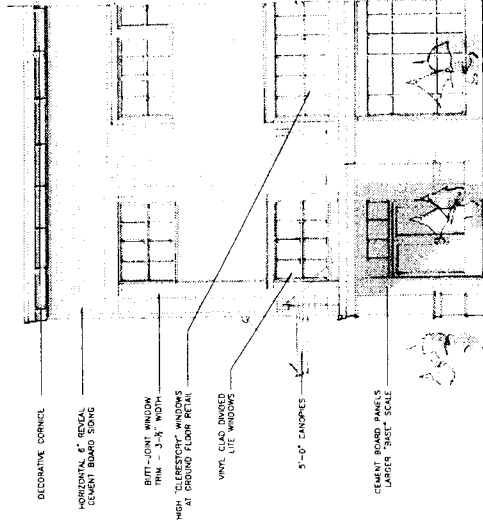
2 WARNER WHARF ELEVATION  
 SCALE: 0 1 2 3 4 5 6



3 WATERFRONT ELEVATION  
 SCALE: 0 1 2 3 4



4 CROSS SECTION  
 SCALE: 0 1 2 3 4



4 PROPOSED ELEVATION DETAIL  
 SCALE: 0 1 2 3 4

NOVEMBER 18, 2004

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NOV 22 2004

PERMIT CENTER / CDD

November 18, 2004

ATTACHMENT C

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

Dear Chris,

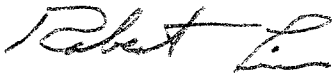
The proposed Miners Hall Building is located at 422 South Franklin Street (Parcel #1C070K830050) in downtown Juneau. The building site is across from a mass-wasting area where recent construction provides protection.

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

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

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

Sincerely,



Robert Lium  
Structural Engineer

Enclosure



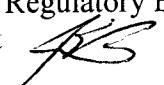
# MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

**TO:** Chris Beaney, Planner  
Community Development Department

**DATE:** December 10, 2004

**FROM:** John K. Bowman, Chief Regulatory Engineer  
Engineering Department 

**FILE:** Miners Hall Building  
1-C07-0-K83-005-0

**RE:** Miners Hall Building at 422 South Franklin Street

I have reviewed Bob Lium's letter of November 18, 2004, that was written to CBJ Community Development Department regarding the proposed construction of the Miners Hall Building to be located at 422 South Franklin Street. This project site is located within a moderate landslide hazard zone as defined by CBJ Code.

In accordance with the Bob Lium, PE, letter and 49.70.300(5), I recommend that the Planning Commission not require measures to mitigate for the proposed construction within the moderate hazard zone.

For reference, the applicable section of code is copied below. Please let me know if you have any further questions on the issue.

## **49.70.300 Landslide and avalanche areas.**

### *(a) Generally.*

- (1) Development in all landslide and avalanche areas shall minimize the risk of loss of life or property due to landslides and avalanches.
- (2) Boundaries of potential and severe avalanche areas will be as shown on the sensitive area map and the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—7, as the same may be amended from time to time by the assembly by ordinance.
- (3) Notwithstanding any other provision, all subdivision other than a boundary line relocation and all development greater than a single-family dwelling within landslide or avalanche areas shall require a conditional use permit.
- (4) If a developer disagrees with the boundaries shown on the maps, the developer may seek departmental relocation of the boundaries by submitting site specific studies prepared by a civil engineer experienced in avalanche and landslide analysis. Such studies shall include detailed analyses of topography, vegetation, potential snow accumulation, and other factors. The results should indicate actual hazard area boundaries and potential debris flow direction, time, distance and mass. If, in the option of the city engineer, the studies clearly establish that the map boundaries are inaccurate and the proposed development is outside a severe avalanche area or outside any avalanche or landslide area, the department shall proceed accordingly.
- (5) The commission may require mitigating measures certified as effective by a professional engineer for development in landslide and avalanche areas. Such measure may include dissipating structures or dams, special structural engineering, or other techniques designed for the site. Mitigating measure may also include reduction in the proposed density.

**ATTACHMENT D**

