



Planning Commission

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www.juneau.org/community-development/planning-commission

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: September 1, 2022

File No.: PAD2022 0002

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal: Property Acquisition and Disposal review for the acquisition and disposal of land by the CBJ

Property Address: 4305 North Douglas Highway and North Douglas Highway

Legal Description or ROW name: USS 2135 Tract 1 Tract A, USS 2305 Lot 15, USS 4605 Fraction

Parcel Code No.: 6D0601110020, 6D0601130010, 6D0611000010

Hearing Date: August 23, 2022

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 11, 2022, and recommended that the Assembly direct CBJ staff to initiate the proposed land swap.

Attachments: August 11, 2022, memorandum from Joseph Meyers, Community Development, to the CBJ Planning Commission regarding PAD2022 0002.

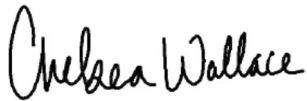
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

City and Borough of Juneau
CBJ Assembly
File No.: PAD2022 0002
September 1, 2022
Page 2 of 2

Michael LeVine, Chair
Planning Commission

September 6, 2022

Date



Filed With Municipal Clerk

September 6, 2022

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. The CBJ and project designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

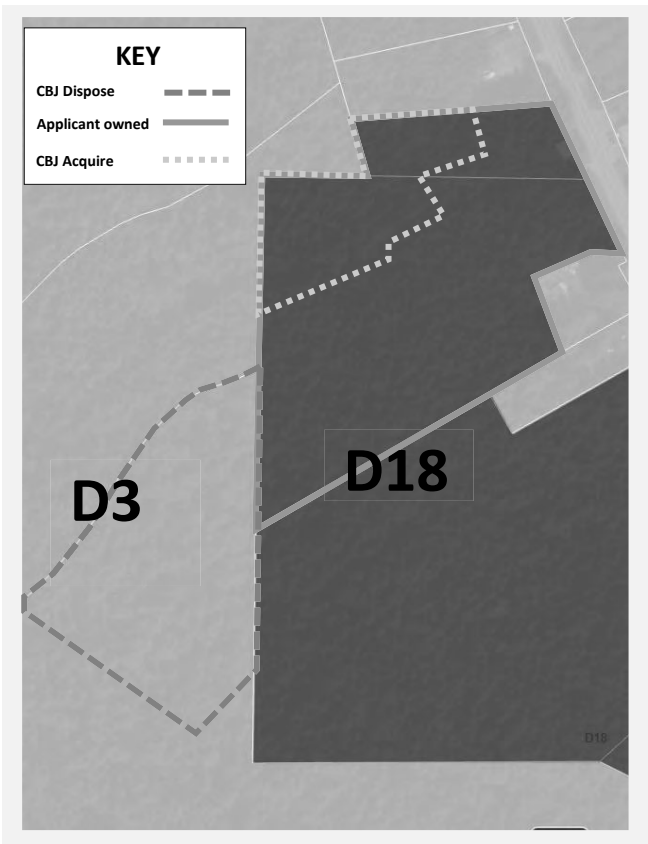
GENERAL INFORMATION	
Property Owner	Grant Creek Homes / City & Borough of Juneau
Applicant	Murray Walsh, WPDS/ City & Borough of Juneau
Property Address	4305 North Douglas Highway & North Douglas Highway
Legal Description	USS 2135 Tract 1 Tract A, USS 2305 Lot 15, USS 4605 FR
Parcel Number	6D0601110020, 6D0601130010, and 6D0611000010
Zoning	D18 and D3
Land Use Designation	Medium Density Residential (MDR) & Urban Low-Density Residential (ULDR)
Lot Size	Approximately 699,524 square feet (16.06 acres)
Water/Sewer	CBJ
Access	North Douglas Highway
Existing Land Use	One single-family structure
Associated Applications	N/A

The Commission shall hear and decide the case per CBJ 53.09.260 – Negotiated sales, leases, and exchanges:

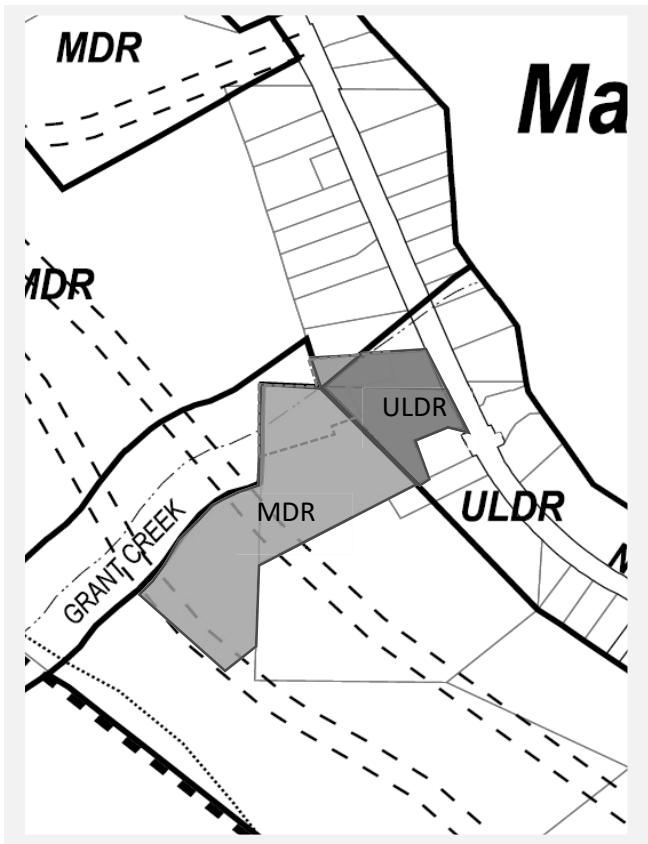
- (a) Application, initial review, assembly authority to negotiate. Upon application, approval by the manager, and payment of a \$500.00 fee, a person or business entity may submit a written proposal to lease, purchase, exchange, or otherwise acquire City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.*
- (b) Review and approval process. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, after review by the planning commission for disposals other than leases, after review by the assembly lands committee, and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.*

CBJ 49.10.170(c) Planning Commission Duties: *The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by CBJ Title 53, or capital improvement project by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.*

CURRENT ZONING MAP



LAND USE DESIGNATION MAP



SURROUNDING LAND USES AND ZONING

Direction	Zoning District	Land Use
North	D3 – Residential	Single-family structure
South	D18 & D3 – Residential	Vacant
East	Right-of-Way	North Douglas Highway
West	D3 – Residential	Vacant

BACKGROUND INFORMATION

Project Description – The applicant is seeking to sell 105,347 square feet of land to the CBJ ① and purchase 140,394 square feet of land from the CBJ ②. This land swap is being proposed as a means of creating additional buildable lots within the CBJ, in conformity with the 2013 CBJ Comprehensive Plan. In addition, the land being conveyed to CBJ would be included in the existing designated stream buffer to extend protection of Grant Creek, an anadromous waterbody. This effort is also in conformity with the 2013 Comprehensive Plan.



Background – The table below summarizes relevant history for the subject parcel and proposed development.

Item	Summary
Rezone ORD2010-14am	Rezoned three lots on North Douglas Highway from D3 to D18 in 2010.

Existing Conditions – In order to more efficiently describe the project, each section is labelled with a number corresponding to the action that will be taken by this land swap. These parts are not discrete units following property lines, and include portions of three separate lots. In addition, the maps contained within this report are approximate and meant solely for illustrative purposes.

The lot is currently vacant and forested with 12% slopes according to the provided preliminary site plan. A single-family dwelling exists on the northeast portion of the lot at 4305 North Douglas Highway.

CBJ 53.09.200(b) – Purpose and intent. The purpose and Intent of CBJ Title 53.09.200(b) is:

- 1. Inclusion in Land Management Plan. Except for property acquired by tax foreclosure or reconveyance agreement, real property should not be conveyed prior to inclusion in a land management plan.*

The Land Management Plan designates this city property for disposal as retain/dispose.

ZONING ANALYSIS FOR INFORMATIONAL PURPOSE

Zoning Generally – The proposed area for disposal and acquisition encompasses 245,741 square feet of land and spans two zoning districts – D3 and D18 Residential. Density on the lot will need to meet the standards of each respective zoning district, including using the stricter standard when lots within two different zoning districts abut one another. To maximize the density of the lot, a rezone may be sought.

Table of Permissible Uses – The proposed use of the land is for single-family residential lots. This use is appropriate for the D3 zoning district and is also a permissible use in the D18 zoning district. The CBJ encourages maximizing density where possible, particularly in areas zoned for multi-family developments within the urban service area.

Table of Dimensional Standards – Depending on the density that the applicant is seeking, a rezone may be necessary to fully take advantage of these lots, as there are currently two zoning districts regulating the lot, D3 and D18.

Zoning District	Minimum lot size	Bungalow Lots	Duplex	Commonwall
D3	12,000 square feet	6,000 square feet	18,000 square feet	N/A
D18	5,000 square feet	2,500 square feet	N/A	2,500 square feet

Other Required Permits – A major subdivision permit will be required for future subdivision of the site.

Roadway Classification Maps – The lots are adjacent to North Douglas Highway which is classified as a minor arterial.

Hazard Areas – A portion of USS 2135 Tract 1 Tract A and USS 2305 Lot 15 are within the Zone A flood zone.

COMMUNITY SERVICES

Service	Summary
Urban Service Boundary	Within the urban service area
Water/Sewer	CBJ
Fire Service Area	Within the fire service area
Schools	Juneau School District

ENVIRONMENTAL, CONSERVATION, HISTORIC, AND ARCHEOLOGICAL RESOURCES

The table below summarizes Conservation, Historic, and Archeological Resources which may be affected by the acquisition and disposal of approximately 16 acres of land between the CBJ and the applicant.

Resource	Summary
Conservation Areas	None
Wetlands	No known wetlands on site.
Anadromous	An on-site stream is only anadromous below North Douglas Highway, and is not anadromous on the lots being reviewed. Streams are only anadromous where designated by Alaska Department of Fish & Game.
Impaired Waterbodies	None known.
Historic	None.
Archeological	None known.
Comprehensive Plan View sheds	None

This land purchase by the CBJ would extend the 200-foot designated stream corridor surrounding Grant Creek, in line with the 2013 Comprehensive Plan.

CONFORMITY WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN – The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
4	37	Policy 4.2	<i>To facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.</i>
7	79	DG2	<i>On publicly-owned lands, designated on the Land Use Code Maps as not appropriate for development an area extending 200 feet from the Ordinary High Water Mark of the shorelines or stream corridors of the anadromous fish creeks, streams, and lakes listed in the most recently CBJ-adopted Alaska Department of Fish and Game inventory of anadromous fish streams.</i>
17	226	Policy 17.2	SOP4: <i>Base decisions regarding disposal of CBJ-owned lands on demonstrated market demand and evidence that disposal will be in the public interest and, particularly, for projects that would provide affordable housing or that would create jobs that pay a living wage. Coordinate activities with an orderly system for extending and constructing the public facilities and services called for in the transportation/public facilities and services element of the Plan.</i>

2013 COMPREHENSIVE PLAN – The proposed text amendment is in compliance with the 2013 Comprehensive Plan.			
			This application is in conformity with the Adopted 2013 Comprehensive plan Policy 17.2 SOP4. The stated intent of the application is to subdivide the land for future housing development. There is a significant demand for all types of housing in the CBJ. This purchase would be in the broader public interest to provide more buildable lands for housing development.

2016 HOUSING ACTION PLAN – The proposed text amendment complies with the 2016 Housing Action Plan			
Chapter	Page No.	Item	Summary
Part 2	36	Develop Housing Choices to Accommodate Juneau's Workforce Needs	The applicant has stated that they are seeking to create, " <i>small, affordable lots</i> " through this land purchase. Currently, there is no requirement that the development qualify for affordable housing as defined by the Department of Housing and Urban Development standards.

2016 CBJ Land Management Plan – The proposed text amendment complies with the 2016 CBJ Land Management Plan			
Chapter	Page No.	Item	Summary
N/A	7	Goal 1	Continue the land disposal program which systematically places CBJ land into private ownership.
N/A	112	Recommendations	<i>Disposal of large tracts to private developers.</i> This proposal is in conformity with the 2016 CBJ Land Management Plan by providing disposal of large tracts of land to private developers. The plan designates this tract as retain/dispose.

AGENCY REVIEW

CDD conducted an agency review comment period between July 13, 2022 and July 27, 2022. Agency review comments can be found in Attachment C.

Agency	Summary
General Engineering	No concerns with the land swap.
Assessor	No comments received.
Alaska Department of Transportation & Public Facilities	No comments received.

PUBLIC COMMENTS

CDD conducted a public comment period between July 19, 2022 and August 1, 2022. Public comments can be found in Attachment D.

FINDINGS

In accordance with CBJ 49.15.580, staff finds the proposed acquisition and disposal of land by the CBJ complies with the Title 49 Land Use Code and is in general conformity with adopted plans, specifically the 2013 Comprehensive Plan, the Housing Action Plan, and the CBJ Land Management Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and forward a recommendation of APPROVAL to the CBJ Assembly for the acquisition and disposal of land by the CBJ.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Public Notice Materials
Attachment C	Agency Comments
Attachment D	Public Comments
Attachment E	Reviewed Materials