

# MEMORANDUM

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

**DATE:** December 6, 2005  
**TO:** Planning Commission  
**FROM:** Matthew Halitsky, Planner *M. Halitsky*  
Community Development Department

**FILE NO.:** USE2005-00057 - Conditional Use

**PROPOSAL:** A Conditional Use permit for a two-story, 7,871 square foot retail/residential building located in a moderate hazard zone.

## GENERAL INFORMATION

Applicant: North Pacific Erectors, Inc.  
Property Owner: Roeland Boudewijn and Hendrika Flamee  
Property Address: 422 South Franklin Street, Juneau  
Legal Description: Tidelands Addition, Block 83, Lot 10  
Parcel Code Number: 1-C07-0-K83-005-0  
Site Size: 4,543 square feet (0.104 acres)  
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 a 7,871 square foot commercial retail structure in the moderate hazard zone, containing approximately 3,935 square feet of dormitory-style living space on the second floor for seasonal workers. Per CBJ §49.70.300(a)(3), a Conditional Use permit is required as the proposed building is located in a moderate landslide/avalanche area:

*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.*

Furthermore, 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 Planning Commission approved a similar Conditional Use permit for the original Miner's Hall design in December 2004. That initial permit included commercial retail and storage space only. This revised application adds approximately 3,935 square feet of dormitory-style residential living space on the second story of the development.

## **BACKGROUND**

As mentioned above, the original Miner's Hall project was approved by the Planning Commission in December 2004, under a series of Conditional Use permits and Variances (USE2004-00066, USE2004-00067, VAR2004-00049, VAR2004-00050). One of these approved permits, USE2004-00067, allowed the construction of the proposed 8,320 square foot commercial retail and storage structure in the moderate hazard zone. The current set of Conditional Use applications now under consideration (USE2005-00053 & USE2005-00057) propose to reduce the building's footprint by approximately 300 square feet, and to convert the second story, which was originally intended as retail and storage space, to dormitory-style living quarters for seasonal employees of the tenant.

For the previous Conditional Use permit, Robert Lium, Structural Engineer, provided a stamped memo supporting the proposed development in the moderate hazard zone. At that time, John Bowman, CBJ Chief Regulatory Engineer, supported that determination and recommended no additional mitigation for the proposed construction. However, neither memo addressed the addition of residential living space in the moderate hazard zone as it was not part of the original proposal. Attachments C and D of this report provide updated memoranda from Bruce Berryhill, P.E., and John Bowman regarding the addition of this dormitory-style housing. Both recommend approval of the Conditional Use permit without additional mitigation, based upon a 1992 remapping by Mears, Fesler, and Fredston, where the site was located outside of the mapped hazard zone, as well as recent construction acting as a potential buffer between the proposed project and the mapped mass wasting area.



**Public Health or Safety** - Rich Etheridge, CBJ Fire Marshal, has reviewed both the original proposal and the modification in conjunction with the CBJ Building Official and found no significant concern with the addition of second-story seasonal residential housing. As the primary business and associated tenants will be tourism-related and operated only during the summer months, the seasonal nature of the proposal becomes a mitigating factor to the addition of residential living space to the project. In addition to the enclosed engineer's statement (Attachment C) from Bruce Berryhill, Professional Engineer, supporting information has been reviewed by John Bowman, CBJ Chief Regulatory Engineer (Attachment D). Both concur that the mitigating measures taken by uphill property owners address the current proposal in the moderate hazard zone.

**Property Value or Neighborhood Harmony** - According to the submitted hazard report and after review by CBJ Engineering, it has been determined that although a significant risk to property value may be associated with the proposed development, the risk can be mitigated if the applicant designs and constructs the building in accordance with the design standards recommended in the hazard report.

**Conformity With Adopted Plans** - The Juneau Comprehensive Plan addresses issues relative to development in a hazard zone as follows:

*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, including the addition of residential living quarters.

## **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; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
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. Public notice of this project was provided in the December 2<sup>nd</sup> and December 12<sup>th</sup> issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right of way.

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

**No.** Based on the analysis by Bruce Berryhill, Professional Engineer, and Robert Lium, Structural Engineer, with concurrence by the CBJ Engineering Department (Attachment D), mitigation 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.** Although a potential risk to property value does exist with the proposed development, this 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.** Based on the above analysis, and as the proposed development would be constructed in accordance with recommendations of a hazard analysis report dated February 1992, the project is found to be consistent with the adopted plans of the CBJ.

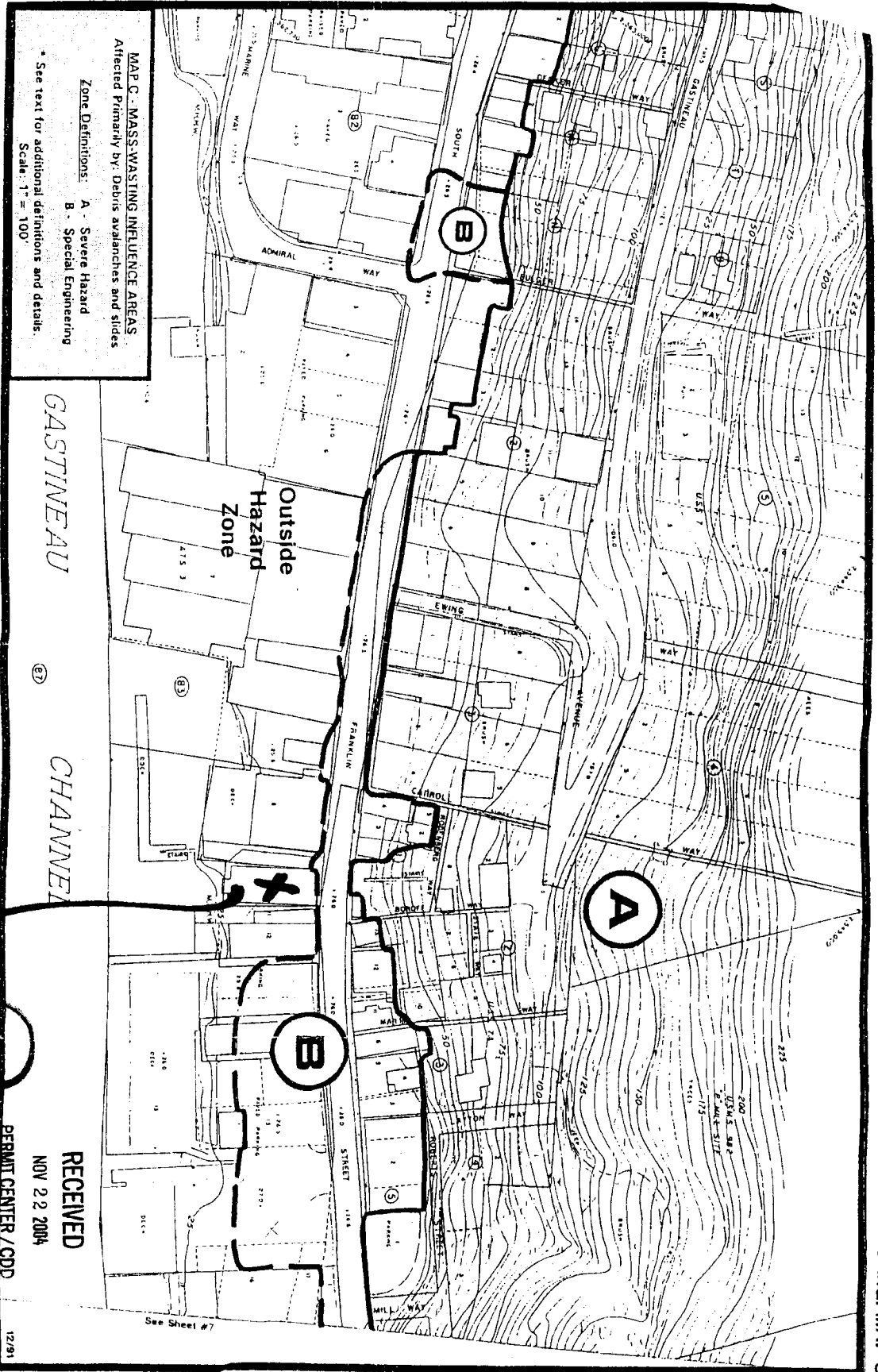
**7. *Will the proposed development comply with the Juneau Coastal Management Program?***

**Yes.** The proposed project was reviewed for conformance with the JCMP relative to geophysical hazards. Based on the above analysis, the proposed development is found to be in general compliance with the JCMP.

**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 a 7,871 square foot commercial retail structure, containing second story dormitory-style residential living units, in the moderate hazard zone.

JUHEAU — DOUGLAS  
 TOPOGRAPHICAL BASE MAP  
 THE CITY AND TOWN OF JOURNAL  
 DEPARTMENT OF PUBLIC WORKS  
 DIVISION OF ENGINEERING  
 93 STATE STREET  
 BOSTON, MASSACHUSETTS



**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'

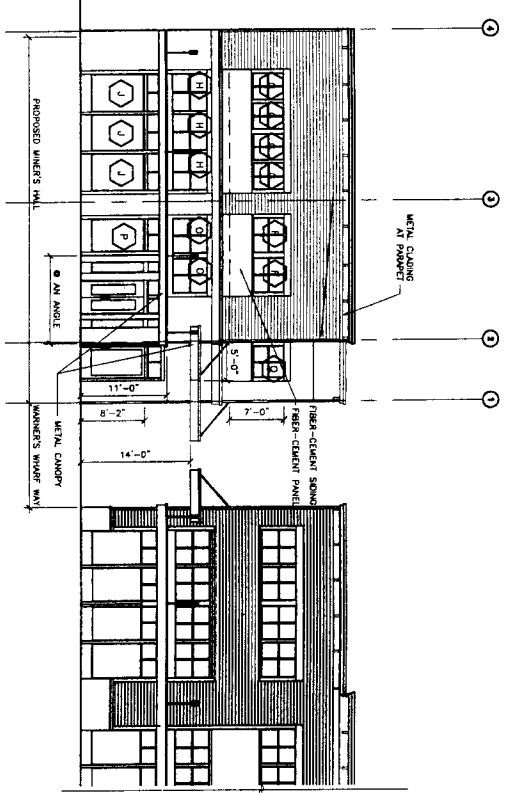
**ATTACHMENT A**

**Site 2**

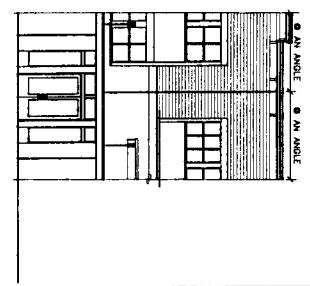
**RECEIVED**  
 NOV 22 2004  
 PERMIT CENTER / CDD



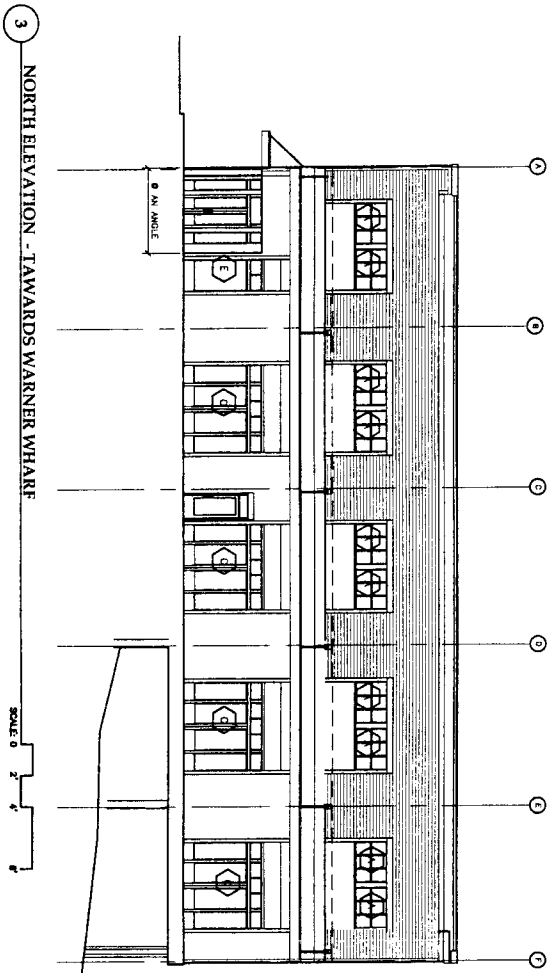




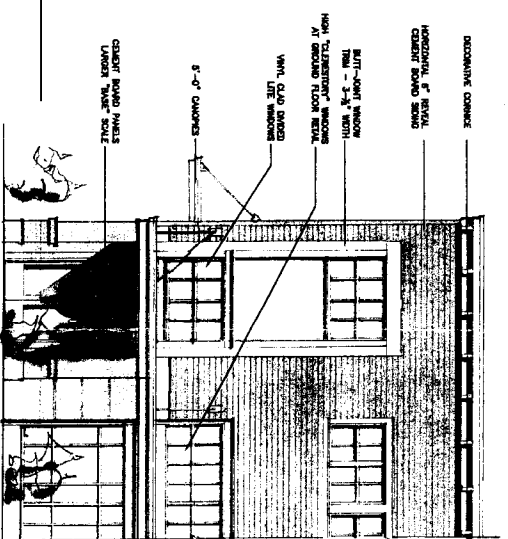
1 EAST ELEVATION TOWARDS S. FRANKLIN ST SCALE: 0 2 4 6



2 PARTIAL ELEVATION AT ANGLED ENTRY SCALE: 0 2 4 6



3 NORTH ELEVATION - TAWARDS WARNER WHARF SCALE: 0 2 4 6



4 PROPOSED ELEVATION DETAIL

NOVEMBER 22, 2005

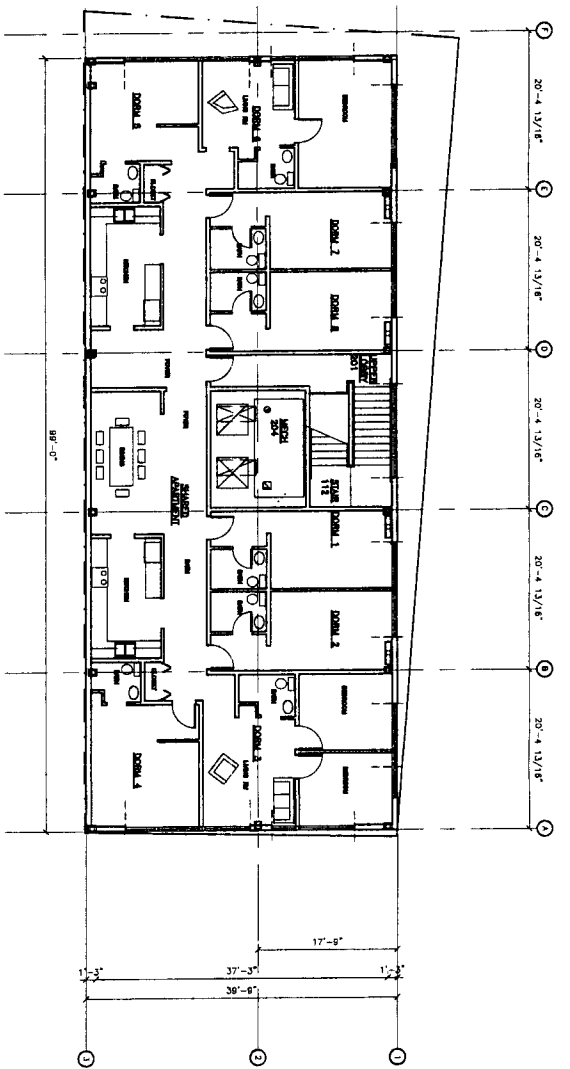


522 North 10th Street  
Juneau, Alaska 99801  
phone 907.586.1070  
fax 907.586.5999  
jensenyorbaldott.com

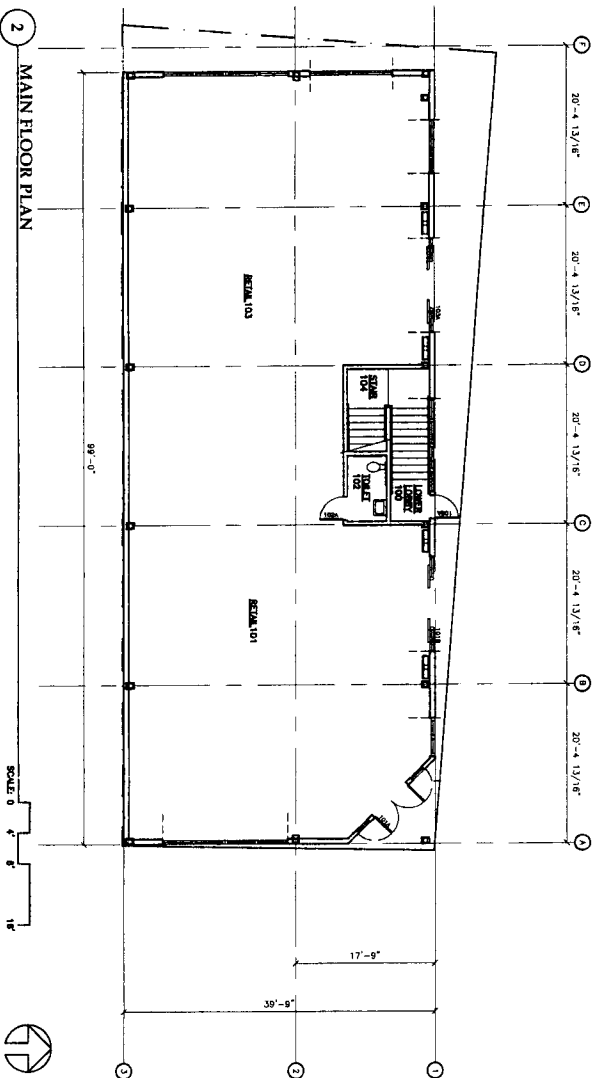
**Jensen Yorba Lott Inc.**

**MINER'S HALL**  
JUNEAU, ALASKA

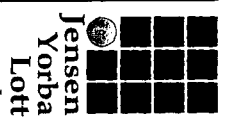
REVISIONS  
 △  
 △  
 △  
 SHEET TITLE  
 EXTERIOR  
 ELEVATIONS  
 DATE: NOV 2005  
 FILE: 0407  
**A301**



1 UPPER FLOOR PLAN



2 MAIN FLOOR PLAN



Jensen  
Yorba  
Lott  
Inc.



MINER'S HALL  
JUNEAU, ALASKA

NOVEMBER 22, 2005

A201

DATE: SEPTEMBER 2005  
FILE: 0407

REVISIONS  
 △  
 △  
 △  
 △  
 SHEET TITLE  
 FLOOR PLANS

F 20'-4 13/16" E 20'-4 13/16" D 20'-4 13/16" C 20'-4 13/16" B 20'-4 13/16" A

SUSPENDED PLANTER BOX  
120 SQ. FT.

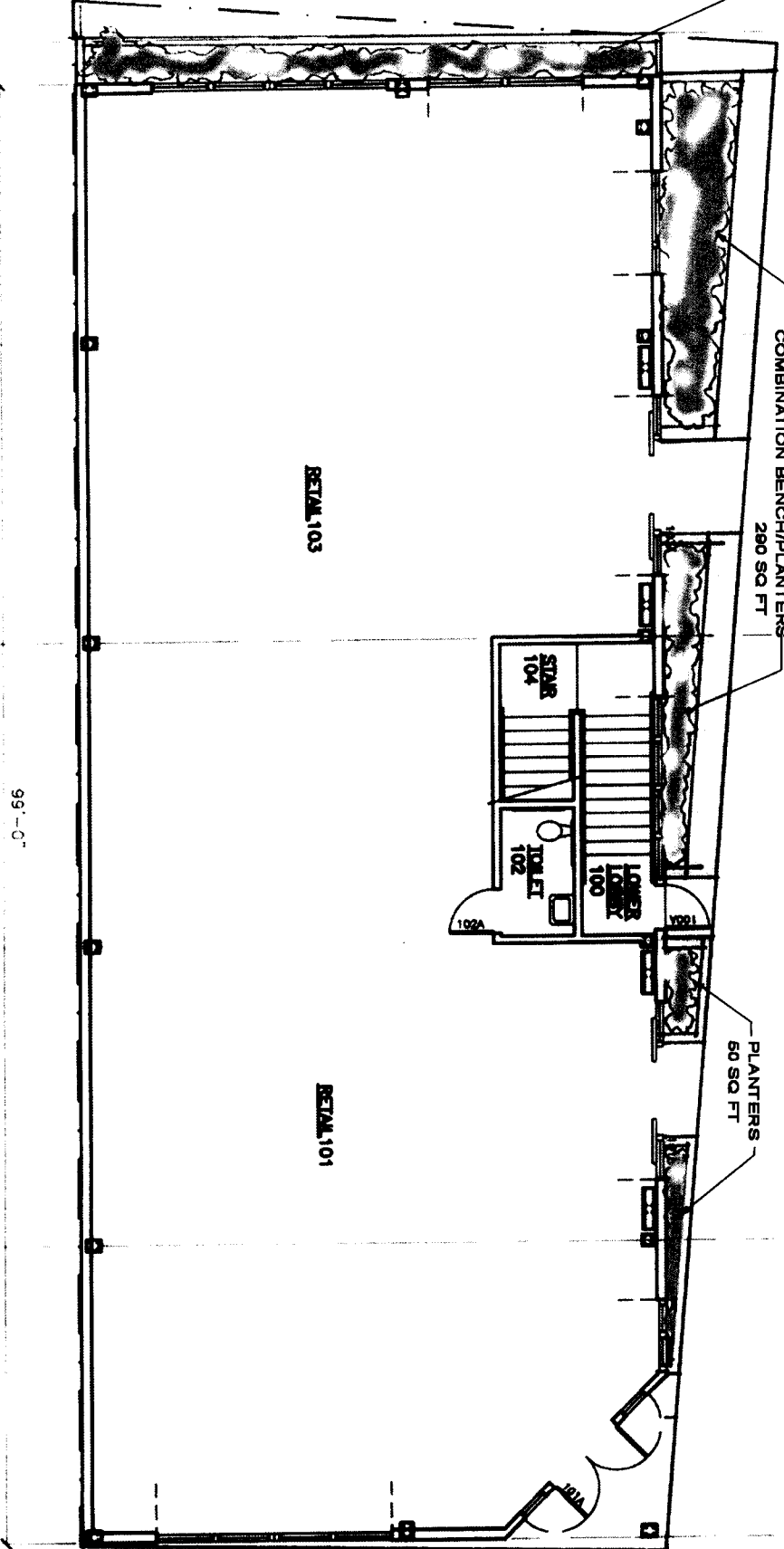
COMBINATION BENCH/PLANTERS  
260 SQ. FT.

PLANTERS  
50 SQ. FT.

RETAIL 103

RETAIL 101

STAIR 104  
TOILET 102  
LOWER LOBBY 100



99'-0"

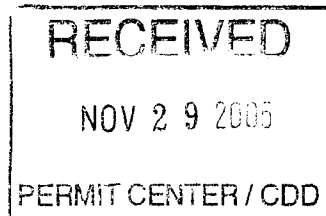
2

VEGETATIVE COVER, MINER'S HALL, 460 SQ. FT.

SCALE: 0 4' 8'

**B<sup>2</sup> Engineering, Inc.**  
**Civil & Structural Engineering**

Phone 907-586-1011  
Fax 907-586-1011



P.O. Box 32478  
Juneau, Alaska 99803

28 November 2005

Dale Pernula  
CBJ Planning  
Marine View Center 4th Floor  
155 S. Seward Street  
Juneau, Alaska 99801

Re: Miner's Hall BLD 04-1116  
Mass Wasting and Snow Avalanche Hazard

Dear Dale,

The proposed Miners Hall Building is located at 422 South Franklin Street (Parcel #1C070K830050) in downtown Juneau. The building is proposed to have retail space on the first floor and residential space on the second floor, as described in the architect's design. 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. The building site is across the street from a mass wasting area where recent construction may provide some protection. Due to the above conditions, please provide a variance from your requirements for any additional structures at the Miners Hall Building Site.

Sincerely,



**ATTACHMENT C**

Bruce R. Berryhill, P.E.

# MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

**TO:** Matthew Halitsky, Planner  
Community Development Department

**DATE:** December 5, 2005

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

**FILE:** Miner's Hall,  
BLD2004-01116

**RE:** Miners Hall, BLD2004-01116

I agree with the November 28, 2005 letter from Bruce Berryhill, P.E. that there is no need to do any special work for the hazard area. The only area that could have any impact would be the lower floor; but buildings across the street with protection will shield the bottom floor. The upper floor should have no risk of potential damage.

**ATTACHMENT D**

