

MEMORANDUM

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

DATE: March 8, 2013

TO: Planning Commission

FROM: Beth McKibben, Planner *BME*
Community Development Department

FILE NO.: STV2013 0001

PROPOSAL: Vacate a portion of Gastineau Ave to allow rebuilding of an 8 plex on existing foundation.

GENERAL INFORMATION

Applicant: Owen K Clark

Property Owner: Owen K Clark

Legal Description: Pacific Coast Addition Block 2 Lot 11

Parcel Code No.: 1-C07-0-H02-011-0

Site Size: 5,000 sq ft

**Comprehensive Plan Future
Land Use Designation:** MU, Mixed Use

Zoning: MU, Mixed Use

Utilities: City water & sewer

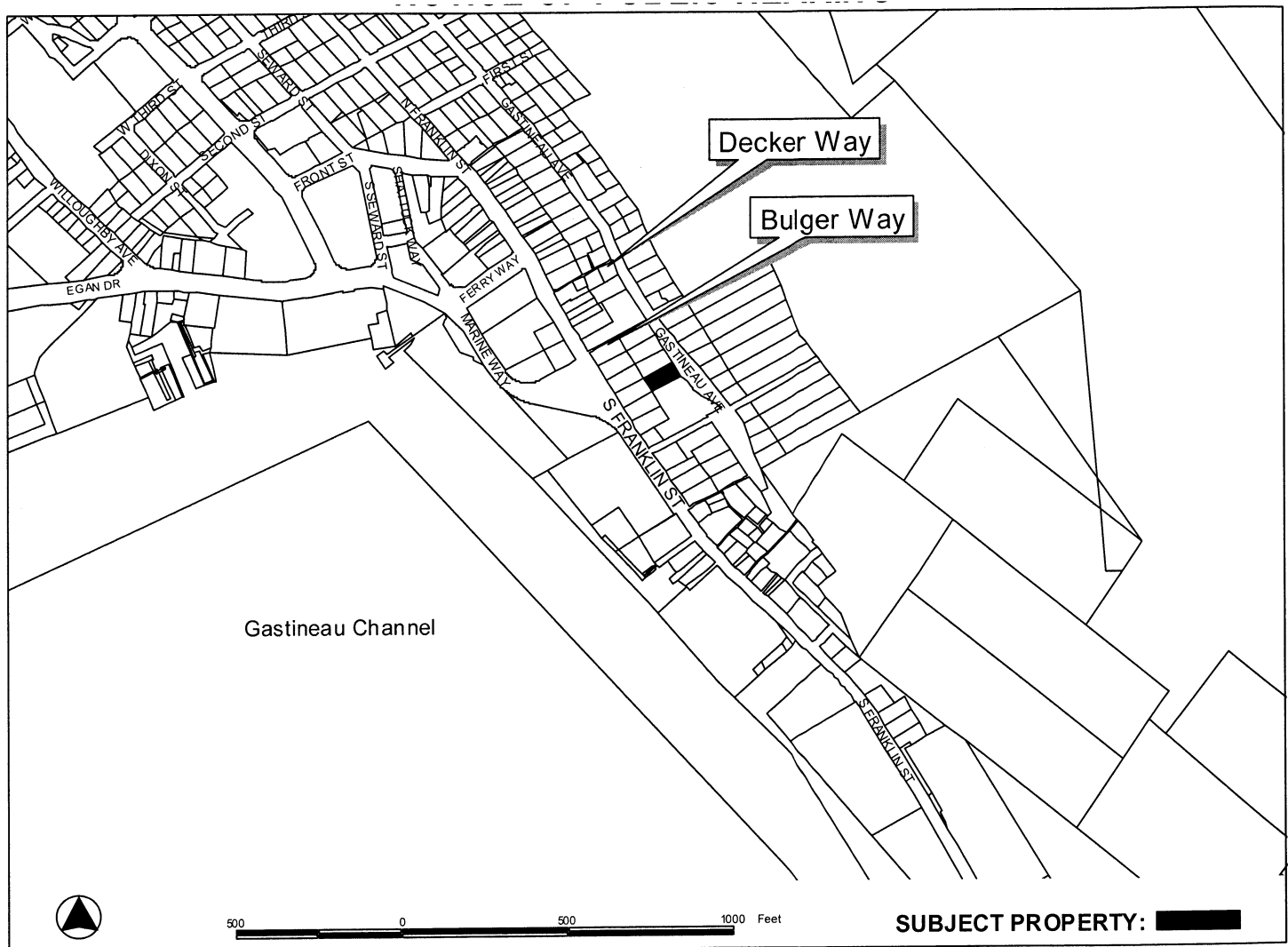
Access: Gastineau Avenue

Existing Land Use: Vacant

Surrounding Land Use: Northeast – (MU) Gastineau Ave, vacant
Southeast - (MU) Multifamily
Northwest - (MU) mixed use –retail/apartments
West – (MU) mixed use –retail/apartments



Planning Commission
File No.: STV2013 0001
March 8, 2013
Page 2 of 8



ATTACHMENTS

- A – Email from Dan Jager, Fire Marshall
- B – Memo from Kirk Duncan, Director of Public Works
- C – Memo from Ron King, General Engineering
- D – Email from Darrell Wetherall, AELP
- E – 1978 Memo

BACKGROUND

The applicant is seeking the vacation of a small portion of Gastineau Avenue. The area of the requested vacation is 49.51 feet wide by 7 feet for a total area of 346.57. This is the area of the foundation and retaining wall that encroach into the right-of-way.

This area of town was established many years ago. The earliest plat for the area is from 1886, and the most current is dated 1934. According to information from the Assessor's office an eight unit apartment building was built on this site in 1960. Research of the building files show that it was known the building encroached into Gastineau Avenue. There is a copy of a handwritten memorandum from 1978 about issuing a building permit for work on the building, and that CBJ would not issue an encroachment permit but would allow the building to remain in the right-of-way if the owner signs an agreement to remove the building at such a time as the city needs the right-of-way for street purposes (attachment E). Staff did not find this agreement. In 2000 a building permit was issued for foundation repair. In April 2007 the building caught fire and was severely damaged.

The applicant is seeking the street vacation in order to eliminate the encroachment into the right-of-way. Eliminating the encroachment will allow the property owner to rebuild on the existing foundation that was substantially rebuilt in 2000. The lot in its current configuration is 5,000 square feet, which meets the minimum lot size requirements for the MU zoning district. There are no setback requirements in this district.

Water Utility and Waste Water Utility have no comments.

The Fire Marshall has commented that as long as the requested vacation will not affect apparatus access or turn around then they are ok with the proposal. If requested street vacation will narrow the road at all then they are not in favor of this (attachment A). Staff notes the applicant is seeking to vacate a portion of the right-of-way and that the constructed road will remain as it is, without any changes.

Street Department has recommended the vacation not be approved (attachment B). They note the retaining wall is not supporting the roadway and needs to be rebuilt. The encroachment limits reconstruction. They also state the encroachment impedes snow removal, and snow from passing plows could endanger the building and lower level residents, and that the narrow

roadway limits fire response. CBJ Streets Department would like to see the building reconstructed on private property and all encroachments removed.

General Engineering's concerns regarding the retaining wall, snow removal are similar to Streets (attachment C). General Engineering also noted it would be best if the building was reconstructed on private property and all encroachments into the right-of-way removed. General Engineering recommends that if the vacation is approved, the owner be required to construct a retention structure to protect the building from debris falling from the roadway, and that granting the right-of-way vacation without requiring debris catchment and proper lateral support to the roadway is unacceptable.

AELP indicates that they have an overhead transmission and distribution line running through the CBJ ROW within that 7 foot area requested to be vacated. (attachment D). AELP needs their interests protected in any transfer of ownership of this additional 7 feet. AELP did not find any easement in their GIS or easement database, and they are not sure it was permitted through CBJ ROW either. The line most likely pre-dates the current processes. There may be informal prescriptive easements and/or grandfathered utility permits.

AELP indicates they are not necessarily opposed to vacating this ROW, but if vacated, a recorded plat should show that this is utility easement and/or a written easement to the utilities needs to be given.

ANALYSIS

Zoning- The lot is located in the MU (Mixed Use) zoning district. The lot meets the minimum lot size for the district and will exceed it if the vacation is approved. The lot does not meet the minimum lot width, but is legally non-conforming because it was platted before zoning. The MU zoning district has no setback requirements. Rebuilding, on the existing foundation, if the encroachment is eliminated, will comply with setbacks.

According to the Land Use Code, street vacations shall be processed per CBJ § 49.15.450(1)(A-F) with a petition signed by the majority of owners fronting the ROW being vacated. In this case the only property that fronts the portion of the requested to be vacated is the applicant. Public notice is required per CBJ § 49.15.230, and if less than 5 lots are involved it is platted through the minor subdivision process. If this street vacation is approved, the applicant will be required to apply for a minor subdivision permit for platting review.

Drainage- Staff has not been made aware of any drainage issues or concerns. There has been a building in this location since at least the 1960s and the infrastructure has been installed to accommodate it.

Access- Gastineau Avenue is a narrow winding street. With parking on the street there is not enough room for two vehicles to pass. The as-built submitted with the vacation application is unclear as to what the width of the right-of-way is. It does show the road way to 24 feet wide and 20 feet wide in front of this foundation. The current standard for rights-of-way is 60 feet wide.

Traffic Analysis- Gastineau Avenue, as an improved road, ends not far beyond this site. This vacation request, if approved, will not change any current function of Gastineau. However, rebuilding at this site has the potential to increase traffic by adding residential units to the area. It will, however, if the building is reconstructed in a similar configuration to what existed previously, be returning to a level similar to what existed before the building burned down in 2007. However, the MU has no maximum density so there is potential for much higher future traffic in this area, from nearby developments, or if this building was rebuilt with more units than it had originally.

Pedestrian Access- There are no sidewalks in this area. Pedestrians must walk in the road way. The retaining wall and foundation have been in in this location for many years. Allowing the vacation of this portion of Gastineau Avenue will not change current pedestrian access. It will, however, reduce options for installing sidewalks in the future.

Public Health and Safety- The encroachment has been in place since at least 1960 (it is unclear if this is the original construction date or if the original construction date is earlier). The building was used as an eight unit apartment until it burned in 2007. The current street and other modern infrastructure have been installed around the building. If the requested street vacation is approved the applicant will then be able to reconstruct the building on the existing foundation. The reconstruction of the building will eliminate an attractive nuisance from the neighborhood, improve safety and add more residential units to the community. The CBJ Streets Department has indicated that the encroachment impedes snow removal and fire response. Furthermore, the encroachment limits reconstruction of the retaining wall, which is necessary to support the roadway.

Compliance with Adopted Plans- The 2008 Comprehensive Plan recommends (Guidelines and Considerations Subarea 6 #16) "Consider mechanisms to encourage and allow vehicle-less residential development on Gastineau Avenue, that is, uses whose occupants or visitors would travel by walking, bicycling or by public transit." The Plan further recommends (Guidelines and Considerations Subarea 6 #15) an alternative roadway connecting Egan Drive in downtown to Thane Road. Map M shows the potential location in the vicinity of Gastineau Avenue. Staff checked with General Engineering and Map M is what is referred to in their comments about the Comprehensive Plan.

2001 Area Wide Transportation Plan (AWTP) addresses a 20-year transportation framework and provides solutions for transportation problems throughout the borough. In discussing the

“Downtown/Thane Deficiencies” the plan states that in the Downtown/Thane sub-area, the forecast transportation issues relate to pedestrian circulation and capacity, auto capacity, parking, transit service, and circulation for heavy vehicles and tour buses. The plan recommends considering extending Gastineau Avenue to connect with Thane Road to promote system redundancy.

49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS

N/A. This Street Vacation proposal will not affect wetlands or sensitive habitat.

FINDINGS

The Planning Commission shall review the Director's report to consider:

1. Whether the application is complete; and,
2. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the two 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.

Even if the Commission adopts the Director's determination, it may nonetheless deny or condition the street vacation if it concludes, based upon its own independent review of the information submitted at the public hearing, that the street vacation 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.

The Director makes the following findings on the proposed development:

1. Is the application for the requested Street Vacation 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. *Will the proposed street vacation comply with the other requirements of this chapter?*

Yes. The proposed street vacation complies with the other requirements of this chapter. Public notice of this project was provided in the March 1st and March 11th 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.

3. *Will the proposed street vacation materially endanger the public health or safety?*

Yes. As discussed above, the encroachment limits reconstruction of the retaining wall which is needed to support the roadway.

4. *Will the proposed street vacation substantially decrease the value of or be out of harmony with property in the neighboring area?*

No. There is no evidence that has been presented that suggests the proposed street vacation will decrease the value or be out of harmony with property in the neighboring area. The building has been in this location at least since 1960.

5. *Will the proposed street vacation be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?*

No. Approving the encroachment will allow reconstruction of a multi-family building which will likely have inhabitants that are without vehicles. The exact alignment of the future road has not yet been determined and could be located elsewhere. The vacation of the right-of-way will prohibit future installation of sidewalks in this area.

Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

6. *Will the proposed street vacation comply with the Juneau Coastal Management Program?*

N/A. As discussed above this proposal does not need to go through the Alaska Coastal Management Program review.

Planning Commission
File No.: STV2013 0001
March 8, 2013
Page 8 of 8

RECOMMENDATION

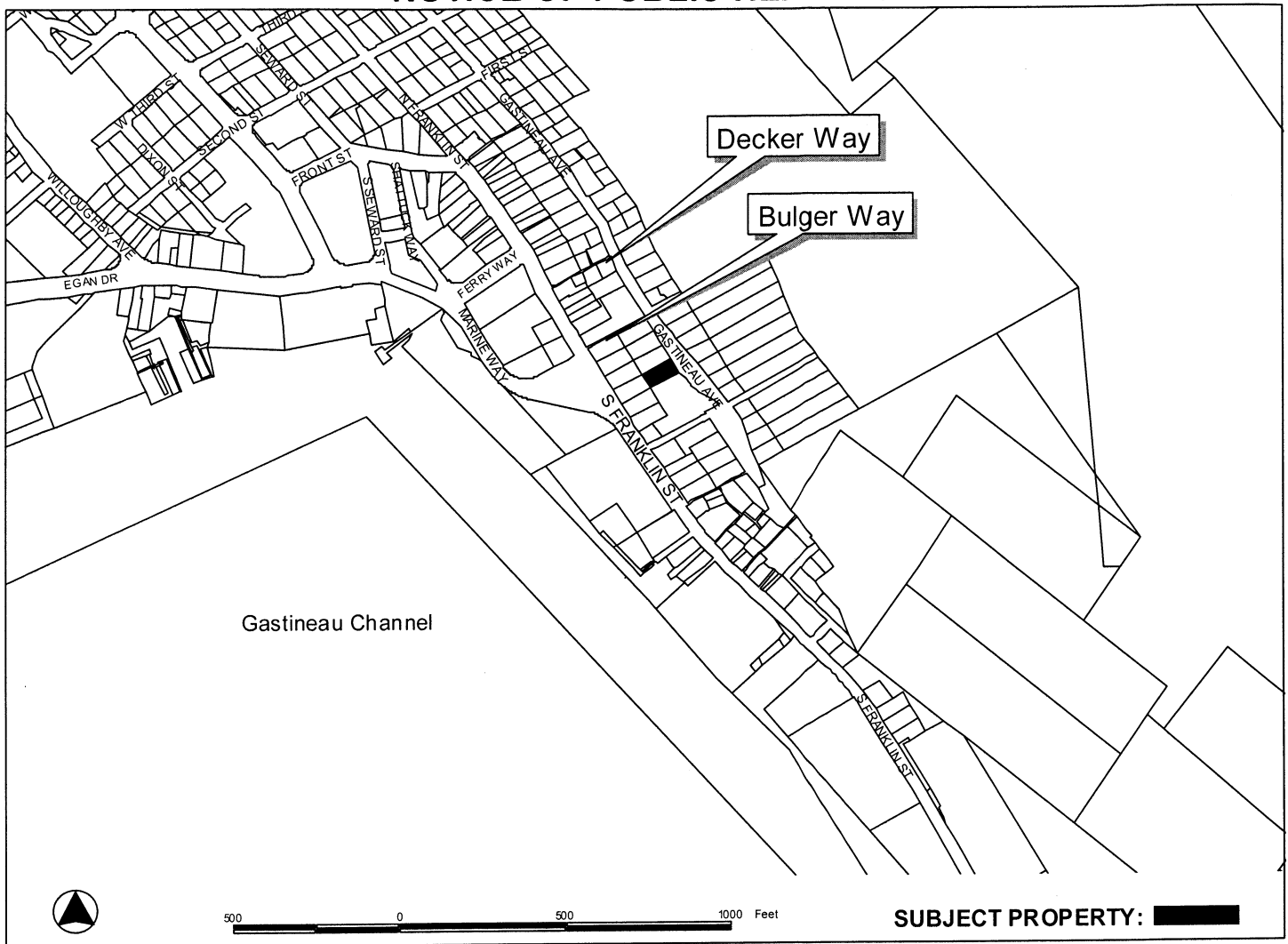
We recommend that the Planning Commission adopt the Director's analysis and findings and deny the requested Street Vacation permit.

If the Planning Commission elects to amend the findings and approve the requested vacation the following conditions are recommended:

1. The owner is required to construct a retention structure to protect the building from debris falling from the roadway.
2. A plat will need to be recorded for the vacation to be completed.
3. The recorded plat will show the AELP utility easement.

Rescheduled from February 26, 2013 to March 12, 2013

NOTICE OF PUBLIC HEARING



PROPOSAL: Vacate approximately 346.6 sq ft of Gastineau Avenue.

FILE NO: STV2013 0001	APPLICANT: OWEN K CLARK; KAMI S CLARK
TO: Adjacent Property Owners	Property PCN: 1-C07-0-H02-011-0
HEARING DATE: March 12, 2013	Size: 5000 sqft
HEARING TIME: 7:00 PM	Zoned: MU
PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	Owners: OWEN K CLARK & KAMI S CLARK
	Site Address: 331 GASTINEAU AVE
	Accessed via: GASTINEAU AVE

PROPERTY OWNERS PLEASE NOTE:

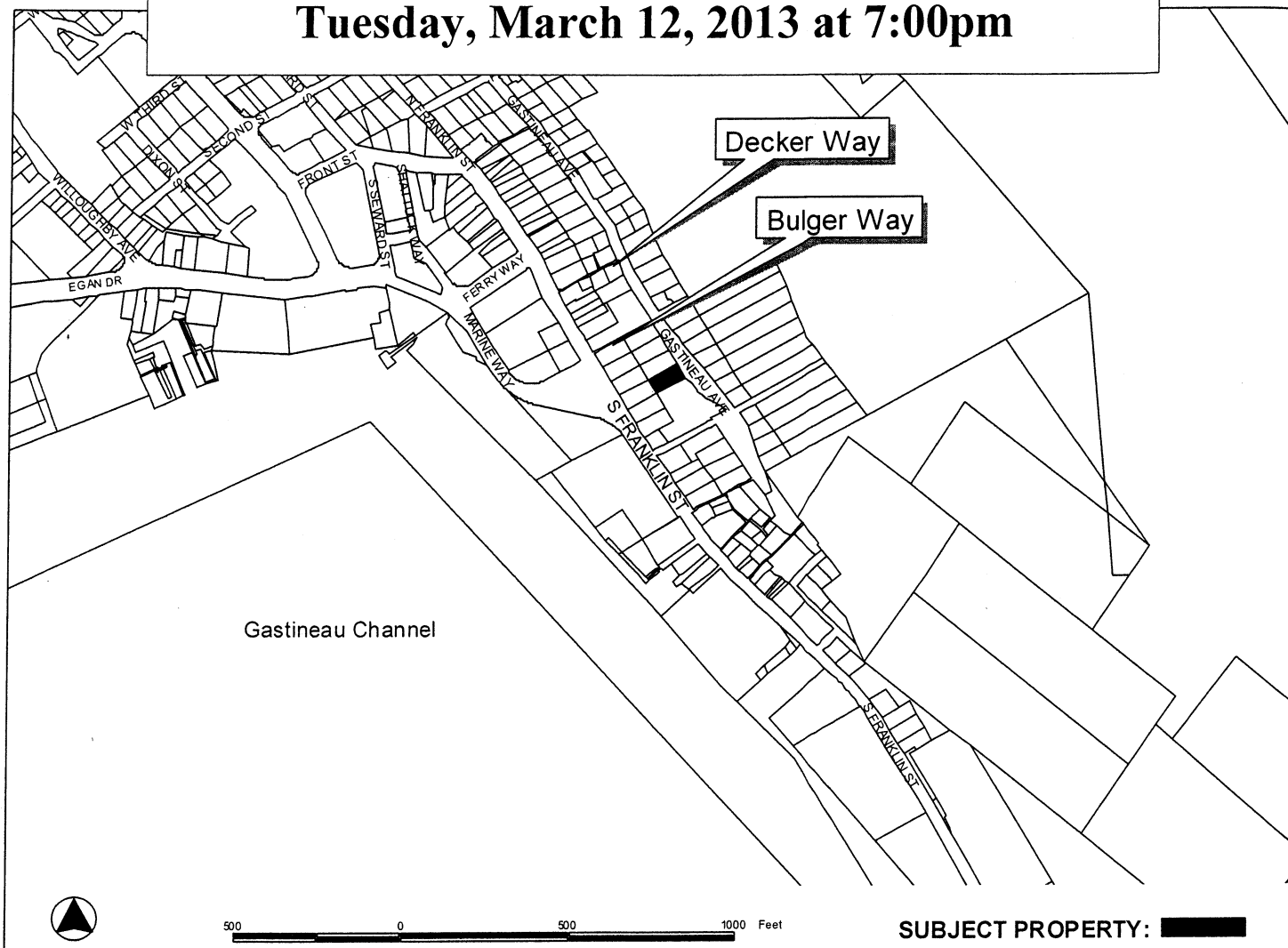
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Beth McKibben at beth_mckibben@ci.juneau.ak.us or at 586-0465.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: February 26, 2013

Postponed: Tentative Reschedule Date is Tuesday, March 12, 2013 at 7:00pm



PROPOSAL: Vacate approximately 346.6 sq ft of Gastineau Avenue.

FILE NO:	STV2013 0001	APPLICANT:	OWEN K CLARK; KAMI S CLARK
TO:	Adjacent Property Owners	Property PCN:	1-C07-0-H02-011-0
HEARING DATE:	Feb 26, 2013	Size:	5000 sqft
HEARING TIME:	7:00 PM	Zoned:	MU
PLACE:	ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	Owners:	OWEN K CLARK & KAMI S CLARK
		Site Address:	331 GASTINEAU AVE
		Accessed via:	GASTINEAU AVE

PROPERTY OWNERS PLEASE NOTE:

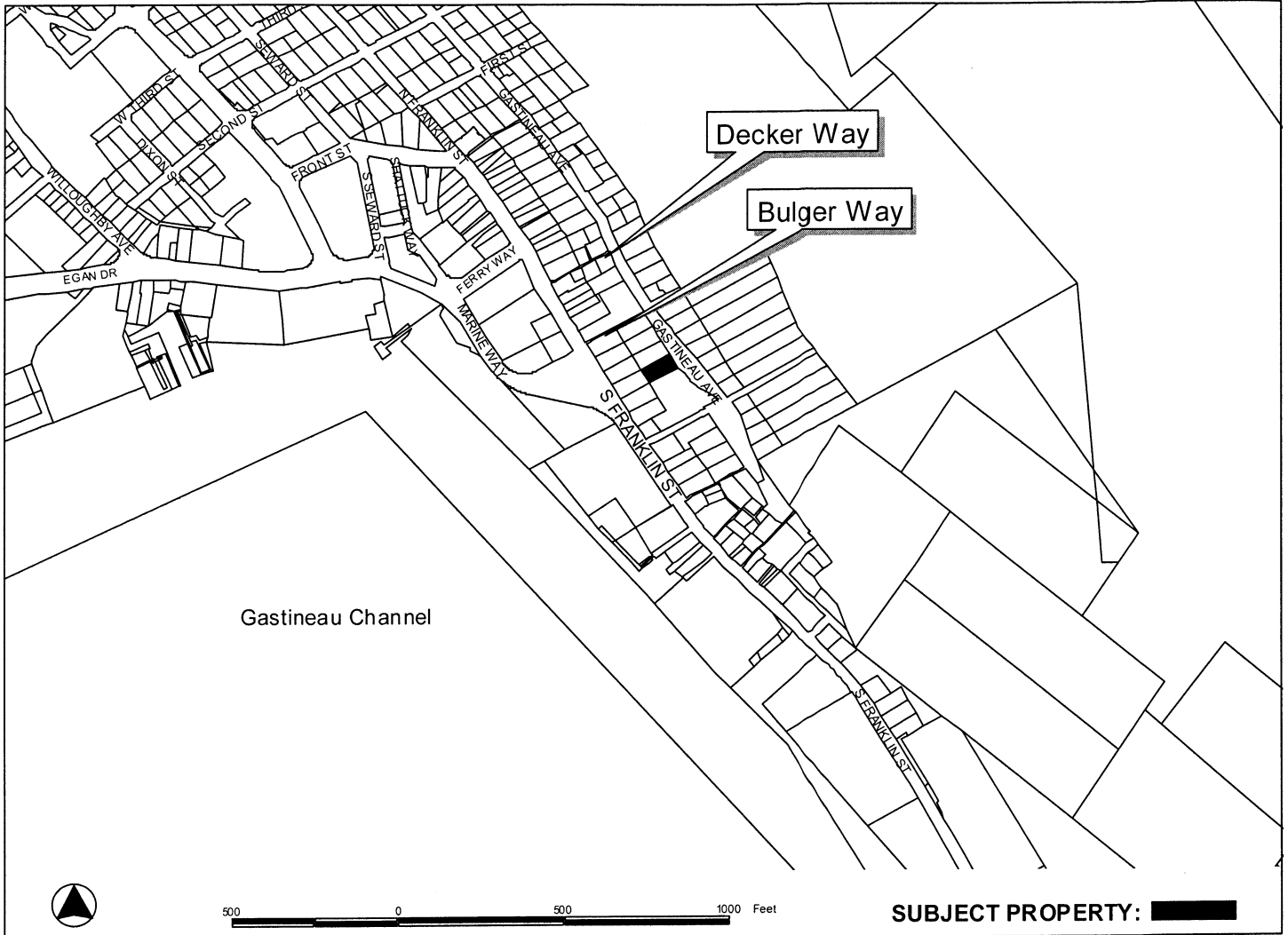
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Beth McKibben at beth_mckibben@ci.juneau.ak.us or at 586-0465.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: February 12, 2013

NOTICE OF PUBLIC HEARING



PROPOSAL: Vacate approximately 346.6 sq ft of Gastineau Avenue.

FILE NO: STV2013 0001	APPLICANT: OWEN K CLARK; KAMI S CLARK
TO: Adjacent Property Owners	Property PCN: 1-C07-0-H02-011-0
HEARING DATE: Feb 26, 2013	Size: 5000 sqft
HEARING TIME: 7:00 PM	Zoned: MU
PLACE: ASSEMBLY CHAMBERS Municipal Building 155 South Seward St Juneau, Alaska 99801	Owners: OWEN K CLARK & KAMI S CLARK
	Site Address: 331 GASTINEAU AVE
	Accessed via: GASTINEAU AVE

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Beth McKibben at beth_mckibben@ci.juneau.ak.us or at 586-0465.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: February 12, 2013

DEVELOPMENT PERMIT APPLICATION

Project Number		CITY and BOROUGH of JUNEAU		Date Received: <u>1/16/13</u>	
Project Name (City Staff to Assign Name)					

INFORMATION	Project Description <u>Rebuild Building At 331 Gastineau Ave. That was damaged by fire.</u>				
	PROPERTY LOCATION				
	Street Address <u>331 GASTINEAU AVE.</u>			City/Zip <u>JUNEAU AK, 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>PACIFIC COAST Block 2 Lot 11</u>				
	Assessor's Parcel Number(s)				
	LANDOWNER/ LESSEE				
	Property Owner's Name <u>Owen & Kam Clark</u>			Contact Person: <u>Owen</u>	Work Phone: <u>321-0258</u>
	Mailing Address <u>1775 Diamond Dr. JUNEAU, AK</u>			Home Phone: <u>321-0258</u>	Fax Number: <u>NP</u>
	E-mail Address			Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ***Required for Planning Permits, not needed on Building/ Engineering Permits***				
PROJECT / APPLICANT	I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.				
	X <u>Owen Clark</u> owner Landowner/Lessee Signature			<u>1-15-13</u> Date	
	X _____ Landowner/Lessee Signature			_____ Date	
	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 may visit the property before the scheduled public hearing date.				
	APPLICANT If the same as OWNER, write "SAME" and sign and date at X below.				
	Applicant's Name <u>SAME</u>			Contact Person:	Work Phone:
	Mailing Address			Home Phone:	Fax Number:
	E-mail Address			Other Contact Phone Number(s):	
	X <u>Owen Clark</u> Applicant's Signature			<u>1-15-13</u> Date of Application	

OFFICE USE ONLY BELOW THIS LINE					
STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type	Sign	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		X Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		<u>1/16/13</u>	<u>57013-001</u>
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials <u>GPC</u>

STREET VACATION APPLICATION

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

Project Number	Project Name (15 characters)	Case Number STV 13-ed	Date Received 1/16/13																														
NAME OF RIGHT-OF-WAY TO BE VACATED: <u>B 331 GASTINEAU Ave. Road Front</u>																																	
Dimensions of right-of-way to be vacated:																																	
Width <u>7</u> feet		Length <u>49.51</u> feet																															
Total Area <u>350</u> square feet		Total length of parcel lot lines fronting the right-of-way <u>49.51</u> feet																															
DESCRIBE THE REASON(S) FOR THE STREET VACATION:																																	
<u>to Be ABle to Rebuild off existing C.B.J. Approved Foundation, An 8 Plex Apt. that was Damaged IN Fire.</u>																																	
EXISTING USE OF SUBJECT RIGHT-OF-WAY:																																	
<u>the SAME Holding The Foundation For Fire Damaged 8 Plex Building.</u>																																	
PROPOSED USE OF SUBJECT RIGHT-OF-WAY:																																	
<u>SAME AS Above. to Be ABle to Rebuild Fire Damaged 8 Plex Apt. OFF existing approved C.B.J. Foundation</u>																																	
APPLICANTS PLEASE NOTE:																																	
Attached is a petition that must be completely filled out in order for the application to be complete. If any information is missing on the petition, the application will not be reviewed by Community Development Staff or scheduled for a Public Hearing.																																	
If the property owners involved in the petition do not own at least 50% of all property fronting the Right-of-Way to be vacated, the application will not be accepted.																																	
<p>For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.</p> <p>If you need any assistance filling out this form, please contact the Permit Center at 586-0770.</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">SUBDIVISION/PLATTING FEES</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> <tr> <th></th> <th>Fees</th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <u>500⁰⁰</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ <u>50</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ <u>100</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td>\$ <u>650</u></td> <td><u>015878</u></td> <td><u>CD 328</u></td> <td><u>1/16/13</u></td> </tr> </tbody> </table>			SUBDIVISION/PLATTING FEES		Check No.	Receipt	Date		Fees				Application Fees	\$ <u>500⁰⁰</u>				Pub. Not. Sign Fee	\$ <u>50</u>				Pub. Not. Sign Deposit	\$ <u>100</u>				Total Fee	\$ <u>650</u>	<u>015878</u>	<u>CD 328</u>	<u>1/16/13</u>
SUBDIVISION/PLATTING FEES		Check No.	Receipt	Date																													
	Fees																																
Application Fees	\$ <u>500⁰⁰</u>																																
Pub. Not. Sign Fee	\$ <u>50</u>																																
Pub. Not. Sign Deposit	\$ <u>100</u>																																
Total Fee	\$ <u>650</u>	<u>015878</u>	<u>CD 328</u>	<u>1/16/13</u>																													

TO BE COMPLETED BY THE APPLICANT

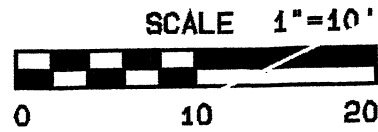
NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

PROPER, / OWNERS ADJACENT TO PROPERTY TO BE VACATED

I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows:

- A. This application for a Street Vacation review adjacent to my (our) property is made with my (our) complete understanding and permission.**
- 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.**

Landowner's Signature	Landowner's Name (Printed)	Street Address	Length of Frontage Along Right-of-Way	Percentage of Total Frontage
Total Percent of Frontage along Right-of-Way Proposed to be Vacated by this Petition				



PACIFIC COAST
BLOCK 2 LOT 12

RECEIVED
JAN 10 2013
PERMIT CENTER/CDD

100.00' N60°31'00"E
6.19'

45.0'

CLARK & KAMI OWEN
BLOCK 2 LOT 11

FOUNDATION
OF A
BURN-OUT

40.0'

45.0'

2.48'

99.69' N61°41'45"E

98.16' S61°41'45"W
BASIS OF
PLAT
2001-60

REBAR W\ CAP
RECOVERED

LOT 84

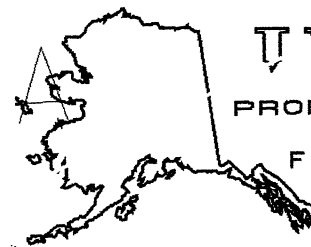
REBAR W\ CAP
RECOVERED

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL
WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN
AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE
BEST OF MY KNOWLEDGE.



PACIFIC COAST

BLOCK 2 LOT 4



T W BEAN

PROFESSIONAL SURVEYOR

TDS 12187

F.B. 26/53 JOB No. 13159

SCALE AS-SHOWN

DATE 5-29-2012

AS-BUILT SURVEY OF

LOT 11, BLOCK 2

PACIFIC COAST SBUD.

ADDITION TO JUNEAU TOWNSITE

Beth McKibben

From: Dan Jager
Sent: Tuesday, March 05, 2013 3:51 PM
To: Beth McKibben
Subject: Re: review requested....STV2013 0001- 346.6 sq ft of Gastineau Ave

As long as this will not effect apparatus access or turn around then we are ok. If this will narrow the road at all then we are not in favor of this.

Dan

Sent from my iPhone

On Mar 5, 2013, at 12:46 PM, "Beth McKibben" <Beth_McKibben@ci.juneau.ak.us> wrote:

Dan

I don't have final comments from you. Streets comments include that the dead end street doesn't allow for fire apparatus to turn around.

The vacation is to allow the existing foundation to stay. I need to finish up ASAP. Thanks

From: Dan Jager
Sent: Friday, February 01, 2013 4:41 PM
To: Beth McKibben
Subject: RE: review requested....STV2013 0001- 346.6 sq ft of Gastineau Ave

Beth, what exactly are they wanting vacated? If it is to reduce the width of the street, we can not support that. I wasn't sure if it was vacating the street part or the land next to the street. Thanks.
Dan

From: Beth McKibben
Sent: Thursday, January 31, 2013 4:16 PM
To: Ron King; Ed Foster; Heather Marlow; Brent Fischer; John Kern; Dan Jager; "Timothy, Jackie L (DFG)" (jackie.timothy@alaska.gov); 'Steve Brockmann@fws.gov'; Charlie Ford; Dave Crabtree; Tom Trego; 'Good, Sheila D (DOT)' (sheila.good@alaska.gov); "Epstein, David B (DOT)" (david.epstein@alaska.gov); 'Sally Wanstall, DEC' (sally.wanstall@alaska.gov)
Subject: review requested....STV2013 0001- 346.6 sq ft of Gastineau Ave

Please review the attached information and return any comments/questions/concerns you might have by Friday February 15.

The applicant is request to vacate a portion of Gastineau Avenue in order to allow an existing foundation to remain.

Beth McKibben, AICP
Senior Planner, CDD
City & Borough of Juneau
(907)586-0465 phone
(907)5863365 FAX



Please consider the environment before printing this email.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Beth Mckibben, CDD

DATE: February 26, 2013

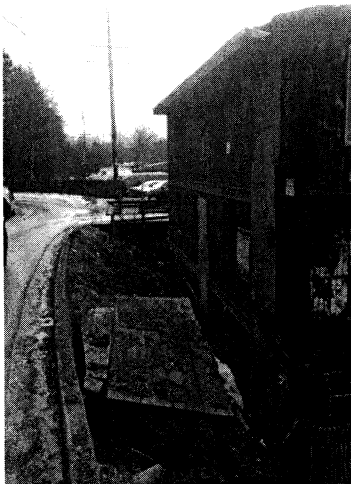
FROM: Kirk Duncan, CBJ Public Works Department

FILE: STV20130001

GASTINEAU AVENUE STREET VACATION REQUEST

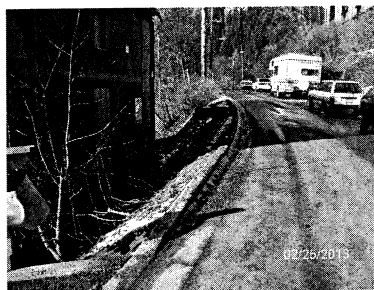
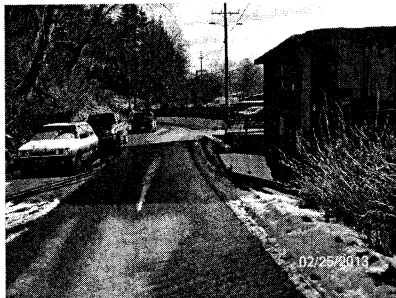
Ed Foster and Kit Watts, CBJ Street Department conducted a site visit today to determine the impact of the requested vacation of a portion of Gastineau Ave.

The existing wall between the structure and the building is failing providing little support to Gastineau Ave. The existing roadway is very narrow, in danger of failing and the curb is being undermined. The street needs to be reconstructed but the building encroachment into the Gastineau Ave right of way aligns as a major issue that limits reconstruction and blocks any future widening.



Due to the encroachment of the building the snow removal operations are severely hampered. The possibility of snow rolling down the bank onto the building is dangerous for anyone living below street level. The possibility of damage to the building and windows below the street side requires extensive maneuvering by the CBJ Street Department to protect life and property below the road.

The Comprehensive Plan delineates the future extension and widening of Gastineau Ave. The existing dead end does not allow the fire apparatus to turn around and the narrow roadway limits fire response time and effort.



March 5, 2013

The CBJ Public Works Department would prefer the vacation of Gastineau be **DENIED**.

Finally, the Street Department would like to see the building reconstructed on private property and remove all right of way encroachments.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Beth Mckibben, CDD

DATE: March 4, 2013

FROM: Ron King, General Engineering

FILE: STV20130001

GASTINEAU AVENUE STREET VACATION REQUEST

I conducted a site visit with Ed Foster and Kit Watts, CBJ Street Department to determine the impact of the requested vacation of a portion of Gastineau Ave.

The existing wall between the structure and the building on Gastineau Ave is failing. The wall, within the right-of-way, cuts into the hillside at the building foundation level below the road. As constructed the failing wall provides very little lateral support to the roadway.



Gastineau Avenue is very narrow and the curb is being undermined at the northerly limits of this property. The existing encroachment into the Gastineau Ave right of way already aligns as a major issue that limits reconstruction and blocks any future widening.

Due to the encroachment of the building and the narrow right of way limits, the snow removal operations are severely hampered. The possibility of snow rolling down the bank onto the building is a problem for anyone living below street level. The possibility of damage to the building and windows below the street side requires extensive maneuvering by the CBJ Street Department to protect life and property below the road.

The Comprehensive Plan delineates the future extension and widening of Gastineau Ave. The existing dead end does not allow the fire apparatus to turn around and the narrow roadway limits fire response time and effort.

It is the combined opinion of Streets and Engineering that it would be best for the building to be reconstructed on private property and remove all right of way encroachments.

If the building is to remain in the current location and right-of-way is vacated, then the owner should be required to construct a retention structure that would protect the building from debris falling from the roadway. Currently, there is no break in the slope from the road to the building. Granting a vacation without requiring debris catchment and proper lateral support to the roadway is unacceptable.

Beth McKibben

From: Darrell Wetherall <Darrell.Wetherall@aelp.com>
Sent: Tuesday, February 19, 2013 3:59 PM
To: Beth McKibben
Subject: RE: review requested....STV2013 0001- 346.6 sq ft of Gastineau Ave
Attachments: 331GastineauAve.jpg

We have a transmission and distribution line running through the CBJ ROW within that 7' vacation area identified in your drawing. Our facility is shown as OHE. See photo attached. We need our interests protected in any transfer of ownership of this additional 7'. I don't see any kind of easement in our GIS or easement database, and I'm not sure it was permitted under CBJ ROW either. I'm sure the line pre-dates much of our current processes. There would be informal prescriptive easements and/or grandfathered utility permits I would think unless CBJ has some historic documentation.

We are not necessarily opposed to vacating this ROW, but if vacated, a recorded plat should show that this is utility easement and/or a written easement to the utilities needs to be given.

Also, secondary to the vacation request, probably part of building permit review, any new structure must maintain NESC clearances (separation) from the power lines.

Darrell Wetherall

Assistant Transmission & Distribution Engineer
Alaska Electric Light & Power
5601 Tonsgard Court
Juneau, AK 99801
(907) 463-6316 Office
(907) 723-2602 Cell
(907) 463-4833 Fax
Darrell.Wetherall@aelp.com

From: Beth McKibben [mailto:Beth_McKibben@ci.juneau.ak.us]
Sent: Tuesday, February 19, 2013 2:32 PM
To: Ed Foster; Tom Trego; Dave Crabtree; Darrell Wetherall
Subject: FW: review requested....STV2013 0001- 346.6 sq ft of Gastineau Ave

Ed, Tom and Dave

I need to finish up my staff report and I don't see that I have any comments from any of you about the proposed ROW vacation. If you could take a minute and look it over I would very much appreciate it.

Darrell – I didn't send this to you the first time. If could take a look it would be great. I do need to finish up in the next couple days so ASAP. Should we include you in our request for agency review? Thanks!

From: Beth McKibben
Sent: Thursday, January 31, 2013 4:16 PM
To: Ron King; Ed Foster; Heather Marlow; Brent Fischer; John Kern; Dan Jager; 'Timothy, Jackie L (DFG)' (jackie.timothy@alaska.gov); 'Steve Brockmann@fws.gov'; Charlie Ford; Dave Crabtree; Tom Trego; 'Good, Sheila D (DOT)' (sheila.good@alaska.gov); 'Epstein, David B (DOT)' (david.epstein@alaska.gov); 'Sally Wanstall, DEC' (sally.wanstall@alaska.gov)
Subject: review requested....STV2013 0001- 346.6 sq ft of Gastineau Ave

CITY & BOROUGH OF JUNEAU
 1ST SO. SEWARD ST. JUNEAU, ALASKA 99101

TO: Art Morrison / George Peters SUBJECT: Felt Apts. - Gustafson Ave.

FROM: THE OFFICE OF THE

DATE: 6-23-78

MESSAGE:

Kare Gustafson will issue a City permit for installation of the apt. bldg. if the Bldg. which Capt. Gustafson had that the apartment near the bldg. is not scheduled and no action will be taken.

Mrs. Page, not apt., however, as the City will not issue an encumbrance permit but would allow the bldg. to remain on the Rhd. if the owner agrees on agreement to remove the bldg. at such time the City needs the Rhd. for street purposes. Mrs. Page seems to agree that the stairway and ramp may be treated as a driveway and a permit could be issued for their

PLEASE REPLY IN AREA BELOW

REPLY:

SIGNED: Terry Bremner

REPLY DATE:

SIGNED: