

MEMORANDUM

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

DATE: May 23, 2013

TO: Board of Adjustment

FROM: Beth McKibben, Planner *B/M*
Community Development Department

FILE NO.: VAR2013 0014

PROPOSAL: Variance for deletion of canopy requirements along Shattuck Way.

GENERAL INFORMATION

Applicant: Sealaska Heritage Institute

Property Owner: Sealaska Heritage Institute

Property Address: 113 S Seward Street

Legal Description: Tidelands Addition Block 78 Lot 1A

Parcel Code Number: 1-C07-0-K78-001-1

Site Size: 9,471 square feet

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

Zoning: Mixed Use

Utilities: City water & sewer

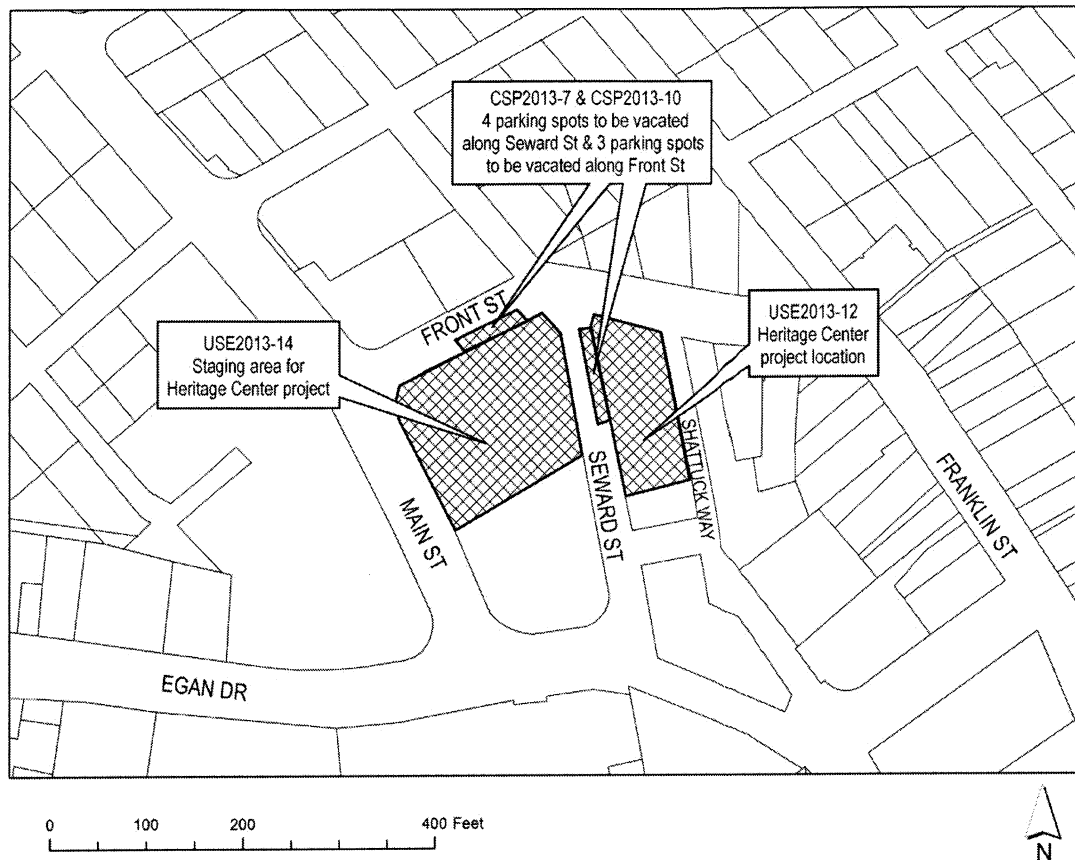
Access: Shattuck Way/Seward Street/Front Street/ Main Street

Existing Land Use: Vacant/park

Surrounding Land Use: North - Retail/Commercial (MU)
South - Retail/Commercial/Office (MU)
East - Retail/Commercial (MU)
West - Retail/Commercial/Office (MU)



Vicinity Map



ATTACHMENTS

A – Public Comments
B – Historic District Map

PROJECT DESCRIPTION

The applicant is seeking a variance to the requirement for canopies in the Mixed Use district. The proposed building design includes canopies along the South Seward and Front Street facades, but only along the 35 feet closest to Front Street on the Shattuck Way façade. The remaining 87 feet of building fronting on Shattuck Way is designed without a canopy.

This variance proposal is in conjunction with a conditional use permit (USE2013 0012) for the Walter Sobeloff Center. The proposed project is a 29,574 square foot three story high building, with a full basement which will house cultural, artistic, ceremonial spaces, and offices for the Sealaska Heritage Institute. The main entrance of the building will be on Seward Street with a secondary entrance on Front Street. Shattuck Way will serve the cultural center as a service street, providing access for pellet deliveries, loading and unloading of materials and displays. The project is located on a 9,471 square foot lot in the Mixed Use (MU) zoning district in downtown Juneau.

BACKGROUND

The site was formerly home to the C.W. Young building. It was built in 1896 and served as a warehouse and hardware store. The building housed a variety of uses before it burned in August 2004. The site has remained vacant since the fire. It was a large hole, known locally as “the pit” before Sealaska purchased and landscaped it in 2010.

In April 2012 the CBJ received a request to close the portion of Shattuck Way between Municipal Way and Front Street to vehicles. The Planning Commission’s recommendation to the Assembly was in support of the request. The Public Works and Facilities Committee considered this request at their March 21, 2012 meeting. According to the minutes they forwarded it to the Committee of the Whole without a recommendation. It is staff’s understanding that the Assembly decision on this request is tabled pending Planning Commission consideration of the Cultural Center.

In January 2013 the project site was removed from the Historic District (Ordinance 2013-01). Shattuck Way is now the western boundary of the District rather than South Seward Street.

ANALYSIS

The Land Use code Chapter 15 Article VIII Canopies & Awnings states, “It is the purpose of this chapter to authorize canopy and awning encroachments into public ways, to provide standards for construction of canopies and awnings, and to provide a permitting process.” The standards for such treatments are outlined within CBJ 49.15.830(b) Canopy and Awning Standards:

“In the MU zoning district, canopies and awnings shall meet the following requirements in addition to those in subsection (a), above.

- (1) Canopies and awnings shall span the entire frontage of a building.
- (2) Canopy height, as measured from the sidewalk to the lowest point on the canopy, shall be a minimum of eight feet and a maximum of ten feet above the sidewalk. Canopies shall match the existing canopy heights of adjacent structures, where practicable.
- (3) For new construction, any clerestory must be located above any canopy or awning.”

This is a relatively new section of code that was adopted in 2007. The staff report to the Planning Commission when the draft ordinance was presented states: “In order to facilitate the pedestrian usage of downtown Juneau, canopies and awnings covering pedestrian ways are needed for protection from the elements and local Juneau climate.”

The Land Use Code identifies the Comprehensive Plan as including additional plans and studies; the following are relevant to this proposal:

Staff reviewed this proposal with regards to consistency with these plans.

The 1981 Downtown Historic District Development Plan is one of the adopted plans in which the primary purpose was to explore the possibilities of historic conservation of downtown Juneau. This Plan seeks to identify what Juneau’s downtown urban design character is, as well as seeking ways to preserve the history and character of the downtown while ensuring the economic vitality of the area. Recommendations for projects and improvements are included as part of this plan. A portion of this document is devoted to specific public improvements that are “appropriate and will generate useful returns”. One of the recommended projects identified in the Plan includes Shattuck Way improvements. From the Plan, this proposed improvement “would convert the present back alley atmosphere of Shattuck Way to an integral continuation of Juneau’s retail street network. Its effect would be to nearly double the possibility for retail frontages within the district by making Shattuck Way and its pedestrian alley connection from Franklin a positive attraction to pedestrians. Ideally, this would involve establishing a pedestrian entrance into City Hall somewhere along Shattuck Way itself.” (page 105)

The 1983 “Downtown Street Improvements Design Study” followed the 1981 Downtown Historic District Development Plan, building upon its recommendations. The beginning of that document states the following: “One of the significant conclusions of the Downtown Historic District Development Plan ... is that ‘Public Improvements in Landmark Districts are Appropriate and Will Generate Useful Returns’. Experience has shown that certain improvements to open spaces and to street rights-of-way within a downtown district will noticeably enhance the appearance of the district and will contribute to extended economic life for structures in the district.” One of the recommendations of this study includes improved City Hall open space on Shattuck Way. Shattuck Way and Municipal Way are described in this document as “...narrow service routes with access points to the rear of buildings fronting on surrounding streets. They all intersect at a point at the rear of the Municipal Building, forming a highly identifiable and imaginable [sic] space.” With this in mind, the document outlines the urban design potential of Shattuck Way, turning it into a “pedestrian precinct”.

The “Capital City Vision Project – Juneau’s 20/20 Vision for Downtown” is a vision plan created by Juneau citizens in 1996 and 1997. The plan is an advisory document for future planning in Juneau. One of the identified areas for improvement includes pedestrian access and movement. One of the mid-term planning action items, to be completed within one to five years from the date of the plan, is to “consider creating a pedestrian zone using selected streets”. Comments from the vision plan regarding this include that in the 1980s, several streets in the vicinity of City Hall (including Shattuck Way) were recommended for closure to vehicles.

The project area is within Subarea 6 (map M) of the 2008 Comprehensive Plan; Guidelines and Considerations 13 (A.) for this subarea applies to the project:

A. Establish a covered walkway network throughout Downtown.

Canopies are addressed in the 2008 Comprehensive Plan. Chapter 3, Community Form, lists a series of “Principles for Creating Livable Mixed Use Communities”. The first principle - Design on a Human Scale states:

Compact, pedestrian-friendly communities allow residents, workers and visitors to walk to shops, services, cultural venues, and jobs, reduce traffic congestion and improve people’s health. Commercial space should face the street and should mimic a traditional Main Street development pattern with clear display windows, multiple entrances, all weather canopies and seating areas. There should be no blank walls facing public streets or walkways. Parking should be provided in the rear of structures with access roadways limited to side streets. Pedestrian pathways should be well-lit and protected from rain and snow. (emphasis added)

Chapter 5, Economic Development, Implementing Action states:

5.3.IA3 Facilitate the pedestrian usage of Downtown with physical improvements, Land Use Code amendments, or other programs or initiatives which could include:

A. Encourage development that improves year-round safe, convenient and dry

pedestrian facilities:

B. Extend the waterfront seawalk;

C. Repair and widen sidewalks and provide a network of canopies throughout the Downtown;

D. Separate pedestrian ways from vehicular traffic, where practical;

E. Encourage development of dry, secure bicycle storage throughout the Downtown; and

F. Consider revising the parking requirements in the CBJ Land Use Code to eliminate or drastically reduce the parking requirement for Single-Room-Occupancy (SRO), efficiency, and other dwelling types. (emphasis added).

The Shattuck Way right-of-way is just less than 20 feet wide. Current right-of-way standards require 60 feet of width. As mentioned above, the ROW is now the western boundary of the Historic District. The proposed Cultural Center has been designed in such a way that Shattuck Way will serve as a utility entrance and the main entrances will face Seward and Front Streets. As mentioned above, the Front and South Seward Street facades include canopies, as does 37 feet of the Shattuck Way side of the building.

Comments

AELP has noted that from a utility perspective that it doesn't matter either way, but because the canopy will not extend past the curb it shouldn't create a problem unless larger vehicles are curb hopping.

The CBJ Fire Marshall states that canopies made of combustible materials, greater than 4 feet wide must have fire suppression sprinklers. Shattuck Way is too narrow and the turning radius too tight for fire apparatus to be able to use this alley.

At the time of the writing of this staff report comments have been received from (attachment A):

Downtown Business Association does not support the granting of the variance to the canopy requirement.

Alaska Cache Liquor Inc. does not support the granting of the variance to the canopy requirement.

Sydney K. Mitchell, owner of Shoefly finds canopies important for maintaining a walkable community in a rainy climate.

Denise Grant, Vice President -Downtown Business Association would like to see the canopy required.

Variance Requirements

Under CBJ 49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

The applicant suggests that the variance request is consistent with other properties in the area because the requirement for canopies in the MU district is a relatively new requirement. To a certain extent this is accurate because there is very little opportunity for new development in this area of town and therefore no new canopies have been required for new construction since its adoption. The relaxation would provide substantial relief to the owner of the property because they would be spared the cost of installing a canopy along 87 feet of the Shattuck Way façade.

This criterion is not met.

- 2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.***

The intent of Title 49 is to ensure that growth and development is in accord with the values of Juneau residents; to identify and secure the beneficial impacts of growth while minimizing negative impacts; to ensure that future growth is of appropriate type, design, and location; to provide adequate open space for light and air; and to recognize the economic value of land and encourage its proper and beneficial use.

The approval of the variance request would violate the canopy requirements of the Title 49; therefore, the intent of this title would not be observed. Furthermore, the values of Juneau residents are articulated through the various plans adopted by the CBJ. As noted above the various plans speak to covered pedestrian ways and canopies in the downtown mixed use areas. The travel way is very narrow and there is only sidewalk available on the west side of the street, adjacent to the proposed Cultural Center. Delivery vehicles travel on the road, not the sidewalk and therefore should not be impacted by the canopy.

This criterion is not met.

3. *That the authorization of the Variance will not injure nearby property.*

No evidence has been presented showing the granting of the variance will injure nearby property. However, it conflicts with the request of the owner of the Miner's Mercantile building to close Shattuck Way to vehicles. The Miner's Mercantile building has been designed with main entrances facing Shattuck Way in anticipation that the plans from the 1983 "Downtown Street Improvements Design Study" and the "Capital City Vision Project – Juneau's 20/20 Vision for Downtown" to make Shattuck Way a pedestrian way would be brought to fruition.

This criterion is met.

4. *That the Variance does not authorize uses not allowed in the district involved.*

The proposed use is appropriate according to the Table of Permissible Uses. The Conditional Use permit is listed at CBJ §49.25.300, Section 5.300, Libraries, Museums, Art Galleries, Section 3.4000 Offices greater than 2,500 sq. ft. and Section 3.100 Sales of Miscellaneous Goods less than 5,000 sq. ft. for the Mixed Use 2 (MU2) zoning district. A Conditional Use Permit (USE2011 0026) is being evaluated concurrently and will need to be approved by the Planning Commission.

This criterion is met.

5. *That compliance with the existing standards would:*

(A) Unreasonably prevent the owner from using the property for a permissible principal use;

The proposed building, a cultural, artistic, ceremonial spaces, and offices for the Sealaska Heritage Institute is a permitted use in the MU2 district. The applicant is seeking a Conditional Use Permit (USE2013 00012) for the building. The property can be used for a permissible use.

This sub-criterion is not met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

The neighborhood is developed with a variety of building sizes and types. Because the project site was just recently removed from the historic district, many of the nearby structures are historic and have a smaller size and scale to the proposed development. However, the Sealaska Plaza is also nearby and is of a similar size and scale to the proposed development. Most of the surrounding buildings have canopies.

This sub-criterion is not met.

(C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;*

The project site is relatively small and the proposed project comparatively is large. The MU zoning district does not require setbacks and consequently the building is designed to, or very near to, the property line. Shattuck Way is a substandard right-of-way and the travel way is very narrow. The applicant indicates that providing 87 feet of canopy on the Shattuck Way side of the building, which has been designed as the service entry to the proposed facility is costly. However, all lots in the MU district have a zero setback and unless granted a variance, must bear the cost of installing a canopy.

This sub-criterion not is met.

or

(D) *Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.*

There are no non-conforming conditions associated with this site.

This sub-criterion is not applicable.

Criterion 5 is not met.

6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

Currently the site is unused. Redeveloping the area will add vitality to the neighborhood. However, the scope of the project could be modified and no variance would be required. No benefits to the neighborhood have been identified. Providing a covered walkway system is a benefit to the neighborhood as described above.

This criterion is not met.

FINDINGS

1. *Is the application for the requested Variance 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.

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

2. *Will the proposed development comply with the Juneau Coastal Management Programs?*

Yes. The JCMP does not apply to the development

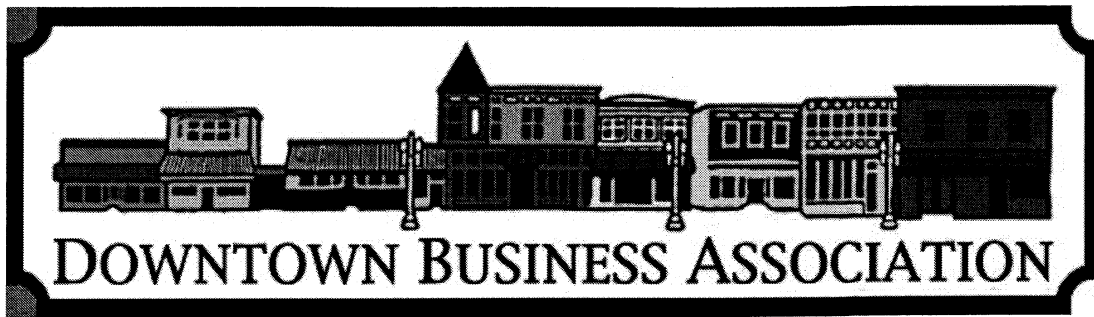
3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

No. Based on the analysis above, staff has determined that the applicant has not presented an argument that justifies the grounds for this variance.

Criteria 1, 2, 5 and 6 are not met.

RECOMMENDATION

The requested variance does not meet the variance criteria; therefore, Staff recommends the Board of Adjustment adopt the Director's analysis and findings and deny the requested variance request.



May 21, 2013

Planning Commission
City and Borough of Juneau
155 So. Seward St.
Juneau, AK 99801

Dear Planning Commission:

The Board of Directors of the Downtown Business Association requests that you not approve the following requests:

CSP2013 0007 Front Street Parking 3 Spaces
CSP2013 0010 Seward Street Parking 4 spaces
CSP2013 0014 Removing Canopy Requirements

As a guiding principal the board does not support any plans that require a loss of parking spaces in the downtown core area. While we are supportive and excited about the cultural center that Sealaska will build downtown, and we feel that it will be a wonderful asset to the area, we also believe that all businesses should conform to the standards that have been developed with much thought and effort over time and we oppose any exceptions because they inevitably lead to more exceptions and a degradation of the area.

Parking is a challenge and recent efforts and improvements have helped, especially the new garage and the 2 hour free parking on the streets. Street parking spaces in the Sealaska area are still at a premium and we do not want to see a loss of any of them. It is worth noting that we have lost the option of using the sub port lot already.

Likewise the request to forego the canopy on Shattuck Way should not be approved, for the same reason given above – all businesses should meet the standards we have in place, and canopies have enhanced the downtown district as an enjoyable destination in all kinds of weather.

Thank you,

Paul Thomas
Vice President, Board of Directors
Downtown Business Association

Alaska Cache Liquor Inc.

Paul Thomas
156 South Franklin Street
Juneau, Alaska 99801
907.723.7717

May 20, 2013

Planning Commission
City and Borough of Juneau

RE: May 28, 2013 Meeting to discuss CSP2013 0007, CSP2013 0010, CSP2013 0014

To the Members of the Juneau Planning Commission:

I am writing to voice my opposition of CSP2013 0007, CSP2013 0010, and CSP2013 0014.

CSP 2013 0007, CSP 2013 0010

Downtown has been criticized for parking shortages for as long as I can remember. I have worked on several committees involved with the issue of downtown parking over the years and the goal has always been to improve the situation by adding parking or improving efficiencies in parking to have a net effect of more parking spots. I am puzzled as to why we would want to eliminate seven prime parking spots in the downtown core area. Add to this the loss of parking at the subport lot and the new SLAM project and our situation is getting critical. Not to mention the fact that during the construction of the new Heritage Center, Sealaska also has tentative approval to close Shattuck Way which will impact another seven parking spots.

After construction Sealaska has stated that they intend to use Shattuck Way as a utility corridor for the Heritage Center. I understand that the Center will be heated by wood pellets which will require regular delivery by large commercial trucks on the Shattuck side of the building and may quite possibly require the loss of more public parking. There is also a plan/push, not yet approved, tied in with this new building and the Miner's Mercantile Building to turn Shattuck Way into a pedestrian corridor resulting in the permanent loss of seven parking spots. We need to maintain what parking spaces we have left and continue working on creative ways to improve the perception of parking downtown.

CSP 2013 0014

We are just finally realizing the benefits of upgrades and additions to sidewalk canopies both private and public installed over the past few years. These and the future planned canopies, such as the Main Street renovations currently in progress, are making downtown a more enjoyable destination year round and in any weather condition. We should not deter from this progress now when we are making such wonderful gains by making exceptions and going backwards at this point. The Heritage Center stands to be a great addition to downtown, but it should conform to the rules and planning guidelines the rest of the area works within to better our city and the downtown district.

Thank you for your consideration,



Paul Thomas, Owner

Beth McKibben

From: Holly Kveum
Sent: Wednesday, May 22, 2013 12:46 PM
To: Beth McKibben
Subject: FW: Removal of Parking Spaces

This email wouldn't allow me to do a conventional forward. I can do a print out for attachment purposes.

Holly Kveum
Administrative Assistant II
Community Development Department
907-586-0736

To Whom It May Concern:

In light of the lack of parking spaces in Downtown Juneau I am opposed to the removal of the 3 parking spaces on Front Street (CSP2013 0007) and 4 parking spaces on Seward Street (SCP2013 0010). With such limited parking in the downtown area Juneau needs all the spaces currently available.

I would also like to have the current canopy requirements (CSP2013 0014) kept for Downtown Juneau as they are a nice addition to making a special ambience of our beautiful city.

Best Regards,

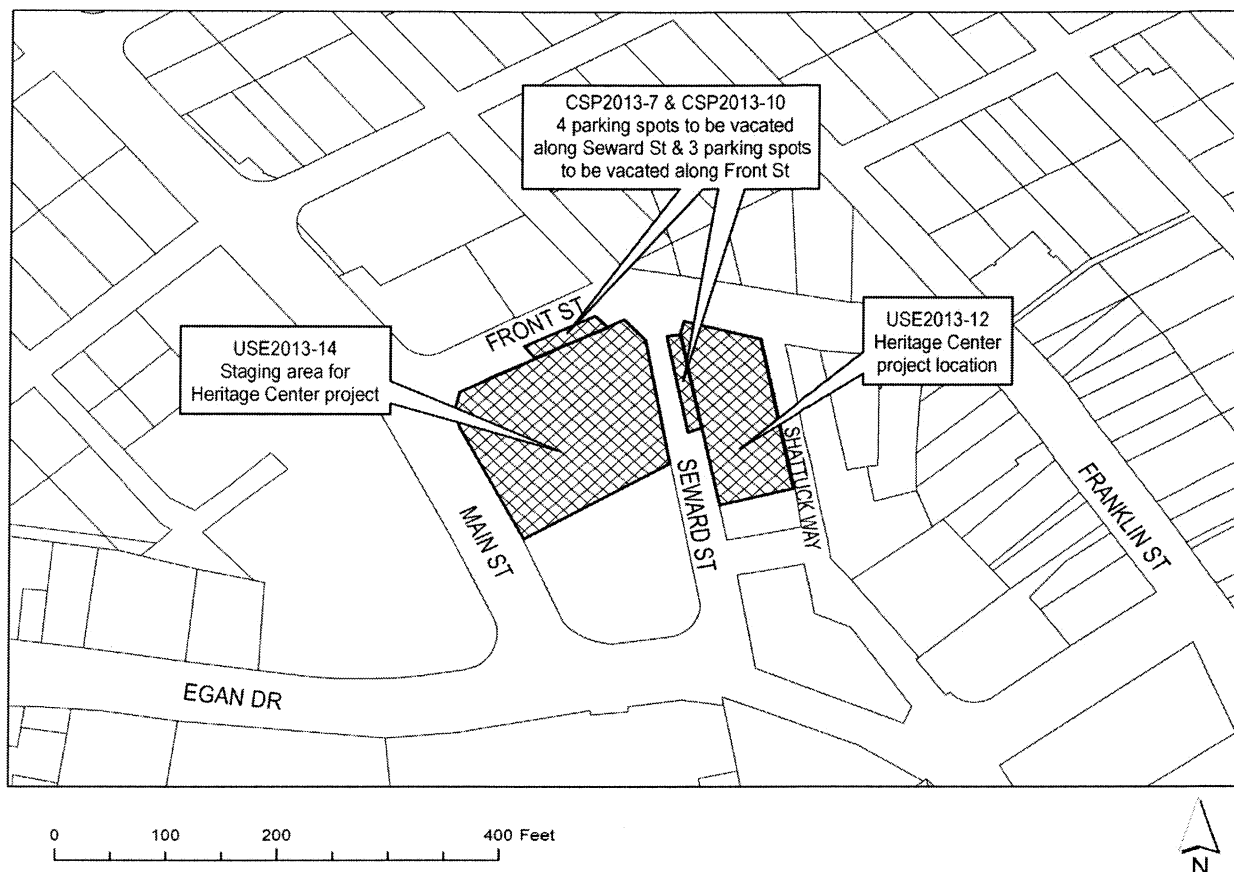
Denise Grant, Vice President
Downtown Business Association

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Denise Grant
Alaskan Brewing Co.
907-780-5941

****MAP CORRECTED TO REFLECT FRONT STREET PARKING VACATION****

NOTICE OF PUBLIC HEARING



Proposal: CSP2013 0007: Vacate three parking spaces in CBJ ROW along Front Street.

CSP2013 0010: Vacate four spaces in CBJ ROW along Seward Street.

USE2013 0012: Sealaska Walter Soboleff Heritage Center.

USE2013 0014: Conditional Use to allow off site construction staging in the Sealaska parking lot for the Walter Soboleff Heritage Center.

VAR2013 0014: Variance for deletion of canopy requirements along Shattuck Way.

File No:	CSP2013 0007; CSP2013 0010; USE2013 0012; USE2013 0014; VAR2013 0014	Applicant:	MRV Architects
To:	Adjacent Property Owners	Property PCN:	1-C07-0-K78-001-1 & 1-C07-0-K77-001-0
Hearing Date:	May 28, 2013	Owner:	Sealaska Corporation
Hearing Time:	7:00 PM	Size:	55,203 square feet lots only
Place:	Assembly Chambers	Zoned:	Mixed Use
	Municipal Building	Site Address:	113 S Seward Street & 1 Sealaska Plaza
	155 South Seward Street	Accessed Via:	S Seward Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

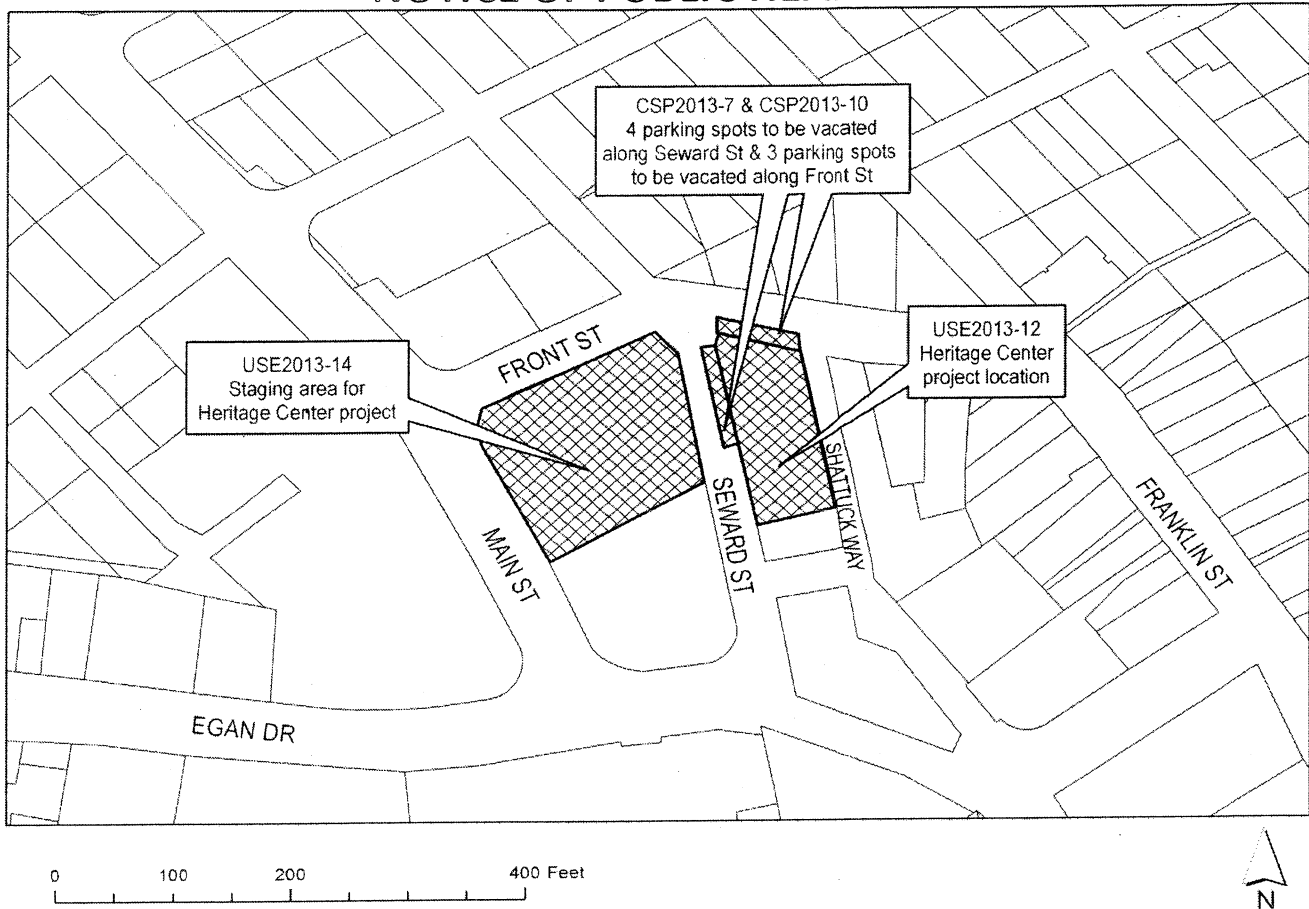
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials 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: May 21, 2013

NOTICE OF PUBLIC HEARING



Proposal: CSP2013 0007: Vacate three parking spaces in CBJ ROW along Front Street.
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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: May 16, 2013

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>VAR 20130014</i>	Date Received <i>04/17/13</i>
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TYPE OF VARIANCE REQUESTED:

<input type="checkbox"/> Variance to the Sign Standard (VSG)	<input checked="" type="checkbox"/> Variance to Dimensional Standards (VDS)
<input type="checkbox"/> Variance to Habitat Setbacks (VHB)	<input type="checkbox"/> Variance to Parking Requirements (VPK)
<input type="checkbox"/> Variance to Setback Requirements (VSB)	

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
Deletion of canopy portions along Shattuck Way. See MRV memo.

Previous Variance Applications? ☐ YES ☒ NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? ☐ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): _____
See MRV memo

UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site



WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
See MRV memo

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
See MRV memo

<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 style="width:100%;"> <tr> <th colspan="5">VARIANCE FEES</th> </tr> <tr> <th></th> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> <tr> <td>Application Fees</td> <td>\$ <i>4100⁰⁰</i></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ <i>4100⁰⁰</i></td> <td><i>3017</i></td> <td><i>CSD3520</i></td> <td><i>04/17/13</i></td> </tr> </table>	VARIANCE FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ <i>4100⁰⁰</i>	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Total Fee	\$ <i>4100⁰⁰</i>	<i>3017</i>	<i>CSD3520</i>	<i>04/17/13</i>
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Project Number VAR20130014	CITY and BOROUGH of JUNEAU	Date Received: 04/17/13
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description WALTER SOBOLEFF CENTER FOR SEALASKA HERITAGE INSTITUTE		
	PROPERTY LOCATION		
	Street Address 113 SOUTH SEWARD STREET	City/Zip JUNEAU, AK 99801	
	Legal Description(s) or Parcel(s) (Subdivision, Survey, Block, Tract, Lot) LOT 1-A, BLOCK 7B, ALASKA TIDELANDS SURVEY 3 (BIDG); PORTIONS BLK 77 (PARKING)		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name SEALASKA HERITAGE INSTITUTE	Contact Person: LEE KADINGER	Work Phone: 586-9266
	Mailing Address One Sealaska Plaza, Ste 301 Juneau AK	Home Phone: 723-2879	Fax Number:
	E-mail Address Lee.Kadinger@sealaska.com	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/Engineering Permits****		
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. <div style="display: flex; justify-content: space-between;"> <div> X  Landowner/Lessee Signature </div> <div> 3-12-13 Date </div> </div> <div style="display: flex; justify-content: space-between;"> <div> X _____ Landowner/Lessee Signature </div> <div> _____ Date </div> </div> 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 MRV ARCHITECTS	Contact Person: PAUL VOELCKERS	Work Phone: 586-1371	
Mailing Address 1420 GLACIER AVE	Home Phone:	Fax Number: 463-5544	
E-mail Address paul@mrvarchitects.com	Other Contact Phone Number(s): SPENCER STEKOLL - 586-1371		
X  Applicant's Signature		Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	✓	Permit Type	Date Received	Application Number(s)
	X	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)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
	X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
	X	Variance Case (De Minimis and all other Variance case types)	04/17/13	VAR20130014
		Wetlands Permits		
		Zone Change Application		
		Other (Describe)		
	***Public Notice Sign Form filled out and in the file.			
	Comments:			Permit Intake Initials

MRV ARCHITECTS

1420 GLACIER AVENUE, JUNEAU, AK 99801 (907) 586-1371

Project: **Walter Soboleff Center, Sealaska Heritage Institute**
Subject: Variance Request, Deletion of Canopy along Shattuck Way
To: Hal Hart, CCD Director
Cc: Lee Kadinger, SHI
From: Paul Voelckers
Date: April 3, 2013

MRV 1022

PROJECT DESCRIPTION

The Sealaska Heritage Institute (SHI) is requesting a variance related to permits for the proposed Walter Soboleff Center. SHI proposes to build a 40 foot high, three story, 29,574 square foot building to house the functions of the Institute. Uses in the building will include ceremonial space, exhibit spaces, gift and artisan space, classroom space, museum and archive space, SHI offices, and tenant lease office space. This variance request is submitted in conjunction with a conditional use permit application.

BACKGROUND

The proposed project will be located on the current landscaped open lot owned by SHI, which is fronted by Seward Street on the West, Front Street on the North, a commercial building on the South (home to Capital Copy and CBJ law offices), and Shattuck Way on the East. The primary entrance to the building is developed along Seward Street, with a secondary entrance off of Front Street. The design also includes bid alternates to rework the existing Sealaska parking lot across Seward Street to increase public plaza space, and create more efficient vehicular lay-out.

Per CBJ §49.15.830 (b) new construction in MU districts are required to provide continuous covered canopies along frontages. In the design of the Soboleff Center, continuous canopies are provided along Seward Street and Front Streets.

Along Shattuck Way, the canopy turns the corner from Front Street, extending down the street 35'. The final 87' of frontage does not include a canopy, and that omission is the subject of this variance application.

ANALYSIS AND JUSTIFICATION

The following general explanation is offered to explain why a canopy is not provided along Shattuck Way, with detailed analysis of the variance criteria following.

1. Canopies are provided for primary pedestrian routes: The primary entrances to the

building, as well as primary pedestrian routes, are on Seward and Front Streets. Beautiful canopies are developed, with roof panels of etched glass with Native motifs, yellow cedar edge beams, and copper flashing. The canopies are a major expressive element of these two primary frontages. A significant length of canopy also extends along the Shattuck Way from the Front Street intersection, protecting pedestrians using the building staircase at that corner.

2. Shattuck Way is a narrow service street. Shattuck Way has a Right-of-Way of 19.17'. in comparison, Front Street has a Right-of-Way measuring 50'. With less than 20' of ROW on Shattuck Way, it is very difficult to get larger vehicles through the street with even minimal sidewalk allowances. A covered canopy further limits available width, and is more vulnerable to damage from truck or equipment use of the street. Shattuck Way is used as the support street for the Soboleff Center, providing the delivery point for heating pellets, and back-of-house staging and drop-off for materials used in the ceremonial and exhibit rooms

3. Extra detailing and quality materials provided on Shattuck Way. A partial canopy extends 35' down Shattuck Way, corresponding to a portion of the street with widened sidewalk due to utility configurations. For the area beyond this where the sidewalk is very narrow, the detailing of the materials along Shattuck Way are high quality and attractive, using stone tile for the first floor, with cedar panels above.

Variance Requirements

Under CBJ §49.20.250 "where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may vary any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.**

Yes. The variance requested would be consistent with other properties and circumstances in the immediate area. The requirement that all MU facilities provide canopies on all frontages is a relatively new CBJ ordinance. It does not differentiate different types of frontages, or distinguish alleys from primary streets. The Soboleff Center is providing beautiful and gracious canopies for most of the frontage on the building, including those portions of Shattuck Way with a useable, practical width. No other properties include canopies along Shattuck Way at present, given the narrow width and low pedestrian density.

- 2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.**

Yes. The intent of Title 49 is to ensure that growth and development is in accord with the values of Juneau residents, and to secure the beneficial impacts of growth while minimizing negative impacts. For the practical reasons listed above, the width and use of Shattuck Way makes the imposition of additional covered canopy impractical. There is no reason why public safety and welfare is affected negatively, given the addition of comfortable canopies along the majority of the building frontage with active pedestrian routes.

3. That the authorization of the Variance will not injure nearby property.

Yes. Nothing suggests that the requested variance will injure nearby property. The addition of a canopy, in fact, may make it more difficult to use the street for maintenance and public safety functions given limitations on width and operating clearances.

4. That the Variance does not authorize uses not allowed in the district involved.

Yes. The proposed use of the Walter Soboleff Building in the MU district is appropriate according to the Table of Permissible Uses.

5. That compliance with the existing standards would: (at least one of three sub-categories must be a yes for granting a variance)

(A) Unreasonably prevent the owner from using the property for a permissible principal use;

No. A canopy could physically be built, subject to space limitations along the narrow right-of-way.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

No. If the variance is denied, the property can still be developed.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

Yes. As enumerated above, Shattuck Way is essentially a support alley, with less than 20' right-of-way, and minimal pedestrian utilization compared to Front Street and Seward Street. The Soboleff Center represents a major financial and civic investment by Sealaska Heritage Institute, and a number of other contributors, including the City and Borough of Juneau. The building will expend considerable funds in the development of beautiful pedestrian and user amenities, including covered canopies.

The project has no excess funds, and therefore must exercise appropriate care in identifying critical building and site components. Expensive, and potentially counter-productive,

features that do not achieve meaningful public benefit, such as canopies along the remainder of Shattuck Way, are burdensome and unreasonably expensive.

or

- (D) Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.**

No. There are no non-conforming conditions associated with the specific SHI property. The sub-standard width of Shattuck Way may be seen as a limiting non-conforming condition. In general, this criterion is not applicable.

- 6. That a grant of the Variance would result in more benefits than detriments to the neighborhood.**

Yes. The granting of this variance would support the balanced cost approach used by SHI, focusing the expenditure of critical project funds on public features like covered canopies, plantings, pedestrian amenities, and public art where the most positive public impact will be gained.

Beth McKibben

From: owners@shoeflyalaska.com
Sent: Tuesday, May 21, 2013 3:58 PM
To: Beth McKibben
Cc: owners@shoeflyalaska.com
Subject: Public Hearing for Walter Soboleff Heritage Center

Dear Ms. McKibben,

I co-own Shoefly located at 109 Seward Street. After reviewing the Notice of Public Hearing for permanently vacating four parking spaces on Seward Street and three parking spaces along Front Street for the Walter Soboleff Heritage Center, I would like to submit written testimony for inclusion in the public hearing process.

I chose to locate my business in downtown Juneau because I wanted to contribute to a vibrant and fun downtown area. I enjoy a busy downtown with an eclectic assortment of successful retail shops, great dining, space for gathering and arts and culture. I am excited to welcome the Walter Soboleff Heritage Center to downtown Juneau.

As a downtown business owner, I do have some reservations about the request to eliminate seven prime parking spots near our store.

The biggest perceived barrier to our local Shoefly customers (who make up 70% of our business) to coming to our downtown shop location, is parking. With the recent change in the paid parking system in downtown, I became even more aware of how perceptions about parking can hurt our ability to run a successful business. Our local sales levels dipped with the launch of the new parking system. So I immediately went out and took photos and published a step-by-step guide for our customers which I published on our Shoefly web site. I received over a hundred emails thanking me for providing this information – more emails than I have ever received for a special event or service we promote. The availability of parking in downtown Juneau and especially near our shop on Seward Street and Front Street is critical to our ability to provide exceptional customer service. I respectfully ask the Planning Commission to deny the request to vacate any parking spaces on Seward Street and along Front Street.

I serve on the Board of the Downtown Business Association and we have worked with the city for years to make downtown an enjoyable destination year-round and in any weather. A big part of Juneau being "walkable" especially on rainy days, are the canopies that are provided by the buildings that line our downtown sidewalks. As a retail business owner located on the side of Seward with canopies, I can tell you that most people choose to walk on that side of the street. Again, I respectfully ask the Planning Commission to consider the long term use of Shattuck Way. If the desire is to welcome pedestrians along this street, then the canopy requirements should be observed by the new Walter Soboleff Heritage Center.

Again, I am completely supportive of this new center in downtown Juneau and recognize that over the long term it will greatly enhance the downtown experience of both locals and visitors. I am excited to welcome a center that will share and honor Alaskan Native cultures.

Respectfully Yours,
Sydney K. Mitchell
President,
Shoefly Inc.



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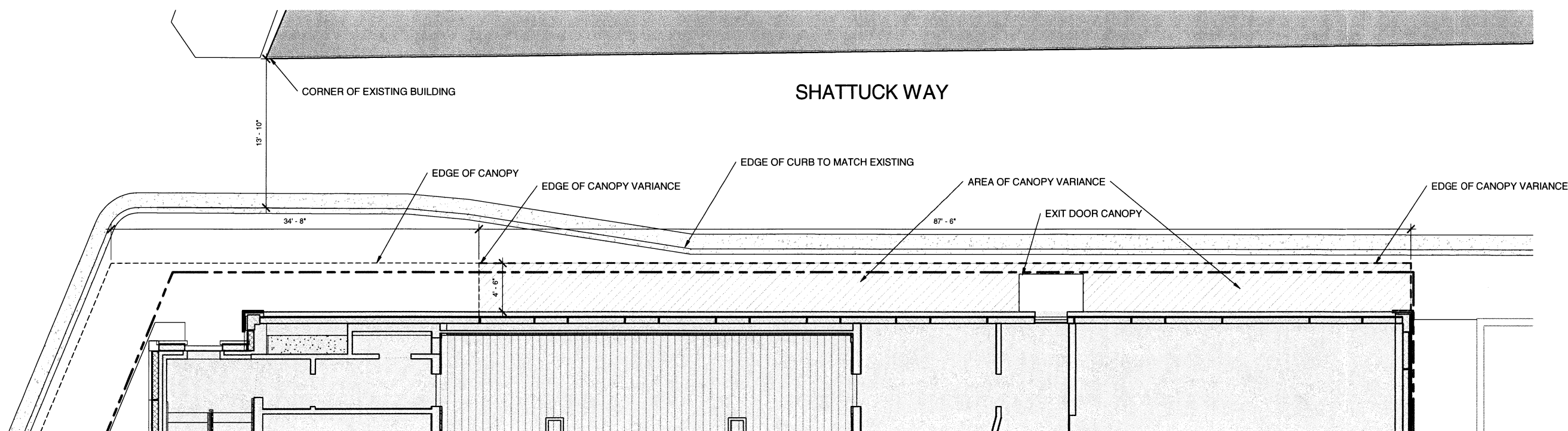
MRV 1022

CONSTRUCTION DOCUMENTS
WALTER SOBOLEFF CENTER
for
SEALASKA HERITAGE INSTITUTE

SHEET TITLE:
SHATTUCK SITE
ENLARGEMENT

DATE: 04/10/2013
SCALE:
DRAWN:
CHECKED: PV

SHEET NO.
A109



① SHATTUCK SITE ENLARGEMENT
3/16" = 1'-0"

NOTE: PRINT 11"x 17" IS HALF SIZE



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MRV 1022

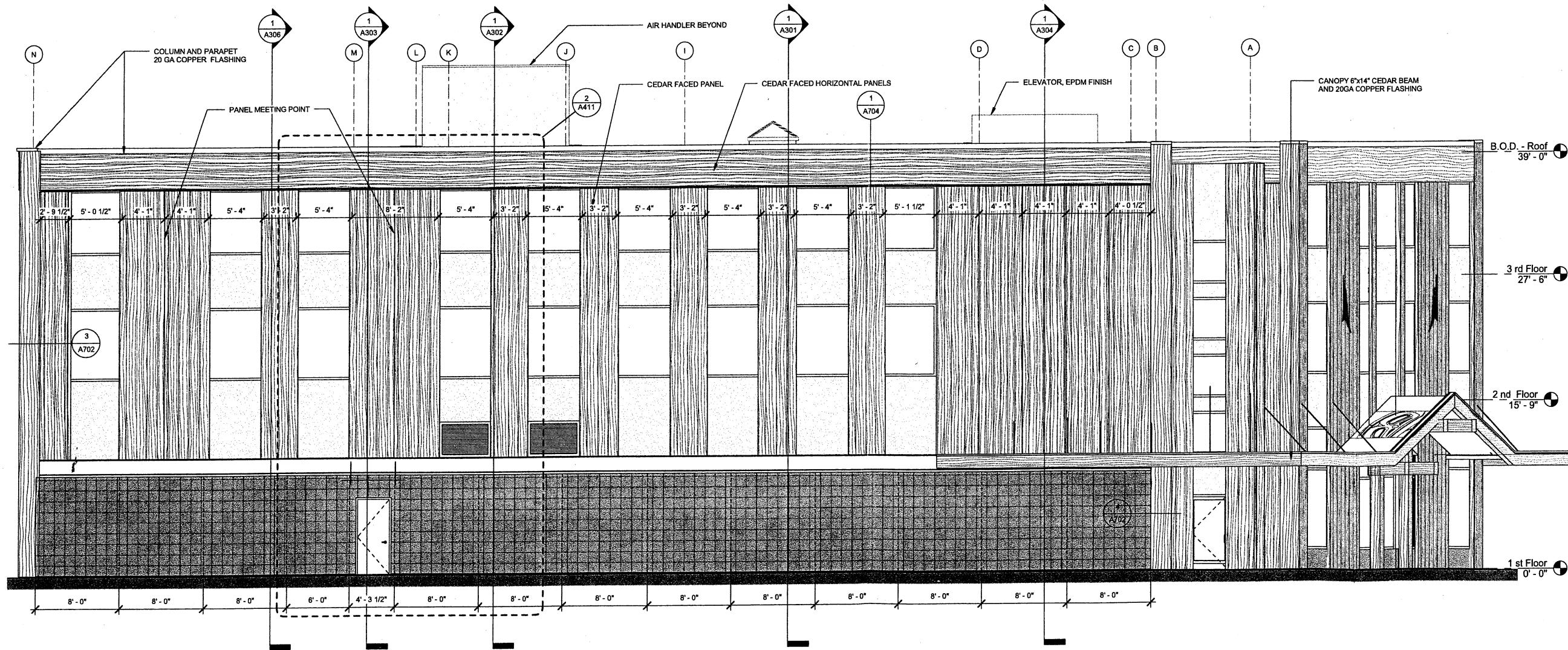
CONSTRUCTION DOCUMENTS
WALTER SOBOLEFF CENTER
for
SEALASKA HERITAGE INSTITUTE

SHEET TITLE:
SHATTUCK WAY
ELEVATION

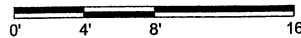
DATE: 04/10/2013
SCALE:
DRAWN:
CHECKED: PV

SHEET NO.

A402



① SHATTUCK WAY ELEVATION
3/16" = 1'-0"



NOTE: PRINT 11"x 17" IS HALF SIZE