

Beth McKibben

From: Rorie Watt
Sent: Thursday, June 26, 2014 10:01 AM
To: Beth McKibben; Ron King; Kirk Duncan; Ed Foster; Robert Palmer; Charlie Ford
Subject: RE: STV2013 0001 Owen Clark's requested partial street vacation

We wouldn't have a problem with that. There is a concrete wall that is slightly tipped downhill and there is the concrete foundation more or less adjacent to it, both in the ROW. If Clark found that it was best to remove and replace some or all of the tipped wall and/or foundation, or if Clark found that it was best to leave them in place and tie them together, both approaches would be fine by us. To us, that would represent the status quo.

I think there is a premise by Clark and/or the Commission that something needs to be done to stabilize the hillside. That premise has then been followed up with the idea that since the hillside is unstable, the City should participate in a project to stabilize it. We don't agree that the hillside is unstable and that anything needs to be done. The existing situation has been in place for many years and it is not in any kind of immediate need of repair. The reconstruction of the road circa 2000 didn't materially change the situation.

While the current situation it is not ideal for snow plowing operations (having a building at the bottom of a steepish slope) we do have the existing right of way to catch the minor amounts of snow that spill over the bank. As Ron points out below, if we give away ROW or grant an encroachment permit then we could increase the City's exposure to a future claim, and if that was the case, then some provision to catch snow (or indemnify the City) would be a fair condition of a right of way vacation or encroachment permit.

If there was some public benefit from the result of some wall construction (widened shoulder for pedestrians, public parking or snow storage) then I would support some type of joint project and would recommend partial City funding. But if the sole purpose of slope or wall work is to only benefit the property or structure then City participation would not be appropriate. I believe the premise that there is an unstable situation has confused the issue. The long standing discussions about partnering on a project are not because we believe that the hillside is unstable and that the City has some responsibility, but because there could be a public benefit and that if prioritizing funds to achieve that public benefit helped encourage Clark to improve his property, then all the better.

The reason that a partnered project has not moved forward is that Clark has preferred to explore options that would limit the benefits to his building. Which is fine with us.

I hope this clarifies the situation.

From: Beth McKibben
Sent: Thursday, June 26, 2014 8:59 AM
To: Ron King; Rorie Watt; Kirk Duncan; Ed Foster; Robert Palmer; Charlie Ford
Subject: RE: STV2013 0001 Owen Clark's requested partial street vacation

Thank you Ron and Rorie.

Rorie for clarification of the question about tying in w/existing concrete....please see page 24 of 28 in the minutes...the first paragraph after the heading MOTION beginning w/Mr. Miller.

From: Ron King
Sent: Thursday, June 26, 2014 8:41 AM
To: Rorie Watt; Beth McKibben; Kirk Duncan; Ed Foster; Robert Palmer; Charlie Ford
Subject: RE: STV2013 0001 Owen Clark's requested partial street vacation

Attached is an as built of Gastineau Ave that delineates the alignment curb/gutter and proximity to the existing structure. The alignment shifts to the approximate centerline of the right of way along the front of the structure.

Suggest that if a partial ROW vacation is approved it would be prudent as part of the reconstruction to include a protective barrier along the street side of the building to stop damage from snowplow operations.

RON KING, PLS
GENERAL ENGINEERING
CITY AND BOROUGH OF JUNEAU
907-586-0881

From: Rorie Watt
Sent: Wednesday, June 25, 2014 5:21 PM
To: Beth McKibben; Kirk Duncan; Ed Foster; Ron King; Robert Palmer; Charlie Ford
Subject: RE: STV2013 0001 Owen Clark's requested partial street vacation

I think I can answer for Public Works and Engineering (see answers below).

Last year, one of the reasons that we objected to a ROW vacation was that it appeared that he would likely have to build a debris retention structure to satisfy CBJ code regarding hazard (landslide) area construction. A debris retention structure would have likely required even more ROW than he had asked for. It was our position that he should figure out what is requirements would be and how much total land he would need. Since that time Clark has shown to the satisfaction of the building official that he can re-use the existing structure and that he therefore would not have to provide a debris retention structure.

As far as I am concerned, the best resolution would be to modify CBJ code to allow the granting of a ROW permit. Right of way is difficult to obtain, it is hard to predict future needs. That said, the current location of the building is not all that objectionable. A code modification that would allow the granting of a ROW permit is the simplest solution, allows the applicant to move forward, allows the protection of the ROW for future public development needs.

From: Beth McKibben
Sent: Wednesday, June 25, 2014 3:55 PM
To: Rorie Watt; Kirk Duncan; Ed Foster; Ron King; Robert Palmer; Charlie Ford
Subject: STV2013 0001 Owen Clark's requested partial street vacation

Hi All

Owen Clark's street vacation request has been scheduled for the July 22 Planning Commission meeting as Old Business. The Public hearing was closed back in March 2013.

I've attached an engineers report provided by Owen.

After discussion w/our law office the staff recommendation will not change – it will remain to deny.

There are few pieces of information I need to gather up to provide to the Planning Commission are:

Are there plans for expanding/reconstructing the road? **No**

If so what are the plans? **N/A**

Will they widen the road on the up hill side or down hill side? **N/A**

What is the time line for expanding the road (based on the recommendations of the comp plan to extend to Thane? Note from me –this is a recommendation from the 2008 comp plan – I need to review the 2013 plan to see if the world shifted. **Extending to Thane does not seem at all likely in the foreseeable future (20 years).**

What is keeping the City from repairing the failing road now? **I do not agree that the road is failing. Minor raveling, or slight shoulder undermining, yes. But that is not substantially different than many roads.**

If the building is rebuilt on private property (encroachment removed) would CBJ accept not having to remove the exiting concrete foundation? **Yes.**

Engineering/Law consider supporting the vacation if a retaining structure was built by Mr Clark if it could be tied in w/existing concrete placed? **I don't understand the question, need clarification.**

How would design be handled – could CBJ do design and Mr Clark install as a contribution to fixing problem? **I have told Mr. Clark that we would be open to any type of partnering proposal if he desired to make one. In particular, during the reconstruction of Gastineau Avenue we suggested a 50/50 cost share of a retaining wall that would allow more room for parking, shoulder area and snow removal for the public and would stabilize his hillside for his development purposes. He declined. Last year, I again offered to partner on a project, particularly if he was required to construct a debris wall to meet hazard area codes. He declined at that time and has not made any other proposals. If Mr. Clark has a proposal that would create some public benefit, we would be more than willing to try and reach some accommodation.**

Maybe when roof/wall reconstructed could it be done w/out aggravating the encroachment? **Yes.**

Is there any ROW on the uphill side? **Limited, steep and not particularly useful.**

My previous email asks for clarification of what lateral support means – Planner brain thinks it might mean the retaining wall but I would like to clarify. **Lateral support usually refers to property owner's duties to not undermine their neighbors. Usually in the context of a property having a duty to provide lateral support. In this case, Owen couldn't excavate his property, collapse the road into a hole and not be responsible. He would have failed his duty to provide lateral support. Same would apply to the City in a reverse situation.**

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How soon do you think you can info to me? If I am doing a supplemental staff report I need to complete it next week.

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.

Beth McKibben

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Sent: Thursday, June 26, 2014 8:41 AM
To: Rorie Watt; Beth McKibben; Kirk Duncan; Ed Foster; Robert Palmer; Charlie Ford
Subject: RE: STV2013 0001 Owen Clark's requested partial street vacation
Attachments: R10 - Road - STA 22+40 to STA 23+80.PDF

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Beth McKibben, AICP
Senior Planner, CDD
City & Borough of Juneau

Beth McKibben

From: Ed Foster
Sent: Wednesday, July 02, 2014 10:07 AM
To: Beth McKibben
Cc: Kirk Duncan; Rorie Watt; Ron King
Subject: Owen Clark ROW vacation
Attachments: photo 1.JPG; ATT00001.txt; photo 2.JPG; ATT00002.txt; photo 3.JPG; ATT00003.txt; photo 4.JPG

Beth,

Sorry for the late reply.

There is a considerable amount of snow removal debris that falls between this building and the road slope. It's inevitable. Also if you look at the wall adjacent to the road, one wall I believe Mr Clark is planning to leave in place, you can see windows that are boarded up. Windows that are most likely egress windows, which will be negatively impacted by snow removal debris falling from the road surface. If Mr Clark is allowed to rebuild using this same wall design it will essentially render the remaining ROW unusable. Anything CBJ does to use it will block the ability to exit any windows.

In my opinion if Mr Clark is allowed to rebuild using the existing foundation within CBJ ROW, the wall in the attached photos, adjacent to the road, needs to be a solid retaining wall for at least 2.5 of the bottom floors of this structure, even if it means CBJ sharing in the cost.

The road at this location is not failing, but could definitely stand to be wider, especially considering the impact this building will have on parking.

Hope this helps,
Ed









Beth McKibben

From: Charlie Ford
Sent: Thursday, July 03, 2014 9:47 AM
To: Beth McKibben
Subject: Owen Clark

Beth,

I find the Engineering Analysis performed by Tracy Moore of Moore Engineering on the Owen Clark building located at 331 Gastineau Avenue, to be totally acceptable.

Let me know if you have questions.

Charlie Ford, Building Official
Community Development Dept.
City and Borough of Juneau
Tel (907)586-0767 Fax(907)586-3365
email charlie_ford@ci.juneau.ak.us
Web page www.juneau.org/permits

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Public Works Administration
5433 Shaune Drive, Juneau, Alaska 99801
☎ (907) 780-6888
FAX (907) 780-4637

DATE: May 16, 2000

TO: Public Works and Facilities Committee

FROM: Ernie Mueller
Public Works Director

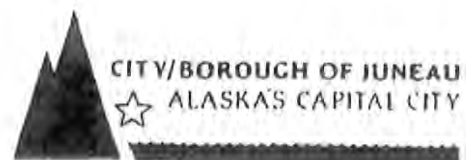
SUBJECT: Gastineau Avenue Reconstruction

At the April 5 meeting of the Public Works and Facilities Committee the staff and the consultants for the Gastineau Avenue Reconstruction project presented the Committee with preliminary design information, including the costs for several design options. Since that presentation the staff and the consultants have been reviewing further options and discussing them with the property owners and residents in the project area.

This project is a technically difficult and expensive roadway and utility project. Geotechnical challenges force major reconstruction or replacement of all of the existing retaining walls to assure safety for the project life. Because of the condition of the existing structures, major portions of the current roadway could fail at virtually any time, presenting great danger to adjacent uphill and downhill property and human life. It is my belief that this project, despite its high cost, is the highest priority project on the Public Works Department's horizon, precisely because of the geotechnical hazards in the project area.

The staff has met several times with the consultants since the April 5 meeting and has selected a preferred option. This option includes the following elements:

- Replacement of all water, wastewater and storm drain systems along Gastineau Avenue
- Reinforcement or replacement of all existing retaining walls
- No change to the existing roadway width throughout the project
- Curb and gutter from the beginning of the project at Second Street to Bulger Way.
- Replace existing sidewalks with the same construction type.



- Construct A.I Mine temporary emergency and construction access road.
- Replace existing light pole heads on existing poles owned by AEL&P.
- Where asphalt pavement now exists, it will be replaced with asphalt. Where the roadway is surfaced with gravel, it will be chip sealed.
- The sidewalk will be extended to Rawn way.
- Water and sewer utilities, storm drainage and stairways will be reconstructed on side streets, First Street, Rawn Way, Decker Way and Carrol Way.

The cost for this project is estimated at \$5,328,000 including design, construction, inspection, project administration and contingency. The current FY 2000 appropriation for this project of \$400,000 was intended for the design of the project. The balance of \$4,928,000 must come from other sources. The following are some recommendations for sources of funding:

1. This project includes replacement of water mains and associated work at a cost of \$501,079. The Water Utility has this amount available in the unappropriated water fund balance. I recommend that this amount be appropriated to this project.
2. This project includes replacement of sewer lines, manholes and associated work at a cost of \$453,105. The unappropriated sewer fund balance is insufficient to support an appropriation of this size. This amount could be debt financed, though the sale of revenue bonds or a borrowing through the Alaska Clean Water fund. If this were done, the sewer rates would have to be increased to support the debt service. The increase would be on the order of .50 to 1.00 per month. This increase would take place on July 1, 2001. It is probable that a sewer rate increase will be necessary anyway, so this might be a part of a larger increase.
3. There is currently a retaining wall replacement project with a balance of \$200,000. As the Gastineau Avenue project will have replacement of retaining walls as a major piece of work, I recommend that all of the retaining wall funds be transferred to the Gastineau project.
4. There are a number of Street Sales Tax projects that are closing and that have fund balances that could be transferred to this project. Although the total that might be available is not yet definite, and may not be exact for a while yet, it is safe to say that at least \$650,000 could be available to transfer to this project.

This would leave a balance to be funded of approximately \$3,124,000. If this amount were appropriated from the anticipated FY 2001 Street Sales Tax, there would be slightly less than \$2.2 million available for other projects. The Gastineau Avenue project is, in my opinion, a higher priority than any other project currently on the proposed list for FY 2001 funding.

"ECONOMIC IMPACT" NOTE ORDINANCE #:

OPERATIONAL IMPACT Gastineau Avenue reconstruction will: replace all water, wastewater and storm drain systems along Gastineau Ave.; reinforce and replace all existing retaining walls; resurface asphalt portion of roadway with asphalt and gravel portion with chip seal; install curb and gutter from the beginning of the project at Second St. to Bulger Way; replace existing sidewalks; construct AJ Mine emergency and construction access road; replace existing light pole heads on existing poles owned by AEL&P; extend sidewalk to Rawn Way; reconstruct water and sewer utilities, storm drainage and stairways on First St., Rawn Way, Decker Way and Carol Way. <i>There will not be significant increase in operations as a result of this action.</i> <small>(Attach Additional Pages as Necessary)</small>	No 99-17(AK)
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FINANCIAL IMPACT	Yes	No	FUND: _____			
	FY00	FY01	FY02	FY03	FY04	
Expenditure Budget:						
Personal Services	\$					
Materials & Commodities						
Capital Outlay						
Other _____						
Total Expenditures	\$					
Funding Sources:						
State or Fed Grant	\$					
Total Funding Sources	\$					

CAPITAL IMPROVEMENT PROJECTS (CIP)			
Project Budget: Direct Costs	\$5,328,184		Amounts noted at left are 100% of the project totals. Project total before Approp.: \$ 400,000 This Appropriation: <u>325,144</u> Total Project <u>\$ 725,144</u> Comment:
Total Project Budget	\$5,328,184		
Funding Sources:			
FY00 A W Sales Tax	\$ 400,000		
FY01 A W Sales Tax	3,124,000		
Unapprop Water Fund	501,079		
Tsfr/fr closed St CIP funds	650,000		
Retaining wall replacement fund	200,000		
ADEC Clean Water Loan	453,105		
Total Funding Sources	\$5,328,184		

Prepared by: L. Zeman, PW Admin. Ofcr.	Date: 6-6-00
Affected Depts a) Ernie Mueller, PW Director	Date: 6-6-00
(Dir/Dept): b)	Date: _____
Finance Dir: _____	Date: _____
City Manager: _____	Date: _____

Presented by: The Manager
Introduced: 06/19/00
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 99-17 (AK)

AN ORDINANCE APPROPRIATING TO THE MANAGER THE SUM OF \$325,144 AS PARTIAL FUNDING FOR THE GASTINEAU AVENUE RECONSTRUCTION PROJECT. SUCH FUNDS PROVIDED BY THE WATER FUND RETAINED EARNINGS.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of \$325,144 as partial funding for the Gastineau Avenue Reconstruction project.

Section 3. Source of Funds

Water Fund Retained Earnings	\$325,144
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2000.

Dennis Egan, Mayor

Attest:

Laurie J. Sica, City Clerk

DATE: March 7, 2001

TO: Planning Commission

FROM: Tim Maguire, Principal Planner
Community Development Department

FILE NO.: CSP2001-00004

PROPOSAL: A review of a City Project to reconstruct Gastineau Avenue from 2nd Street to Ewing Way including water, sewer, storm drain, sidewalks, retaining walls, and stairways.

GENERAL INFORMATION

Applicant: CBJ Engineering CIP

Property Owner: Public right-of-way

Property Address: Gastineau Ave. - 2nd St. to Ewing Way, Juneau. AK 99801

Legal Description: Gastineau Avenue right-of-way

Parcel Code No.: Gastineau Avenue right-of-way

Site Size: 1/3 Mile

Zoning: MU, Mixed Use, D-10 Multi-family Residential

Utilities: Public water and combined storm drainage and sewer.

Access: First & Second Street

Existing Land Use: Roadway and Utilities

Surrounding Land Use: Various single and multifamily residential use, parking.

BACKGROUND

Gastineau Avenue originally served as a pedestrian access route for workers at the former Alaska Juneau Gold Mine (A-J Mine). The existing roadway was constructed in the 1930's. Besides spot repairs and minor improvements, the street section remains relatively unchanged since the original construction.

The proposed project includes the reconstruction of about 1,800 feet of Gastineau Avenue - extending from the intersection with Second Street southward to the former A-J Mine mill site. The northern portion of the project is paved and includes a single paved traffic lane and a parking lane with discontinuous walkways and sidewalks at various locations along each side. The existing asphalt pavement is in poor condition with frequent cracks and ruts. The southern portion of the project is unpaved with no defined pedestrian ways. Although wider, two-way traffic on this section is still marginal.

The proposed Gastineau Avenue improvement design includes the following:

- Replace water and sewer lines and install new storm drain system in Gastineau Avenue
- Replace utilities and stairways on side streets, First, Rawn, Decker and Ewing
- Reinforce or replace existing retaining walls
- Reconstruct Gastineau Avenue to existing street width
- Replace or install new curb and gutter from 2nd Street to Bulger Way
- Replace existing sidewalks
- Extend paved sidewalk on uphill side to Bulger Way area.
- Extend concrete sidewalk on down hill side to Rawn Way
- Emergency access during construction through AJT property
- Replace luminator heads on existing poles
- Asphalt pavement surface from Bulger Way to Carroll Way

Public Involvement

This project has had extensive public involvement prior to this Planning Commission meeting. In January of 2000 a neighborhood meeting was held to discuss the conceptual design for improving Gastineau Avenue. Comments were gathered on what features should be including in the plans for improving Gastineau Avenue. (See Attachments)

Another public meeting was held in April 2000 where alternative designs were discussed. Two major options were considered. The first option was called the "Cadillac" version and was a major upgrade to the existing facility including widening of the roadway, sidewalks on both sides of the street, repair of and addition of new retaining walls, full turn around etc. The estimated cost for Option 1 was 7.4 million dollars. This was well over any projected funding for the project and was not being recommended by staff. Option 2 was, in the most part, a proposal to repair or replace the existing facilities without major additions. Some upgrades were included such as reconstruction of the existing storm drainage/ sewer lines with new and totally separate utility systems. The estimated cost for Option 2 was 5.5 million, still, well over the funding available at the time

Following that meeting variations of the Option 2 were developed and considered. Additional funding sources were also sought. A modified version of Option 2 was settled upon and approved by the Public Works and Facilities Committee. Some additional improvements were added back into the project. In January of 2001 another public meeting was held to review the proposed project with 80% of the design completed.

In addition, project updates were also furnished throughout the project development. Public notice, including a mail out, was provided for this Planning Commission meeting.

ANALYSIS

These improvements to Gastineau Avenue are listed as high priority in the *Juneau Capital Improvement Program: Fiscal Years 2001 through 2006*. Generally, this project is a reconstruction of the existing roadway without major changes or additions to the road alignment and facilities. The reconstruction is to address the deterioration of the existing facilities with some upgrades made where possible. Full upgrade of the roadway was contemplated but was not considered feasible due to the tremendously high cost of construction in this part of Downtown. These improvements are greatly

needed and some important upgrades such as sidewalk extension and drainage facilities will increase the health, safety and welfare of the residents in this neighborhood.

The following are some issues or comments concerning some specific features of the project:

Utilities – a complete reconstruction of all utilities including sewer, water, and storm drainage is proposed due to their age. Currently sewer and storm drainage are handled by the same collection system. This project will continue the ongoing plan for the separation these utilities in the downtown area. Storm drainage improvements will include the collection of runoff from individual properties thereby reducing glaciating and protecting the stability of the roadway.

Pedestrian Improvements - The preferred construction option originally proposed reconstruction of existing sidewalk only. This sidewalk is located on the downhill side of Gastineau from 2nd Street to Rawn Way. The need for sidewalk improvements along Gastineau Avenue was expressed by most residents in the neighborhood. As the project has evolved sidewalk improvements have been added in. A major revision is the addition of asphalt sidewalk on the uphill side of the roadway that will extend from the terminus of the elevated sidewalk to the Bulger Way area. In addition, consideration is being given to extending the existing sidewalk on the lower roadway from Rawn Way to Decker Way, if funding becomes available. These additions will be a major safety improvement for pedestrian use of this right of way.

In addition, the stairways within the First Street, Rawn Way, Decker Way and Ewing Way rights of way will be reconstructed.

Access - Access to the properties in the project area during construction was a concern raised, and is addressed in this proposal. As noted on the plans, due the extent of reconstruction, the roadway will require closure for 5 full days. In addition, the roadway will be closed during working hours, 8:00 a.m. to 5:00 p.m., at various times during the length of the project.

Restriction on access will be mitigated in a number of ways. Pedestrian access will always be maintained to properties. The CBJ will also make supplemental parking areas available to property owners, such as the Municipal Parking Garage. A temporary access easement has been obtained across private property, south of town, to provide a secondary route to Gastineau Avenue. This route is for emergency and construction purposes only.

Parking – the existing on street parking conditions on Gastineau Avenue will not be altered by these proposed improvements. As noted above, supplemental parking will be provided to residents in the neighborhood during length of the project.

Retaining walls – all existing retaining wall will be replaced or repaired. Since no major widening of the roadway is planned no new walls are being constructed. Reconstruction of the walls will be either of two styles, a steel column wall with concrete slab inserts or block walls (See typical sections on sheet C2 and Attachment B).

Procedure

Section 49.10.170 of the CBJ Land Use Ordinance states that the Commission shall recommend to the Assembly on development projects of the CBJ. The report and recommendation shall be based upon the provisions of Title 49, the comprehensive plan, and the capital improvement program.

No work whatsoever was done to this retaining wall in question at 331 Gastineau Avenue.

Title 49 – The proposed project was reviewed for conformance with the Land Use Ordinance (Title 49). The project is allowed and is consistent with other provisions of Title 49

Comprehensive Plan – The proposed project is consistent with Policy 4.2 of the Comprehensive Plan regarding the promotion of a safe and convenient transportation system.

Capital Improvement Program – The proposed project is identified in the *Juneau Capital Improvement Program: Fiscal Years 2001 through 2006*. The project is a high priority for Public Works and has been approved for funding in FY2001

JCMP REVIEW

A review of the JCMP revealed that no enforceable policies apply to this project.

FINDINGS

1. Does the proposed development comply with the provisions of Title 49, the CBJ Land Use Ordinance?

- **Yes.** The proposed project was reviewed for conformance with the Land Use Ordinance (Title 49). The project is consistent with Title 49.

2. Is the proposed development consistent with the Juneau Comprehensive Plan?

- **Yes.** The proposed project is consistent with Policies 4.2 and of the Comprehensive Plan.

3. Is the proposed development identified in the Juneau Capital Improvement Program?

- **Yes.** The proposed project is identified in the CIP FY2001-2006, and is a high priority of the Public Works Division, and has been approved for funding in FY2001.

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

Not Applicable. Based on a review of the enforceable policies of the JCMP, it is found that no provisions apply to the proposed development.

RECOMMENDATION

It is recommended that the Planning Commission adopt the director's analysis and findings and approve the City Project Review to reconstruct Gastineau Avenue from 2nd Street to Ewing Way including water, sewer, storm drain, sidewalks, retaining walls, and stairways.

The approval is subject to the following condition:

- 1. That maintenance of the temporary access road be assured so that passage of emergency vehicles is protected.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: David R. Palmer
City Manager

DATE: April 13, 2001

FROM: Rosemary Matt, P.E.
Chief Projects Engineer

FILE: C.I.P. Engineering

SUBJ: BID RESULTS:
Gastineau Avenue Reconstruction
Contract No. E01-200

Bids were opened on the subject project on April 11, 2001. The bid protest period expired at 4:30 p.m. on April 12, 2001. Results of the bid opening are as follows:

RESPONSIVE	TOTAL BID
Arete Construction Corporation	3,079,604.00
Secon	3,623,265.50
Glacier State Contractors, Inc.	4,046,672.00
Engineer's Estimate	3,708,464.00

628,860⁰⁰

Project Manager: Joe Castillo

Below C.B.J. estimate

The project consists of the reconstruction of Gastineau Avenue, from Second Street to Ewing Way. Additive Alternate work includes upgrades to First Street, Rawn Way, and Decker Way.

Funding Source: FY92/97 Water/Sewer Funds, FY 96/98/99/00/01 SW Street Sales Tax.
FY 96/00 FundTransfers 514

Total Project Funds: \$4,956,464

Fund Number: 412-71-5-01-590

Construction Encumbrance: \$3,079,604

Construction Contingency: \$743,071

Consultant Design: \$498,289

Consultant Contract Administration/Inspection: \$450,000

Staff recommends award of this project to Arete Construction Corporation in the amount bid, for a total award of \$3,079,604.00

Approved: _____
David R. Palmer, City Manager

Date of Assembly Approval: _____

c: CBJ Purchasing



DATE: June 6, 2001
TO: Planning Commission
FROM: Tim Maguire, Planner
Community Development
FILE NO.: SUB2001-00002

PROPOSAL: The owner of Lot 8A, and 10, Block 2, Pacific Coast Addition is requesting that the portion of the Gastineau Avenue right of way, lying between these properties and the proposed roadway for Gastineau Ave., be vacated.

GENERAL INFORMATION

Applicant: Channel View Inc.

Property Owner: Steve Landvik

Property Address: 345 Gastineau Avenue

Legal Description: Lots 8A & 10, Block 2, Pacific Coast Addition

Parcel Code Number: 1-C07-0-H02-008-1; -010-0

Site Size: Approximately 3.800 Square Feet of right of way

Zoning: MU, Mixed Use

Utilities: CBJ Water and Sewer Services

Access: Gastineau Avenue

Existing Land Use: Vacant

Surrounding Land Use: North Gastineau Avenue

South Retail/Residential

East Residential

West Residential

BACKGROUND

This request to vacate a portion of the Gastineau Avenue is in conjunction with a proposal by the applicant to construct a new 22 unit affordable housing complex on of Lot 8A, and 10, Block2, Pacific Coast Addition. Specifically, approval of this vacation request will allow a parking deck to be constructed in the area, which is now public right of way. This deck will provide the necessary parking for this project, parking for associated developments, and improved access to the site directly from Gastineau Avenue.

The 22-unit apartment proposal will be reviewed under separate permits (USE2000-00055, VAR20001-00009). In addition, the project is located in a severe or landslide hazard area, which must

also be addressed under the conditional use permit procedure (USE2000-00057). The applicant proposes to address this hazard with construction of a debris catchment structure to be located near the edge of the roadway improvements planned for Gastineau Avenue. This structure would also be located in the area of the right of way proposed to be vacated by this action (See Attachment A).

Recently the Planning Commission reviewed and approved a city project to reconstruct Gastineau Avenue from 2nd Street to Ewing Way. The design for this project has been finalized and the bid for construction has been awarded.

PROCEDURE

Requests to vacate public right way are decided by the Planning Commission. If the requests is approved the applicant must submit an amended plat that reflect the inclusion of the vacated right of way into the adjoining properties.

ANALYSIS

Right of ways are dedicated to the public for public purposes, including access and utilities. The issue with this and any other vacation request is whether the right of way should be retained for public uses or whether it can be released for private development.

In the case of Gastineau Avenue, the question is whether this right of way is needed for the planned improvements to the roadway and associated utilities. This question can now be answered because the improvement plans for Gastineau Avenue have been finalized.

The plans for the roadway reconstruction show that no portion of this right of way subject to this vacation request will be utilized for planned roadway improvements. However, there are adjustments that need to be made to the vacation boundary to accommodate utilities and possible future roadway improvements. These revisions were suggested after review of the application with CBJ staff and the utility companies and are discussed in more detail below.

As noted above, this development proposal includes a debris catchment structure for mitigation of the geophysical hazards. Initially, this structure was to be located directly adjacent to the new roadway improvements. The right of way was proposed to be vacated up to the roadway, as well. However it has been recommended that this structure be offset five feet to allow for future sidewalk construction. Although the Gastineau Avenue reconstruction project does not show sidewalk on the downhill side in this segment of roadway, the option to add this feature will retained. The boundary for the right away vacation should also be adjusted accordingly.

Roadway improvements in this area include a new storm drain line that runs from above Gastineau Avenue down Ewing Way. To accommodate future maintenance of this utility, the southeast boundary of the proposed street vacation should be adjusted so as to retain 10 feet of right of way from the centerline of the storm drainpipe.

It appears from the latest site plan submittal (See Attachment A & B, dated 6/5/2001) that the adjustments described above have been made. The conditions for approval of the vacation request will still be included until staff reviews and approves the revised vacation boundaries.

Utility lines also cross the site of this proposed street vacation. The utility companies have not objected to the vacation if appropriate easements are provided which allows for continued maintenance of the utilities (See Attachment C). Utility lines and poles may also need to be relocated or upgrading to provide required separation distances from existing or proposed structures.

Vacation of the right of way will not be necessary if this proposed project does not take place. We will recommend that the plat accompanying the right of way vacation not be recorded until such time that a building permit has been issued for the proposed project (See Condition No. 7 of USE2000-00055).

The CBJ, Public Works and Engineering Department, including the project manager for the Gastineau Avenue reconstruction project, have reviewed this proposed street vacation and have no objection (See Attachment D).

JCMP REVIEW

The proposed development was reviewed for compliance with CBJ §49.70.900, the Juneau Coastal Management Program. The analysis reveals that the JCMP is not applicable to this development.

FINDINGS

After review of the application materials and the CBJ Land Use Code the director makes the following findings:

1. The request meets the submittal requirements of the CBJ Land Use Code and A majority of the owners of the front footage of the street signed the application according to CBJ§49.15.450(A)
2. The director has published the street vacation request in the municipal advertisement of the Juneau Empire, sent property owner notices to abutting properties within a 500-foot radius of the site and verified that a public notice sign was posted on site. Public notice was provided in compliance with CBJ§49.15.230, Public Notice.
3. There is a public need to retain portions of the right of way, which the applicant has requested to be vacated. The intent of the request, and the public needs for retaining portions of the right of way, can be accommodated with the proposed conditions of approval.
4. There is exiting use of the right of way for public utilities including electricity. These uses can be satisfactorily addressed if appropriate easements are retained.

RECOMMENDATION

We recommend that the Planning Commission adopt the director's findings and approve the request to vacate that portion of the Gastineau Avenue right of way, lying between Lot 8A, and 10, Block 2, Pacific Coast Addition and the proposed roadway for Gastineau Ave. subject to the following conditions:

1. That the southeast boundary of the proposed street vacation be adjusted to retain 10 feet of right of way along the centerline of the storm drain line being proposed from Gastineau Avenue down Ewing Way as part of the overall improvement project for Gastineau Avenue.

2. That the northeast boundary of the proposed street vacation common with the roadway be adjusted so that a 5 foot wide strip of right of way remains on the downward side of the proposed limits of the constructed roadway improvements for Gastineau Avenue.
3. That the CBJ Engineering Department approve the final vacation boundaries prior to plat recording.
4. That the necessary easements be provided for existing utilities; that utility lines and poles be relocated or upgrading, as necessary, to provide required separation distances from existing or proposed structures; and that the appropriate utility companies approve the relocation, upgrades, and easements prior to plat recording.
5. That the plat accompanying the right of way vacation not be recorded until such time that a building or grading permit has been issued for the proposed construction of the 22-unit apartment complex.

DATE: July 18, 2001
TO: Planning Commission
FROM: Tim Maguire, Planner
Community Development Department
FILE NO.: CSP2001-00009

PROPOSAL: Review of a proposed easement to allow access on Lot1, Blk.2, U.S. Survey 7 A, Amended located at the end of Gastineau Ave.

GENERAL INFORMATION

Applicant: Brian and Sara Rairick
Property Owner: CBJ
Property Address: 420 Gastineau Avenue, Juneau
Legal Description: Lot1, Blk.2, U.S. Survey 7 A, Amended addition to the Townsite of Juneau
Parcel Code No.: 1-C07-0-102-001-0
Site Size: 14,039 Square Feet
Zoning: MU – Mixed Use
Utilities: CBJ water and sewer
Access: Gastineau Avenue
Existing Land Use: Temporary road way, leased parking for adjacent multi-family housing.
Surrounding Land Use: North - Gastineau Ave.
South - Vacant, Single family
East - Vacant
West - Multi-family housing

BACKGROUND

Brian and Sara Rairick have applied to the Lands and Resources Department for an easement across City property (fraction of Lot 1, Block 2, U.S. Survey 7A, amended) located at the end of Gastineau Avenue. In the near term, the Rairicks' would like to obtain vehicular and utility access across the City lot to their existing house. The recent construction of the temporary access roadway, in conjunction with the Gastineau Avenue reconstruction project, makes it feasible for the applicants to utilize this CBJ parcel for permanent vehicular and utility access.

The long-term plan for the applicants is to construct multi-family housing on their property. For this planned use, the applicants would like to continue to use a portion of the City lot for access to their property, and possibly for drainage, retaining walls, landscaping, fill, and parking, as well.

As noted in the attached memo from Cynthia Johnson, Lands and Resources Department, dated June 27, 2001, this CBJ parcel abuts three additional private properties that either have access across the City's lot (Larry Knudson) or are likely to apply for a similar use.

The attached memo from the Lands and Resources Department gives a detailed description of the project, analysis of the request, and recommendation for approval with a number of conditions. In addition, the Assembly Lands Committee reviewed this proposal at their July 16th meeting and recommended approval consistent with the recommendations in this memo.

ANALYSIS

The Lands and Resources Department distributed this easement proposal to the following departments for review and comments: Community Development; Public Works; Engineering; Parks and Recreation; Police; and Fire. The Engineering and Community Development Departments responded pointing out the need to preserve options for construction of a turnaround or possible extension of Gastineau Avenue to Thane Road.

The Lands and Resources Department considered these comments and consistency with adopted plans and programs and the draft Transportation Plan in their analysis of this proposal. Staff agrees with the analysis included in the attached memo, and is summarized as follows:

- That an easement for access to the applicants for access and utilities is an appropriate use for Lot Lot1, Blk.2, U.S. Survey 7 A, Amended, and consistent with CBJ plans and programs including the Comprehensive Plan, Land Management Plan, and draft Areawide Transportation Plan.
- That expanding the scope of the easement for other possible uses, such as parking, would be premature at this time and more appropriately considered at the time more detailed development plans are submitted.
- That this recommendation for an approval of easement for the Rairicks, include a recommendation to declare Lot 1 to be available for use as an access/utility route to facilitate the approval of similar easements to other adjoining property owners.

JUNEAU COASTAL MANAGEMENT PROGRAM (JCMP) REVIEW

The proposed development was reviewed for compliance with CBJ§49.70.900, the Juneau Coastal Management Program. No provisions of the JCMP apply to this proposal.

FINDINGS

The Planning Commission is required to make recommendations to the Assembly regarding any proposed acquisition, disposal, long-term leases or development of land by any CBJ agency. The recommendation is to be based upon the provisions of Title 49, the Comprehensive Plan, and the Capital Improvements Plan. Relative to this mandate the following findings are made:

1. This proposed easement across CBJ lands would comply with the CBJ Land Use Code based upon the potential and proposed uses and upon approval by the Planning Commission of appropriate use permits.

2. This proposed easement complies with the CBJ Comprehensive, i.e., the potential road corridor shown for the extension of Gastineau Avenue on the Juneau Subarea Map 6.

3. The use of CBJ property for access and utilities will be private development, therefore the CBJ capital improvements plan does not apply. However, the proposed easement would be consistent with possible future development of the site for a cul de sac as identified by Engineering Department, and be consistent with possible future roadway extension for Gastineau Avenue also recommended in the draft Areawide Transportation Plan and considered in the Land Management Plan.

4. Expanding the scope of the easement to include other uses, such as parking, retaining walls, landscaping, etc. in absence of a detailed development plan, would be premature.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the director's findings and recommend approval of the requested easement to the Assembly subject to the conditions as noted in the attached memo from Cynthia Johnson, Lands and Resources Department, dated June 27, 2001.

DATE: May 5, 1998

TO: Planning Commission

FROM: Tim Maguire, Planner
Community Development

FILE NO.: SUB2000-00046

PROPOSAL: A plat amendment to remove the easement for public improvements shown on Lot 9, Gastineau Subdivision, to eliminate an existing building encroachment.

GENERAL INFORMATION

Applicant: Alfonso O. Soriano

Property Owner: Alfonso O. Soriano

Property Address: 187 Gastineau Avenue

Legal Description: Lot 9, Gastineau Subdivision

Parcel Code No.: 1-C07-0-BOQ-001-0

Site Size: 6,836.90 square feet

Zoning: D-10 Multifamily

Utilities: CBJ Sewer and Water

Access: Gastineau Avenue

Existing Land Use: Multifamily Dwelling, 6-plex

Surrounding Land Use: North - Residential

South - Residential

East - Vacant

West - Mixed, Commercial / Residential

BACKGROUND

Much of the development on Gastineau Ave was constructed well before there were setback requirements or accurate placement of building in relation to property lines. This was not a problem until lending institutions became reluctant to finance the sale of homes found to be encroaching on neighboring properties or in the right of way. This was the situation with many of the dwellings on

Gastineau Avenue. This problem came to a head in the eighties with property owners along Gastineau Avenue requesting street vacations or other types of relief.

The Assembly attempted to remedy this situation by passing Resolution 1154 in May of 1986, which stated that the CBJ recognizes the Gastineau Avenue right away to be 28 feet in width (See Attachment A). The actual width was unclear. More recent plats showed the right away to be 34 feet in width. It was in this six-foot area of difference that all the major building encroachments occurred. It was thought that passage of this resolution would alleviate the encroachment problems.

This resolution, however, was not completely successful. The 6-foot discrepancy between the CBJ recognized width of 28 feet and the platted width of 34 feet continued to cause property owners difficulty in securing financing. In 1989, an application was made to vacate this 6-foot strip of the Gastineau Avenue right of way. A vacation of the right of way would solve the encroachment problems but it would also permanently preclude the widening of Gastineau Avenue when reconstruction took place. The Planning Commission addressed this issue by approving the six-foot vacation with a condition that an easement be retained over the 6-foot vacated portion of the right of way, outside the foot print of existing buildings, for construction and/or maintenance of public improvements.

A plat was recorded which revised the property lines for this parcel and established the public improvement easement. The plat was called Gastineau Subdivision, . (See Attachments B1, B2, and B3). This action cleared up the encroachments but allowed for improvement to take place in areas where no buildings were located.

This applicant's building was a 6-plex located on Lot 9 of Gastineau Subdivision. This building did not encroach into the right way, however it did not meet be current zoning setback requirements. When the owner proposed to do a complete renovation of the building it was determined that the existing location and density of the structure was "grandfathered" and therefore could be reconstructed on the current footprint and with the same number of dwellings. During reconstruction process, arctic entries for the stairways and third story balconies were added to the building. These arctic entries were not shown on the building permit but were identified on an as-built survey (See Attachment C). The arctic entry additions encroached into the easement for public improvements. The balcony additions, however, are not considered to be encroachments because of their third-story location. Rather than remove the arctic entries, the applicant has applied to amend the plat to remove the easement.

The arctic entries and balconies encroach into the frontyard zoning setbacks. A variance to reduce the required frontyard setback has been applied for, to address this situation (VAR2001-00046).

PROCEDURE

The requested action is to amend the Gastineau Avenue Subdivision by removing a portion of the existing easement for public improvements on Lot 9 of this subdivision. Although this proposal involves less than four lots, it is still handled through the major subdivision process- with the Planning Commission approval. This proposal involves a change to a plat provision (an easement for public improvements) that was established by the Commission, and therefore, the Planning Commission must approve any amendment.

ANALYSIS

The issue with this proposal, and previous vacation requests, is weighing the needs of existing property owners versus public needs. The question in this case is whether this easement is needed to accommodate future roadway improvements. This question can now be answered because the improvements for Gastineau Avenue have been designed and the bid for construction awarded. These plans for the roadway reconstruction show that only a small portion of this easement on Lot 9 will be utilized for planned improvements. The Gastineau Avenue reconstruction project includes the addition of an asphalt sidewalk on the uphill side of the roadway and a small portion of this improvement will cross over the easement line. (See Attachment D) .

The CBJ Engineering Department, including the project manager for the reconstruction project has reviewed this proposed plat amendment and has no objection to the existing 6 foot easement for public improvements on Lot 9, Gastineau Subdivision being removed with the exception of the area for the sidewalk improvements. Since this will be a total reconstruction of Gastineau Avenue, there was also no long-term need identified for retaining the easement for future improvements.

JCMP REVIEW

The proposed development was reviewed for compliance with CBJ §49.70.900, the Juneau Coastal Management Program. The analysis reveals that the JCMP is not applicable to this development.

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 permit complete?

Yes. We find the application contains the information necessary to conduct a full review of the proposed development. The application submitted by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ code Chapters §49.15 and §49.35.

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

Yes. This proposed plat amendment and multifamily dwelling are uses appropriate according to the Table of Permissible Uses for a D-10 zone.

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

Yes. The proposed plat amendment will allow the existing development situation to comply with the requirements of this chapter, if a variance is also approved to reduce the minimum building setback requirements.

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

No. The proposed replat will vacate a portion of the existing easement for public improvements to help clear up existing building encroachment. No portion of the easement will be removed that is necessary for planned public improvements. There is no evidence to indicate that this action will materially endanger the public health or safety.

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

No. We have no evidence to indicate that the proposed amendment would substantially diminish the value of or be out of harmony with property in the neighborhood. Staff is recommending that the proposed plat amendment delete only that portion of existing easement not needed for planned improvements to Gastineau Avenue. The plat revision will also allow for resolution of an existing building encroachments. A review and approval of a variance request will also be needed approval to allow these building additions to remain.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. These development requests further policies identified in the CBJ Comprehensive Plan and otherwise conforms with other officially adopted plans.

Policy 2.9 It is the policy of the City and Borough of Juneau to facilitate the preservation and rehabilitation of existing housing;

and

Policy 5.5: It is the policy of the CBJ to require new residential developments to meet minimum criteria for overall site design.

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

Not Applicable. Based on the preceding analysis, it is found that no provisions of the Juneau Coastal Management Plan apply to the proposed development.

RECOMMENDATION

We recommend that the Planning Commission adopt the director's findings and approve the request for a plat amendment to remove the easement for public improvements on Lot 9 Gastineau Subdivision subject to the following conditions:

1. The applicant shall submit an amended plat for Lot 9 Gastineau Subdivision which removes only that portion of the easement for public improvements not required for the improvements planned for in the current proposal to reconstruct Gastineau Avenue.
2. That this revised plat, be approved by the CBJ Engineering Department prior to recording.

MEMORANDUM

CITY & BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

DATE: December 3, 2003

TO: Board of Adjustment

FROM: Chris Beanes, Planner
Community Development Department

FILE NO.: VAR2003-00042

PROPOSAL: A variance to the front yard setback from the required 5 feet to zero to allow construction of an open porch that will extend to the sidewalk.

GENERAL INFORMATION

Applicant: Daniel Minuskin

Property Owner: Daniel Minuskin

Property Address: 124 Gold Street

Legal Description: Juneau Townsite, Block 12, Lot 5 FR

Parcel Code Number: 1-C07-0-A12-004-0

Site Size: 1564 square feet

Zoning: Mixed Use

Utilities: CBJ Water and Sewer

Access: Gold Street

Existing Land Use: Residential

Surrounding Land Use: North - Vacant/Parking Lot

South - Residential

East - Residential

West - Residential



CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

In order to provide protection from the elements to their existing porch, the applicant proposes construction of a roof over the existing deck area located at the front of the home, along Gastineau Avenue (see Attachment A). Because the applicant is in the process of renovating the existing roof, an opportunity exists to reconstruct a roof over the front porch/deck, which existed prior to the Gastineau Avenue reconstruction project. In addition, the applicant states the need for a cover to provide protection over the entry to prevent a slippery walking surface, and to continue the existing roofline for aesthetic reasons. A 5-foot front setback is required in the MU zone, where the home is located; no side setback is required in the MU zone.

BACKGROUND

Prior to the Gastineau Avenue reconstruction, a CBJ Engineering effort, a roof existed over the applicant's deck (see Attachment B). A number of portions of structures were removed as part of the project in order to build the retaining walls, and other development associated with providing stability along Gastineau Avenue. Because footing support was removed during the street reconstruction, the applicant's deck roof was left unstable. Rather than leave the unstable structure alone, the applicant removed it. Presently, coinciding with associated roof repairs, the applicant decided to rebuild the deck cover, thus necessitating the variance for a front setback reduction.

ANALYSIS

The neighborhood contains many examples of houses and apartments located along the street at substandard setbacks. Furthermore, the area is characterized by dense development with an elevated sidewalk along the uphill side of Gastineau and narrow sidewalks along the downhill side. Primarily residential, the neighborhood is comprised of a mix of single family and multi family development. Following the established development pattern, the applicant's proposal would be consistent with the following code citation:

§49.25.220 Mixed use districts

The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed at a density of 60 units per acre.

Nonconforming status for the deck roof was lost since it was not rebuilt within the 365-day period allowed under §49.30.600 (b) Change in Use of Property and §49.30.700 (a) Abandonment and discontinuance of nonconforming situations.

Furthermore, the site lies within a Landslide and avalanche area §49.70.300. Conditional use review is required if there is an increase in density. As there will be no increase in density, a conditional use review is not needed.

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.***

Existing nonconforming setbacks within the neighborhood, along with the desired character of the MU district support the applicant's proposed setback reduction. Neighboring development along the street indicate zero setbacks for existing development, the applicant's proposal would be consistent with the pattern. Further, the applicant's proposal is for an open porch, with no walls along the sidewalk.

Staff finds this criterion is 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.***

Setback requirements address the need for reasonable separation between development and for light, air, fire safety, and privacy issues. As reflected by zero setbacks along side property lines and 5-foot setbacks along front property lines the desired intent of the MU zone is for a dense development pattern. Need for separation is lessened in the MU zone, in order to accommodate the desired character. The proposed setback reduction is along the front/street property line. No neighboring development will be affected by the proposal. Upon review of the applicant's permit drawings, compliance with building codes have been addressed. In addition, there is a need for weather protection to access the front door of the residence.

Staff finds this criterion is met.

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

Comment has not been received by neighboring properties regarding the proposal. Building codes will be adhered to. Side setbacks are not affected as the MU zone allows zero side setbacks.

Staff finds this criterion is met.

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

The variance request will not change the allowed residential use of the property.

Staff finds 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;***

Compliance with the front setback requirement of five feet will not prevent the owner from using the property for residential purposes.

Staff finds 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;***

Nonconforming development in the neighborhood provides support for the applicant's proposed roof. There is consistency with the neighborhood pattern of development along the sidewalk, and open porches to access the front door.

Staff finds this sub-criterion is met.

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

No unique features exist on the property that would make it necessary for development to encroach on the 5-foot front setback.

Staff finds this sub-criterion is not 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.*

A preexisting condition was in effect prior to the Gastineau Reconstruction effort. However, because the 365-day nonconforming rule has lapsed, nonconforming status was lost.

Because sub-criteria (b) has been met, Criterion 5 is met.

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

Approval of the requested variance would allow the applicant to reconstruct a roof over the existing deck as desired. Construction of a roof over the existing deck is a compatible accessory use for the neighborhood, allowing the applicant to use the property in a manner consistent with adjacent development.

Staff finds this sub-criterion is met.

JUNEAU COASTAL MANAGEMENT PROGRAM

Not applicable. Staff finds no evidence that any enforceable policies of the Juneau Coastal Management Program apply to the proposed project.

FINDINGS

1. *Is the application for the requested variance complete?*

Yes. Staff finds the application is complete.

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

Not applicable. Staff finds no evidence that any enforceable policy of the Juneau Coastal Management Program applies to this project

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

Yes. Based on the analysis above, staff finds the variance request meets the criteria for variance approval.

RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance to reduce the front yard setback from the required 5 feet to zero feet to allow construction of an open porch that will extend to the sidewalk.

DEVELOPMENT PERMIT APPLICATION

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

Project Number	CITY and BOROUGH of JUNEAU	Date Received:	10-29-03
Project Name (City Staff to assign name)	MINUSKIN PORCH		

PROJECT / APPLICANT INFORMATION	Project Description Replace existing porch roof and install 20' sf Awning			
	PROPERTY LOCATION			
	Street Address 124 Gold Street		City / Zip Juneau, AK 99801	
	Subdivision (if known) Juneau	Survey (if known)	Block / Tract (if known) 12	Lot (if known) 5 FR
	Assessor's Parcel Number (if known) 11070 A12 0040			
	LANDOWNER / LESSEE			
	Property Owner's Name Daniel P. Minuskin		Contact Person	Work Phone No.
	Mailing Address 124 Gold Street, Juneau, AK 99801		Home Phone No. 907 586-1035	FAX No. SAME
	LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY	
	<p>I am (we are) the owner(s) or Lessee of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.</p> <p>X Daniel P. Minuskin 10/29/03 Landowner/Lessee Signature Date</p> <p>X _____ Landowner/Lessee Signature Date</p> <p>NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.</p>		<p>APPLICATION TYPE</p> <p>ALLOWABLE USE</p> <p>CONDITIONAL USE</p> <p>VARIANCE</p> <p>DESIGN REVIEW</p> <p>SUBDIVISION</p> <p>OTHER _____</p>	
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)				
Applicant's Name SAME		Contact Person	Work Phone No.	
Mailing Address		Home Phone No.	FAX No.	
X Daniel P. Minuskin Applicant's Signature		X 10/29/03 Date of Application		

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS	C K	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	C K	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
		ALLOWABLE USE APPROVAL					WATER PERMIT		
		CONDITIONAL USE APPROVAL					SEWER PERMIT		
		VARIANCE		10/29/03	VAR 2003-42		GRADING PERMIT		
		DESIGN REVIEW APPROVAL	MINOR				DRIVEWAY PERMIT		
		SUBDIVISION	MINOR				RIGHT-OF-WAY PERMIT		
			MAJOR						
			PLD						
		STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
		SIGN APPROVAL	LOCATED IN HISTORIC DISTRICT? <input type="checkbox"/> YES <input type="checkbox"/> NO				OTHER - (Describe)		
	BUILDING PERMIT					Permit Intake Initials	PM		
	Zone	Total Lot Area	Required Setbacks						
			Front _____ Back _____ Side _____ Other _____						
	COMMENTS:								

NOTICE OF PUBLIC HEARING



PROPOSAL: A Variance request to the front yard setback from the required 5 feet to zero to allow the construction of an open porch that will extend to the sidewalk.

FILE NO:	VAR2003-00042	APPLICANT:	DANIEL MINUSKIN
TO:	Adjacent Property Owners	PROPERTY OWNER:	DANIEL MINUSKIN
HEARING DATE:	December 9, 2003	PROPERTY ADDRESS:	124 GOLD ST
HEARING TIME:	7:00 P.M.	PARCEL CODE NUMBER:	1-C07-0-A12-004-0
PLACE:	ASSEMBLY CHAMBERS Municipal Bldg. 155 South Seward St., Juneau, Alaska 99801	SITE SIZE:	1,564 Square Feet
		ZONING:	Mixed Use
		ACCESS:	GOLD ST

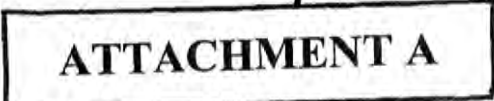
PROPERTY OWNERS PLEASE NOTE:

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: Chris F Beanes at 586-0771, or e-mail: Chris_Beanes@ci.juneau.ak.us

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

Date notice was printed: November 25, 2003



Supplement to Attachment C

