

MEMORANDUM

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

DATE: September 11, 2014

TO: Board of Adjustment

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

FILE NO: VAR2014 0019

PROPOSAL: A Variance request to reduce the parking from 93 to 62 spaces for a new four-story building with 42 units of affordable senior housing and 8,000 square feet of retail/office space.

GENERAL INFORMATION

Applicant: GMD Development, LLC & St. Vincent de Paul Society

Property Owner: St. Vincent de Paul Society Diocesan Counsel of SE Alaska, Inc.

Property Address: Corner of Alpine and Teal Street

Legal Description: Valley Centre, Block H, Lots 4, 5 Fraction, 6A, 7A, 8A, 9A, 10A, and 11A

Parcel Code Number: 5-B15-0-106-003-0; 5-B15-0-106-004-0; 5-B15-0-106-005-0
5-B15-0-106-006-0; 5-B15-0-106-007-0; 5-B15-0-106-008-0
5-B15-0-106-009-0

Site Size: 59,846 Square Feet

Comprehensive Plan Future Land Use Designation: Commercial, (C) Map G

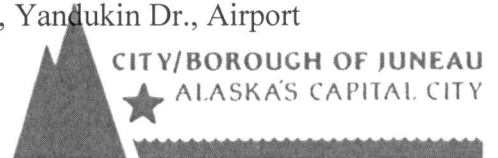
Zoning: GC

Utilities: City water & sewer

Access: Teal Street & Alpine Avenue

Existing Land Use: Vacant

Surrounding Land Use: North - (GC) Glacier Seafoods Value Added Processing
South - (I) Vacant, Jordan Creek, Yandukin Dr., Airport
East - (GC) Alpine Ave, St. Vincent de Paul multifamily housing, retail, office
West - (I) Vacant, Jordan Creek, Yandukin Dr., Airport



VICINITY MAP



PROJECT DESCRIPTION

The applicant is requesting a parking variance for the reduction of required parking spaces from 93 spaces to 62 spaces for the development of a new building which will 42 units of affordable senior housing and 8,000 square feet of retail/office space. Staff notes there was a rounding error in the application materials for the retail/office space calculations. A revised public notice was mailed to adjacent property owners with the correct number.

The site is located on the corner of Teal Street and Alpine Avenue. This variance proposal is in conjunction with the Conditional Use application, USE2014 0013.

The project consists of one four story building 43,620 square foot building. The first floor of the building will have 8,000 square feet of retail space which includes office space to support the retail operation and the management of housing, 140 square feet of laundry space, 1,041 square feet of common room area, and 551 square feet of utility space. The second floor will have ten one bedroom units, two of which will be ADA accessible, and four two bedroom units. The third floor will have one studio unit, eight one bedroom units, and four two bedroom units. The fourth floor will have one studio unit, eight one bedroom units, and four two bedroom units. The total area of the building will be 43,620 square feet, with 11,880 square feet on the first floor, 11,600 square feet on the second floor, 10,070 on the third floor, and 10,070 on the fourth floor.

The residential units will be restricted by deed as affordable housing for a minimum of 30 years. They will be made available to low income seniors who earn less than 60% of area median income. The retail space and associated office space will house the St. Vincent de Paul Thrift store which currently is located in the existing St. Vincent de Paul facility on Alpine Avenue.

Staff notes the conditional use proposed cannot be approved as presented unless VAR2014 0019 is approved.

BACKGROUND

In 2005 the St. Vincent de Paul thrift store and non-profit facility received approval by the Planning Commission with USE2005-00026 for this site. They also received a variance to the parking requirements with VAR2005-00052. Those permits expired. The applicant reapplied in 2007 with the same proposal and received approval with USE2007-0010 and VAR2007-0010. These permits have also expired.

They also received a wetland fill permit in 2005 (WET2005-00001). That permit also expired. Since 2005 the CBJ no longer issues wetland fill permits. The applicant has been working with the US Army Corps of Engineers who has since determined the site is not wetlands and no fill permit is required. A copy of this letter is found as Attachment A to staff report USE2014 0013.

ANALYSIS

Using CBJ49.40.210, Table (a), Minimum Space and Dimensional Standards for Parking, a total of 93 parking spaces are required (see table below). CBJ 49.40.200(2) requires that when two or more uses take place on the same lot the required parking is the sum of the requirements for each use.

	Per Table (a)	Required
Parking Calculations		
Retail/office	1 per 300 square feet of gross floor area	27
Studio apartment	1.5 per unit	3
1 bedroom apartment	1.5 per unit	42
2 bedroom	1.75 per unit	21
Total Parking		93

The applicant is able to provide 62 parking spaces on site four of which will be van accessible, and one loading space. Four van accessible spaces are the number required by the full 93 parking spaces.

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 relaxation requested, for the reduction of required parking spaces, would give substantial relief to the owner of the property involved. The cost of land and the cost of constructing parking spaces is very high. The applicant has stated reducing the footprint of the building will make development of the building economically unviable. The existing St. Vincent de Paul facility on Alpine Avenue received a reduction in the required parking in 1993. Also in 1993 Fireweed Place, a senior affordable multi-family housing development on Willoughby Avenue received a variance to reduce

the required on-site parking. Therefore granting the variance to parking is consistent to justice to other property owners.

Yes. Staff finds that criterion 1 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.*

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 requested variance bases the parking requirement on the nature of the use, rather than requiring a parking requirement rate that applies to more general retail uses. This variance meets the purpose and intent of the Land Use Code, specifically 49.05.100(6), to *recognize the economic value of land and encourage its proper and beneficial use.*

Chapter 8 of the 2013 Comprehensive Plan addresses Transportation. Implementing Action 8.5.1A6 lists a variety of actions all aimed towards reducing the demand for “land consuming parking spaces”.

No evidence has been presented indicating that the requested variance will have a negative impact on public safety and welfare.

Yes. Staff finds that criterion 1 is 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. A primary function of minimum parking standards is to prevent overflow parking from impacting adjacent property owners. The applicant has provided information that indicates the average parking demand for seniors is less than what CBJ requires. Additionally, other communities provide reduced parking requirements for senior housing based on the reduced demand. This housing will be restricted to low income seniors, who may have an even further reduced need for on-site parking.

Yes. Staff finds that criterion 1 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 proposed uses are listed at CBJ 49.25.300, Section 1.300 and 2.200 for the General Commercial zoning district.

Yes. Staff finds that criterion 1 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 mixed use facility with 42 units of senior housing and 8,000 square feet of retail/office space, is a permitted use in the GC district. The applicant is seeking a Conditional Use permit for the building. The applicant could build a smaller facility that would have a smaller parking demand.

No. Staff finds that sub-criterion 5(A) 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 subject property is one of the largest sites in the neighborhood; undue restraints apply to this property due to its location along Jordan Creek (50' setback required). It has been typical of properties in the area that variances for parking reductions and off-site parking have been requested and approved.

Yes. Staff finds that sub-criterion 5(B) is met.

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

The property is subject to setbacks from Jordan Creek. The site plan proposes to develop the site to further protect Jordan Creek by providing green space between the building and the creek. Jordan Creek is identified as an impaired water body. Protecting the creek requires the building to be located away from the creek and leaves less space available for parking. The only choice of the applicant is to construct a parking garage or purchase additional off-site property. Both are very expensive.

Yes. Staff finds that sub-criterion 5(C) 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.

N/A

Criteria B and C are met, therefore Criterion 5 is met.

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

The granting of this Variance will allow the project to be constructed as proposed, bringing development with a mixture of housing and retail/office uses to area. In granting this Variance, it will allow for the development of 42 units of low income senior housing, which is a well-documented need in Juneau. Furthermore, it would allow for the expansion of the St. Vincent de Paul thrift store, which helps to fund other non-profit organizations, as well as provides jobs and training for the community. Reduced parking allows for more green space, providing a more vegetated buffer between the parking lot and Jordan Creek, and reducing the impervious cover of the lot, both of which protect the creek from parking lot runoff. This development conforms to the existing uses of the neighborhood.

Yes. Staff finds that criterion 6 is met.

FINDINGS

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

Yes. Staff finds 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?*

N/A. 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?*

Yes. Based on the analysis above, staff has determined that the applicant has presented an argument that justifies the grounds for this Variance.

Criterion 1, 2, 3, 4, 5 and 6 are met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2014 0019. The Variance permit would allow for the reduction in required parking spaces from 93 to 62 for 42 units of low income senior housing and 8,000 square feet of retail/office space.