


MEMORANDUM

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

DATE: October 20, 2014

TO: Board of Adjustment

FROM: Eric Feldt, Planner II, CFM 
Community Development Department

FILE NO.: VAR2014 0024

PROPOSAL: A variance to increase the maximum height from 35' to 45' for a rooftop elevator/ stairwell enclosure of a new office building.

GENERAL INFORMATION

Applicant: MRV Architects

Property Owner: Ed Page

Property Address: 1050 Harbor Way

Legal Description: Lot 4 Block 51 Tidelands Addition

Parcel Code Number: 1-C06-0-K51-002-0

Site Size: 4,617 Square Feet

Comprehensive Plan Future Land Use Designation: Marine Commercial (MC)

Zoning: Waterfront Commercial (WC)

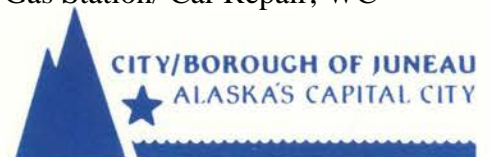
Utilities: Public Water & Sewer

Access: Harbor Way

Existing Land Use: Vacant

Surrounding Land Use:

North	- CBJ Statter Harbor
South	- US Forest Service; WC
East	- Egan Drive; Tesoro Gas Station/ Car Repair; WC
West	- Gastineau Channel



VICINITY MAP



ATTACHMENTS

Attachment	A	Site Plan
Attachment	B	Building Plans
Attachment	C	Applicant's Narrative

PROJECT DESCRIPTION

The Marine Exchange of Alaska (MXAK) seeks to construct a new 3-story office building on a vacant lot next to the Juneau-Douglas Bridge near Harris Harbor in downtown Juneau. The building consists of a parking garage, two floors of office space above, and a small parking lot. A site plan and drawings of the project are provided under Attachments A & B, respectively.

The applicant has filed two variances for this project. The subject report addresses VAR2014 0024, which is needed to allow part of the building to exceed the 35-foot height restriction. The other variance is listed below:

- VAR2014 0022: A variance to reduce one side yard setback from 10' to 0' and another side yard setback from 10' to 5' for a new office building.

BACKGROUND

According to the Marine Exchange of Alaska's website (<http://www.mxak.org/>), the organization (MXAK) provides critical communications and information for marine vessels along the entire state's coastline during times of emergency navigation and response through utilizing satellite technology and base station remote telecommunications. MXAK will use the nearby US Forest Service dock will be used for boat access.

The lot has remained vacant for several years despite the approval of many projects such as a restaurant duplex. Some variances were obtained for those projects due to the size of the lot.

The lot is located in the Waterfront Commercial (WC) zoning district, which only allows land uses that are water-dependent, -related, or -oriented to the water or waterfront. Since the MXAK staff will use the nearby dock for their operations, it meets the WC qualification. The lot has access to City water and sewer, and direct access to the Gastineau Channel. Vehicle access to the site is from Harbor Way. This road also provides access to Statter Harbor and runs parallel with Egan Drive.

The site contains 4,617 square feet (10.5% of an acre). The lot is flat with a grassy lawn and small bushes and trees along the back, where the land drops steeply towards the tidelands.

ANALYSIS

The Land Use Code establishes a restriction on building height for the following reasons:

- 1) Creates a homogenous building massing for neighborhoods,
- 2) Lessens the creation of wind tunnels,
- 3) Lessens tall building's from shadowing adjacent properties,
- 4) Preserve the movement of light and air, and
- 5) Reduces hazards to aviation.

Per 49.25.420©(1), the Code exempts the following building elements from the height restriction: tanks, church spires, belfries, cupolas, monuments, fire and hose towers, chimneys, flagpoles, masts, aerials, antennas, telecommunication and electrical transmission towers and other similar structures or facilities. These lists elements do not provide enclosures for pedestrians. The building element in question is an enclosure for an elevator and stairwell which provides pedestrian access to the roof for MXAK operations testing. Therefore, CDD staff found it not exempted.

Several buildings in the downtown core have small pedestrian stairwell enclosures on the deck of the roof to allow access to the roof. The applicant's proposal provides the same element. This is a fairly common building design among many large buildings across the nation. However, the Land Use Code does not acknowledge this common practice.

Also, on the roof is a small, short mechanical enclosure that is less than half the footprint of the elevation/ stairwell space with a height of less than approximately five feet. This space is not designed for pedestrian access but instead to protect mechanical equipment from the weather. Therefore, the mechanical space is exempt from the height restriction.

The Variance will allow the MXAK to have a stairway roof access enclosure atop of a new office building with a height of 45 feet. This will exceed the 35-foot height maximum by 10 feet. This roof access is necessary for the owner to transport equipment up to the roof. According to the applicant, using alternative roof opening, such as a roof hatch, would not meet this spatial need. The size of this space is approximately 14' x 16', with a height of approximately 12 feet, as measured from the main roof deck. The applicant states that this enclosed space will have a minor visual impact to uses across Egan Drive. The quality design of the building will be an improvement to the area.

The buildings in the neighborhood consist of multiple stories. The buildings closest to the site are 2-stories height (US Forest Service and Juneau Electronic) and a small 1-story equipment building near the Harris Harbor parking lot. These are in the same zoning district as the subject site (WC). South of the bridge is the three-story Juneau Hotel building, also located in the WC district. Across Egan Drive is the 4-story Senior Housing facility, located in the D-18 district (35' height limit). Staff could not find any variances to height for the Senior Housing facility. The proposed 3-story building would complement the varied heights of buildings in the neighborhood.

PUBLIC COMMENT

As of the date of this report, staff has not received comments from the public.

OPTIONS

Option 1 – Approval

Under this option, the applicant can proceed to the Building permit process. This will allow the building to meet the owner's operational needs.

Option 2 – Deny

Under this option, the applicant would need to re-design the roof-top access enclosure to meet the height limit, or the enclosure is removed and the owner tests equipment elsewhere on the site. As stated by the applicant, either scenario is not preferred by the owner.

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.***

This criterion is met because the relaxation of the height limit from 35 feet to 45 feet for a elevator/ stairway enclosure will allow the owner to use the building to meet their operational needs. Consistency with justice to other property owners is met due to the fact that other buildings in the neighborhood exceed their corresponding 35-foot height limitation.

- 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.***

This criterion is not met because the preservation of safety for aviation is unknown at this time. The building will be located in a heavily used flight path along the Gastineau Channel and the applicant has not provided any information or data indicating the project will not interfere with aviation.

The intent of the height restriction is satisfied due to the following reasons: the space makes up only a fraction of the overall building massing, it is not large enough to cause overshadowing onto adjacent property, and blockage of light or air will be very minimal. The public welfare will be preserved with this project.

Staff solicited comments from the Juneau International Airport (JIA) manager, Patricia deLaBruere. As of the date of this report, comments have not been received.

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

This criterion is met because the size of building space exceeding the height restriction will not injure nearby property.

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

This criterion is met for the following reasons. The proposed facility uses remote telecommunication sites to aid in marine navigation, tests navigational equipment on the site, and uses the nearby US Forest Service dock for boat access. Therefore, this use is water-related and is consistent with allowed uses of the Waterfront Commercial district.

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

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

This criterion is not met. The applicant states the owner must have adequate opening space and an elevator to carry equipment up to the roof for testing. This is an integral part of the owner's operation. However, denying the Variance could result in either redesigning the 3-story building to a 2-story, whereby the elevator enclosure would be lower in overall height, or testing the equipment somewhere else on the site. In either case, the owner could use the property for a permissible principle use.

(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;*

This criterion is met because the project is similar in scale to the Senior Housing facility located across Egan Drive having the same height restriction. That facility exceeds the same height restriction.

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

This criterion is not met because the height Variance is needed for the owner's operation, not due to physical features of the site.

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.***

This criterion is not met because there are no non-conforming conditions on the site.

Criterion 5 is met because criteria 5(b) is met.

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

This criterion is not met because staff does not find that more benefits would result from approving the Variance than detriments to the neighborhood. With that said, staff understands that the owner will benefit from the approval of the Variance by allowing a design that meets their operational needs.

The applicant indicates that the elevator/ stairway enclosure will allow the project to move forward and will result in an improvement to the area. Further, the applicant states that the vacant lot detracts from the area and the project will greatly improve visual aspects of the immediate area and strengthen waterfront district community.

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?***

Not Applicable. The Juneau Coastal Management Program is not applicable to this Variance.

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

No. The project does not meet criteria 2 and 6; therefore, it does not satisfy Section 49.20.250.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2014 0024.

If the Planning Commission were to receive comments from the JIA manager and from local flight industries showing the request is not an aviation hazard, as well as make a new finding for criterion 6, staff does not recommend any conditions of approval.

As noted under Option 3, staff requests a discussion be held at a future Commission meeting from the Commission about roof-top access enclosures and height limitations.

VARIANCE APPLICATION

Project Number VAR20140024	Project Name (15 characters)	Case Number	Date Received 09/26/14
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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: Height increase for stairwell to roof.

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): _____

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

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

For a project of similar scope and scale to neighboring buildings, the height variance for roof access allows for an aesthetic and safe approach to roof access.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

The project owner would not be able to safely access the roof for general use and for use required by the business. Roof access provides increase use for outdoor equip. testing.

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	VARIANCE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>400.00</u>	<u>23421</u>		<u>9/25/2014</u>
	Adjustment	\$ _____			
	Total Fee	\$ <u>400.00</u>	<u>23429</u>	<u>CD55803</u>	<u>09/26/14</u>

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

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

Project Number VAR 20140024	CITY and BOROUGH of JUNEAU	Date Received: 09/26/14
Project Name (City Staff to assign name)		
Project Description New construction of business building in WC ZONE.		
PROPERTY LOCATION		
Street Address 1050 Harbor Way		City / Zip 99801
Subdivision (if known)	Survey (if known)	Block / Tract (if known) Lot (if known)
Assessor's Parcel Number (if known)		
LANDOWNER/LESSEE		
Property Owner's Name Ed Page <input type="checkbox"/> Contact by E-Mail: edpage@mxak.org		Contact Person Zane
Mailing Address		Work Phone No. 321-2651
		Home Phone No. FAX No.
LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)		INITIAL ALL THAT MAY APPLY
I am (we are) the owner(s) or Lessee 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.		APPLICATION TYPE OWNER'S INITIALS
<input checked="" type="checkbox"/> Landowner/Lessee Signature [Signature] Date 9/26/2014		ALLOWABLE USE
<input checked="" type="checkbox"/> Landowner/Lessee Signature _____ Date _____		CONDITIONAL USE
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 and may do so during the weekend before the scheduled public hearing date.		VARIANCE
		DESIGN REVIEW
		SUBDIVISION
		OTHER:
APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)		
Applicant's Name MRV Architects <input type="checkbox"/> Contact by E-Mail: zane@mrvarchitects.com		Contact Person Zane
Mailing Address		Work Phone No. 586-1371
		Home Phone No. FAX No.
<input checked="" type="checkbox"/> Applicant's Signature [Signature]		<input checked="" type="checkbox"/> Date of Application 9/25/2014

(OFFICE USE ONLY BELOW THIS LINE)

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		
<input checked="" type="checkbox"/>	VARIANCE		09/26/14	VAR 20140024		GRADING PERMIT		
	DESIGN REVIEW APPROVAL	MINOR MAJOR				DRIVEWAY PERMIT		
	SUBDIVISION	MINOR MAJOR PUD				RIGHT-OF-WAY PERMIT		
	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 ESF		
Zone		Total Lot Area		Required Setbacks				
				Front _____ Back _____ Side _____ Other _____				
COMMENTS:								

NOTE: DEVELOPMENT PERMIT APPLICATION FORM MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

MRV ARCHITECTS

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

Project: **Marine Exchange Building**

To: CBJ Board of Adjustment, Planning Commission

By: MRV Architects; Zane Jones

Date: September 25, 2014

MRV 1414

MRV Architects is working with the Marine Exchange of Alaska to design conceptual options for a new office facility located on their property at 1050 Harbor Way, a small waterfront lot located at the southeast edge of Harris Harbor.

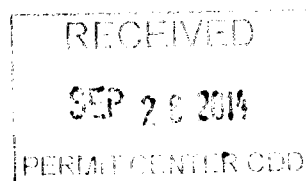
The intent of this letter is signify consent, that MRV Architects PC may act as the "Owner's Representative" in matters of variance applications that the project may require.

Project Owner:

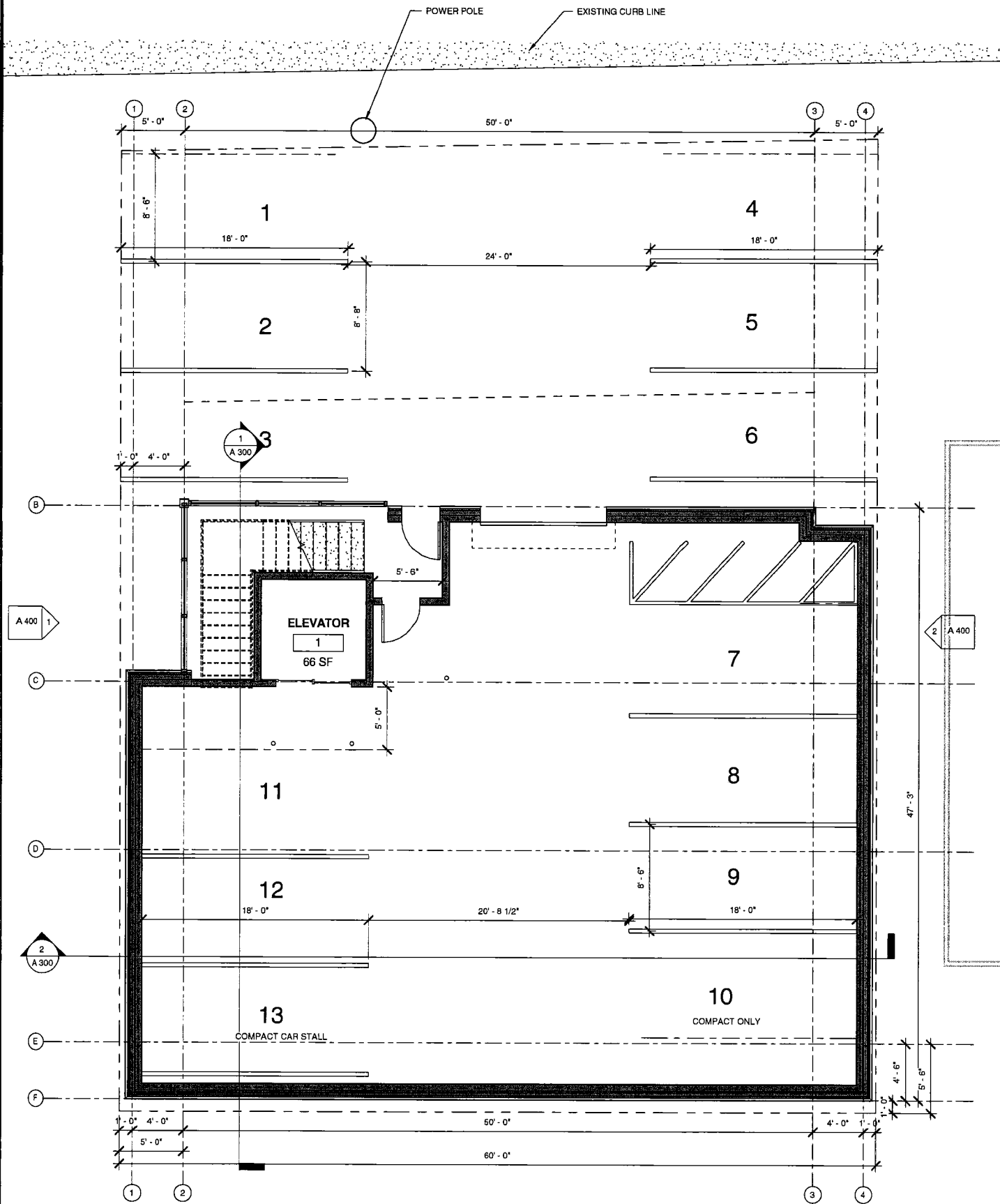
Ed Page

Project Representative

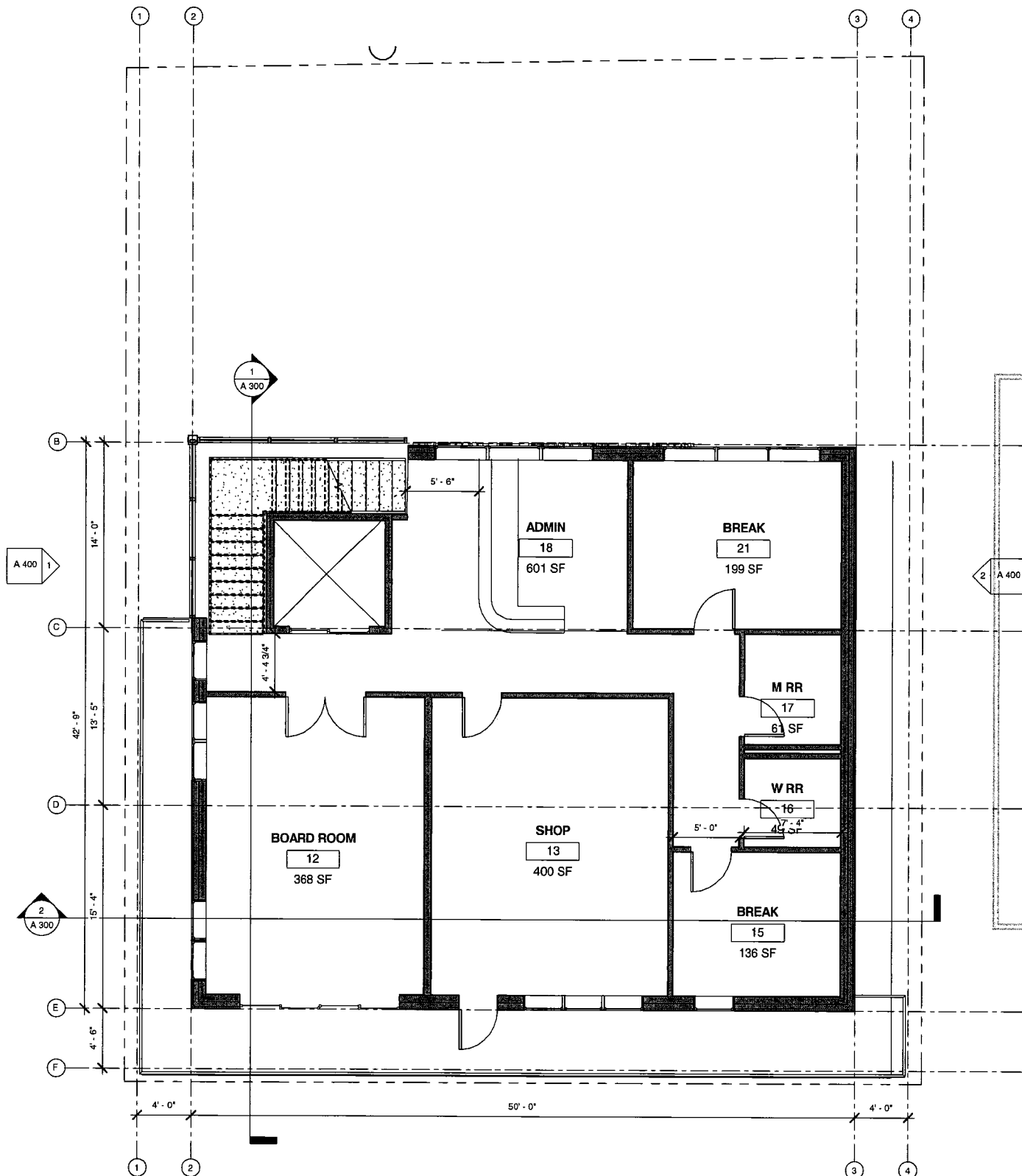
Zane Jones, MRV Architects.



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1 LEVEL 1
3/16" = 1'-0"



2 LEVEL 2
3/16" = 1'-0"

ATTACHMENT A

NOTE: 11"x 17" PRINT IS HALF SIZE



MRV ARCHITECTS
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907-586-1371
FAX 907-463-5544
mrv@mrvarchitects.com

MRV 1414

CONCEPTUAL DRAWINGS MARINE EXCHANGE BUILDING

for
Owner

No.	Description	Date

SHEET TITLE:
FLOOR PLANS

DATE: 08/20/12
SCALE:
DRAWN: mv
CHECKED: PV

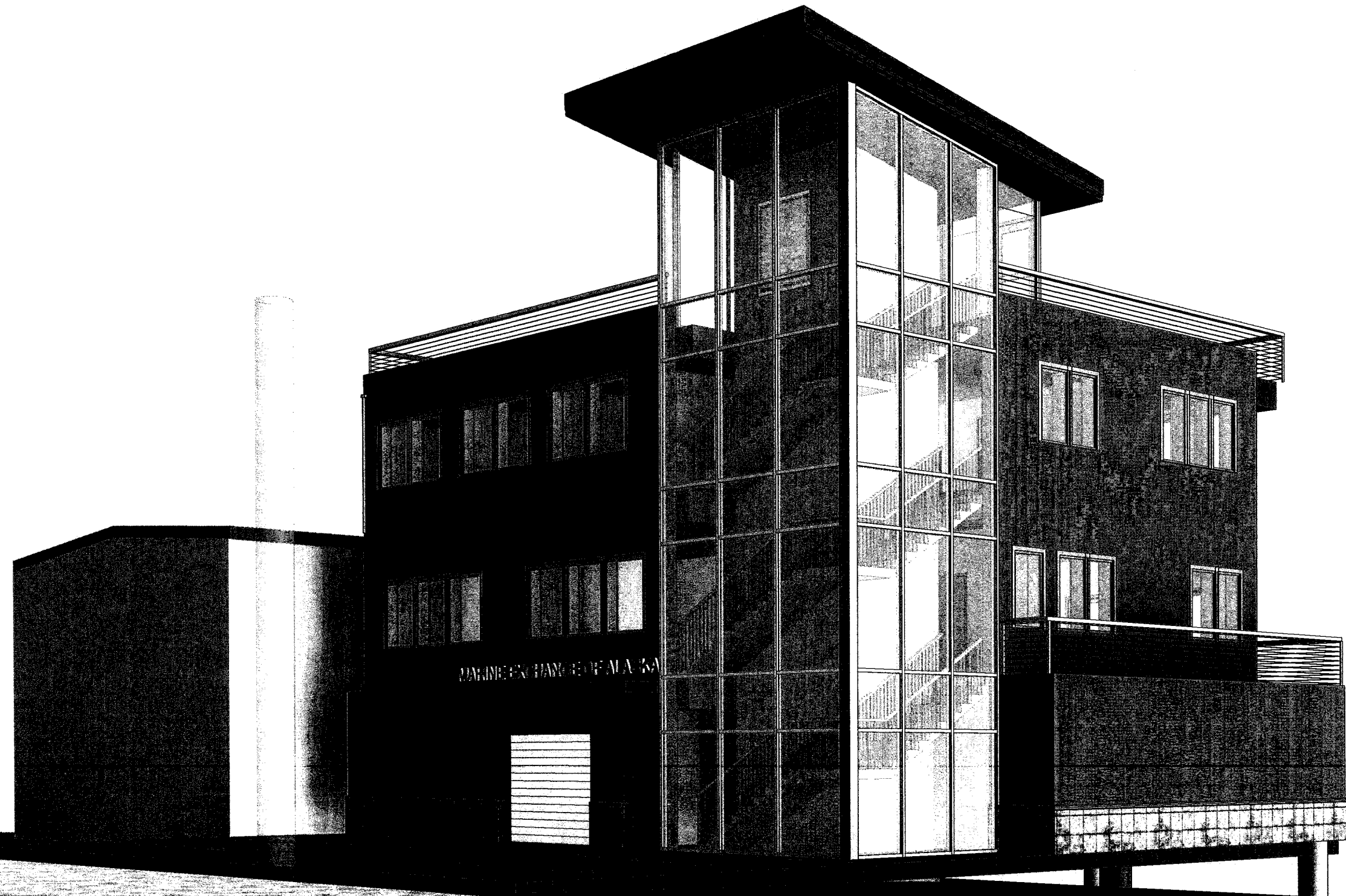
SHEET NO.

A 201

MARINE EXCHANGE BUILDING

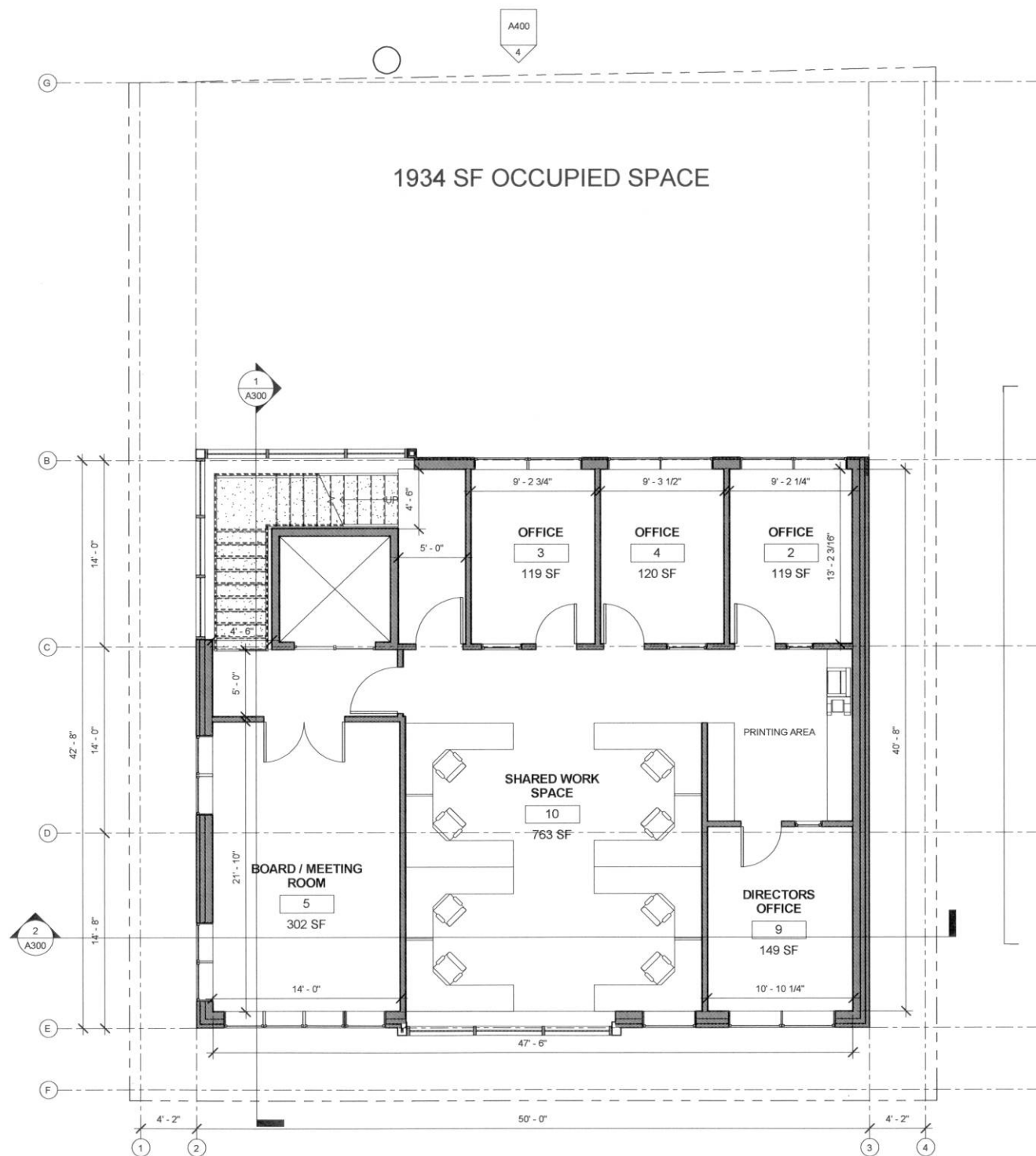
For
Marine Exchange

CONCEPTUAL DRAWINGS
SEPTEMBER 2014

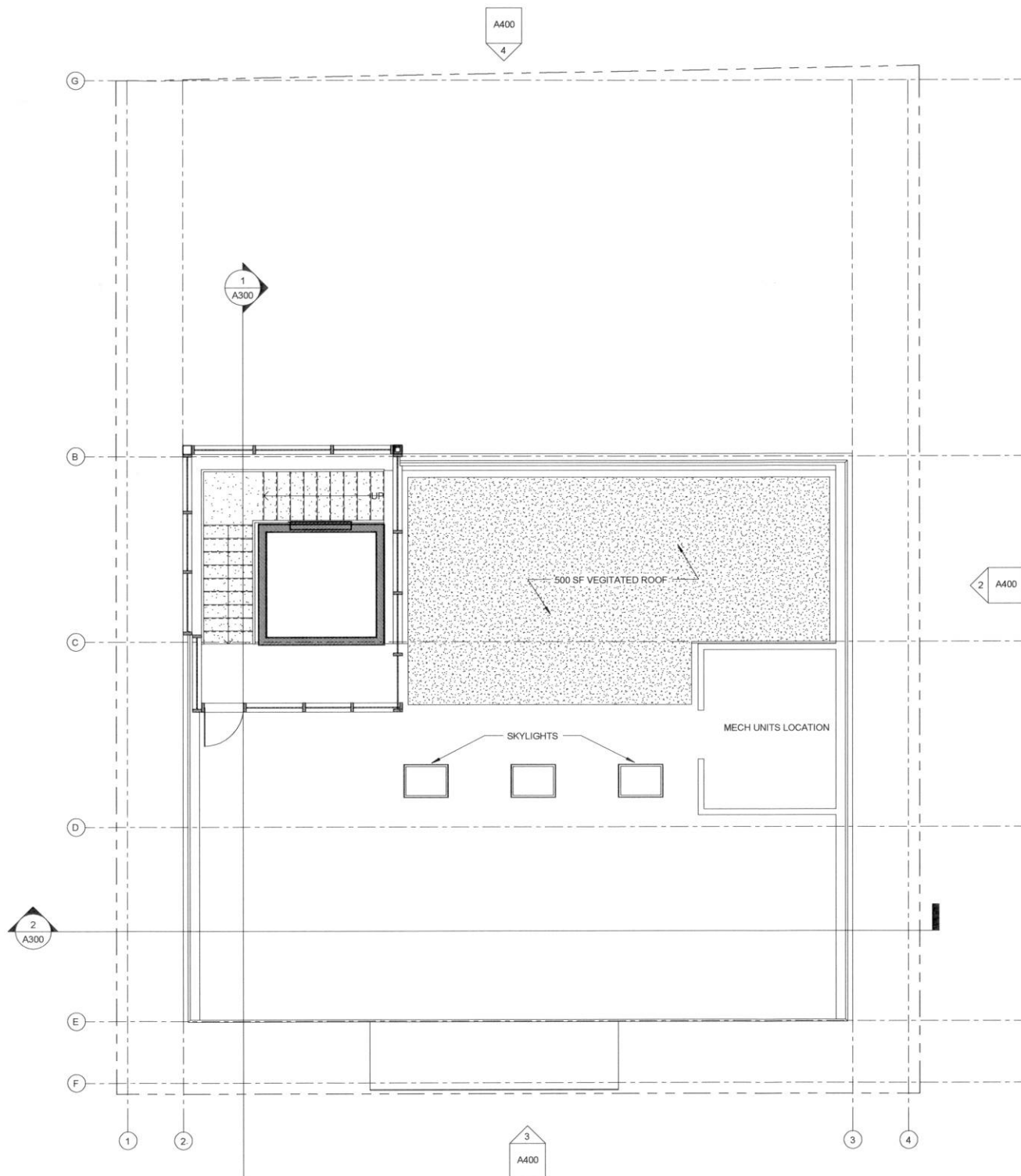


ATTACHMENT B

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1 FLOOR 3
3/16" = 1'-0" 0' 2' 4' 8'



2 ROOF PLAN
3/16" = 1'-0" 0' 2' 4' 8'



MRV
ARCHITECTS
ARCHITECTURE PLANNING INTERIORS

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mrv@mrvarchitects.com

MRV 1414

CONCEPTUAL DRAWINGS
for
Owner
MARINE EXCHANGE BUILDING

No.	Description	Date

SHEET TITLE:
FLOOR PLANS

DATE: 08/20/14
SCALE:
DRAWN: ZJ
CHECKED: PV

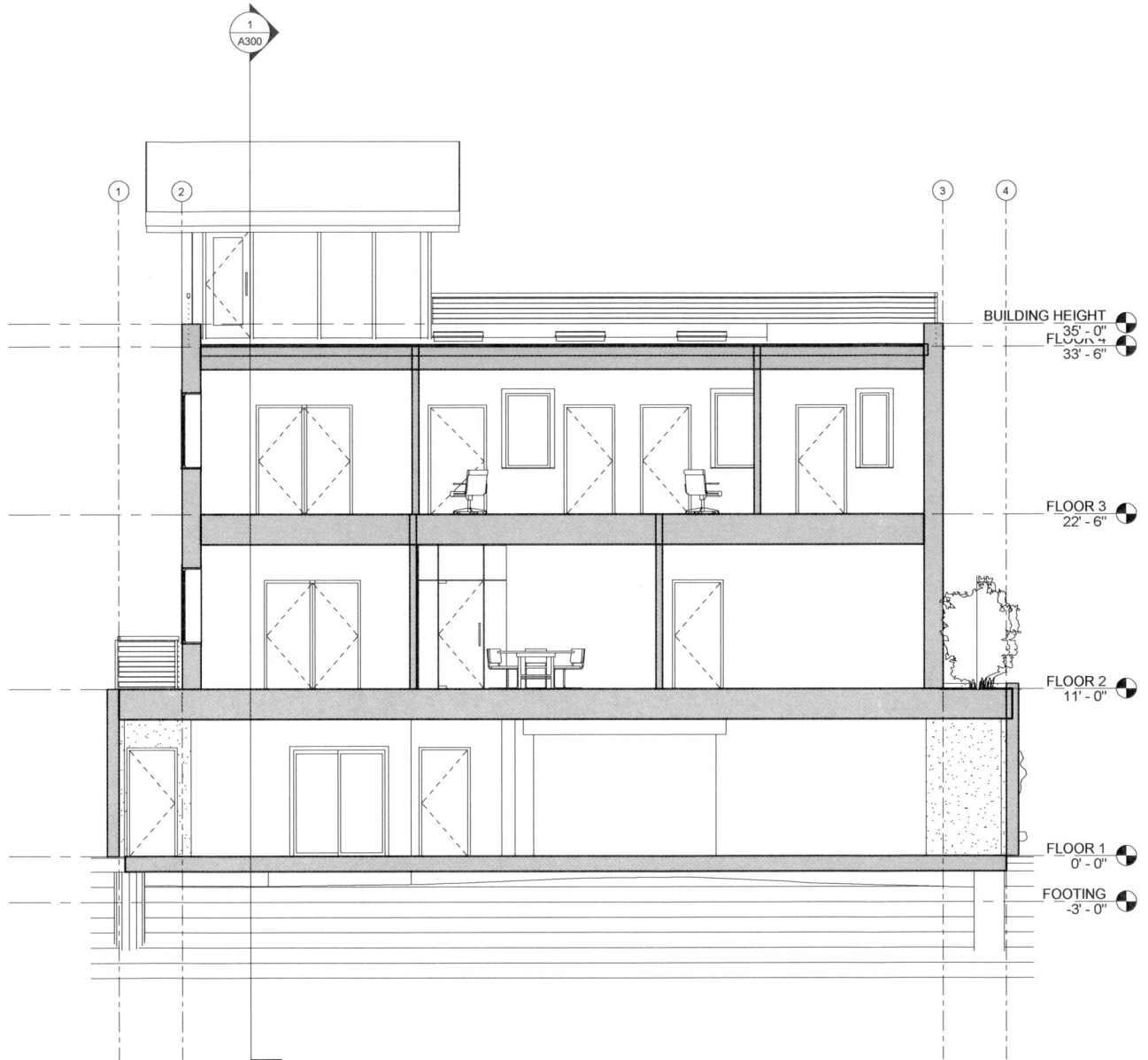
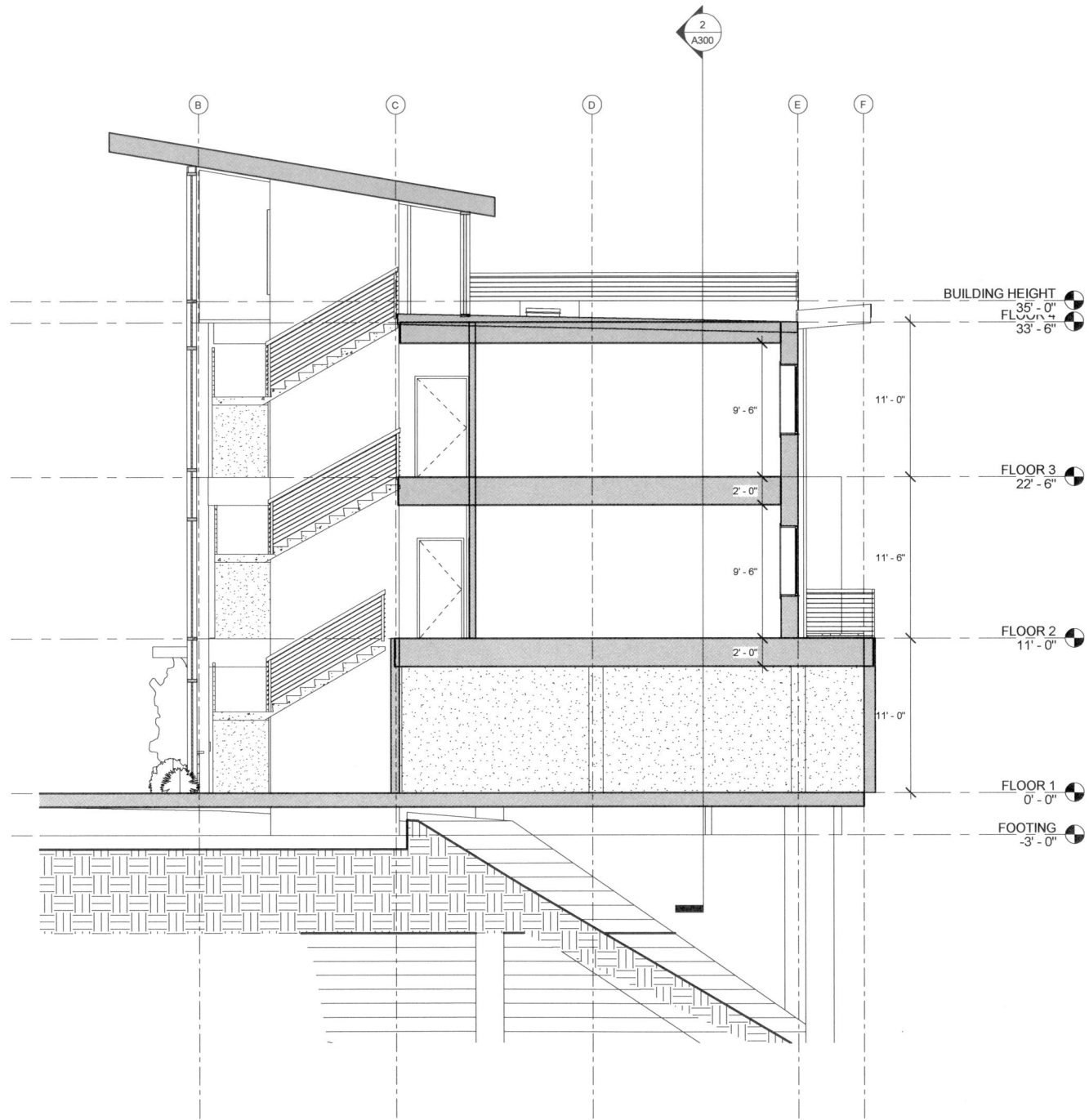
SHEET NO.

A202



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NOTE: 11"x 17" PRINT IS HALF SIZE



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MRV 1414

CONCEPTUAL DRAWINGS
for
MARINE EXCHANGE BUILDING
Owner

No.	Description	Date

SHEET TITLE:
SECTIONS

DATE: 08/28/12
SCALE:
DRAWN: ZJ
CHECKED: PV

SHEET NO.

A300

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MRV
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MRV 1414

CONCEPTUAL DRAWINGS
for
MARINE EXCHANGE BUILDING
Owner

No.	Description	Date

SHEET TITLE:
ELEVATIONS

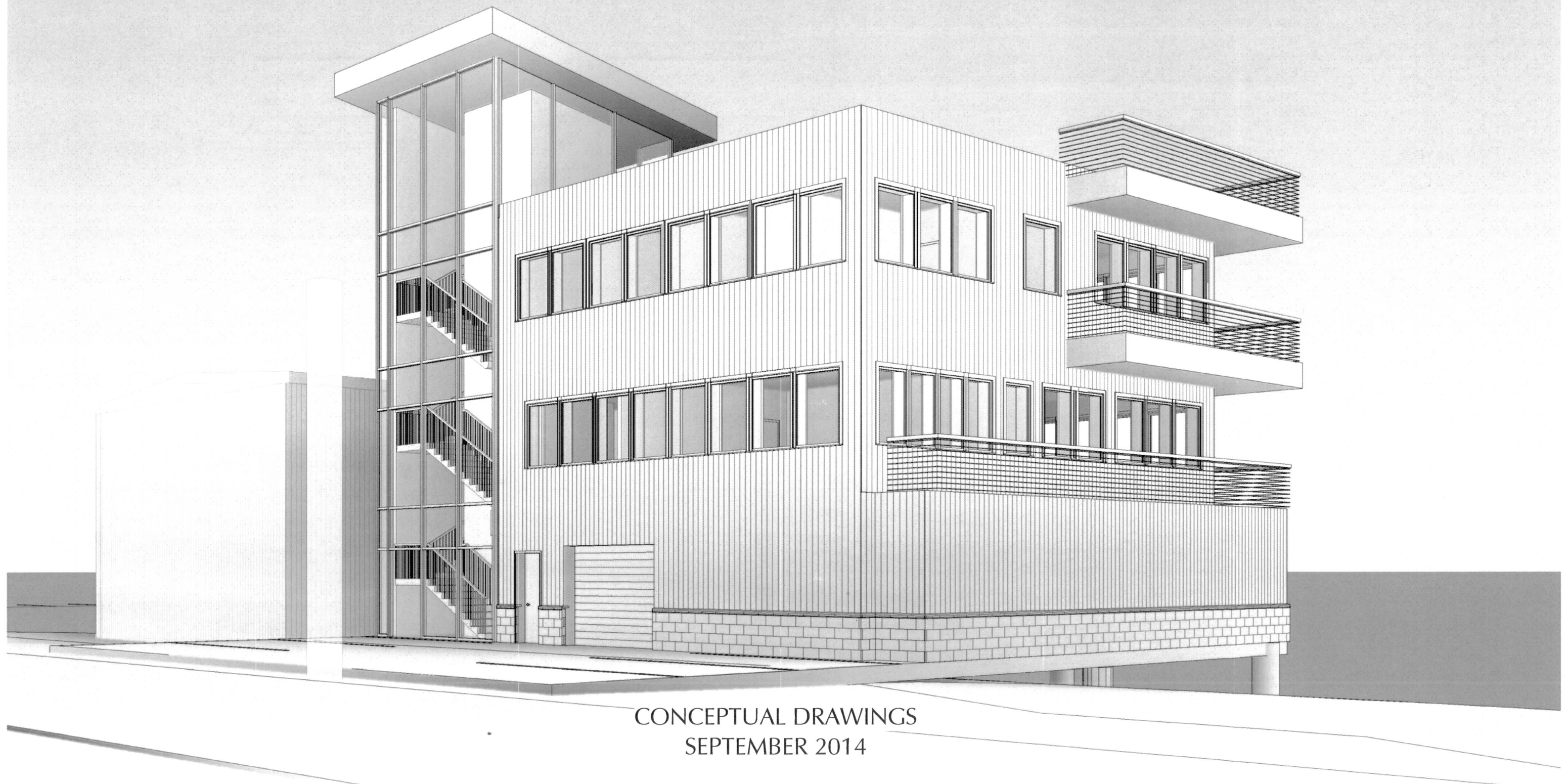
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SHEET NO.

A400

MARINE EXCHANGE BUILDING

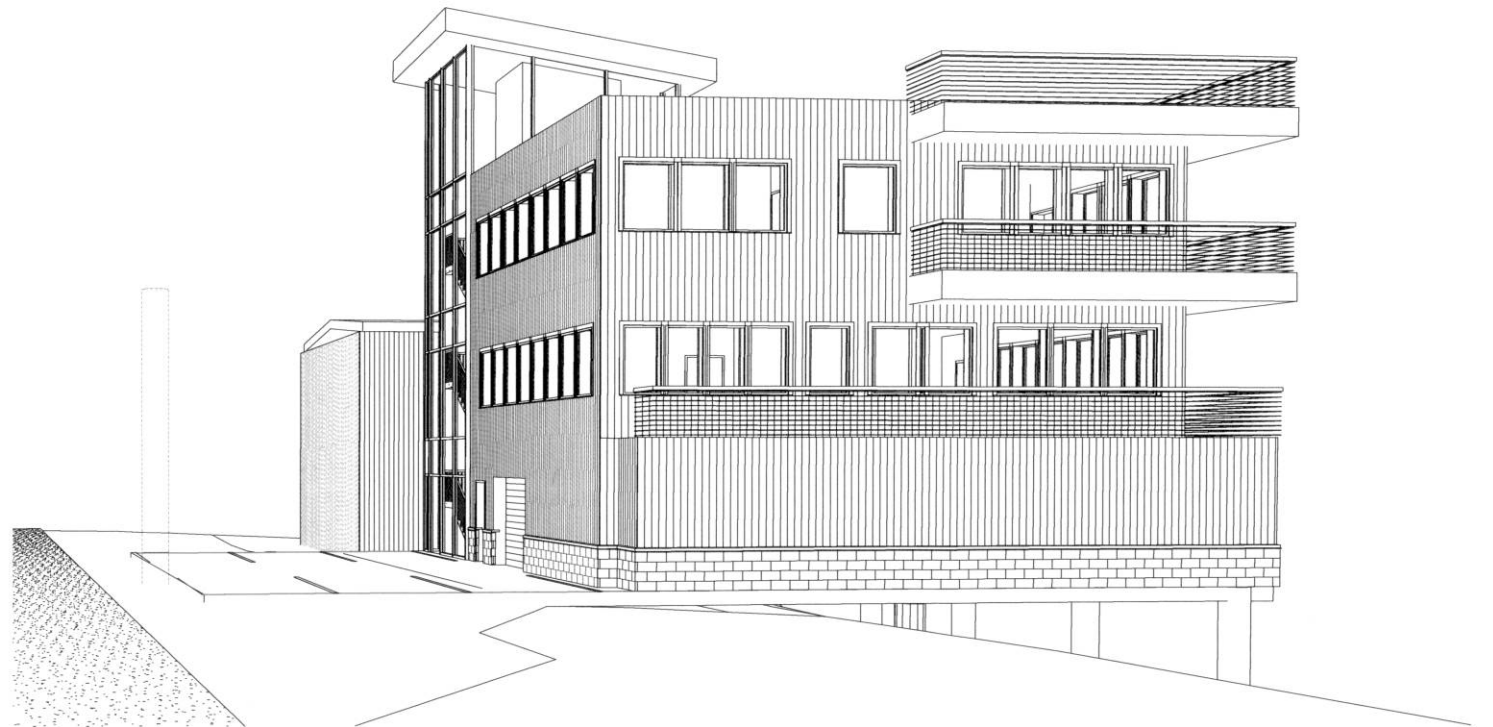
For
Marine Exchange



CONCEPTUAL DRAWINGS
SEPTEMBER 2014

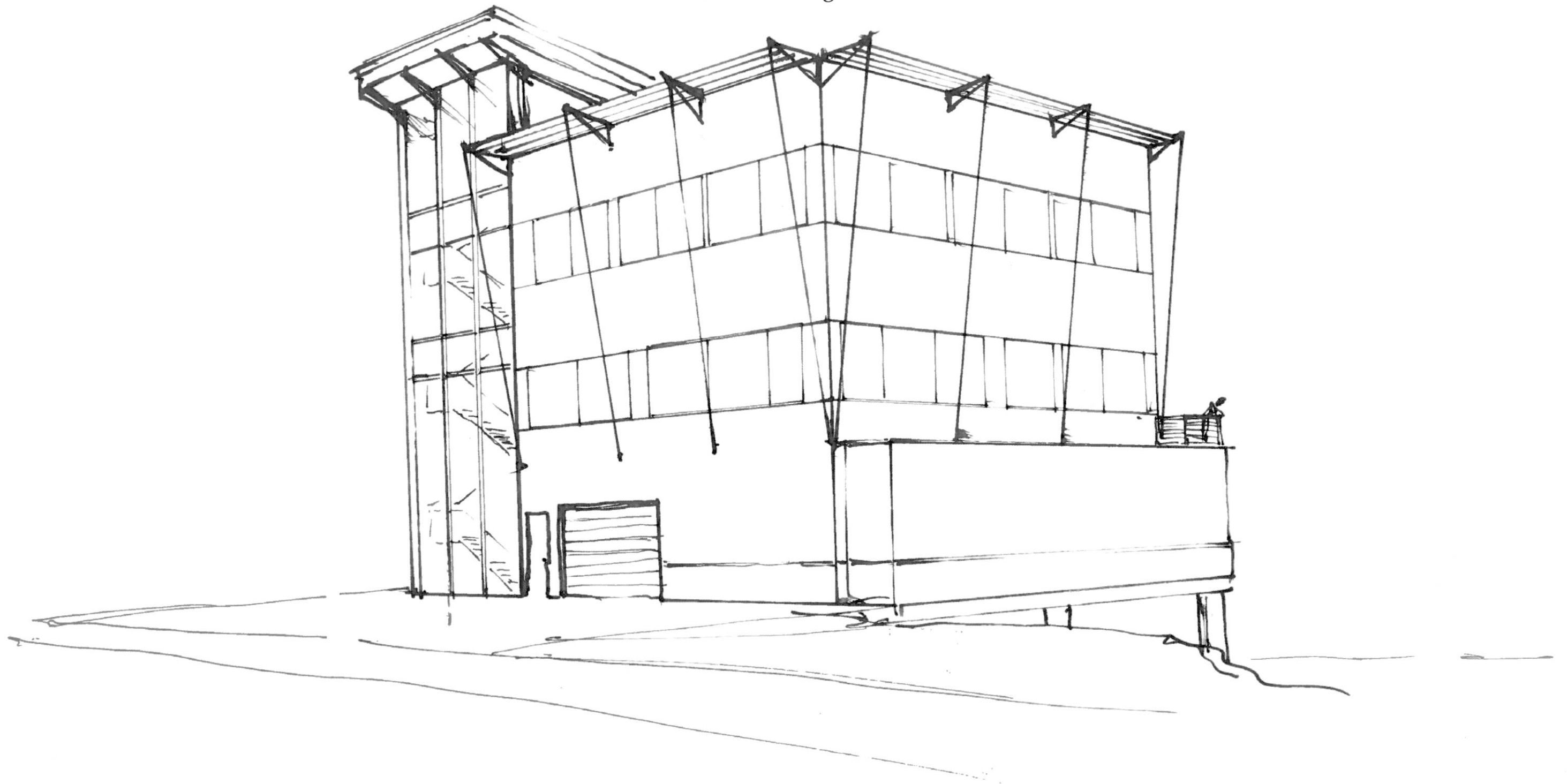
MARINE EXCHANGE BUILDING

For
Marine Exchange



MARINE EXCHANGE BUILDING

For
Marine Exchange



CONCEPTUAL SKETCH

MRV ARCHITECTS

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

Project: **Marine Exchange Building**

To: CBJ Board of Adjustment, Planning Commission

By: MRV Architects; Zane Jones

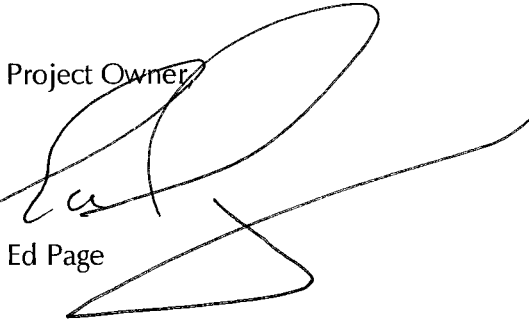
Date: September 25, 2014

MRV 1414

MRV Architects is working with the Marine Exchange of Alaska to design conceptual options for a new office facility located on their property at 1050 Harbor Way, a small waterfront lot located at the southeast edge of Harris Harbor.

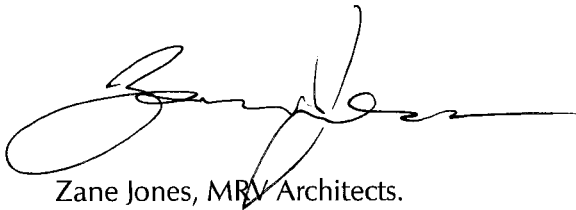
The intent of this letter is signify consent, that MRV Architects PC may act as the "Owner's Representative" in matters of variance applications that the project may require.

Project Owner:

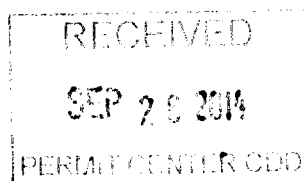


Ed Page

Project Representative



Zane Jones, MRV Architects.



ATTACHMENT C

MRV ARCHITECTS

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

Project: Marine Exchange Building

To: CBJ Board of Adjustment, Planning Commission

By: MRV Architects; Zane Jones

Date: September 25, 2014

MRV 1414

MRV Architects is working with the Marine Exchange of Alaska to design conceptual options for a new office facility located on their property at 1050 Harbor Way, a small waterfront lot located at the southeast edge of Harris Harbor.

The new proposed project is a three-story facility with enclosed parking on the ground level, and two levels of office space above providing the primary office for the Marine Exchange. It is similar in scale to neighboring buildings, and is fitting for the Waterfront Commercial zoning district.

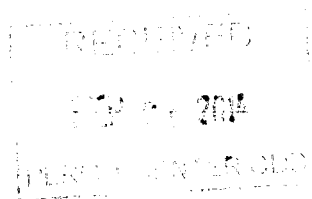
Only two other lots have frontage on Harbor Way, an adjoining US Fish and Wildlife support building, and Juneau Electronics (where the Marine Exchange currently rents space). Each building is constructed with 5' side yard setbacks. The lot to be developed abuts the U.S. Fish and Wildlife building on its Southeast side, and Harris Harbor parking on its Northwest side.

It is proposed that the stairwell extends up to provide roof access. The roof is intended to be an active work space for testing and monitoring apparatus supporting the Alaska Maritime Center functions, and is below the allowable height. This stairwell extension violates the 35' height limitation, but is similar to exemptions from such limitation per 49.25.420 (c)(1) which among other things, exempts fire and hose towers, and cupolas from height limits.

The building is intended to show-case quality design, with positive visual and functional attributes on this important waterfront site. It is hoped that the CBJ will help facilitate the development of this physically constrained site, with support of the identified variance(s). The solution as proposed will offer many positive benefits to the community, with little or no negative impacts.

Sincerely,

Zane Jones
MRV Architects



Variance Approval Criteria; Height Increase

1. *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.*

Roof access is required for this project. The intent is to meet this requirement in a safe, comfortable and functional manner for occupants. Roof hatches are not appropriate for the needs of this project. The exceeded height would be an architectural element of the building, and treated with aesthetic care.

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

This element would greatly improve the health and safety of those accessing the roof. The stairwell provide enclosed and safe access to the roof.

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

No injury is foreseen for neighboring properties. Minor visual impact will be felt from across the street, however, the improved appearance of the lot is arguably an improvement in the area. The existing telephone poles already impact the views.

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

All uses proposed are allowed in the waterfront commercial district.

5. *Compliance with the existing standards would:*

(A) Unreasonably prevent the owner from using the property for a permissible principal use; As stated above, frequent roof access is required for the business, and roof hatches or other forms of access are much more difficult and unreasonable for the business.

(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 proposed building scale is similar in scale to nearby buildings and amenities. See attached plans, the impact is small in scale in the overall scheme, and will be an architectural element in the building.

(C) *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards 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, title 49, or the building code, title 19, or both; or*

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

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ATTACHMENT C

The neighborhood/district would greatly benefit from the proposed project and variance approval. Currently, the undeveloped lot detracts from the area. The proposed project will greatly improve the visual aspects of the immediate area, and the marine use of the project strengthens the waterfront district community overall. If granted, the height increase will be treated minimally, and with aesthetic care.

