Agenda

Planning Commission - Special Meeting
City and Borough of Juneau

February 4, 2020
Assembly Chambers
6:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

A. VAR2019 0005: A Variance Permit to reduce the parking requirement to zero - DENIED

XI. OTHER BUSINESS

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

XIV. LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. ADJOURNMENT

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: January 22, 2020

TO: Board of Adjustment

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: VAR2019 0005

PROPOSAL: A non-administrative variance to reduce the off-street parking requirement to zero in association with USE2019 0021, a proposed two (2) two-story commercial mixed-use development

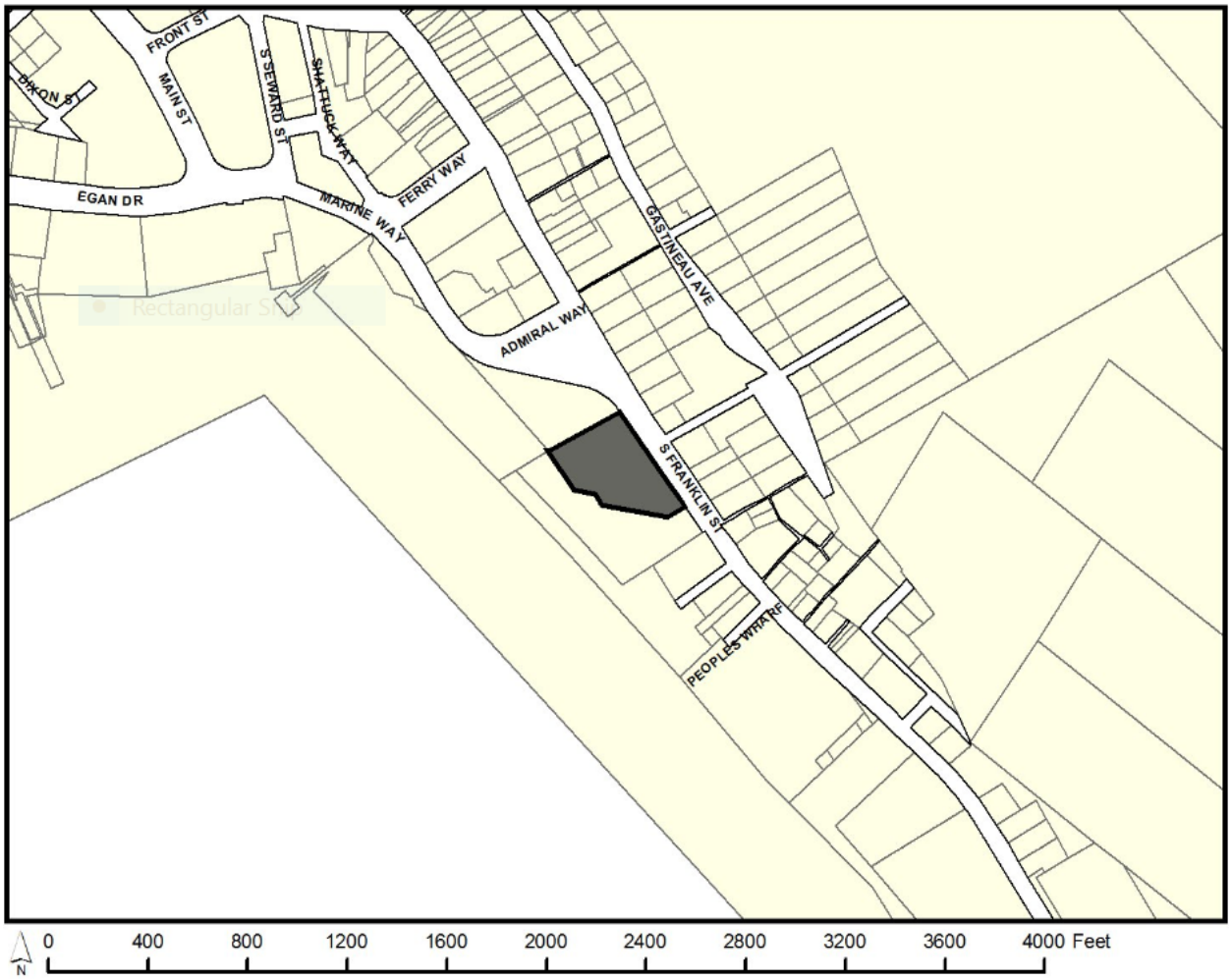
GENERAL INFORMATION

Applicant:	Tiland/Schmidt Architects, P.C.
Property Owner:	Archipelago Properties, LLC
Property Address:	365 S. Franklin Street
Legal Description:	Lot 1A Archipelago
Parcel Code Number:	1C070K830022
Site Size:	33,875 square feet
Comprehensive Plan Land Use Designation:	Marine Commercial
Zoning:	Waterfront Commercial
Utilities:	City water and sewer
Access:	South Franklin Street
Existing Land Use:	Vacant

Surrounding Land Uses:

North - Library and Parking Garage; Waterfront Commercial
South - Retail; Waterfront Commercial
East - South Franklin Street; Mixed Use
West - Cruise ship dock; Waterfront Commercial

Vicinity Map



ATTACHMENTS

Attachment 1 Development Permit Application
Attachment 2 Variance Application
Attachment 3 Variance Project Narrative
Attachment 4 Site plan

Attachment 5 PD-1 and PD-2 Parking District Map
Attachment 6 Fee in-lieu of Parking District Map
Attachment 7 Subdivision plat 2019-19
Attachment 8 Flood Zone map
Attachment 9 Hazard Map Amendment Notice of Decision
Attachment 10 Public Comment

PROJECT DESCRIPTION

The applicant requests a variance to reduce the parking requirement from 80 spaces to zero spaces for a proposed two (2) two-story commercial mixed-used buildings on the downtown waterfront. This development is concurrently under review as USE2019 0021.

Because the leasing arrangements for the two buildings are not final, the applicant has provided two scenarios for building usage, Option A and Option B. The parking requirement and variance analysis is based on Option B with the highest parking requirement of 80 spaces, versus Option A which is 60 spaces. Parking requirements are listed in CBJ Code 49.40.210.

Per CBJ 49.40.210(a), the parking requirement of 80 off-street parking spaces, Option B, is based on the following calculation:

- Building A. 7,775 square feet retail (1 space/300 square feet); 7,534 square feet restaurant (1 space/200 square feet)
- Building B. 7,694 square feet retail; 7,669 square feet office (1 space/300 square feet)
- Subtotal: 114 off-street parking spaces
- Final Total: 80 off-street parking spaces, which includes a 30 percent reduction because the property is located in the PD-2 parking district (Attachment 5)

Option A with a parking requirement of 60 off-street parking spaces, which is not evaluated in this application but included for reference, is based on the following calculation:

- Building A. 7,775 square feet retail (1 space/300 square feet); 7,534 square feet storage (1 space/100 square feet)
- Building B. 7,694 square feet retail; 7,669 square feet office (1 space/300 square feet)
- Subtotal: 84 off-street parking spaces
- Final Total: 60 off-street parking spaces, which includes 30 percent reduction because the property is located in the PD-2 parking district (Attachment 5)

The applicant has also included the parking numbers for the PD-1 parking district, which allows a 60 percent parking reduction. Those numbers are 46 spaces for Option B and 34 spaces for Option A.

The parking plan must include a minimum of one loading space, and four accessible spaces as

required per CBJ 49.40.210(b) and (c). The Project Narrative and site plan includes one loading space on the southeast side of the development, and no accessible parking spaces as shown in Attachment 4.

BACKGROUND

The proposed development is concurrently under review as USE2019 0021. The USE staff report includes additional history regarding public meetings on the development and the adjacent CBJ transportation staging area and public restrooms. The CBJ facility was approved as USE201800015/CSP20180010 on November 15, 2018. The full background information is not repeated here because it is not relevant to the parking variance analysis.

ANALYSIS

In the Project Narrative, Attachment 3, the applicant has provided a number of reasons to justify the variance, including financial hardship, parking variances issued to neighboring properties, and conformance with Historic District Standards. These arguments are reviewed below, followed by a discussion of the hardship language in the Variance Criteria [CBJ 49.20.250(b)].

Neighboring Properties

The applicant has provided information on four properties in the PD-2 parking district considered to be similar to the Archipelago property, noting that in each case a variance was granted to reduce the parking requirement to the PD-1 standard. The PD-2 district allows a 30 percent parking reduction while PD-1 offers a 60 percent reduction. If the Archipelago development was granted a similar reduction to the PD-2 standard, the parking requirement would be 46 off-street parking spaces instead of 80. To be clear, this is the number based on Option A with the highest parking requirement, since final lease arrangements are unknown at this time.

The applicant has also explained that, while some customers and employees may arrive by bus, taxi, or ride-share, most of the customers and employees associated with retail establishments in this vicinity arrive by foot; these arguments have been used as justification for variances in the past. The applicant argues that the Archipelago Center's nearest competitors will be similar retail businesses that did not have to provide parking when they were built.

Staff notes that these variances were granted before the variance criteria were substantially revised in the CBJ Land Use Code in 2018. The existing non-administrative variance ordinance states that the property must have unusual or special conditions existing on the property, and that these conditions may not be created nor caused by the person seeking the variance. Furthermore, the variance goes with the land, not the use.

Because the criteria have changed, staff has not researched these cases in entirety. It appears that in the variances granted throughout the mid-1990s to the early 2000s that staff reviewed, the applicants were frequently granted approval to reduce the parking requirement from the PD-2 standard to the PD-1 standard. (Records do not indicate variances of this type in recent years.) The Board of Adjustment's decisions gave consideration of the following alternatives or mitigation to off-street parking requirements including:

- Extend the distance that off-street parking could be created to a distance greater than 500 feet (500 feet is the current distance permitted);
- Share loading spaces with adjacent property;
- Provide shuttle service for employees;
- Provide on-site covered and secured bicycle storage;
- Require early morning deliveries; and
- If in the future a fee-in-lieu option became available, CBJ was authorized in at least one variance to have the applicant participate in the program (VAR2006-00031 approved September 27, 2006). Staff notes that the Downtown Fee-in-Lieu of Parking District Map was adopted October 30, 2006.

The applicant states that requiring 46 off-street spaces under the PD-1 standard is also impractical, and would negatively impact the character of the Historic District and its pedestrian orientation. The Historic District extends into the first 40 feet of the property from the sidewalk. Historic District Standards and Guidelines (04 CBJAC 080) will be addressed in a later section.

Financial Hardship

Fee-in-lieu of parking is an option in both the PD-1 and PD-2 Parking Districts. The current fee-in-lieu rate is $10,805 for a commercial parking space. The established parking requirement of 80 spaces could therefore be addressed with an $864,400 fee-in-lieu payment. At the PD-1 adjustment to 46 off-street spaces, this figure would be $497,030.

The applicant states that this option is "onerous and discriminatory." The applicant, however, has not reviewed options for reducing the size of the buildings, or reconfiguring the shape of the buildings, to allow for any number of off-street parking spaces. Such options could allow some level of accommodation for the parking requirement. For example, if the applicant accommodated 10 off-street parking spaces on site, the fee-in-lieu payment would be reduced to $756,350, or $388,980 if the PD-1 adjustment was used. The applicant has not offered any site plan adjustments to address parking requirements or to reduce fee-in-lieu payments. The Variance criteria interpretation of hardship will be addressed in the final section of the analysis.

Other Options Considered

The applicant describes other options in the Project Narrative. CBJ Code allows parking

requirements to be met on off-site locations within 500 feet of the site. According to the applicant, no off-site locations are available for the Archipelago development. The applicant also notes that shuttle services to other off-site locations have been previously approved. The applicant questions whether those shuttle services are currently operating. Again, staff has not researched those developments because the information is not relevant to the current Variance criteria. As previously noted, the applicant has not reviewed options for reducing the size of the buildings, or reconfiguring the site layout, to allow any off-street parking spaces. The Variance request is for zero off-street parking spaces, except for the loading zone.

The applicant has also argued that, because the property does not directly abut the shoreline (a section of CBJ property follows the western edge along the waterfront), the site is improperly zoned Waterfront Commercial, should be part of the MU (Mixed Use) zoning district instead, and therefore should be regulated differently. The applicant states that the special condition of the property is the Waterfront Commercial zoning in the Mixed Use environment.

Pre-application notes from the Conditional Use Permit show that the applicant considered applying for a re-zone of the property to address this concern, but did not complete the rezone application in either the July or January application periods. The parking requirements for Mixed Use and Waterfront Commercial, however, are the same; CBJ Code 49.40.210 does not distinguish between zoning districts, only use.

Downtown Historic District Standards and Guidelines

The applicant cites the expectation to comply with Downtown Historic District Standards and Guidelines as an impediment to compliance with parking standards, and specifically states that the parking requirement is inconsistent with Historic District standards. Historic District standards, however, do not include parking requirements, only recommendations and guidelines regarding placement and screening. These recommendations are noted in Chapter 7, Design Guidelines for New Construction. The guidelines recommend that development should "*maintain the alignment of buildings at the sidewalk edge and that street facades should span lot widths."* Chapter 9, Design Guidelines for Parking Facilities, further states that "surface parking should be located in the interior of a block whenever possible" and recommends a visual buffer where surface lots abut sidewalks. Again, these are guidelines and do not supersede the specific requirements of the CBJ Land Use Code.

The site plan and the applicant's Conditional Use Permit Project Narrative demonstrate that the applicant has followed these setback guidelines only when possible, as shown with the zero foot front setback for Building B. The front setback for Building A, as well as the side yard setbacks and rear-yard setback, all follow the Waterfront Commercial setback requirements of 10 feet.

The Downtown Historic District Standards and Guidelines are not unique to the subject property. Historic District standards are recommendations and not requirements. Finally, the applicant has

not followed these standards except for the Building B zero-foot front setback.

Hazard Designations

The flood zone map in Attachment 8 indicates that the property is adjacent to a Velocity flood zone, but not located within one. A small portion of the development is located seaward of the mean high water line. FEMA and CBJ regulations (CBJ 49.70.400) prohibit habitable development seaward of the mean high water line, using the FEMA definition of development. This restriction prohibits development on a small area of the property estimated by the applicant to be 759 square feet. Furthermore, most, if not all, of this area lies within the 10-foot rear yard setback where structures are already prohibited. While a full survey of the mean high water line is not available for all downtown properties, it is reasonable to assume that the mean high water line extends at least partially into most waterfront (and waterfront adjacent) properties in some amount. This restriction is therefore not unusual, and in this particular situation affects only a small portion of the property.

In addition, the property was originally located within a Moderate Hazard Zone. Development in Moderate Hazard zones come with additional development restrictions, due to the risk to life and safety from landslides and avalanches. This designation, however, was eliminated through the Hazard Map amendment process (case AME2018 0010 with a Notice of Decision issued on August 14, 2018, Attachment 9.)

Non-Administrative Variance Criteria on Hardship [CBJ 49.20.250(b)]

A Variance is an allowance to violate a law. A Variance excuses a landowner from having to comply with zoning regulations that other landowners in the same zoning district must abide by. The Variance criteria emphasize that the deviation from code requirements must be based on undue hardship resulting from **unusual or special conditions of the property**, and the unusual conditions must not be created by the property owner.

A hardship exists when it is unusually difficult for a landowner to comply with regulations because of the peculiarity of the property. In order to justify granting a variance, an undue hardship must first be found to exist, and secondly the variance must be narrowly tailored to relieve that hardship and nothing more.

The proposed development is located on a flat lot of 33,875 square feet within the Waterfront Commercial zoning district. The development meets the lot width and lot depth requirements for the district, and greatly exceeds the minimum lot size of 2,000 square feet. The lot was created in 2019 as shown in Attachment 7. As described previously, the lot is not within any hazard zones and has no remarkable features.

Financial hardship is not considered an undue hardship in this case because it is not tied to

unusual or special conditions of the property. The variance is focused on the land and its physical features because a variance runs with the land.

In addition, no evidence indicates that the applicant has tailored the variance to relieve the stated financial hardship. The applicant has not adjusted the building size or configuration to provide any parking on-site, nor has the applicant offered any fee-in-lieu payment to cover any number of parking spaces. This presumes that the fee-in-lieu option of paying for one parking space at $10,805 is considered a financial hardship, as well as the fee of $864,400 to compensate for all spaces, or $497,030 spaces at the PD-1 parking reduction of 60 percent.

Variance Criteria on Public Health, Safety, and Welfare

The variance criteria require a determination of whether the Variance will be detrimental to the public health, safety, and welfare.

The PD-2 Parking District, with its 30 percent reduction in the off-street parking requirement, is an acknowledgment that developments in these areas are served by employees who are likely to live downtown, and used by customers who primarily arrive by cruise ships. The adjacent PD-1 Parking District, with a 60 percent reduction in the off-street parking requirement, follows this same rationale to a greater degree.

The applicant has made the argument, without supporting evidence, that its employees and customers arrive by foot or by transit. This argument for a reduction in the parking requirement, however, has already been addressed in the PD-2 Parking District requirements.

Fee-in-lieu of parking payments, currently at $10,805 per commercial space, support parking infrastructure and transit improvements to both provide for more parking and to reduce the demand for it. The applicant has not offered a fee-in-lieu payment of any amount to offset potential impacts.

Parking lots on the waterfront may have detrimental aesthetic effects without adequate visual screening. Parking lots also discourage alternative transit methods for customers and employees and may add to congestion. At the same time, many residents and businesses perceive downtown Juneau to have a significant parking problem. Downtown residents complain of summer tourist employees parking in their neighborhoods, while businesses complain of inadequate parking for their stores. The 2013 Juneau Comprehensive Plan contains both policies that promote additional off-street parking as well as policies that promote pedestrian movement and discourage parking expansion.

The proposed variance to zero parking is likely to have some detrimental impact in neighborhoods by pushing employees and customers to park in surrounding areas. The applicant states that variances granted (under the previous ordinance) justified the reduction from the PD-

2 standard to the PD-1 standard by allowing the applicants to shuttle employees, or by assuming that customers would be pedestrians. Such mitigation has proven difficult to enforce, and CBJ cannot mandate that customers and employees arrive by foot. A lesser variance, which reduces the parking standard but does not eliminate the requirement (for example, PD-2 to PD-1), combined with fee-in-lieu payment may offset this impact. As proposed with zero parking, the variance may be detrimental to public welfare and may negatively impact surrounding properties.

AGENCY AND PUBLIC COMMENT

No agency comments were received on the Variance during the agency review period conducted from October 14 to October 30, 2019.

One public comment has been recent to date, from a resident opposed to the variance (Attachment 10). The resident states this his family and friends avoid downtown during the tourist season because of the lack of street parking.

VARIANCE REQUIREMENTS

Pursuant to CBJ 49.20.200, a variance may be granted to provide an applicant relief from the requirements of this title. A variance is prohibited from varying any requirement or regulation of this title concerning the use of land or structures, housing density, lot area, requirements in chapter 49.35, or requirements in chapter 49.65.

A non-administrative variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the Board of Adjustment has determined that:

1. Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;
2. The unusual or special conditions of the property are not caused by the person seeking the variance;
3. The grant of the variance is not detrimental to public health, safety, or welfare; and
4. The grant of the variance is narrowly tailored to relieve the hardship.

Pursuant to CBJ 49.20.260, the board may attach to a variance conditions regarding the location, character, and other features of the proposed structures or uses as it finds necessary to carry out the intent of this title and to protect the public interest.

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.

Criterion 1 is met.

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

a. Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;

No. Based on the preceding analysis, no evidence indicates that enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property. The property is a flat waterfront lot that meets and exceeds minimum dimensional standards for the Waterfront Commercial zoning district. There are no unusual or special conditions on the property, therefore there are no undue hardships resulting from these conditions.

Criterion 2A is not met.

b. The unusual or special conditions of the property are not caused by the person seeking the variance;

No. As noted previously, there are no unusual or special conditions on the property. Further, the property is located in the PD-2 Parking District and Fee-in-Lieu Parking District, which offer relaxation of the off-street parking requirements.

Criterion 2B is not met.

c. The grant of the variance is not detrimental to public health, safety, or welfare; and

No. Based on the preceding analysis, a grant of the variance for a zero parking requirement, combined with no fee-in-lieu requirement or other type of parking mitigation, may be detrimental to the public health, safety, or welfare by pushing employees or customers of the

development to park in surrounding neighborhoods.

Criterion 2C is not met.

d. The grant of the variance is narrowly tailored to relieve the hardship.

No. There is no hardship resulting from usual or special conditions on the property. Furthermore, as described in the preceding analysis, the proposed variance is a request to reduce the parking requirement to zero and is therefore not narrowly tailored to relieve any hardship.

Criterion 2D is not met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested variance, VAR2019 0005. If the Board elects to amend the findings and approve the requested variance, the variance would allow a reduction of the off-street parking requirement to zero in association with USE2019 0021, a proposed two (2) two-story commercial mixed-use development

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant

PROPERTY LOCATION

Physical Address
South Franklin Avenue, Juneau, Alaska 99801 365 S. Franklin

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)
Lot 1A, Archipelago Subdivision

Parcel Number(s)
Plat #2019-19 1C070K830022

☑ This property located in the downtown historic district
☐ This property located in a mapped hazard area, if so, which _____

LANDOWNER/ LESSEE

Property Owner	Contact Person
Archipelago Properties, LLC	Robert Kuhar
Mailing Address	**Phone Number(s)**
725 Broad Street, Augusta, Georgia 30901	706-823-3556
E-mail Address	
robert.kuhar@morris.com	

LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits

I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ 11/7/19
Landowner/Lessee Signature — Date

X _____ _____
Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME"

Applicant	Contact Person
Tiland / Schmidt Architects, P.C.	Frank M. Schmidt AIA
Mailing Address	**Phone Number(s)**
3611 SW Hood Ave., Suite 200, Portland, Oregon 97239	503-220-8517
E-mail Address	
frankschmidt@tilandschmidt.com	

X _____ 10.31.19
Applicant's Signature — Date of Application

DEPARTMENT USE ONLY BELOW THIS LINE

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Intake Initials	
TC	
Case Number	Date Received
VAR 19-005	11/7/19

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

VARIANCE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY

The new commercial project 'Archipelago Center' with building 'A' at approximately 15,800 sf and building 'B' at approximately 16,580 sf.

VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to)

CBJ 49.40.200 and CBJ 49.40.210(d)

Previous Variance Applications? ◯ YES ◯ NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? ◯ YES ◯ NO

UTILITIES AVAILABLE: **WATER** ◉ Public ◯ On Site **SEWER:** ◉ Public ◯ On Site

ALL REQUIRED MATERIALS ATTACHED

Complete application per CBJ 49.65.210

Narrative including:

Any characteristics of land or building(s) or extraordinary situations that are unusual to this property or structure

Why a variance would be needed for this property regardless of the owner

What hardship would result if the variance is not granted

Site Plan

----------**DEPARTMENT USE ONLY BELOW THIS LINE**----------

VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	$_____			
Adjustment	$_____			
Total Fee	$_____			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
Var 19-005	11/7/19

Parking Variance Narrative and Supporting Documents
For
Archipelago Center
South Franklin
Juneau, Alaska

Submitted by:
Frank M. Schmidt AIA: Project Architect
Tiland/Schmidt Architects PC
3611 SW Hood Ave.
Suite 200
Portland, OR 97239
503-220-8517
Cell: 503-704-5800

On behalf of the Land Owner and Developer:
Archipelago Properties, LLC
Craig S. Mitchell Sr. VP Finance
Robert J. Kuhar AIA: VP Properties & Facilities
725 Broad Street
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Wk. 706 823-3556
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October 31, 2019

Narrative to Support Parking Variance Application for the Archipelago Center

Overview

The plan for this complex consists of two buildings with visitor-oriented retail spaces on the first floor and storage on the second floor but also with a 4557 square foot restaurant on the second floor of Building A. The total parking requirement – without application of any discounts – would be 86 spaces.

The site is located in Parking District 2 and this allows a 30 percent discount so the requirement drops to 60. It is not possible to accommodate any amount of parking on the site – other than a loading zone which is shown – without the entire development becoming economically unfeasible.

The CBJ has addressed this issue in the recent past on four other development proposals of a very similar nature to that of Archipelago.[1] In each case, a variance was granted to reduce the parking requirement to the Parking District 1 standard which allows a 60 percent discount. The justification given in the staff reports for these variances was the same for all four: the customers will be arriving on foot. Such a variance for Archipelago would result in a requirement of 34 spaces.

Placing 34 spaces on site is also impractical if the character of the Historic District is to be maintained and if the pedestrian orientation of the site is to be realized, as well as the economic impact of reduced leasable square footage previously mentioned

Four options have been identified to address the parking issue:

A. Find an off-site location within 500 feet of the site and place parking spaces there. There is no available location for off site parking near the Archipelago development.

B. Find a more distant off-site location and provide a shuttle service to connect the two locations. This was approved for the four previously mentioned developments during the 2000-2005 period and has proven to

[1] The buildings now called Pier 49, Diamonds International, EFFY and the People's Wharf. All are in the PD 2 area and zoned the same as Archipelago.

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be impractical and has not been enforced, nor is it currently utilized by any of the grantees.

C. Use the code's Fee-In-Lieu (FIL) provision that allows a developer to pay about $10,000 per space to meet the parking requirement. This is seen as onerous and discriminatory and is discussed further below.

D. Seek a variance to waive the requirement, which is the purpose of this application

Variance Criteria

CBJ 49.20.250(b) Non-administrative variances. *(1)A variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the board of adjustment has determined that:*

(A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;

Insisting on the provision of parking is economically unexecutable from a development standpoint and is not needed. The customers and employees associated with the visitor-oriented retail establishments in this vicinity both arrive by foot. Some employees may arrive by foot from nearby apartments and others by bus, taxi, or ride-share from residences further away.

The Archipelago site is zoned WC or Waterfront Commercial (as are the four previously permitted new-build developments) but does not actually abut the shoreline. Rather, the site adjoins South Franklin Street and is more consistent with the Mixed Use (MU) retail area on the other side of the South Franklin street. In fact, there was discussion of seeking a rezone, to MU, for the Archipelago site but the variance process was selected because it is more efficient. So, the Archipelago site is arguably an extension of the MU development that is immediately nearby and should be regulated in the same manner.

The site is also regulated by the Historic District standards. Three other approvals have been given at the staff level for features that would otherwise not be

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allowable in the WC district because the Historic District standards are different.[2] The Historic District standards do not address the issue of whether parking should or should not be required. (The standards do have design guidance which can be summarized as "hide the parking.") The historic standards do address parking on an indirect basis: If a development is to meet a zero requirement for front, rear and side yards, then there is no room for parking.

The Archipelago Center's *nearest* competitors will be similar retail spaces that did not have to meet a requirement to provide parking when they were built. Employees in those other MU-zoned buildings get to work by other means and Archipelago's lessees should not be required to pay for parking when their competitors do not, including those who were regulated under current law.

The current situation dictates the development would have to provide 60 spaces. If the FIL method is used, the fee would be at least $600,000. If the previous four variances may be seen as precedent, Archipelago might be able to get a variance to reduce the requirement to the PD – 1 standard of 34 spaces. This contemplated FIL would still be a $340,000 liability on the development budget and a hardship on the developer, necessitating higher lease rates. It should be noted that the $10,000 per space estimate is currently just an estimate from CDD staff. A final number would have to be generated by the CBJ Finance Director and could be significantly higher, thereby injecting uncertainty into the project budget.

(B) The unusual or special conditions of the property are not caused by the person seeking the variance;

The "special condition" of the property is the WC zoning in an MU environment and the inability to meet the expectations of the Historic District and also provide economically feasible parking.

(C) The grant of the variance is not detrimental to public health, safety, or welfare; and,

Granting the variance will not cause any detriments. Rather, it would enhance the functionality of the space by promoting pedestrian accessibility, within a pleasant, open parklike environment.

[2] These were for building height, reduced front yard setback and to allow a canopy over the sidewalk.

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(D) The grant of the variance is narrowly tailored to relieve the hardship.

The only issue at hand is the need to address a parking requirement that will cause a hardship and negatively impact the project. That is the only objective of this application for a variance.

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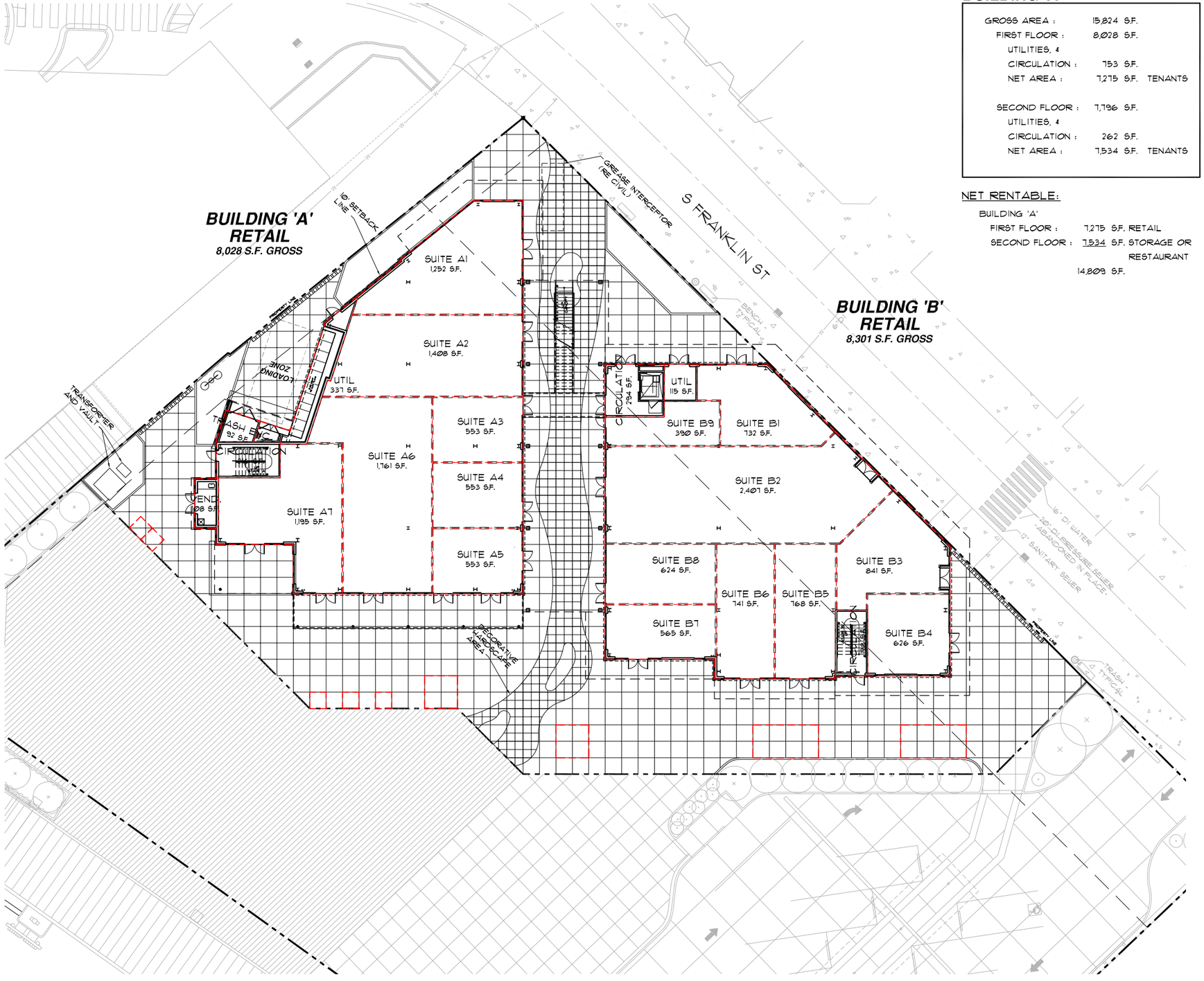
PERMIT CENTER/CDD



1 ***BUILDINGS 'A' & 'B'***
FIRST FLOOR LEASING PLANS
SCALE: 1/16" = 1'-0" 16,329 S.F. GROSS

PLAN NORTH

BUILDING 'A'

GROSS AREA :	15,824 S.F.	
FIRST FLOOR :	8,028 S.F.	
UTILITIES, & CIRCULATION :	753 S.F.	
NET AREA :	7,275 S.F.	TENANTS
SECOND FLOOR :	7,796 S.F.	
UTILITIES, & CIRCULATION :	262 S.F.	
NET AREA :	7,534 S.F.	TENANTS

BUILDING 'B'

GROSS AREA :	16,603 S.F.	
FIRST FLOOR :	8,301 S.F.	
UTILITIES, & CIRCULATION :	607 S.F.	
NET AREA :	7,694 S.F.	TENANTS
SECOND FLOOR :	8,302 S.F.	
UTILITIES, & CIRCULATION :	633 S.F.	
NET AREA :	7,669 S.F.	TENANTS

NET RENTABLE:

BUILDING 'A'
FIRST FLOOR : 7,275 S.F. RETAIL
SECOND FLOOR : 7,534 S.F. STORAGE OR RESTAURANT
14,809 S.F.

BUILDING 'B'
FIRST FLOOR : 7,694 S.F. RETAIL
SECOND FLOOR : 7,669 S.F. OFFICE
15,363 S.F.

PARKING (SECTION 49.40.201)

RETAIL :	1/300 S.F.
STORAGE :	1/1,000 S.F.
OFFICE :	1/300 S.F.
RESTAURANT :	1/200 S.F.

ANALYSIS BY POSSIBLE USE

BUILDING 'A' - OPTION 'A'
RETAIL @ FIRST FLOOR
STORAGE @ SECOND FLOOR

BUILDING 'A' - OPTION 'B'
RETAIL @ FIRST FLOOR
RESTAURANT @ SECOND FLOOR

BUILDING 'B'
RETAIL @ FIRST FLOOR
OFFICE @ SECOND FLOOR

BUILDING 'A'
OPTION 'A'
RETAIL & STORAGE : 32 STALLS
OPTION 'B'
RETAIL & RESTAURANT : 62 STALLS

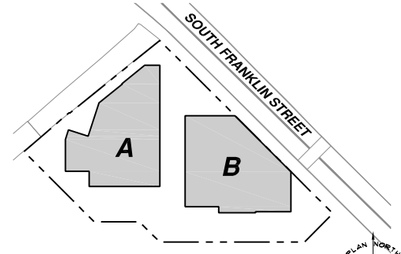
BUILDING 'B'
OPTIONS 'A' & 'B'
RETAIL & OFFICE : 52 STALLS

TOTAL :
OPTION "A" BOTH BUILDINGS = 85 STALLS
OPTION "B" BOTH BUILDINGS = 114 STALLS

PARKING DISTRICT REDUCTIONS :
PD-1 REDUCTION OF 60%
PD-2 REDUCTION OF 30%

OPTION "A"
WITH 60% REDUCTION = 34 STALLS
WITH 30% REDUCTION = 60 STALLS

OPTION "B"
WITH 60% REDUCTION = 46 STALLS
WITH 30% REDUCTION = 80 STALLS



KEY PLAN
N.T.S.

PLAN NORTH

TILAND / SCHMIDT
ARCHITECTS, P.C.
3611 S.W. HOOD ST.
SUITE 200
PORTLAND, OR 97239
(503) 220-8517
FAX (503) 220-8518

ARCHIPELAGO CENTER
BUILDING SHELL
S FRANKLIN ST
JUNEAU, ALASKA 99801

PROJECT NO.
17159

DATE :
01/15/2020

DRAWN BY :
MEB

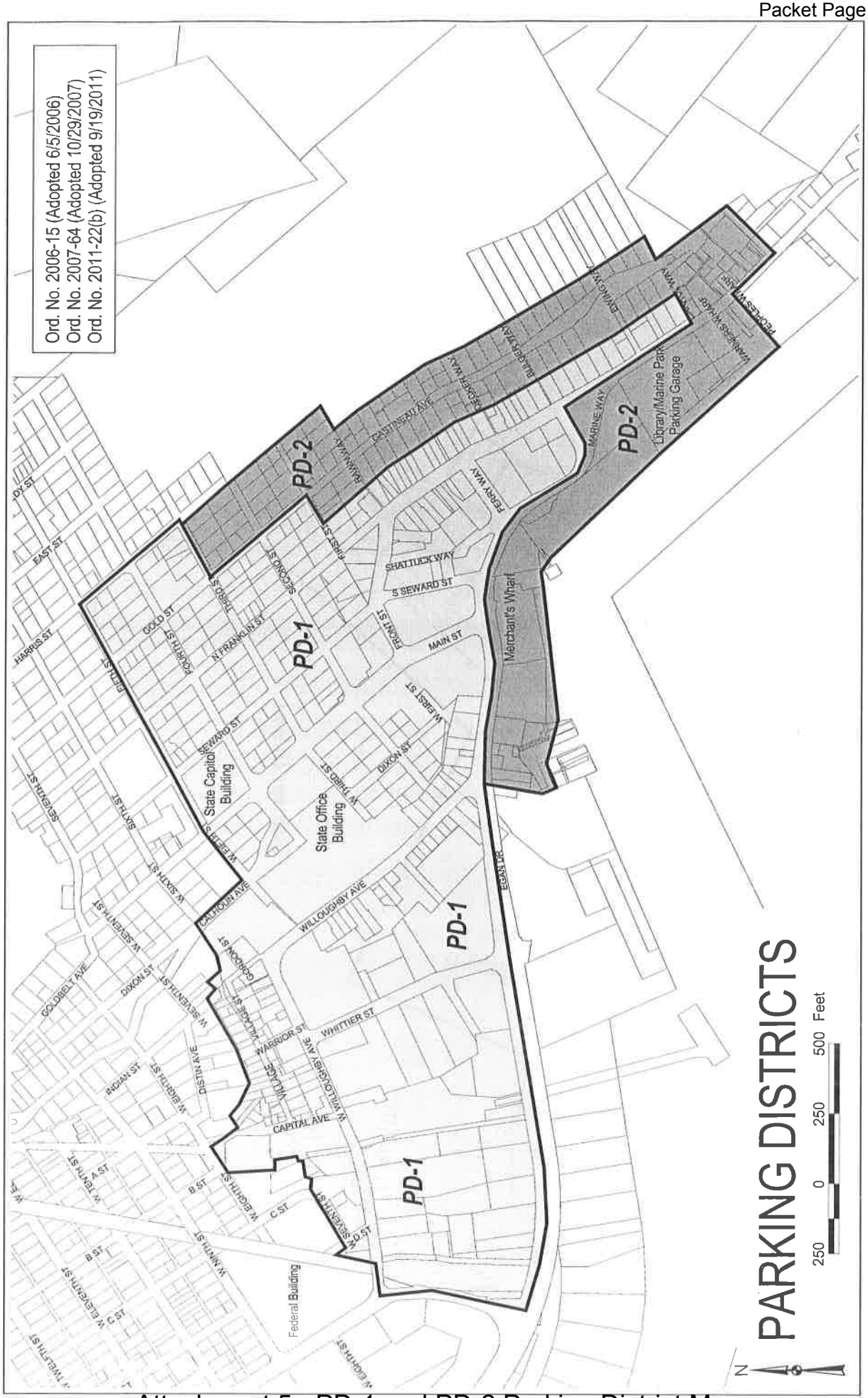
CHECKED BY :
RMS

REVISIONS

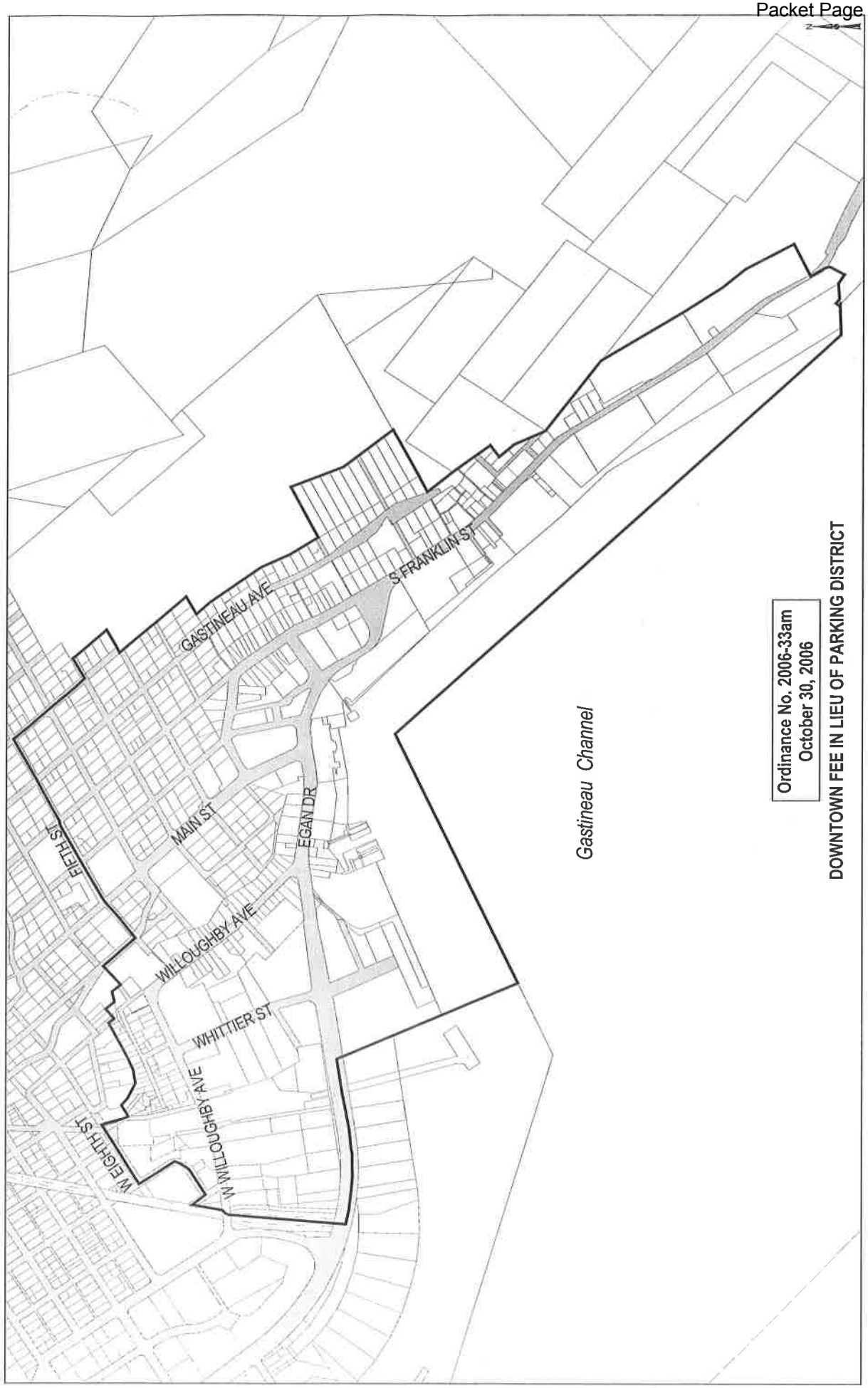
17159 LX1 - Leasing Plans - 54 - Exhibit For Parking

LX | 0.1

LX0.1 - 1st Fl Leasing Plan



Attachment 5 - PD-1 and PD-2 Parking District Map



Attachment 6 - Fee in-lieu of Parking District Map

OWNERSHIP CERTIFICATE

ARCHIPELAGO PROPERTIES, LLC HEREBY CERTIFY THAT THE CORPORATION IS THE OWNER OF LOTS 1 AND 2 AS SHOWN AND DESCRIBED HEREON AND THAT THE CORPORATION HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH FREE CONSENT, AND DEDICATES ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACE TO PUBLIC OR PRIVATE USE AS NOTED.

DATE 5-20-2019

BY _____

CRAIG MITCHELL
SENIOR VICE PRESIDENT
SHIVERS LENDING, LLC, SOLE MEMBER
ARCHIPELAGO PROPERTIES, LLC

NOTARY ACKNOWLEDGEMENT

STATE OF GEORGIA)
)S.S.
COUNTY OF RICHMOND)

THIS IS CERTIFY THAT ON THIS 20th DAY OF May 2019 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF GEORGIA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Craig S. Mitchell TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED, BEING FULLY AUTHORIZED TO DO SO. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR THIS CERTIFICATE FIRST ABOVE WRITTEN.

J. Neal Schwabers Notary Public Richmond County, Georgia My Commission Expires November 13, 2020

NOTARY PUBLIC FOR GEORGIA _____

MY COMMISSION EXPIRES 11-13-2020

OWNERSHIP CERTIFICATE

THE CITY AND BOROUGH OF JUNEAU, ALASKA (CBJ) HEREBY CERTIFY THAT CBJ IS THE OWNER OF LOTS 3 AND 4 AS SHOWN AND DESCRIBED HEREON AND THAT CBJ HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH FREE CONSENT, AND DEDICATES ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE May 23 2019

BY _____

GREGORY CHANEY
LANDS AND RESOURCES MANAGER
CITY AND BOROUGH OF JUNEAU

NOTARY ACKNOWLEDGEMENT

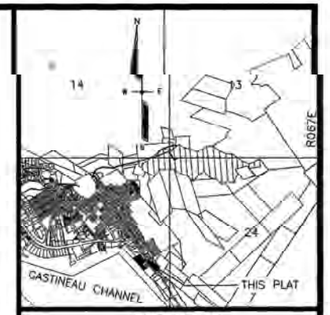
STATE OF ALASKA)
)S.S.
FIRST JUDICIAL DISTRICT)

THIS IS CERTIFY THAT ON THIS 23rd DAY OF May 2019 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Gregory P. Chaney TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED, BEING FULLY AUTHORIZED TO DO SO. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR THIS CERTIFICATE FIRST ABOVE WRITTEN.

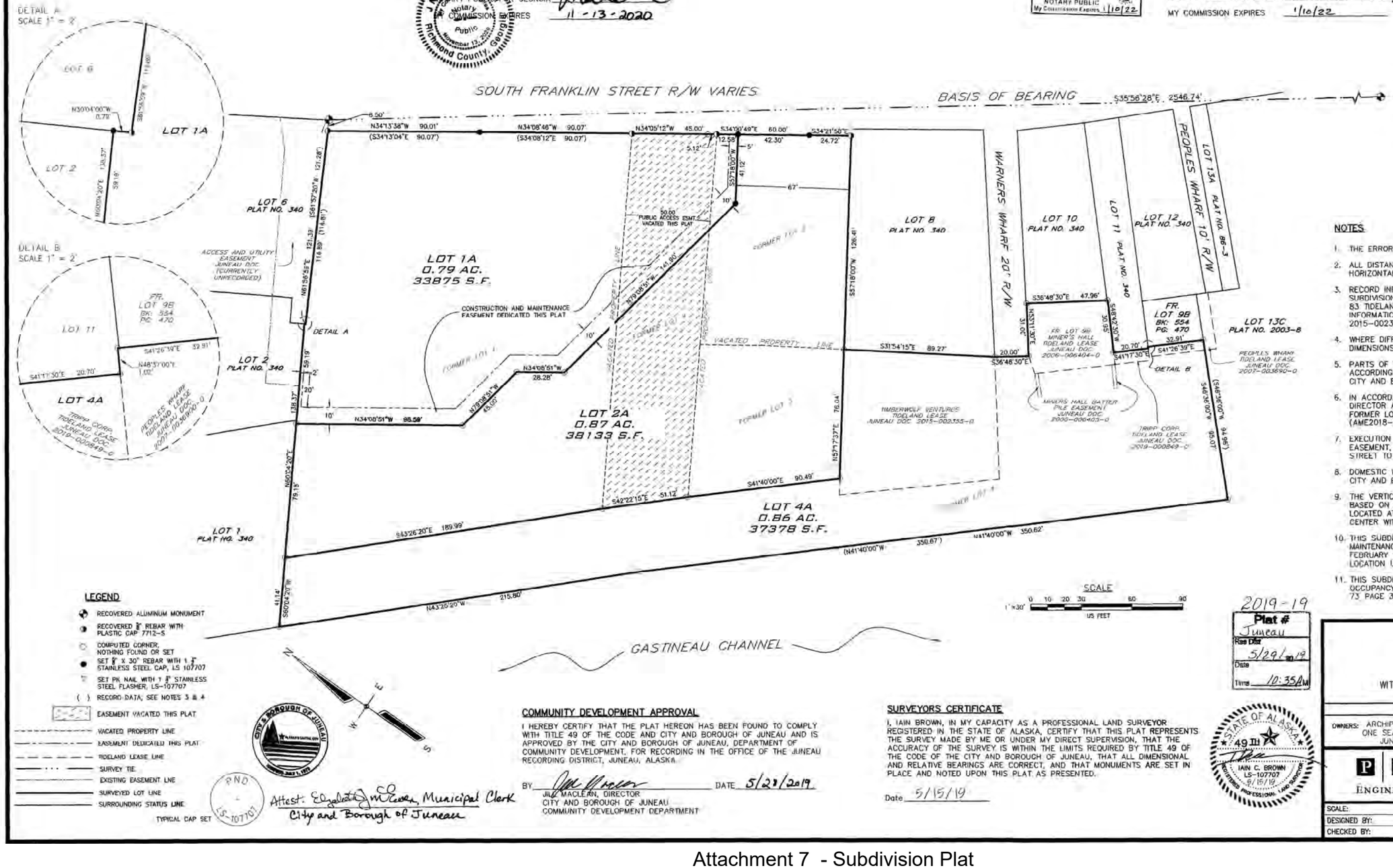
STATE OF ALASKA OFFICIAL SEAL Susan B. Phillips NOTARY PUBLIC My Commission Expires 1/10/22

NOTARY PUBLIC FOR ALASKA Susan B. Phillips

MY COMMISSION EXPIRES 1/10/22



VICINITY MAP
SCALE 1" = 1/2 MILE



SCALE
0 10 20 30 60 90
1"=30'
US FEET

LEGEND

- RECOVERED ALUMINUM MONUMENT
- RECOVERED ½" REBAR WITH PLASTIC CAP 7712-S
- COMPUTED CORNER, NOTHING FOUND OR SET
- SET ½" x 30" REBAR WITH 1 ½" STAINLESS STEEL CAP, LS 107707
- SET PK NAIL WITH 1 ½" STAINLESS STEEL FLASHER, LS-107707
- ( ) RECORD DATA; SEE NOTES 3 & 4
- EASEMENT VACATED THIS PLAT
- VACATED PROPERTY LINE
- EASEMENT DEDICATED THIS PLAT
- TIDELAND LEASE LINE
- SURVEY TIE
- EXISTING EASEMENT LINE
- SURVEYED LOT LINE
- SURROUNDING STATUS LINE

TYPICAL CAP SET

PND LS-107707

Attest: Elyabeth J. McEwen, Municipal Clerk
City and Borough of Juneau

COMMUNITY DEVELOPMENT APPROVAL

I HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE AND CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

BY _____ DATE 5/23/2019

JILL MACLEAN, DIRECTOR
CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT DEPARTMENT

SURVEYORS CERTIFICATE

I, IAIN BROWN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

Date 5/15/19

STATE OF ALASKA 49TH IAIN C. BROWN LS-107707 5/15/19 REGISTERED PROFESSIONAL LAND SURVEYOR

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS THE CALCULATED RECORD BEARING OF S35°56'28"E BETWEEN THE NORTH CORNER OF LOT 7A, BLOCK 83, TIDELANDS ADDITION TO THE CITY OF JUNEAU, PLAT NO 87-10 AND THE RESET MARKING RM C44 ATS NO. 3, AS NOTED.

NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000
2. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET, REDUCED TO HORIZONTAL.
3. RECORD INFORMATION DERIVED FROM ARCHIPELAGO SUBDIVISION, A SUBDIVISION OF LOT 7A1, LOT 9A AND FRACTION OF LOT 9B, BLOCK 83 TIDELANDS ADDITION, ATS NO. 3, PLAT NO. 2013-22. RECORD INFORMATION ALSO OBTAINED FROM JUNEAU DOCUMENT NO. 2015-002355-0.
4. WHERE DIFFERENT FROM MEASURED OR CALCULATED, RECORD DIMENSIONS ARE SHOWN IN PARENTHESIS
5. PARTS OF THIS SUBDIVISION ARE LOCATED IN A VELOCITY FLOOD ZONE, ACCORDING TO THE ADOPTED FLOOD INSURANCE RATE MAPS OF THE CITY AND BOROUGH OF JUNEAU. SPECIAL REGULATIONS MAY APPLY.
6. IN ACCORDANCE WITH CITY CODE, THE COMMUNITY DEVELOPMENT DIRECTOR AMENDED THE LANDSLIDE AND AVALANCHE MAPS TO REMOVE FORMER LOTS 1, 2, 3, AND 4 FROM THE MODERATE HAZARD ZONE (AME2018-0010).
7. EXECUTION OF THIS PLAT VACATES THE EXISTING 50' PUBLIC ACCESS EASEMENT, DEDICATED BY PLAT 2013-22, FROM SOUTH FRANKLIN STREET TO LOT 4.
8. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
9. THE VERTICAL DATUM FOR THIS SURVEY IS MEAN LOWER LOW WATER BASED ON A GPS RTK TIE TO NOAA BENCH MARK "2210 K 2011" LOCATED AT THE BASE OF A FLAGPOLE BY THE JUNEAU ARTS/CULTURE CENTER WITH A PUBLISHED ELEVATION OF 27.10' MLLW.
10. THIS SUBDIVISION IS AFFECTED BY A CITY OF JUNEAU DOCK MAINTENANCE, OPERATION AND RECONSTRUCTION EASEMENT, DATED FEBRUARY 14, 1967, RECORDED AS JUNEAU BOOK 85, PAGE 20, LOCATION UNDETERMINED AND NOT SHOWN HEREON
11. THIS SUBDIVISION IS AFFECTED BY A CITY OF JUNEAU JOINT USE AND OCCUPANCY EASEMENT, DATED AUGUST 05, 1964, RECORDED AS BOOK 73 PAGE 335, LOCATION UNDETERMINED AND NOT SHOWN HEREON.

2019-19
Plat # Juneau
Rec'd 5/29/19
Date
Time 10:35AM

PLAT OF
LOTS 1A, 2A, & 4A
A SUBDIVISION OF
LOTS 1,2,3, & 4
ARCHIPELAGO SUBDIVISON
WITHIN CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

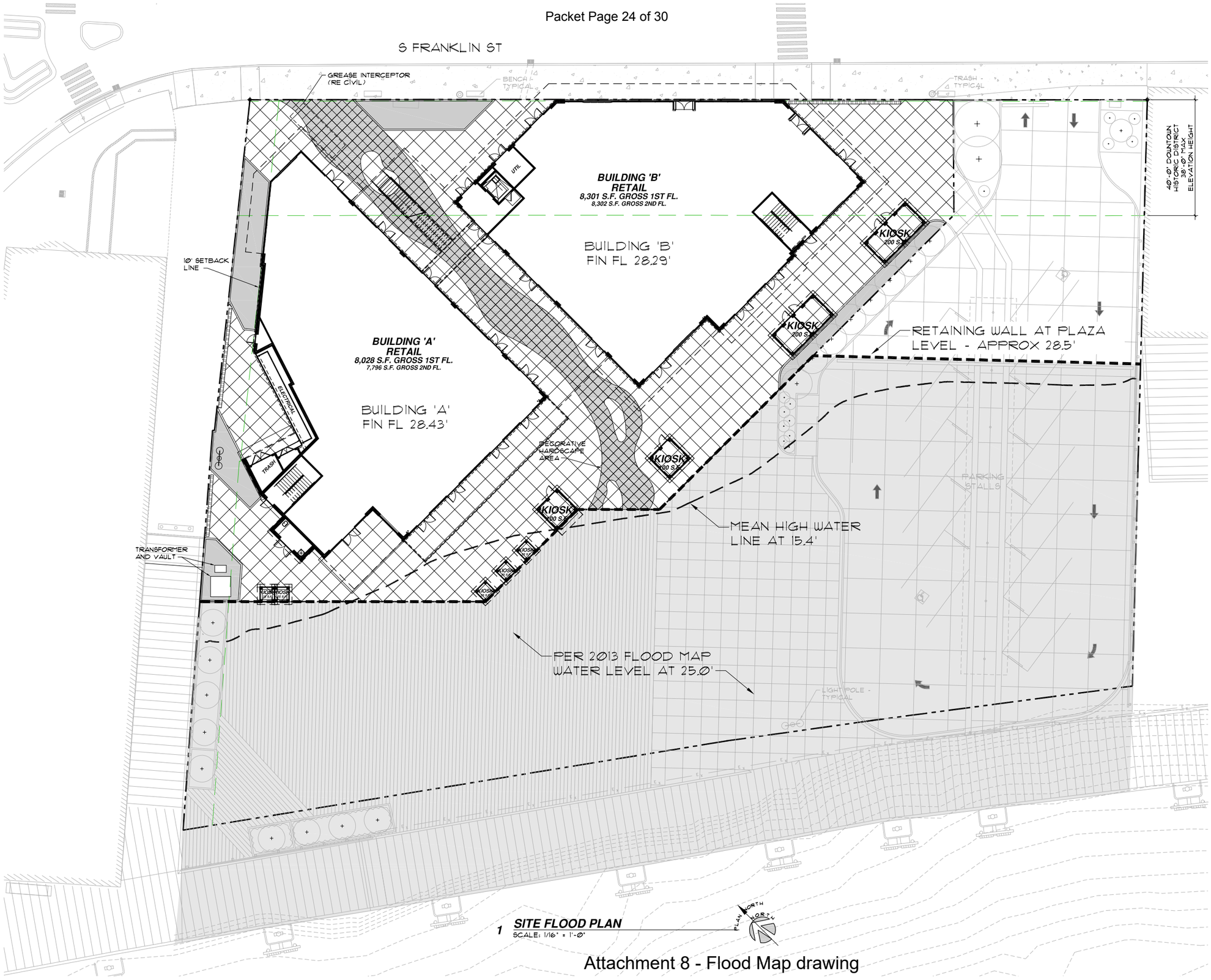
STATE RECORDER'S OFFICE AT JUNEAU

OWNERS: ARCHIPELAGO PROPERTIES, LLC, ONE SEALASKA PLAZA, STE 300, JUNEAU, ALASKA 99801 & CITY AND BOROUGH OF JUNEAU, 155 SOUTH SEWARD STREET, JUNEAU, ALASKA 99801

PND ENGINEERS, INC
1506 West 36th Avenue
Anchorage, Alaska 99503 Phone: 907.561.1011
www.pndengineers.com
AK. LIC# AECC250

SCALE:	1" = 30'	FIELD BOOK:	N/A	GRID:	JUNEAU
DESIGNED BY:	IB	DATE:	2/21/19	CASE NO:	MIP2019 0004
CHECKED BY:	DS/MW	PROJECT NO:	182045	SHEET NO:	1 OF 1

Attachment 7 - Subdivision Plat



1 **SITE FLOOD PLAN**
SCALE: 1/16" = 1'-0"

Attachment 8 - Flood Map drawing

TILAND / SCHMIDT
ARCHITECTS, P.C.
3611 S.W. HOOD ST.
SUITE 200
PORTLAND, OR 97239
(503) 220-8517
FAX (503) 220-8518

ARCHIPELAGO CENTER
BUILDING SHELL
S FRANKLIN ST
JUNEAU, ALASKA 99801

PROJECT NO.
17159

DATE :
12/27/2019

DRAWN BY :

CHECKED BY :
FMS

REVISIONS
REVISED 01/07/2020

17159 EX.LD - Site Flood

EX / LD

USC & GS TIDAL DATA
(FT ABOVE HLLW)

Location	EHW	HTL	MHHW	MHW
Adak	7.0	4.6	3.7	n/a
Auke Bay	22.0	20.3	15.8	14.8
Achorage	40.0	34.4	29.0	28.3
Angoon	19.0	18.6	14.0	13.0
Atka	8.0	4.5	n/a	n/a
Attu	7.0	4.9	3.6	3.6
Barrow	n/a	0.6	0.5	0.2
Bethel	7.0	4.1	4.0	2.7
Chignik	12.0	11.2	8.9	8.1
Clark Bay	21.0	19.4	15.6	14.7
Cold Bay	11.5	9.1	7.6	6.9
Cordova	16.8	15.7	12.4	11.5
Craig	14.0	12.8	10.0	9.2
Dillingham	25.0	23.6	19.8	18.0
Douglas	22.5	20.8	16.4	15.4
Dutch Harbor	6.6	4.7	3.7	3.4
Elfin Cove	15.0	14.5	10.9	10.0
Gambell	4.0	1.4	1.2	n/a
Haines	22.5	21.2	16.8	15.8
Hawk Inlet	n/a	19.4	n/a	14.4
Homer	24.8	23.4	18.1	17.3
Hoonan	20.0	19.3	14.8	13.9
Hooper Bay	9.5	7.9	6.5	5.8
Hydaburg	16.5	15.6	12.9	12.0
Hyer	21.0	20.8	16.6	15.7
Juneau	23.2	20.8	16.4	15.4
Kenai	26.0	25.2	19.8	19.1
Shakan Bay	16.5	14.6	11.8	11.0

Location	EHW	HTL	MHHW	MHW
Ketchkan	20.8	19.4	15.3	14.4
Klawock	14.0	12.8	10.2	9.4
Kodiak	13.0	10.7	8.5	7.6
Kotzebue	n/a	3.4	3.2	3.2
Mekoryuk	11.5	n/a	8.4	8.1
Nakek	19.5	18.7	14.6	13.7
Metlakatia		26.3	22.6	20.7
Ninilchik	26.0	24.5	19.3	18.6
Nikolski	6.5	5.9	4.0	3.7
Nikiski	25.8	26.3	20.4	19.7
Nome	5.0	1.9	1.6	0.8
Nushagak	n/a	n/a	n/a	n/a
Pelican (Minor Island)	n/a	13.2	10.4	9.7
Petersburg	20.5	19.5	15.7	14.8
Prudhoe Bay	n/a	0.8	0.7	0.6
St. Michel	n/a	n/a	n/a	n/a
Seldovia	24.3	23.1	17.8	17.0
Seward	14.8	13.8	10.5	9.6
Shemya	7.0	4.6	3.4	3.4
Sitka	14.6	12.7	9.9	9.1
Unalakleet	n/a	5.1	2.0	n/a
Unalaska	6.0	4.7	5.7	3.4
Valdez	16.5	15.0	11.8	10.9
Wainwright	n/a	0.7	0.6	0.3
Whittier	18.7	15.5	12.3	11.3
Wrangell	22.0	19.7	15.7	14.8
Yakutat	14.9	12.8	10.0	9.2
Kake	n/a	18.0	14.0	13.1

Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

NOTICE OF DECISION
Date: August 14, 2018
Case No.: AME2018 0010

Gary Gillette, Port Engineer
Docks & Harbors
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Proposal:	Hazard map amendment to remove Archipelago Lots 1, 2, 3 and 4 from the Moderate Hazard zone.
Property Address:	356 S. Franklin Street
Legal Description:	Archipelago Subdivision, Lots 1, 2, 3, 4
Parcel Code Number:	1C070K830036; 1C070K830037; 1C070K830038; 1C070K830039

The Director of the Community Development Department has granted the requested hazard map amendment to remove the subject properties from the Moderate Hazard area as described in the site specific studies submitted with the application.

This Notice of Decision does not authorize any construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

This Notice of Decision constitutes a final decision of the Director of the CBJ Community Development Department. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 PM on the day twenty days from the date the decision is filed.

Project Planner: _____
Amy Liu, Planner
Community Development Department

_____
Jill Maclean, Director
Community Development Department

_____
Filed With Municipal Clerk

8/15/2018
Date

cc: **Plan Review**

From: Gary Miller <gmiller.juneauak@gmail.com>
Sent: Monday, January 20, 2020 11:24 AM
To: PC_Comments
Subject: Parking Variance at 365 S Franklin

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I oppose the parking variance for the two two-story developments. The CBJ has greatly reduced street parking with the widening of the sidewalks. Recently parking on Peoples Wharf Street was eliminated. That parking was just a short distance from the proposed variance.

I and most of my family and friends avoid the downtown area during tourist season because of the lack of street parking. It makes no sense to me to add two more businesses but not provide any parking for them.

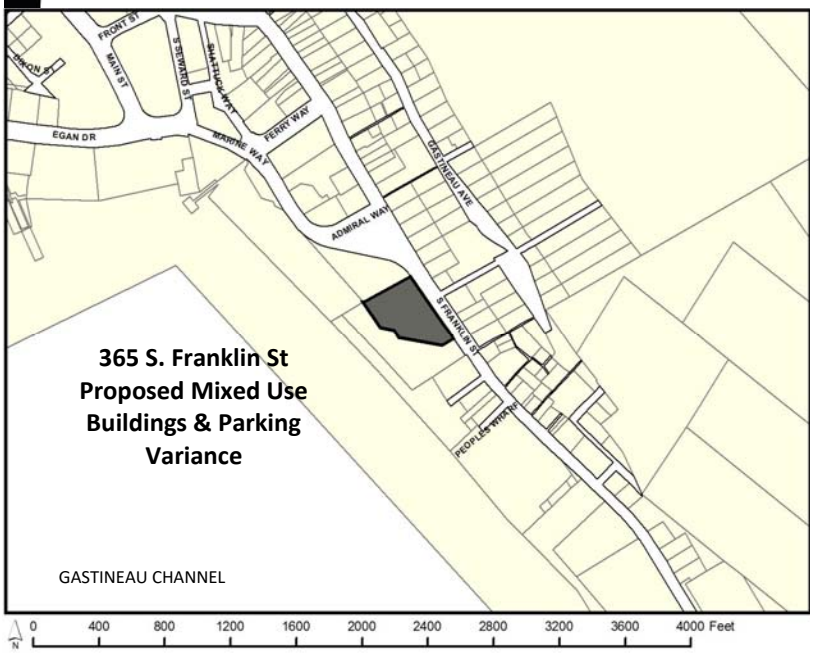
Thank you.

Gary Miller
20135 Cohen Dr
Juneau, AK 99801-8211
(907) 789-3757

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for **a Conditional Use Permit for two (2) two story, mixed-use commercial developments and a Variance to reduce the parking requirement to zero** located at **365 S. Franklin Street, adjacent to the downtown library and parking garage** in the **Waterfront Commercial Zoning District**.

TIMELINE

Staff Report expected to be posted **Monday, January 20, 2020** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas** Find hearing results, meeting minutes and more here as well.

Now through 12 noon, January 24

Comments received during this period will be sent to the Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling this case, Teri Camery, will also read any written comments that are received. You may also contact her via the phone number listed below.

HEARING DATE & TIME
7:00 pm, January 28, 2020

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

January 29

The results of the hearing will be posted online.

Phone: **(907)586-0715** ◆ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Case No.: USE2019 0021 & VAR2019 0005
Parcel No.: 1C070K830022
CBJ Parcel Viewer: http://epv.juneau.org

Printed January 10, 2020

Community Development

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

BOARD OF ADJUSTMENT
NOTICE OF DECISION

Date: February 6, 2020
File No.: VAR2019 0005

Tiland/Schmidt Architects, P.C.
3611 Southwest Hood Avenue, Suite 200
Portland, OR 97239

Proposal:	A Variance to reduce the parking requirement to zero in association with USE2019 0021, a proposed two (2) two-story commercial mixed-use development
Property Address:	365 S. Franklin St.
Legal Description:	Lot 1A Archipelago
Parcel Code No.:	1C070K830022
Hearing Date:	January 28, 2020 and February 4, 2020

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 22, 2020, and denied the non-administrative variance to reduce the off-street parking requirement to zero in association with USE2019 0021, a proposed two (2) two-story commercial mixed-use development. The Board of Adjustment amended Finding 2C as follows:

c. The grant of the variance is not detrimental to public health, safety, or welfare…

No. Based on the preceding analysis, a grant of the variance for a zero parking requirement may be detrimental to the public health, safety, or welfare by pushing employees or customers of the development to park in surrounding neighborhoods.

Attachment: January 22, 2020 memorandum from Teri Camery, Community Development, to the CBJ

Board of Adjustment regarding VAR2019 0005.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 p.m. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Project Planner: _____
Teri Camery, Senior Planner
Community Development Department

_____
Michael LeVine, Chair
Planning Commission

_____
Filed With Municipal Clerk

2/11/2020
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.