



**BOARD OF ADJUSTMENT  
NOTICE OF DECISION**

Date: February 9, 2011

File No.: VAR2010 0033

Alaska Mental Health Trust  
Attn: Tim Spernak  
718 L Street, Suite 202  
Anchorage, AK 99501

Application For: A Variance Request for the extension of VAR2009-00017 - a variance to reduce the parking to PD-2 standard and reduce loading zones to PD-1 standards for a new four-story commercial building.

Legal Description: Juneau Subport Lots C1 & C2

Property Address: 200 Egan Drive

Parcel Code No.: 1-C06-0-K01-003-0

Hearing Date: February 8, 2011

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 2, 2011, and approved an 18-month extension of VAR2009-00017, which allows a reduction in the required number of parking spaces from 500 to 348 spaces and reduces loading zones from 5 to 2 spaces a new four-story commercial building.

Attachment: February 2, 2011, memorandum from Beth McKibben, Community Development, to the CBJ Board of Adjustment regarding VAR2010 0033.

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).

Effective Date: The permit is effective upon approval by the Board, February 8, 2011.

Expiration Date: The permit will expire 18 months after the effective date, or August 8, 2012, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

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Project Planner: Beth McKibben  
Beth McKibben, Planner  
Community Development Department

Maria Gladziszewski  
Maria Gladziszewski, Chair  
Planning Commission

Jawria J. Stein  
Filed With City Clerk

2/9/2011  
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.

# MEMORANDUM

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

**DATE:** February 2, 2011

**TO:** Planning Commission

**FROM:** Beth McKibben, Senior Planner *BMM*  
Community Development

**FILE NO.:** VAR2010 0033

**PROPOSAL:** Extension of VAR2009-00017 - a variance to reduce the parking to PD-2 standard and reduce loading zones to PD-1 standards for a new four-story commercial building.

## GENERAL INFORMATION

**Applicant:** Alaska Mental Health Trust

**Property Owner:** Alaska Mental Health Trust Authority

**Property Address:** 200 Egan Drive

**Legal Description:** Juneau Subport Lots C1 & C2

**Parcel Code Number:** 1-C06-0-K01-003-1 and 1-C06-0-K01-003-2

**Site Size:** 4.95 acres

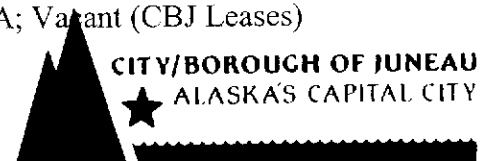
**Zoning:** Mixed Use 2

**Utilities:** City Water & Sewer

**Access:** Egan Drive

**Existing Land Use:** Vacant –“subport parking”.

**Surrounding Land Use:** Northwest- MU2 – KTOO, Prospector, Juneau Arts and Humanities Council  
Northeast MU2 – Centennial Hall  
Southeast - WC – Coast Guard, NOAA; Vacant (CBJ Leases)



East - WC – ADF&G and CBJ Outer Drive Lift Station  
West - WC – Private dock, vacant

### **PROJECT DESCRIPTION**

The applicant requests an extension of Variance VAR2009-00017 which allows a reduction in the required number of parking spaces, for a four-story commercial building to the PD-2 standard. Further, it reduced the required number of loading spaces to the PD-1 standard. This resulted in a reduction of the required parking from 500 to 348 spaces and reduced loading zones from 5 to 2 spaces.

The applicant also received a variance of the 35' height limitation and an allowable use permit for the construction of the new commercial building. The request to extend this variance, as well as the allowable use permit will be addressed with separate staff reports.

### **BACKGROUND**

On June 23, 2009 the Planning Commission approved a variance to allow a reduction in the required number of parking spaces to the PD-2 standard. Further it would reduce the required number of loading spaces to the PD-1 standard.

The Alaska Mental Health Trust Authority applied for an extension of this variance on October 20, 2010, approximately 2 months before the expiration date of December 23, 2010. The Land Trust is still working to secure funding for the development which is why substantial progress has not occurred. No requests to modify the project have been made.

CBJ§49.15.250 allows the Planning Commission to grant an extension, but if an extension is granted the Commission shall not amend, add or delete conditions of the permit.

### **ANALYSIS**

CBJ §49.15.250 establishes the requirements for Development Permit Extensions, and is discussed below:

- An application to extend a development permit must be submitted as least 30-days before the initial permit's expiration date.

The application for this permit extension, VAR2010-0034 was received October 20, 2010, sixty-four days prior to the initial permit's expiration date.

- The burden of proof for justification of a development permit extension rests with the applicant.

The applicant has explained that they are still working towards securing funding for the project, and this is why an extension is needed.

- A maximum of two 18 month extensions are allowed.

This is the first extension requested for this permit. If this extension is granted, the applicant will be eligible for one more 18 month extension.

- At least ten days prior to the hearing, notice of the extension request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

Public notice of this project was and will be provided in the January 28<sup>th</sup>, 2011 and February 7<sup>th</sup> 2011 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel.

- Conditions contained in the permit can not be changed.

No requests to modify the project have been made.

### **FINDINGS**

Per CBJ §49.15.250, Development Permit Extension, the director makes the following findings on the criteria for granting the requested conditional use permit extension:

**1. Was the application for the requested development permit extension complete and received on time?**

**Yes.** The application contains the information necessary to complete a full review of the proposed permit extension. Further, the appropriate fees were submitted with the application. The requested variance permit extension was received 64 days prior to the initial permit's expiration date.

**2. Has the applicant submitted justification for the permit extension?**

**Yes.** The applicant has explained in an email that the Land Trust is still working to obtain funding for the project.

**3. Is the extension within the allowable number of permit extensions?**

**Yes.** CBJ §49.15.250 allows no more than two 18 month extensions. This is the first permit extension application for VAR2009-00017.

**4. Have notices of the extension request been mailed to adjacent property owners at least ten days prior to the hearing and has a general notice been printed in a newspaper of general circulation at least two days prior to the hearing?**

**Yes.** Notices were mailed to property owners within 500 feet of the proposed development on 1/27/2011, fourteen days prior to the hearing.

**5. Will the proposed development comply with the Alaska Coastal Management Program?**

**Yes.** As stated in the staff analysis for USE2009-00026 it was found that no provisions of the Alaska Coastal Management Program apply to the proposed development or the requested extension.

**6. Have conditions on the permit been changed?**

**No.** The applicant has not requested any amendments.

**RECOMMENDATION**

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested variance permit extension. The permit would allow an 18-month extension of VAR2009-00017, which allows a reduction in the required number of parking spaces from 500 to 348 spaces and reduce loading zones from 5 to 2 spaces a new four-story commercial building.

**ATTACHMENTS**

Please see the separate memorandum for USE2010 0030; VAR2010 0033; & VAR2010 0034, dated February 2, 2011 which provides the staff report attachments.