



OFFICE OF THE MUNICIPAL CLERK

155 S. Seward St., Room 202
Phone: (907)586-5278 Fax: (907)586-4552
email: city.clerk@juneau.org

Notice of Appeal

This appeal is governed by CBJ 01-50, the Municipal Appellate Code. This code establishes the standards and procedures for appeals.¹ Anyone who files an appeal should be familiar with the appellate code. The clerk can give you a copy of the code.

Attach a copy of the decision being appealed. Do not attach any other documents, exhibits, or additional pages to this form, except for any pages needed to continue the answers to the requested information below. The clerk will accept this form only if the appropriate filing fee is attached. The fee to file an appeal to the assembly is \$500.00. To be timely, an appeal must be filed within 20 days of the date the decision being appealed is filed with the clerk.

Action Being Appealed

Board decisions are appealable: board recommendations and most staff decisions are not.

- Agency Appealed From:

- Description and Date of Decision: File No.: PWP2024 0003 Decision Date: 7/24/2024

Concerned Parties

Identify the people who have an interest in the action being appealed: yourself and others.

- | | | | | |
|--|--------------------------------|--------------|-----|------------------------|
| <input checked="" type="checkbox"/> Party Filing Appeal | Mailing Address | Telephone | Fax | Email |
| Hali Duran | PO Box 21887, Juneau, AK 99802 | 303-478-2132 | | Hali.duran00@gmail.com |
| <input type="checkbox"/> Parties Who Won the Decision Appealed | Mailing Address | Telephone | Fax | Email |

¹ 01.50.070 STANDARD OF REVIEW AND BURDEN OF PROOF. (a) The appeal agency may set aside the decision being appealed only if:

- (1) The appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing;
- (2) The decision is not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made; or
- (3) The agency failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.

(b) The burden of proof is on the appellant. (Serial No. 92-36 □ 2 (part), 1992).

Issues on Appeal²

Concisely describe the legal and factual errors that form the basis for your appeal. Do not argue them: argument will be heard later.

Only 6 out of 9 commissions were present at the meeting.
I request a review with all commissioners present.

The request for the ADU and parking waiver for the unit does not represent a change in density. The occupancy of the property was not changed.

Relief Requested

What should the Assembly do with the action being appealed: send it back, modify it, or something else?

Send it back.



August 29, 2024

Signature

Date

If you are representing any group, or a person other than yourself, you must sign a notarized statement that you are authorized to represent them.

2 01.50.030(b)(5) COMMENCEMENT OF ACTION.

The notice of appeal shall include a concise statement of the legal and factual errors in the decision that form the basis of the appeal.



Planning Commission

(907) 586-0715

PC_Comments@juneau.gov

www.juneau.org/community-development/planning-commission

155 Heritage Way • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: July 24, 2024

File No.: PWP2024 0003

Hali Duran
P.O. BOX 21887
Juneau, Ak 99802
hali.duran00@gmail.com

Proposal: Applicant requests a parking waiver to waive one (1) required parking space for an accessory apartment.

Property Address: 120 West Ninth Street

Legal Description: GOLDEN BELT ADDITION BL 2 LT D

Parcel Code No.: 1C030F020010

Hearing Date: July 23, 2024

The Planning Commission, at its regular public meeting, did not accept the Director's recommendation, and the analysis and findings listed in the attached memorandum dated July 15, 2024, and denied the waiver of the requirement for one (1) parking space to be conducted as described in the project description and project drawings submitted with the application.

Attachments: July 15, 2024, memorandum from Ilsa Lund Planner I, Community Development to the CBJ Planning Commission regarding PWP2024 0003.

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.

Hali Duran
File No: PWP2024 0003
July 24, 2024
Page 2 of 2

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 PM on the day twenty days from the date the decision is filed.


FOR Mandy Cole, Chair
Planning Commission

8/13/24
Date


Filed With City Clerk

8/13/2024
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 1 (800) 949-4232, or fax (360) 438-3208.



**PLANNING COMMISSION STAFF REPORT
PARKING WAIVER PWP2024 0003
HEARING DATE: JULY 23, 2024**

(907) 586-0715

CDD_Admin@juneau.gov

www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

DATE: July 15, 2024
TO: Mandy Cole, Chair, Planning Commission
BY: Ilsa Lund, Planner I *Ilsa Lund*
THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Applicant requests a parking waiver to waive one (1) required parking space for an accessory apartment.

STAFF RECOMMENDATION: Approval

KEY CONSIDERATIONS FOR REVIEW:

- The lot is located outside of the Town Center Parking Area (TCPA).
- The lot is comprised of a steep slope and unable to accommodate on-site parking.
- Public transportation is within a seven (7)-minute walking distance.
- The proposal complies with adopted plans, which contain policies promoting in-fill housing development.

GENERAL INFORMATION	
Property Owner	Hali Duran
Applicant	Hali Duran & Ericka Michelle Lee
Property Address	120 West Ninth Street
Legal Description	GOLDEN BELT ADDITION BL 2 LT D
Parcel Number	1C030F020010
Zoning	D10 (Multi-Family)
Land Use Designation	Medium Density Residential (MDR)
Lot Size	2,869 sq. ft./ 0.0659 acre
Water/Sewer	City & Borough of Juneau
Access	Dixon St./ W. Ninth St.
Existing Land Use	Residential
Associated Applications	USE2024 0011

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - CBJ 49.30.270
 - CBJ 49.40.210(d)(6)
 - CBJ 49.80

The Commission shall hear and decide the case per CBJ 49.40.210(d)(6) PARKING WAIVERS. The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the director in the case of minor development; the commission in the case of major development; and the commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D10)	Residential
South (ROW)	W Ninth Street
East (D10)	Residential
West (D10)	Residential

SITE FEATURES	
Anadromous	None
Flood Zone	Zone X
Hazard	No
Hillside	Yes, slope ~44%
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	Mining & Exploration Surface Activities Exclusion District, Urban/ Rural Mining District, Alternative Development Overlay District (ADOD)

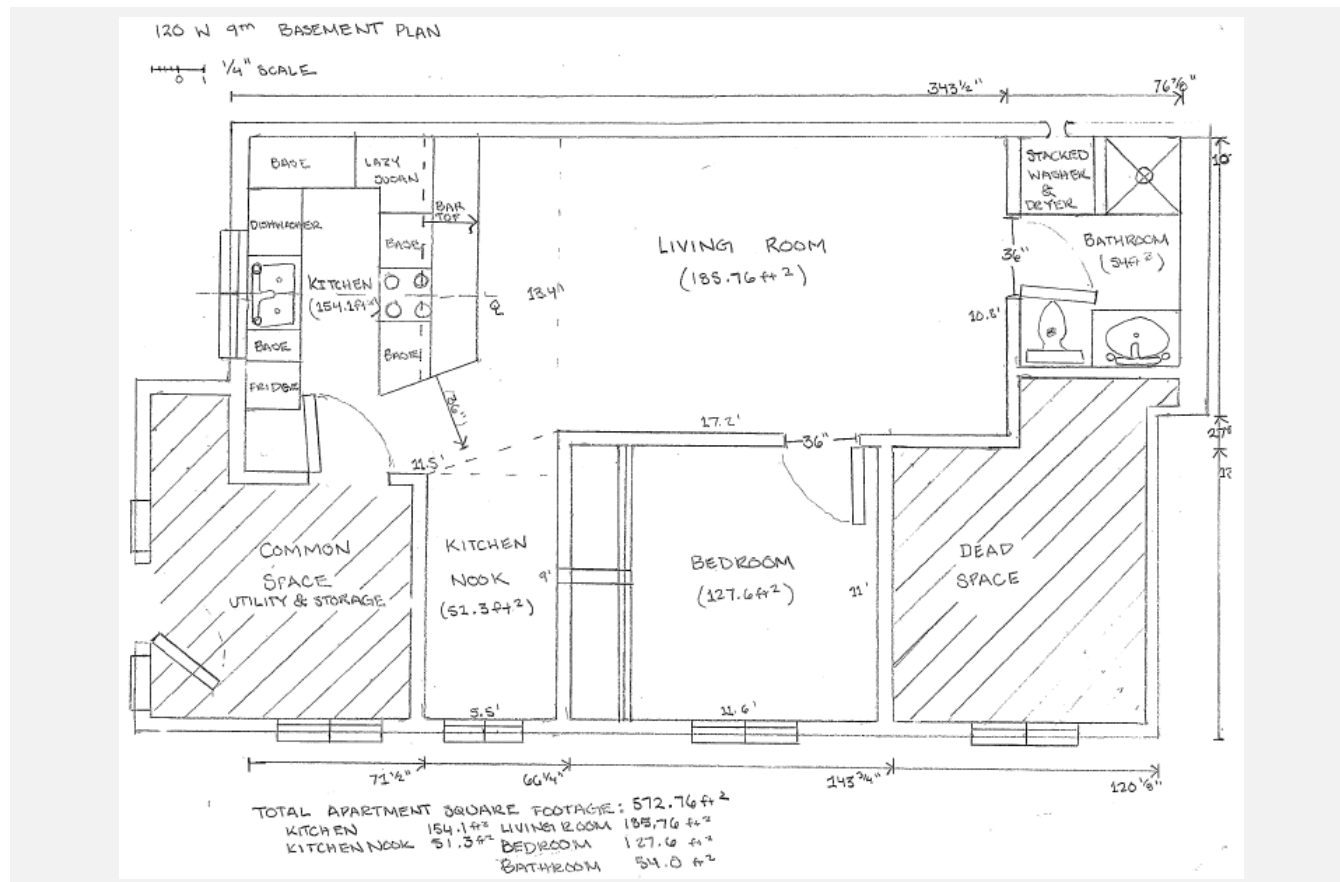
BACKGROUND INFORMATION

Project Description – The applicant requests a Parking Waiver to waive one (1) required parking space for an accessory apartment in a D10 zoning district (Attachment A). This application is associated with Conditional Use Permit application USE2024-0011 (USE24-11). The approximately 573 square feet accessory apartment will be located in the basement of the existing single-family dwelling that has been certified nonconforming for setbacks, lot size, and parking. Due to the steep slope on which the single-family dwelling is located, on-site parking is not feasible.

Background - The table below summarizes relevant history for the parcel and proposed development. Duplicative supporting documentation is attached to the USE24-11 Staff Report as indicated.

Item	Summary
1913 Plat	Plat 1913-2 shows the original lot dimensions (USE24-11, Attachment B).
1914 Sanborn Map	Date of construction (USE24-11, Attachment C).
1974 As-Built Survey	Shows location of structure on lot 1, prior to subdivision (USE24-11, Attachment D).
1981 Plat	Plat 81-43 shows subdivision of lots 1 and 2 (USE24-11, Attachment E).
1993 As-Built Survey	Setbacks, lot coverage, lot topography (USE24-11, Attachment G).
1993 Variance	VR-52-93 allows for a zero foot side yard setback, with conditions (USE24-11, Attachment H).
2021 Nonconforming Certification Review	Certified nonconforming for lot, structure, and parking (USE24-11, Attachment K).

SITE PLAN

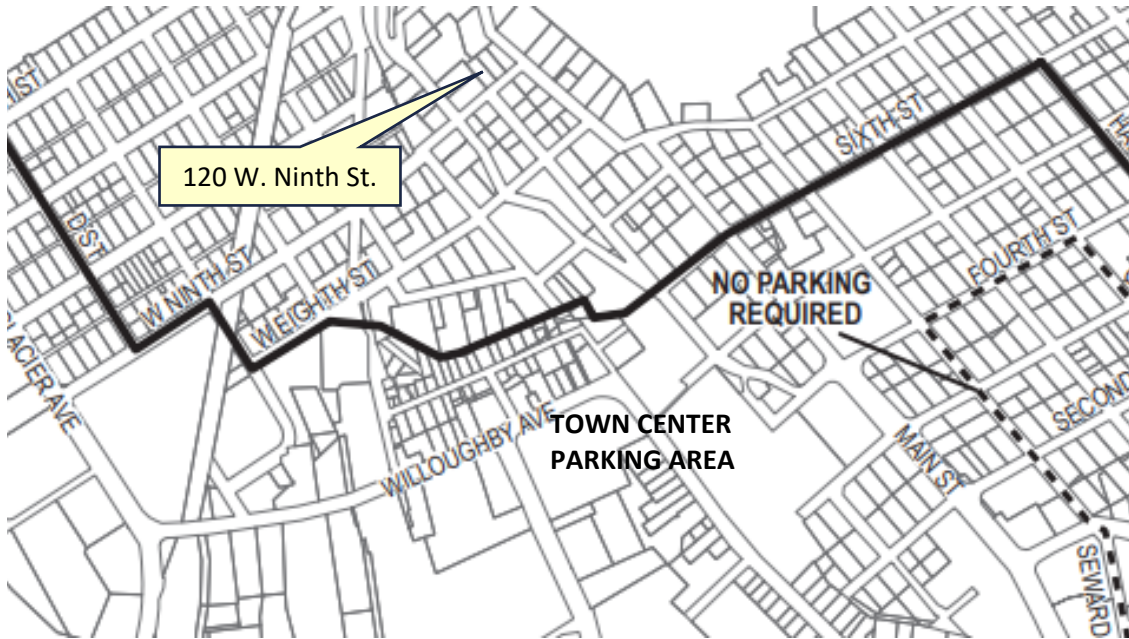


ANALYSIS

Project Site – The lot is located in the Chicken Ridge neighborhood at the intersection of Dixon Street and W. Ninth Street. The three-story single-family dwelling was built in 1914 and is listed in the CBJ Historic Structures Database as the Freeburger House. The lot is comprised of a steep slope of approximately 44% grade and the rear lot line abuts properties on Calhoun Avenue and Goldbelt Avenue. Because construction is taking place within the existing structure, a hillside development endorsement is not required. No parking is allowed on the street along this section of W. Ninth Street, but parking is allowed on the street along Dixon Street and the upper section of Goldbelt Avenue.

Project Design – The proposed one bedroom accessory apartment measures approximately 573 sq. ft. and will have one (1) bathroom, a kitchen, bathroom, and living area. Due to the size restraints for accessory apartments in CBJ 49.25.510(k)(2)(A), “dead space” has been included in the site plan to reduce the gross square footage of the accessory apartment. Additionally, the entryway of the accessory apartment will be used for utilities and common storage in accordance with CBJ49.25.510(k)(2)(B). The accessory apartment will be located within the basement of the existing single-family dwelling and will not aggravate the existing nonconforming yard setback situation.

Vehicle Parking & Circulation – The lot is located outside of the Town Center Parking Area (TCPA) and the No Parking Required Area (NPRA) per CBJ 49.40.200. According to CBJ 49.40.210(a), one (1) additional off-street parking space is required for the proposed accessory apartment (USE24-11). The steepness of the lot and nonconforming setbacks prevent off-street parking from being provided on-site. If the Parking Waiver is not granted, the accessory apartment likely cannot be constructed due to the unavailability of on-site parking.





Use	Total Sq. Ft.	Spaces Required	Total Spaces
Single-family dwelling	1504	2	0*
Accessory Apartment	573	1	0
Total Parking Requirement:			1
Off-Street Loading Spaces Required:			0
ADA Accessible Spaces Required:			0

*Certified nonconforming.

According to CBJ 49.30.400, nonconforming situations may not be aggravated. If the parking waiver is granted, providing zero off-street parking spaces for the proposed development would not be considered an aggravation to the existing nonconforming parking situation, per CBJ 49.30.400(a).

Condition: None.

Impacts to Nearby On-street Parking – On-street parking is not allowed on this section of W. Ninth Street as depicted in the photographs above. On-street parking is allowed on one side of both Dixon Street and Goldbelt Avenue. On June 28, 2024, staff performed a site visit to evaluate on-street parking in the area and found multiple parking spaces available within a one

block radius along Dixon Street, Goldbelt Avenue, Main Street, and Seventh Street. Waiving one (1) off-street parking space should not have a significant impact on nearby on-street parking.

Condition: None.

Non-motorized Transportation – The lot is within a 1/3 mile walking distance from downtown. The Dixon Street right-of-way is approximately 30 feet wide, with a sidewalk provided on one (1) side of the street. This section of W. Ninth Street has a concrete barrier to protect pedestrians from vehicles navigating around the sharp turns. The downtown area and surrounding neighborhoods are identified as a walkable area with provisions for pedestrians.

Condition: None.

Proximity to Transit – The two (2) closest bus stops are approximately equidistance within 0.3 mile on Fourth Street and Willoughby Avenue, an approximately seven-minute walk from the property. The 2013 Comprehensive Plan promotes *Transit Oriented Development*, and allows for higher residential densities within a five to ten minute walking distance to public transit service.

Condition: None.

Public Health or Safety – There is no evidence to suggest that the proposed development will materially endanger the public health, safety, and welfare.

Condition: None.

Property Value or Neighborhood Harmony – There is no evidence to suggest that the proposed development will be out of character with the existing neighborhood, or that it would reduce property values of neighboring properties. The lot is in a D10 multi-family zoning district and is surrounded by residential uses. Compact, in-fill development is generally in character with the higher density residential neighborhood and is encouraged in the 2013 Comprehensive Plan.

Condition: N/A

AGENCY REVIEW

CDD conducted an agency review comment period between June 20, 2024, and July 8, 2024. Agency review comments can be found in USE24-11, Attachment L.

Agency	Summary
Building Division	No comment submitted.
General Engineering	No comment submitted.
Capital City Fire and Rescue	No concerns.

PUBLIC COMMENTS

CDD conducted a public comment period between June 26, 2024, and July 19, 2024. Public notice was mailed to property owners within 500 feet of the subject parcel. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. Public comments submitted at time of writing this staff report can be found in USE24-11, Attachment N.

Name	Summary
Thomas Young-Bayer (839 Dixon St.)	Opposed.
Karen Blejwas (820 Dixon St.)	Opposed. (Verbal)
Robert and Shawn Hatt-Cohen (112 W. Ninth St.)	Opposed.
Roman Motyka (835 Dixon St.)	Opposed.
Jullie Willoughby (820 Dixon St.)	Opposed.

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan and the 2015 Juneau Economic Development Plan.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	3	20	Policy 3.2	Promotes compact urban development within the designated urban service area to ensure efficient utilization of land resources and to facilitate cost effective

PLAN	Chapter	Page No.	Item	Summary
				provisions of community services and facilities.
	4	37	Policy 4.2	Facilitates the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.
	11	147	Land Use Designation	Complies with the <i>Medium Density Residential – Single Family</i> land use designation; this land use designation allows single-family dwellings with accessory apartments.
2015 Juneau Economic Development Plan	A-6	118	2	D-18, as a higher density zoning district (specifically downtown), generates the highest tax revenue per acre of any strictly residential zoning district.

FINDINGS

Parking Waiver Criteria - Per CBJ 49.40.210(d)(6)(1-4) the Director makes the following findings on the proposed parking waiver:

1. Will granting the waiver result in more benefits than detriments to the community as a whole as identified by the Comprehensive Plan?

Analysis: The 2013 Comprehensive Plan identifies the need for compact, in-fill development within the urban service area. The proposal will provide one additional dwelling unit to Juneau’s housing market. The Comprehensive Plan promotes *Transit Oriented Development*, and this proposal could encourage the use of public transportation.

Finding: Yes. Granting the requested parking waiver will result in more benefits than detriments to the community as a whole, as identified in the 2013 Comprehensive Plan.

2. Is the development located within the Town Center Parking Area or the No Parking Area Required?

Analysis: No further analysis is required.

Finding: No. The subject parcel is located outside of the above listed parking districts.

3. Will granting the waiver result in adverse impacts to property in the neighboring area?

Analysis: Available on-street parking spaces that meet parking dimensional standards are located within a 500 foot radius from the property. Public transportation is located within a 1/3 mile walking distance from the property.

Finding: No. There is no evidence to suggest that with appropriate conditions, granting the requested waiver will result in adverse impacts to neighboring properties.

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

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that with appropriate conditions, granting the requested waiver will materially endanger the public health or safety.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested parking waiver. The permit would waive one (1) parking space for the proposed accessory apartment.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
USE24-11, Attachment M	Abutters Notice and Public Notice Sign Photo
USE24-11, Attachment L	Agency Comments
USE24-11, Attachment N	Public Comments



PARKING WAIVER 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
 120 w. 9th currently contains a three-story, single-family dwelling. I would like to convert the basement level of the structure into a 598 square foot accessory apartment. The property has been certified as nonconforming for single-dwelling parking and this request is for waiver of an additional parking space as required for the accessory apartment, CBJ 49.40.220 as the topography is a constraint to this requirement.

TYPE OF PARKING WAIVER REQUESTED (check one)
 MINOR DEVELOPMENT
 Parking Waiver Departmental Review (PWD) **MAJOR DEVELOPMENT**
 Parking Waiver Planning Commission Review (PWP)

DEVELOPMENT FOR WHICH THE PARKING IS REQUIRED (check one)
 Existing Proposed – Related Case Number: _____

NUMBER OF REQUIRED PARKING SPACES PER CBJ 49.40.210(A)
 For Residential Uses: 1 spaces For Non-Residential Uses: 0 spaces

NUMBER OF PARKING SPACES THAT WILL BE PROVIDED
 For Residential Uses: 0 spaces For Non-Residential Uses: 0 spaces

ALL REQUIRED MATERIALS ATTACHED
 Complete application per CBJ 49.15 and CBJ 49.40.210(d)(6)
 Narrative including:
 Why the parking waiver is being requested?
 How the requested waiver meets items 1-4 on page 2

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

PARKING WAIVER FEES			
Residential Spaces	_____	Non-Residential Spaces	_____
Residential Fee	\$ <u>320</u>	Non-Residential Fee	\$ _____
Total Residential	\$ <u>320</u>	Total Non-Residential	\$ _____
Total Fee		\$ <u>320</u>	

Sign paid for under COP

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED


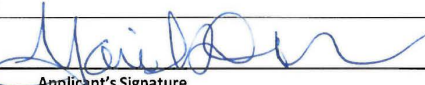
For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
PWP24-003	5/21/24



DEVELOPMENT PERMIT APPLICATION

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

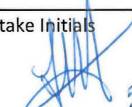
To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 120 W 9th St, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Golden Belt Addition, Block 2, Lot D		
	Parcel Number(s) 1C030F020010		
	<input checked="" type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner Hali Duran	Contact Person Hali Duran	
	Mailing Address PO Box 21887, Juneau, AK 99802	Phone Number(s) 303-478-2132	
	E-mail Address hali.duran00@gmail.com		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
<p>I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.</p>			
<p>X <u></u> <u>5/21/24</u> Landowner/Lessee Signature Date</p>			
<p>X _____ _____ Landowner/Lessee Signature Date</p>			
<p>NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.</p>			
APPLICANT If the same as OWNER, write "SAME"			
Applicant Same	Contact Person Same		
Mailing Address Same	Phone Number(s) Same		
E-mail Address Same			
<p>X <u></u> <u>5/21/24</u> Applicant's Signature Date of Application</p>			

-----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 	5/21/24
Case Number PWP24-003	Date Received 5/21/24

May 21, 2024
Parking Waiver Application – Parcel No: 1C030F0200010
Applicant: Hali Duran, Owner

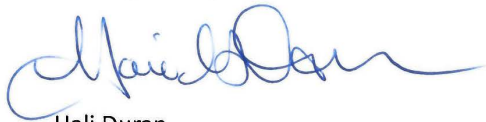
RE: 120 W. 9th Street
Juneau, AK 99801
Owner of Record: Hali Duran

Pursuant to 49.40.210 (d) Exceptions (6) Parking Waivers, my property at 120 W. 9th St, Juneau, AK has been certified as nonconforming for single-family dwelling parking and I am requesting an additional waiver be granted for the additional parking space required for the accessory apartment per CBJ 49.40.220.

To address the four findings and conditions addressed in the application instruction:

- 1) Juneau needs housing, and allowance of this waiver would result in additional housing for the community. The property is located in the dense downtown area and has sidewalks making it walkable, transit stops and access, and designated bike lanes and routes as alternative transportation options for residents.
- 2) The property is located outside of the town center parking area.
- 3) (See 1) Granting the waiver does not seem to result in adverse impacts to the property in the neighboring area as it downtown making it walkable as well as close to alternative transit options.
- 4) This waiver does not seem to materially endanger public health, safety, or welfare.

Thank you for your consideration and attention,



Hali Duran
Owner of Record
303-478-2132
Hali.duran00@gmail.com