

MUNICIPALITY OF ANCHORAGE

DEVELOPMENT SERVICES DEPARTMENT



DATE: November 14, 2019

TO: Three-Member Panel Hearing
Building Board of Regulations Examiners and Appeals
Appellant – Eric James, Dependable Used Cars, LLC

FROM: Robert Doehl, Building Official

SUBJECT: BC-A-01-2019

Synopsis:

Appellant has appealed a Building Official imposition of fines for working without a permit (moving a sink), occupying a building without a Certificate of Occupancy, and failure to complete final inspections for open permit items. Appellant in seeking review has only challenged the imposition of fines for the sink relocation. Because the other bases for fine imposition remain uncontested and waiving a fine for a second offense is inconsistent with the Building Code, this appeal should be denied.

Background:

On September 27th, 2019, Jim Pinder, Safety Enforcement Officer with Alaska Occupational Safety and Health (AKOSH) contacted Don Hickel, MOA structural inspector to inform him that he received a complaint that the building at 10100 Old Seward Highway had some building related safety issues and did not have a Certificate of Occupancy. Don Hickel confirmed that permit C17-1826 had expired and initiated a service request for a code abatement investigation. This service request was assigned to Mike May, Code Abatement Officer.

Mike researched the property and confirmed there was an expired permit and that neither a Certificate of Occupancy nor Conditional Certificate of Occupancy had been issued. Permit C17-1826 expired on 11/3/2018, which is 360 days from the last inspection that was performed on the project. On 9/30/19, Mike made a site visit and discovered that the building is occupied, and the business is operating there. Upon further discovery, he noticed there was new plumbing work performed, but no record that a plumbing permit had been issued or that the this or prior work had been inspected. Mike issued a Notice of Violation on 9/30/19 for illegal occupancy, expired permit, no plumbing permit, and work completed without inspections.

On October 2, 2019, Mr. James submitted a letter to the Building Official seeking forgiveness for the plumbing work that was performed without a permit or inspection. On October 7, 2019, the Building Official denied the request and did not waive the fine. Subsequently, Mr. James requested to appeal to the Board of Building Regulation Examiners and Appeals which was received on October 25, 2019.

Mr. James was sent a letter on 10/31/2019 informing him that there were code violations in addition to the plumbing work that needed to be addressed. To obtain his Certificate of Occupancy he would first be required to reactivate his permit. Also, there are several comments from Traffic Engineering dated 10/18/2017 that have not been addressed or resolved. Furthermore, there are items contained in the response for Nonconforming Status Determination dated 9/27/2017 that have not been fulfilled or

confirmed that they have been completed. These items include violations for lack of on-site pedestrian facilities and amenities, lack of required on-site landscaping and screening, and lack of off-street parking and loading standards. He must also obtain a plumbing permit issued to a licensed plumbing contractor. Finally, all final inspections must be completed and approved for structural, electrical, plumbing, and zoning.

Prior to this most recent event, Mr. James received a Notice of Permit Requirement (NOPR) on 1/25/2017 for using a mobile trailer and sheds as offices for his business without the required permits. A Notice of Violation was then issued on 2/6/17 due to nonresponse from Mr. James. The NOPR is subject to a \$1000.00 fine that has not been resolved nor paid. The time period has long expired for an appeal of this action by the Building Official. There is currently a partial permit for interior work only that has been issued. The issuance of the full permit is pending approval from traffic and zoning which still has outstanding review comments.

Applicable Code Sections and Comments:

1. **23.10.103.5.1 - Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

COMMENT - THE BUILDING IS BEING ILLEGALLY OCCUPIED WITHOUT FINAL INSPECTIONS BEING REQUESTED TO GET A CO OR CCO. THE SINK WAS RELOCATED WITHOUT A PERMIT.

2. **23.10.103.5.2 - Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

COMMENT - A NOTICE OF VIOLATION ISSUED FOR ILLEGAL OCCUPANCY AND WORK PERFORMED WITHOUT A PERMIT,

3. **23.10.104.1 - Permits required.** Any owner or authorized agent intending to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building, structure or portion thereof, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit unless work is specifically exempted by this code.

COMMENT - A PERMIT IS REQUIRED FOR THE PLUMBING WORK PERFORMED.

4. **23.10.104.14.8 - Expiration.** Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by the permit is not commenced within 360 days from the date of the permit issuance, or if the building or work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 360 days. For the purposes of this section,

work shall be deemed suspended or abandoned if no inspections have occurred within 360 days. If the suspension or abandonment has not exceeded 18 months the work may be recommenced upon application for reactivation of the permit. For reactivation, the building official shall have the option to either extend the previous plan approval at no additional charge or, if a code change cycle has ensued in the interim, require the applicant to revise the drawings accordingly and pay a new plan review fee. For reactivation, the permit fee shall be one of half the amount required for a new permit for such work. In order to renew action on a permit abandoned or suspended more than 18 months, the building official may exercise the same option described above regarding plan review, but the permittee shall pay a new full permit fee.

COMMENT - THE PERMIT EXPIRED ON 11/3/2018 AND IS NULL AND VOID UNTIL IS HAS BEEN REACTIVATED.

5. **23.10.104.15.4.2 - Fee.** When work is begun without proper permits, an investigation fee at a rate shown in Table 3-M, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of the investigation fee shall not exempt an applicant from compliance with all other provisions of this code nor from the penalty prescribed by law. The building official may waive the investigation fee for a first offense. No individual or company granted a waiver under this section shall be afforded additional waivers for future offenses. When the building official has reasonable cause to believe an inspection fee waiver is requested by a person to avoid payment of the fee by another person or company who was previously granted a first offense fee waiver, the building official may deny the waiver request.

COMMENT -APPLIES TO FEES AND FINES IMPOSED FOR THE VIOLATIONS NOTED ON THE NOTICE OF VIOLATION AND NOTICE OF PERMIT REQUIREMENT

6. **23.10.106.3 - Approval required.**

A. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions not in compliance shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

B. There shall be a final inspection and approval for each relevant discipline associated with the permitted building or structure before the building or structure shall be declared completed and ready for occupancy and use.

COMMENT - PLUMBING WORK WAS CONCEALED PRIOR TO INSPECTION AND FINAL INSPECTIONS FOR STRUCTURAL, ELECTRICAL, PLUMBING, AND ZONING HAVE NOT BEEN PERFORMED.

7. **Section 107 - Certificates of Occupancy.**

23.10.107.1 - Use or occupancy.

A. Buildings or structures shall not be used or occupied nor shall a change in the existing use or occupancy classification of a building or structure or portion thereof be made until the building official issues a Certificate of Occupancy as provided herein

COMMENT – THE BUILDING IS OCCUPIED WITHOUT A CERTIFICATE OF OCCUPANCY

8. 23.10.Table 3-M-Miscellaneous fee and fines

<p>5. Investigation fee for work begun without proper permit(s), in addition to all permit fees required by this code.</p>	<p>Permit fee required by this code, or \$1,000, whichever is greater</p>
<p>a. First Offense: Investigative fee may be waived by the building official if required permit is obtained within reasonable amount of time agreed to by building official.</p>	
<p>b. Subsequent Offenses: Investigative fee plus an additional \$1,000 fine applied incrementally for each additional offense. As example, the third offense would be investigative fee plus \$2,000 if the first one was waived.</p>	

COMMENT – TABLE OF FEES AND FINES THAT ARE APPLICABLE TO THE VIOLATIONS

Summary of MOA Position:

It is the department’s position that the fee and fine for working without a permit for the sink move should not be waived, because this violation is egregious, and it is not the only consideration that must be addressed. There are other violations noted on the Notice of Violation that are also subject to fines. Additionally, this is the second NOPR that Mr. James has received and per Table 3M of the Administrative Code, the second violation constitutes a \$2000.00 fee/fine. Mr. James has not yet paid the first \$1000.00 investigation fee from the NOPR dated 1/27/2017. The most recent NOV dated 9/30/19 initially had a \$1000.00 fine applied to it since staff was not aware that a previous NOV had been issued, thus making the recent NOV a \$2000.00 fine. Mr. James must pay the requisite fines, reactivate the permit for the work previously done and schedule final inspections, have a license plumber obtained a permit for the sink move with the appropriate inspection performed and have the site work done necessary to comply with the Nonconforming Status Determination.

**MUNICIPALITY OF ANCHORAGE
DEVELOPMENT SERVICES DEPARTMENT
4700 ELMORE ROAD • P. O. BOX 196650 • ANCHORAGE, AK 99519-6650
(907) 343-8301 • (907) 343-8200 FAX**

NOTICE OF VIOLATION
ANCHORAGE ADMINISTRATIVE CODE 23.10.103.5.2

The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Date: 09-30-19	Owner/Contractor Name: CBA Investments Inc.	Phone: 907-748-7975
Site Address: 10100 Old Seward Hwy.		
PI: 01604144000	SR: MOA Permit C17-1826 (S.R.196542)	
Owner/Contractor was: <input type="checkbox"/> Contacted <input type="checkbox"/> Unable to be reached	Legal Property Description: Sub: NIGH	
Notice was: Delivered to personnel on site	Lot: 7A1 REM Block: _____ Grid: 2530	
Name: _____ Phone: _____	Contractor: OWNER: Eric James	
<input type="checkbox"/> Posted on building <input type="checkbox"/> Delivered to owner <input type="checkbox"/> Mailed to owner	<input type="checkbox"/> Photos taken	

VIOLATION FEES & FINES, PER AMC 23.10 TABLE 3-M

PERMIT REQUIRED (AAC 23.10.104.1)

<input type="checkbox"/> Structural	<input type="checkbox"/> Elevator	<input type="checkbox"/> Reroof
<input checked="" type="checkbox"/> Electrical	<input type="checkbox"/> Fire	<input type="checkbox"/> Temporary/Seasonal Structure
<input checked="" type="checkbox"/> Plumbing/Mechanical	<input type="checkbox"/> Grading, Fill & Excavation	<input checked="" type="checkbox"/> Other PERMIT EXPIRED

LICENSE REQUIRED (AAC 23.10.105.1)

CONTRACTOR

CONTRACTOR	INDIVIDUAL	JURISDICTION
<input type="checkbox"/> General	<input type="checkbox"/> Plumbing Journeyman/Apprentice	<input type="checkbox"/> State of Alaska
<input type="checkbox"/> Specialty	<input type="checkbox"/> Sheetmetal Journey/Apprentice	<input type="checkbox"/> Municipality of Anchorage
<input type="checkbox"/> Plumbing/Mechanical	<input type="checkbox"/> Electrical Journeyman/Apprentice	
<input type="checkbox"/> Electrical	<input type="checkbox"/> Gasfitter Journeyman/Apprentice	
<input type="checkbox"/> Other		

DANGEROUS BUILDING (AMC 23.70.702.1 & 23.10.107.1)

STOP WORK

Using or Occupying/change in use without a Certificate of Occupancy

Title 15.20.005 – Public Nuisances/Vacate and Abandoned Buildings

Other

Comments/Violations:

ILLEGAL OCCUPANCY PER 23.10.103.5 & 23.10.107. PERMIT EXPIRED 23.10104.14.8. NO PLUMBING/MECHANICAL PERMITS ISSUED, WORK COMPLETED WITHOUT INSPECTIONS. NOTICE TO VACATE PER 23.10.705.1 TO BE ISSUED TO OWNER AND POSTED ON BUILDING IN THREE DAYS (3).

THIS FORM MUST BE PRESENTED TO THE PERMIT TECHNICIAN.

To apply for a permit or license, visit the Development Services Dept. located at 4700 Elmore Road. If you have any questions, you may call 343-8301 for assistance. We will assist you with the permitting process. Note: Work completed may not be code compliant and may require alteration or removal. **YOU MUST RESPOND TO THE CODE OFFICIAL WITHIN THREE (3) BUSINESS DAYS FROM THE DATE OF THIS NOTICE. FAILURE TO RESPOND MAY RESULT IN FURTHER ACTION.**

Inspector's Name: MIKE MAY Phone #: 343-8074 Email: george.may@anchorage.ak.gov
Print Name

Service Request & Case Summary Report

Report Date: 10/31/2019 10:09 AM

Service Request #: 196542

Request Date: 9/30/2019

Address: 10100 OLD SEWARD HWY, Anchorage

Location:

Legal Description: NIGH LT 7A1 REM G:2531

Agency: Abatement

Status: Open

Priority: HIGH

Complaint Description:

Building with Expired Permits

Contacts:

<u>Contact Type</u>	<u>Name</u>	<u>Phone</u>
Customer	Jim Pinder	(907)269-3722

Alaska Occupational Safety and Health received a complaint on 9/26/2019 from a former employee. 1. No Plumbing 2. Exit door will not open 3. Water dripping on electrical outlets 4. Car lift unsafe (bolts keep falling out during use)

Hearings Completed:

<u>Hearing Type</u>	<u>Docket #</u>	<u>Hearing Date</u>	<u>Result</u>
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Inspections:

<u>Inspector / Inspection Type</u>	<u>Result</u>	<u>Inspected On</u>
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Log Entries:

<u>Date</u>	<u>Log Type</u>	<u>Employee</u>
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09/30/2019	Log	G.May
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issued a N.O.V. FOR EXPIRED BUILDING PERMITS AND NO C.O. ISSUED FOR THIS STRUCTURE THAT HAS AN ACTIVE BUSINESS OPERATING OUT OF IT. SPOKE WITH THE OWNER THIS ATERNOON, HE TOLD ME HE WOULD BE IN AT 8:00 AM TOMMOROW TO GET THEPROCESS OF CORRECTING EVERYTHING STARTED.

10/03/2019	Log	G.May
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received an e-mail from Eric James regarding inspection of the automotive lifts after the Nov. 30, 2018 earthquake. e-mail is in attachments.

10/28/2019	Log	G.May
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received verbal notification from Taná that Eric James is appealing his NOV for expired permit and no C.O. ever being issued on his used auto dealership office construction project. He was issued the NOV back on 9/30/2019, its been over 3 weeks since it was issued and the application for an appeal time limit is two weks from date of NOV issue. He will have to get permission from Head Building Official to be allowed to appeal the NOV now, at this point.



**Municipality of Anchorage
DEVELOPMENT SERVICES DIVISION**

4700 ELMORE ROAD ♦ P.O. BOX 196650 ♦ ANCHORAGE, AK 99519-6650
(907) 343-8301 ♦ (907) 343-8200 FAX

NOTICE OF PERMIT REQUIREMENT

- Commercial Residential New Remodel Reroof Land Clearing Addition Excavation/Fill
 Temporary/Seasonal Use Building Fire Rehab

Date:	Owner Name:	Phone:
01/25/17	CBA INVESTMENTS	748-7975
Site Address:		
10100 OLD SEWARD HWY		
Owner was:		Legal Property Description:
<input checked="" type="checkbox"/> Contacted <input type="checkbox"/> Unable to be reached		Sub: PI: 176842
Notice was: <input checked="" type="checkbox"/> Delivered to personnel on site:		Lot: 7A1 Block: Grid:
Name: Phone:		Contractor:
<input checked="" type="checkbox"/> Posted on building <input type="checkbox"/> Delivered to owner <input type="checkbox"/> Mailed to owner		<input checked="" type="checkbox"/> Photos taken

Dear Property Owner,

A possible code violation exists on your property. The following was observed by an MOA Inspector:

ACTIVITY	PERMITS REQUIRED	
<input type="checkbox"/> Construction ongoing without permits	<input type="checkbox"/> Structural	<input type="checkbox"/> Electrical/Retro
<input type="checkbox"/> Construction requiring licensed contractors	<input type="checkbox"/> Mechanical/Plumbing/Retro	<input type="checkbox"/> Reroof
<input type="checkbox"/> Expired permit	<input type="checkbox"/> Elevator	<input type="checkbox"/> Fire
<input type="checkbox"/> Change of use or occupancy	<input type="checkbox"/> Demo	<input type="checkbox"/> ROW
<input type="checkbox"/> Work exceeds permit	<input type="checkbox"/> Land Use	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> No permit	<input checked="" type="checkbox"/> Temporary/Seasonal Use	<input type="checkbox"/> Fill/Excavation

Remedy:

- Stop Performing Any Work Do Not Cover or Conceal Any Work Requiring Inspection
 Obtain Required Permits Pay fees per AMC 23.10 table 3.M
 Do Not Occupy or Use

Comments: MOBILE TRAILER ON SITE - USED AS OFFICE.
NO PERMITS.

2 STORAGE SHEEDS USED AS OFFICE SPACES.
- OBTAIN PERMITS - SHEEDS W/ ELECTRIC POWER
~ 10 x 10'

THIS FORM MUST BE PRESENTED TO THE PERMIT TECHNICIAN WHEN APPLYING FOR THE PERMIT.

To apply for a permit, visit Building Safety at 4700 Elmore Road. If you have any questions, you may call 343-8301 for assistance. We will assist you with the permitting process. Note that work completed may not be code compliant and may require alteration or removal.

Apply For Permit By: 01/27/17 Inspector Name (Print): C. ROSENCRANS

MUNICIPALITY OF ANCHORAGE
Building Safety Division

NOTICE OF VIOLATION

PLEASE READ CAREFULLY

The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Be advised that this notice is issued because:

- **23.10.104.3.1 - Temporary structures.**
- Buildings, structures, sheds, canopies, fences, reviewing stands and other structures of a temporary nature may be erected and occupied by permit from the building official for a period of 180 days. Fabric buildings and shelter structures intended to remain in place for longer than 180 days and not intended to be used as seasonal structures shall not qualify as temporary structures. Temporary structures may be erected without meeting all requirements for permanent structures, but shall meet the following conditions: A through J.

Comments: Notice of permit issued on site on 01/25/17. Obtain permits for the trailer and (2) sheds used as offices. The trailer and sheds have never been permitted.

Property Legal Description: Dependable Used Cars - Parcel # 016-041-44-000

Site Address: 10100 Old Seward Hwy.

Owner's Name: CBA INVESTMENTS INC

The owner must respond to the code official within three (3) business days to determine the extent of the repair, demolition, or removal necessary. Failure to respond within the time allowed may result in further action against the property owner. After the three (3) business days, the code official shall determine if a Notice and Order shall be issued (AMC 23.70.704.2¹). For more information, contact Building Safety at 343-8301, visit us on line at www.muni.org/building, or in person at 4700 Elmore Road.

Inspector's Name: C. Rosencrans Date: 02/06/17

Service Request 176842

¹**23.70.704.2 Notice of violation.** All violations noted by the code official shall be listed on the posted notice of violation. A notice of violation shall be posted at the location of the building or structure determined by inspection to have a violation. The code official shall give the owner three (3) business days to meet with the code official to determine the extent of the repair, demolition or removal necessary. After the three (3) business days, the code official shall determine if a notice and order shall be issued.

Service Request & Case Summary Report

Report Date: 10/31/2019 10:07 AM

Service Request #: 176842

Request Date: **1/25/2017**

Address: 10100 OLD SEWARD HWY, Anchorage

Location:

Legal Description: NIGH LT 7A1 REM G:2531

Agency: Abatement

Status: Closed

Priority: MED

Complaint Description:

Notice of Permit Requirement

Contacts:

<u>Contact Type</u>	<u>Name</u>	<u>Phone</u>
Customer	Violator CBA Investors Eric James	(907)748-7975
See Log		
Customer	CBA INVESTMENTS INC	

Hearings Completed:

<u>Hearing Type</u>	<u>Docket #</u>	<u>Hearing Date</u>	<u>Result</u>
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Inspections:

<u>Inspector / Inspection Type</u>	<u>Result</u>	<u>Inspected On</u>
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LUE 118351

MOA 9

Log Entries:

<u>Date</u>	<u>Log Type</u>	<u>Employee</u>
01/25/2017	Log	C.Rosencrans
<p>See service request 166531 that was closed due to a pulled demo permit C15-1655. Demo of trailer was never done by CDF. Building permit C16-1466 pulled by CDF - Called Gary, he stated that Dependable used cars will not be going further for the new building (per Eric James). I also spoke with Gary about the Temp trailers used as offices and he also said that they are using some sheds as offices as well. I will go by the site today and issue a NOPR for the Temp trailers as they do not have permits.</p>		
01/26/2017	Log	C.Rosencrans
<p>Eric James called me after I dropped off his NOPR (748-7975). See attached NOPR and Photos. He stated that Sharon Walsh had let him do business out of the trailers (without permits) as he progressed on his new building. In our record the last plan review was in 09/2016. He also had 2 sheds approx. 10x10' that he has as offices on site with electrical power. I told him that I would contact him on 01/26/17</p>		
02/01/2017	Log	C.Rosencrans
<p>Called Eric James and left message for him to call me back. I spoke with SW about the "deal" they made. No deal was ever observed in writing on my end. SW doesn't recall this either. NOPR still stands.</p>		
02/02/2017	Log	C.Rosencrans
<p>Called Eric James today at 11:15am and left message for him to return my call.</p>		
02/07/2017	Log	C.Rosencrans
<p>02/06/17 Made a site visit with BP to post NOV for the Temp structures. Eric James called me back (he never called me back last week) and was yelling about how he was going to get a lawyer involved and how he lost so much money due to Sharron Walsh. He also stated that he couldn't find the deal he had with SW. He also stated how title 21 was a joke and so on. WE have a meeting with him in the fish bowl at 1PM 02/07/17. I have Ross N, Mike P., BP, and HG to attend to resolve this.</p>		
02/08/2017	Log	C.Rosencrans
<p>Meeting with Eric James and his associate 02/07/17 at 1 pm, Mike P, Ross N, Kent K, Bill P, Hans G, and my self from the MOA. Eric James agreed to obtain a permit for the trailer and move his people out of the sheds in a timely manner . He was also talking about obtaining a change of use permit to construct offices in the car detail shop to the west of the lot. He also expressed his concern or the oil field business off of 100th having offices without permits. We will look into that. Suggestions to MR. James was to talk with the ombudsman about how he felt miss led by Ron Thompson and to hire a credible architect to help him with the change of use of the detail shop. It appeared that he was less stressed after the meeting after having some clarification.</p>		
03/21/2017	Log	C.Rosencrans
<p>Called Eric James today. Mailbox is full and cannot leave message.</p>		
05/10/2017	Log	C.Rosencrans
<p>Emailed Eric today asking the status on the retro of the existing building to pull permits and the trailer.</p>		
09/15/2017	Log	C.Rosencrans
<p>C17-1827 is under review for the warehouse space. Ill have to check on trailers.</p>		
12/11/2017	Closure	C.Rosencrans
<p>C17-1826 Permit issued</p>		

Service Request & Case Summary Report

Report Date: 10/31/2019 10:33 AM

Service Request #: 166531

Request Date: 3/3/2015

Address: 10100 OLD SEWARD HWY, Anchorage

Location:

Legal Description: NIGH LT 7A1 REM'G:2531

Agency: Abatement

Status: Closed

Priority: MED

Complaint Description:

Fire Damaged Buildings

Contacts:

<u>Contact Type</u>	<u>Name</u>	<u>Phone</u>
Customer	Mike Woods	(907)343-8328

The Fire Dept. made contact via E-mail and said this building suffered fire damage, and appears to be a temporary building due to it's lack of a permanent foundation. This is the office for Dependable Used Cars, and previously was for the Phil Haws Used Car Lot. See logs. - Woods. 343-8328.

Customer CBA INVESTMENTS INC

Hearings Completed:

<u>Hearing Type</u>	<u>Docket #</u>	<u>Hearing Date</u>	<u>Result</u>
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Inspections:

<u>Inspector / Inspection Type</u>	<u>Result</u>	<u>Inspected On</u>
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Log Entries:

<u>Date</u>	<u>Log Type</u>	<u>Employee</u>
03/03/2015	Inspection	M.Woods
<p>Went to property on 03/02/15. Met there with Eric James, CBA Investments, 907-748-7975. I explained to him that I had researched permits and there was 02-6162, for 2000 yards of fill, #E01-8923, for installation of light poles in the parking lot, and #01-5897, for a mobile home moved to site for use as a car lot office. I do not know how this building that suffered the fire, and appears to be a single family home, got set up on this property. Mr. James became upset/angry and started into his opinions about bureaucracy. He said he called MOA before he bought the property and was told all permits were closed and everything was OK. I asked who did he speak with? He said he would research his records. He said they did not know if his business would repair the building or build a new one. I told him that he would of course need required permits and we would need to figure out why the damaged building is not on a permanent foundation. Mr. James let me into the damaged building and I took six photos. He apologized for becoming upset and we parted on a good note. I'll need to keep an eye on the property. I'll update log when more info developes. -Woods. 343-8328.</p>		
03/24/2015	Inspection	M.Woods
<p>No work on the fire damaged building appears to be taking place. -Woods.</p>		
04/24/2015	Log	M.Woods
<p>No work is taking place on the fire damaged building. -Woods.</p>		
05/15/2015	Inspection	M.Woods
<p>The building is not being worked on. Owner may still be thinking about demo or repair.</p>		
08/25/2015	Inspection	M.Woods
<p>Inspected 07/30/15. Many photos taken. This building is not on a permanant foundation and is a manufactured building for housing. A great deal of water has accumulated under the structure due to the parking lot sloping toward it rather than away. The building shows much evidence of settlement and heaving. The owner and contractor want to replace all trusses, including the ones not damaged by the fire, due to the obvious substandardness of the 2x2" existing trusses. The deck and it's roof system appear to be added without the benifit of permits, since many areas are weak for the purpose of supporting an Anchorage snow load. Ross Noffsinger and Sharen Walsh are creating a letter for the owner. I believe it will contain info that the C.O. was possibly issued in error. I'll add more notes as info developes. -Woods. 343-8328.</p>		
08/31/2015	Log	M.Woods
<p>Ross Nofsinger is working with the Building Official, Sharen, to create a letter which addresses the property and the fact that a C.O. for this building may have been issued in error. Ross has my file. I'll up-date when more info developes. -Woods.</p>		
04/05/2016	Closure	M.Barnhill

FILE COPY
PLEASE DO NOT REMOVE

October 02, 2019

Ref. Permit C17-1826

Mr. Bob Doehl,

This letter is in response to notice of violation on work completed without inspections for plumbing/mechanical. We were under the impression that the plumber who moved the sink called in the inspection and we are requesting that an inspector come out and see the completed work. We are asking for forgiveness in such manner as the work was minor and minimal. I would like to rectify and complete any concerns you may have. We can either communicate by telephone or schedule a meeting to discuss further.

Respectfully,

Eric James

Eric James - erictjames@me.com - cell 907-748-7975

CBA Investments Inc.

10100 Old Seward Hwy.

NOT APPROVED
FINES NOT TO BE WAIVED
[Signature]
BUILDING OFFICIAL
DATE: 10-7-19

\$1k Fine

Recvd. 10/2/19

MOA REP *[Signature]*

printed name Andrew Earp

SUBMITTAL
C17-1826
OCT 2 2019
ANDREW EARP
SR196542

October 02, 2019

Ref. Permit C17-1826

Mr. Bob Doehl,

Eric James never completed addressing Plan Review comments yet he continued working on areas within the building that didn't have permits.
Fine recommended
See Mike May if any other info needed. Sandra

This letter is in response to notice of violation on work completed without inspections for plumbing/mechanical. We were under the impression that the plumber who moved the sink called in the inspection and we are requesting that an inspector come out and see the completed work. We are asking for forgiveness in such manner as the work was minor and minimal. I would like to rectify and complete any concerns you may have. We can either communicate by telephone or schedule a meeting to discuss further.

Respectfully,

Eric James

Eric James - erictjames@me.com - cell 907-748-7975

CBA Investments Inc.

10100 Old Seward Hwy.

Recvd 10/2/19

NOT APPROVED
FINES NOT TO BE WAIVED
[Signature]
BUILDING OFFICIAL
DATE 10-7-19

M.O.A. REP *[Signature]*
Printed Name Andrew Eamp

SUBMITTAL
C17-1826
OCT 2 2019
ANDREW EAMP
SR196542



Municipality of Anchorage
Community Development Department
Development Services Division

P.O. Box 196650 - Anchorage, Alaska 99519-6650 - 4700 Elmore Road
 Phone: (907) 343-8211 Fax (907) 343-8214 <http://www.muni.org>

Traffic Engineering Review Comments

Permit Number: C17-1826

Project Manager: pwgjs

For questions regarding resubmittal procedures, please contact your Project Manager at

Permit Contacts

<u>Capacity</u>	<u>Primary Applicant</u>	<u>Name</u>	<u>Phone</u>	<u>Email</u>	<u>Contact Type</u>
Y		CBA INVESTMENTS INC			Owner

Review Result: Correction

Review Completed On: 10/18/2017
 Review Completed By: R.Ribble

Comments:

NO COMMENTS

Advisory Information:

Comments on 10/13/17 routing from zoning.

1. Provide onsite pedestrian connection to ROW per 21.07.060 E.4.d. Either show raised concreted sidewalk or bollards spaced 6 inch on center that separates walkway from parking and/or required circulation aisles.
2. Provide typical dimensions for required parking spaces.
3. Required parking calculates indicated 29 spaces which will require a total of two handicap spaces to be provide. (1 van accessible space, and 1 non van accessible space) Provide 1 additional space.
4. Add note to site plan that all pavement marking shall be striped with 4 " white paint.
5. Add note that accessible parking spaces and aisles shale be marked with 4" blue paint per 21.07.090J. Provide required signage (R7-8) for accessible spaces, (R7-8A) for van accessible space, R7P-101, No Parking Anytime for van accessible aisle. **(Permanent or temporary accessible signage needs to be installed prior to issuing CCO)**
6. Provide Wheel Stops for Parking spaces 1-9 along building. Offset wheel stops 7 feet from building to provide required 5 f pedestrian access route to main entrance.
7. Provide landscaping plans per non conforming determination to determine any potential impact to required site improve and parking. If additional landscaping is provided along property frontage to Old Seward highway. Show required sight distan triangles for driveway on plan.
8. Show locations of existing exterior site lighting to determine if there is any impact to required site improvements.

Traffic comments are incomplete pending submission of additional information. Additional comments may be generated 10-18-17~RR

Task Description	Notes	Reference
Verify Street Classification and Ownership	AK Rev.	
Verify Parcel Information	Old Survey Minor Arterial	MOA GIS System
Verify Zoning	I-1	MOA GIS System
Check Plat Notes		MOA GIS System
Aerial and Street view review		
Title 21 Review		Google Maps
Verify Requested Use	USED CAR	
Snow Storage and Disposal		
Are Snow Storage Areas required?	YES	21.07.040 F
Check location and Size	✓	
Alternative Agreement		
Transportation and Connectivity		
Was a TIA required	N/A	21.07.060 C
Street and onsite Vehicular Circulation		21.07.060 D
Verify compliance with Street standards	✓	
Verify Parking lot standards	3	
Verify Street Connectivity	✓	
Pedestrian Facilities		21.07.060 E
Are sidewalks required?	NO	E.2
Are Through-Block Connections required	NO	E.3
Are On-Site Pedestrian Connections required	YES Per NCO	E.4
Verify trail connections	✓	E.5
Check for Restrictions	✓	E.6
Pedestrian Amenities		21.07.060 F
Does Site identify any pedestrian amenities	NO	
Landscaping Screening and Fences		21.07.080
Verify with Zoning on required landscaping	NO LANDSCAPED PER 3 ✓	
Verify sight distance for Screens and Fences		
Off Street Parking and Loading		21.07.090
Determine if there was a change in required parking?	YES	B
Are required parking calculations provided? Zoning approved?	YES	B
Is there a parking out layout and design plan?	Partial	D
Verify minimum space requirements (Table 21.07-4)	✓	E
Parking Reduction and Alternatives		F
Is there a approved parking reduction agreement	NA	F.1
Off Street loading requirements		G
Are loading berths required	NA	G.1
Verify Type and quantity provided	✓	G.2
Parking and loading facility Design Standards		H
Verify if parking overhang impacts any required landscaping		H.3
Exterior Lighting (Old Title 21)	SHOW EXISTING LIGHT ✓	H.5
Glare and Lighting Statement		
Lighting Calculations	N/A	
Verify parking overhang in to pedestrian access	NOT SHOW	H.6
Verify parking space offset from building	NOT SHOW	H.7
Circulation Patterns		
Curbed end Islands for parking rows		H.8.b
verify driveways are in compliance with MOA Guidelines	✓ EXISTING	H.8.d
Verify parking and maneuvering Dimensions (21.07-7)		H.9
Verify Parking lot Grades (5%)	NO INFO PROVIDED ✓	H.11
Verify ADA Accessible grades (2%)	NO INFO PROVIDED ✓	H.11
Are parking lots paved	YES	H.12
Passenger Loading Zones		
Verify Passenger Loading Zone Requirements	NA	I
Accessible Space every 100 feet	↓	I.2
Check Dimensions	↓	I.4
Accessible Route	↓	I.5
Schools		
Accessible parking Spaces		
Verify number of accessible parking spaces	ADD 1 SHOW 2 PER ✓	J (21.07-8)
Van Spaces	1	J (21.07-8)
Multifamily and Mixed Use residential	NA	J.3
Medical Facility	↓	J.4
Check location to Primary entrance for facility	↓	J.5
Verify Dimensions	↓	J.7
Check grade (2% max all Directions)		J.8
Verify Accessible route		J.9
Signage and Striping	ADD SIGNAGE FOR ADA ✓	J.10

PROVIDE NOTES FOR STRIPING MARK-1

Bicycle parking		
	Required #	NA
Vehicle Queuing Spaces		K
	Number of queuing required	NA
	Minimum 30 feet leaving lane	21.07-9
	Dimensions	L.3
	Circulation Conflicts	L.4
	Delineation	L.5
Structured Parking		L.6
	Ground Floor Depth	M
	Façade	M.2
	Screening	M.3
	Landscaping	M.4
	Ingress -Egress	M.5
	Maximum Gradients	M.6
	Layout Internal Circulation	M.7
	Automated	M.8
		M.9

- 1) Provide Pedestrian connection from R.O.W per 21.07.060. E.4. Provide raised side walk on project side of walkway with bollards plus 6' or more
- 2) Provide typical dimensions for required parking spaces, 9' x 20 minimum. Accessible space minimum width 8 feet
- 3) Provide additional handicap parking space. ~~Provide~~ ^{also}
- 4) Provide note that all pavement markings shall be 4" white unless otherwise noted
- 5) Provide note that accessible parking space ^{also} shall be 4" blue. Provide require R7-8 accessible parking signs for space. R7-8a van accessible space and R7P-101 no parking any time for 8' van accessible also
- 6) Provide wheel stops for parking spaces 1-9 wheel stops to be located 7 feet from building to provide five foot provision + walkway to parking sign

Provide Landscape Plans Per NLD ~~Requirements~~
Verify ~~that~~ ^{proposes} ~~that~~ Provision Access & Parking are
~~not~~ ~~impacted~~ ~~by~~ ~~landscaping~~. If any landscaping
is added along property adjacent to old school
high school site distance ~~table~~.

Show location of existing site layout
to verify impact to circulation & parking

MUNICIPALITY OF ANCHORAGE



Community Development Department
Planning Division

Phone: 907-343-7909
Fax: 907-343-7927

Mayor Ethan Berkowitz

September 27, 2017

CBA Investments, Inc.
DBA Dependable Used Cars
Attn: Eric T. James
10100 Old Seward Highway
Anchorage, Alaska 99515

SUBMITTED
SEP 28 2017
C17-1826

Mr. James:

This letter is in response to your request for a determination of the nonconforming status of the property located at 10100 Old Seward Highway, Anchorage, Alaska. Grid: SW2531, Parcel No.: 016-041-44-000, Legal Description: **Lot 7A1 REM Nigh Subdivision.**

This determination is based upon the documents provided with your request, building permit records, tax assessment records, our research, and the applicable Municipal Ordinances in place presently and at the time of construction.

The following facts were established:

March 24, 1972 the property was zoned I-1 (Light Industrial) District.

Lot 7A1 REM of Nigh Subdivision was created by Plat 85-173, filed on **July 11, 1985.**

June 1980 An ArcReader aerial photo shows the property is covered by dirt and natural vegetation.

June 1990 An ArcReader aerial photo shows the lot is still vacant; there is less vegetation and evergreens on the property than what was seen in the 1980's aerial photo.

September 11, 2001 Building Safety Permit #01-5897 issued for a temporary seasonal building (mobile home) moved on to the lot for use as a car lot office. The proposed construction plan was approved for 180 days. The permit submittal described a landscaping design adding blue spruce through existing asphalt and weeping birch into existing ground; no site plan was found in the file.

2002 ArcReader aerial photo shows a car lot and the Sales Office located as shown on the 2003 as-built. The asphalt surface is similar to that shown on the 2003 as-built. A connex unit is located beyond the west edge of the asphalt pavement. The property has two driveways with access from Old Seward Highway. Trees and natural vegetation fill the area between the west edge of the asphalt pavement and the west property line. Vehicles are parked along the length of the north, east, south, and west property lines.

April 23, 2003 Commercial Permit Application for Permit No. 03-5335 processed for a new 1,080-square-foot office building.

A proposed site plan submitted for Building Safety Permit #03-5336 used the October 24, 2003 as-built. The proposed site plan was stamped approved by Zoning on **March 16, 2004**, and by Traffic Department on **March 16, 2004**. The plan indicated a screened dumpster and pad at the southwest portion of the property, and a dumpster at the northwest portion of the property. Five parking spaces are shown perpendicular to the east wall of the warehouse, one of which is accessible. Five parking spaces are shown perpendicular to the west wall of the sales office, one of which is accessible. Parking calculations indicate the warehouse includes a detail shop. The lot shows asphalt pavement covering the majority of the lot.

2004 ArcReader aerial photo shows a structure has been added at the west side of the lot (the current location of the warehouse).

An as-built of Lot 7A1, dated October 24, 2003 and **recertified October 21, 2005** by Duane Mark Seward, a Registered Professional Land Surveyor, shows two structures on the lot: The west structure (warehouse/detail shop) measures 48.1 by 99.1 feet; and, the east structure (sales office) measures 26.9 by 52.2 feet. The sales office is set back 106.9 feet from the east property line abutting Old Seward Highway. The warehouse building encroaches fully into a platted 10-foot T&E and Utility Easement. The warehouse is setback 25.3 feet from the west rear yard property line. There are two driveways with access from Old Seward Highway.

November 17, 2005 Certificates of Occupancy issued for Building Permit Nos. 03-5335 and 03-5336 for new office and new warehouse. Issued to Phil Haws Auto Outlet LLC.

2006 A roof was added to the west structure seen in the 2004 aerial; the roof's ridgeline measures approximately 100 feet in length.

2010 ArcReader aerial photo shows vehicles parked within the interior of the lot and at the north, east, south, and west property lines. There are approximately 100 vehicles on the lot. Images between 2006 and 2010 consistently show 100 vehicles or more displayed on the property.

2011 Google street view image shows the lot is vacant and there is an advertisement sign for lease or sale visible from the roadway.

2012 ArcReader aerial photo shows two structures on the property and two vehicles parked on the east side of the sales office. The remainder of the property is vacant and has no landscaping or vegetation.

2015 ArcReader aerial photo shows the warehouse and sales shop on the property. Areas not dedicated to the structures have one contiguous ground surface material. There is no visible striping. Two connex boxes and two sheds are located at the south property line. There are approximately 90 vehicles, trailers, or boats parked on the lot with space for more. Vehicles are parked at a slight angle to the north, east, south, and west property lines, and within the lot's interior in front of the warehouse and in front of the sales office. There is no visible landscaping on the property.

July 16, 2015 Building Permit No. C15-1655 processed for demolition work. Permit status shows expired.

May 12, 2016 Building Permit No. C16-1466 processed for new 2,000-square-foot building; the project was cancelled and notation made in file on March 8, 2017.

August 21, 2017 Building Permit No. C17-1826 processed for adding office space from warehouse/shop space, and submittals are currently in review.

September 25, 2017 In a phone conversation with Mr. James, he explained fire damage to the sales office occurred in about February 2015. The structure was deemed non-usable but remained on the lot until approximately two months ago, or July 2017. Mr. James explained the Building Official, Sharon Walsh, revoked the Certificate of Occupancy for a modular building on a temporary foundation (piers and blocks) after the fire damage.

No parking plan or landscape plan was provided for this determination.

The following conclusions are drawn from the above information:

AMC 21.07.060 requires on-site pedestrian facilities and amenities and aerial photos show there are no provided connections or amenities, nor building separation from the parking areas. Additionally, the warehouse entrance is about 150 feet from the entrance area of the demolished sales office, and the lack of pedestrian connection between the street and warehouse cannot be deemed conforming because the warehouse was an accessory structure prior to the ordinance approving AMC 21.07.060. Its change of use from an accessory structure to a principal structure occurred in 2017 and was after the requirement for on-site pedestrian connection was in effect, therefore, **the lack of on-site pedestrian facilities and amenities are in violation of AMC 21.07.060.** To remedy this violation, prepare and submit to the Municipal Traffic Engineer an on-site transportation and connectivity plan in accordance with AMC 21.07.060 and implement installation of amenities in accordance with the approved plan. Contact the Traffic Department for plan review requirements. Traffic Department is located at 4700 Elmore Road. The phone number is 343-8406.

The 2004 aerial photo shows all natural vegetation was cleared at the lot's west 60 feet and the lot's south 10 feet when the warehouse was constructed, and aerial photos through 2015 show no landscaping was installed to replace any of the natural trees and vegetation. The cleared areas were paved and used for vehicle display. The provision of site perimeter, site enhancement, perimeter and interior parking lot landscaping, and their maintenance was required at the time of development and is presently required by AMC 21.07.080; therefore, **the lack of required on-site landscaping and screening is in violation of AMC 21.07.080.** To remedy this violation, prepare and submit a landscape plan in accordance with AMC 21.07.080 and implement installation of landscaping and screening in accordance with the approved plan. Alternatively, demonstrate existing landscape conditions meet the minimum standards and have been adequately maintained. Contact Building Safety for permitting and plan review requirements. Building Safety is located at 4700 Elmore Road. The phone number is 343-8211.

AMC 21.07.090 establishes off-street parking and loading requirements as a necessary part of the development and use of land, and ensures the safe and adequate flow of traffic in the

public street system, and ensures parking lots are designed to perform in a safe, efficient manner. The intent of the section attenuates the adverse visual, environmental, and economic impacts of parking lots. Aerial photos show the property has had no striping, directional arrows, or other design features such as required parking spaces, accessible spaces, vehicle display spaces, or traffic control measures. The elements required by this section were in place at the time of construction and currently by AMC 21.07.090; therefore, the lack of off-street parking and loading standards are in violation of AMC 21.07.090. To remedy this violation, prepare and submit to the Municipal Traffic Engineer an off-street parking and loading plan in accordance with AMC 21.07.090 and implement installation of the design in accordance with the approved plan. Contact the Traffic Department for plan review requirements.

The recertified as-built from 2005 and aerial photos show the location of the warehouse in respect to the east property line abutting Old Seward Highway exceeds the maximum setback established by AMC 21.06.030C.5. The warehouse was lawfully erected prior to January 1, 2014, therefore, the warehouse is deemed conforming with regard to maximum setback, governed by AMC 21.12.040C.

The warehouse is setback 25.3 feet from the west rear yard property line and encroaches entirely into a platted 10-foot T&E and Utility Easement. Contact the Municipal Right-of-Way Section regarding the encroachment in a Utility Easement. The Right-of-Way office is located at 4700 Elmore Road, and the phone number is 343-8240.

Asphalt parking surface is visible in aerial photos and is shown on the as-built extending beyond the property boundary onto the west and north abutting properties. The encroachment of the asphalt parking surface is a civil matter between property owners and not an issue with the Municipality of Anchorage. This letter does not grant permission for the encroachment onto an adjoining lot.

The as-built dated October 24, 2003 (recertified in 2005) submitted for this determination does not accurately reflect the property's current inventory. Handwritten comments on the page indicate the sales office was demolished due to fire damage and a gravel pad remains where the building was once located. The property owner is proposing to add 750 square feet of office space from warehouse space. Important: Should the information provided on an as-built prepared on or after September 2017 materially change the conclusion herein, the department may revise or revoke this determination.

Anchorage Municipal Code, Title 21, effective January 1, 2014, as amended and relevant to this determination are as follows:

AMC 21.06.020A. Table of Dimensional Standards: I-1 District:

Minimum lot size and width requirements:

- Lot width 50 feet
- Lot size 6,000 square feet

Minimum setback requirements:

- Front yard 10 feet
- Side yard 20 feet if adjacent to a residential district; otherwise 0 or at least 5 feet
- Rear yard 20 feet if adjacent to a residential district; otherwise 0 or at least 5 feet

10-27-19
MP
completed
4/12-12-03
ldg Row.

AMC 21.06.030C. Setbacks

5. Maximum Setbacks

Maximum setbacks are intended to help create an environment that is inviting to pedestrians and transit users, and a more active streetscape. Maximum setbacks promote buildings closer to the sidewalk and a stronger interface between buildings and adjoining streets, improving connectivity and making walking more convenient. The requirements of this subsection provide for flexibility and creativity, and allow improvements to existing developments that do not meet the standard.

a. Measurement and Applicability

- i. The maximum setback applies to the ground-floor, street-facing elevation of the building, as depicted below.
- ii. On lots with two or more street frontages, the maximum setback shall apply only on the primary front setback. When the site abuts a street designated in the comprehensive plan as a "main street", a "transit street", a "mixed-use street", or a derivation of these street typologies, the location of the maximum setback may be changed to such street with the concurrence of the director.
- iii. Where there is more than one building on the site, the maximum setback standard applies to the combined ground-floor, street-facing elevations of all the buildings, as depicted below.

AMC 21.07.060E. Standards for Pedestrian Facilities

4. On-Site Pedestrian Walkways

b. On-Site Pedestrian Connections

The following walkways shall be provided. Where one walkway fulfills more than one requirement, only one walkway need be provided. If they can provide a relatively direct route, public pedestrian facilities such as public sidewalks shall satisfy any or all of the requirements below.

- i. A walkway shall connect the primary entrance to the abutting primary street frontage, except where a proposed walkway connection to an alternative street frontage is determined by the director to provide equal or better pedestrian access. No walkway need be provided to the primary street frontage if that frontage is a restricted access street or a frontage road, unless there is a pathway or other pedestrian facility to which access can be provided along the restricted access street or frontage road, in which case a walkway shall connect to that pedestrian facility. The walkway route shall be clear and direct, to the extent reasonably feasible.
- ii. All primary building entrances on a site shall be connected to the street by a convenient system of walkways. This includes multiple primary entrances into one building, and primary entrances in separate buildings on a site.

- iii. A walkway shall connect the primary entrances to any transit stop abutting the site, where on an active transit route with scheduled service. The walkway shall be clear and direct to the extent reasonably feasible.

AMC 21.07.060F. Pedestrian Amenities

2. Applicability

Pedestrian amenities shall meet the minimum standards of this section in order to be credited toward a requirement, menu choice, or as a special feature bonus incentive of this title.

AMC 21.07.080E.1.b. Site Perimeter Landscaping shall be provided along the perimeter property line of development sites in accordance with table 21.07-2, except at approved points of pedestrian or vehicles access. *The abutting properties are zoned I-1 at the north, west and south sides. The properties on the east side of Old Seward are within the B-3 District. Old Seward Highway is classified as a major arterial road.*

AMC 21.07.080E. Types of Landscaping

1. Site Perimeter Landscaping Requirements

b. Applicability

Site perimeter landscaping shall be provided along the perimeter property line of development sites in accordance with table 21.07-2, except for (i) At approved points of pedestrian or vehicle access; (ii.) On individual single-family and two-family lots that are not being developed as part of a subdivision, unless required elsewhere in this title; and (iii.) Along alleys.

- d. Visual Enhancement Landscaping is required along property perimeters that abut a public right-of-way.

2. Parking Lot landscaping Requirements: Parking lot landscaping consists of parking lot perimeter landscaping and parking lot interior landscaping.

b. Parking Lot Perimeter Landscaping

- i. Parking lot perimeter landscaping is required for all parking lots with 10 or more parking spaces that are associated with any multifamily or nonresidential use, and for parking lots that are a principal use on a site.
- ii. Parking lot perimeter landscaping shall be placed on all perimeters of a parking lot, which includes appurtenant driveways, where the parking lot abuts a property line. L2 buffer landscaping shall be used where a nonresidential district abuts a residential district, or is adjacent to a residential district across an alley, and where a multifamily district abuts a single-family residential district. All other sides of the parking lot perimeter shall have L1 visual enhancement landscaping.

c. Parking Lot Interior Landscaping

Parking lot interior landscaping is intended to visually enhance and break up the area of larger parking lots. Parking lot interior landscaping is required for any parking lot with 40 or more parking spaces. The area of the parking lot shall be determined by the total paved area including parking, circulation aisles, and appurtenant driveways.

i. Parking lot interior landscaping requirements are as follows:

(A) 40 to 100 parking spaces: An area equal to at least five percent of the parking lot shall be devoted to landscaping.

(B) 101 to 200 parking spaces: An area equal to at least eight percent of the parking lot shall be devoted to landscaping.

iii. For parking lots with more than 200 spaces, a linear landscaping break with a minimum width of 8 feet shall be provided parallel to every third drive aisle. This area may count toward the total interior parking lot landscaping requirement.

AMC 21.07.080E.3. Site Enhancement Landscaping

b. Applicability and requirements. Development sites shall provide site enhancement landscaping. Site enhancement landscaping requirements, including required area and planting materials, are provided in Table 21.07-1.

AMC 21.07.090E. Off-Street Parking Requirements, Table 21.07-4:

Warehouse or wholesale establishment, general or light: 1,000 – 10,000 sf gfa: 1 per 1,000 sf gfa; Add 1 space per each 1,250 sf gfa above 10,000 sf gfa, up to 50,000 sf gfa

Vehicle – large and small, sales: 1 per 7,000 sf outdoor display/sales area; 1 per 400 sf indoor floor area

Vehicle service and repair, major and minor: 0.5 per car wash bay; 4 per other service bay (provided that all vehicles in custody of operator of business for purpose of service, repair or storage shall be stored on premises or on a separate off-street parking lot or building)

Office: Office, business or professional: 1 per 350 sf gfa

AMC 21.07.090.H. Parking and Loading Facility Design Standards

1. Applicability: These standards apply to any parking facility or loading facility including all parking spaces in a development, except where stated otherwise.
7. Relationship to Buildings: (a.) Nonresidential Buildings: Parking spaces and parking aisles shall be separated from any nonresidential building by a walkway or site enhancement landscaping planting area, or both, of at least four feet in width. Other motor vehicle areas shall also be subject to this requirement only where the traffic

engineer determines it necessary for a safe pedestrian walkway route between a building entrance or parking lots.

AMC 21.12.060 Characteristics of Use

A. Developments Are Conforming

1. Development that was legally established before January 1, 2014 that does not comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07 (except for section 21.07.020B., Stream, Water Body, and Wetland Protection) shall be considered conforming on January 1, 2014, and subject to this section. Development that does not conform to section 21.07.020B., Stream, Water Body, and Wetland Protection, shall be considered nonconforming.
2. No change shall be made to any development unless the change is in the direction of conformity to the requirements of this title.

Anchorage Municipal Code Title 21 is available on the internet at www.muni.org/planning.

This determination is based on the information listed above, which was provided by the applicant or was in the files of the department. If additional information is obtained, or the information provided above is later determined to be inaccurate or false, and materially changes the conclusion herein, the department may revise or revoke this determination.

If I may be of further assistance, or if you have any questions, please call me at 343-8332.

Respectfully,



Laura Jo Moeller

Land Use Plan Review

Appeal: This determination may be appealed to the Zoning Board of Examiners and Appeals (ZBEA) in accordance with AMC 21.03.050B. The appeal may be brought by any party of interest for the application no later than 20 days after the date of service of the decision. The appeal fee is \$1,080 and is required to be paid at the time the appeal is submitted. If the ZBEA fully overturns the decision of the director, then the fee will be returned. If the ZBEA overturns the decision of the director in part, then half of the fee will be returned. Please contact the Current Planning Section for more information.



Municipality of Anchorage

(RE) SUBMITTAL INFORMATION FORM



Please mark the correct box(es) below for each discipline that you are responding to.

Your (re)submittals will be routed only to the disciplines marked. Each discipline should be addressed individually.

ZONING

TRAFFIC

PUBLIC WORK ENG.

STORM WATER

RIGHT OF WAY

ARCHITECTURAL

STRUCTURAL

PLUMBING

MECHANICAL

ELECTRICAL

RESIDENTIAL

FIRE

FLOOD HAZARD

ELEVATOR (fill out info below for elevator only)

Residential

Commercial

of units being installed: _____

C17-1826

Permit Number

SUBMITTAL

OCT 13 2017

Legal Description

Subdivision: Affiche Nigh

Block: _____ Lot: 7A1 Tract: _____

(RE) SUBMITTAL DESCRIPTION: Response to Zoning Comments

all complete - asking for building

permits this time and wait till the

Spring for landscaping

Info: letters of non-objection

Note: New Drawing sheets must be inserted in the permit set at MOA by owner or owner's representative.

ERIC JAMES 907-748-7975

Contact Name

Phone Number



Municipality of Anchorage

Development Services Department

P.O. Box 196650 - 4700 Elmore Road

Anchorage, Alaska 99519-6650

Info and Help: (907) 343-8211

INSPECTIONS:

Voice: (907) 343-8300 Fax: (907) 249-7777

11/8/2017

Inspection Report

License/AP#: **C17-1826**

Parent AP#:

Inspection #: **484756**

Type: **COMMBLDG**

Status: **Open**

Address: **10100 OLD SEWARD HWY**

Parcel: **01604144000**

Inspector: **B.Gilgus**

Project:

Resp Party:

Descr: **ADDING OFFICE SPACE FROM
WAREHOUSE/SHOP SPACE-GJS**

Inspection Item: **FireWall (Fire Rated Wall(s))**

Item:

Evaluation: **Approved**

Result Notes: **Fire rated walls and ceiling grid.
Approved**

Inspection Item	Item Description	Evaluation
-----------------	------------------	------------

MUNICIPALITY OF ANCHORAGE

DEVELOPMENT SERVICES DEPARTMENT



October 31, 2019

Dependable Used Cars, LLC
10100 Old Seward Hwy
Anchorage, AK 99515

Dear Mr. James,

We have received your request to appeal the \$1000.00 fine for performing plumbing work without the required permit and inspections at 10100 Old Seward Highway and we are working on scheduling a Three-Member Panel Hearing. However, there are additional code violations on the Notice of Violation that you have not addressed in your appeal.

You are currently occupying a portion of the building that has not received a Certificate of Occupancy. This occupancy is a violation of sections 23.10.103.5.1 (Unlawful Acts), 23.10.106.3 (Approval Required), and 23.10.107.1 (Use or Occupancy) of Anchorage Municipal Code Title 23. These sections address the requirement for final inspections and obtaining a Certificate of Occupancy prior to occupying or using the space. Additionally, the permit is in expired status per 23.10.104.14.8.

To obtain your Certificate of Occupancy there are several items that need to be addressed. Your first step would be to reactivate your permit. Also, there are several comments from Traffic Engineering dated 10/18/2017 that have not been addressed or resolved. Furthermore, there are items contained in the response for Nonconforming Status Determination that have not been fulfilled or confirmed that they have been completed. These items include violations for lack of on-site pedestrian facilities and amenities, lack of required on-site landscaping and screening, and lack of off-street parking and loading standards. You must obtain a plumbing permit issued to a licensed plumbing contractor. Finally, all final inspections must be completed and approved for structural, electrical, plumbing, and zoning.

In closing, even if you prevail on your appeal of the sink issue, you still have the additional outstanding violations on which you would not prevail.

Kind regards,



Bob Doehl
Director and Building Official

INFORMATION - APPLICATION# C17-1826

Application Type **COMM-BLDG Commercial Building App** Application is Open
 Primary Applicant **CBA INVESTMENTS INC** Current milestone is In Review
 Address **10100 OLD SEHARD HWY Anchorage AK 99515** Current unpaid amount of \$1,000.00

Location

Job Description Application Details Reviews Inspections Conditions Required Licenses Fees Bonds Valuations Applicants Sites Employees Related Records Logs Attachments

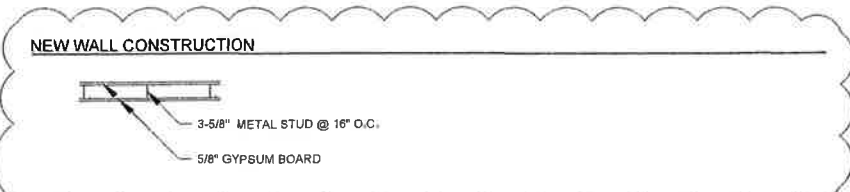
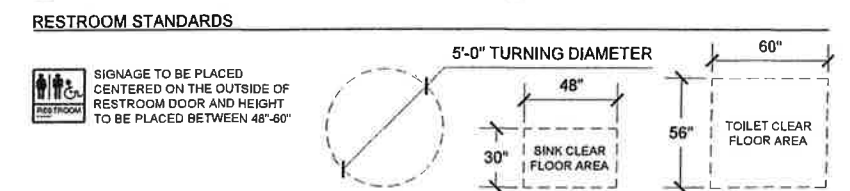
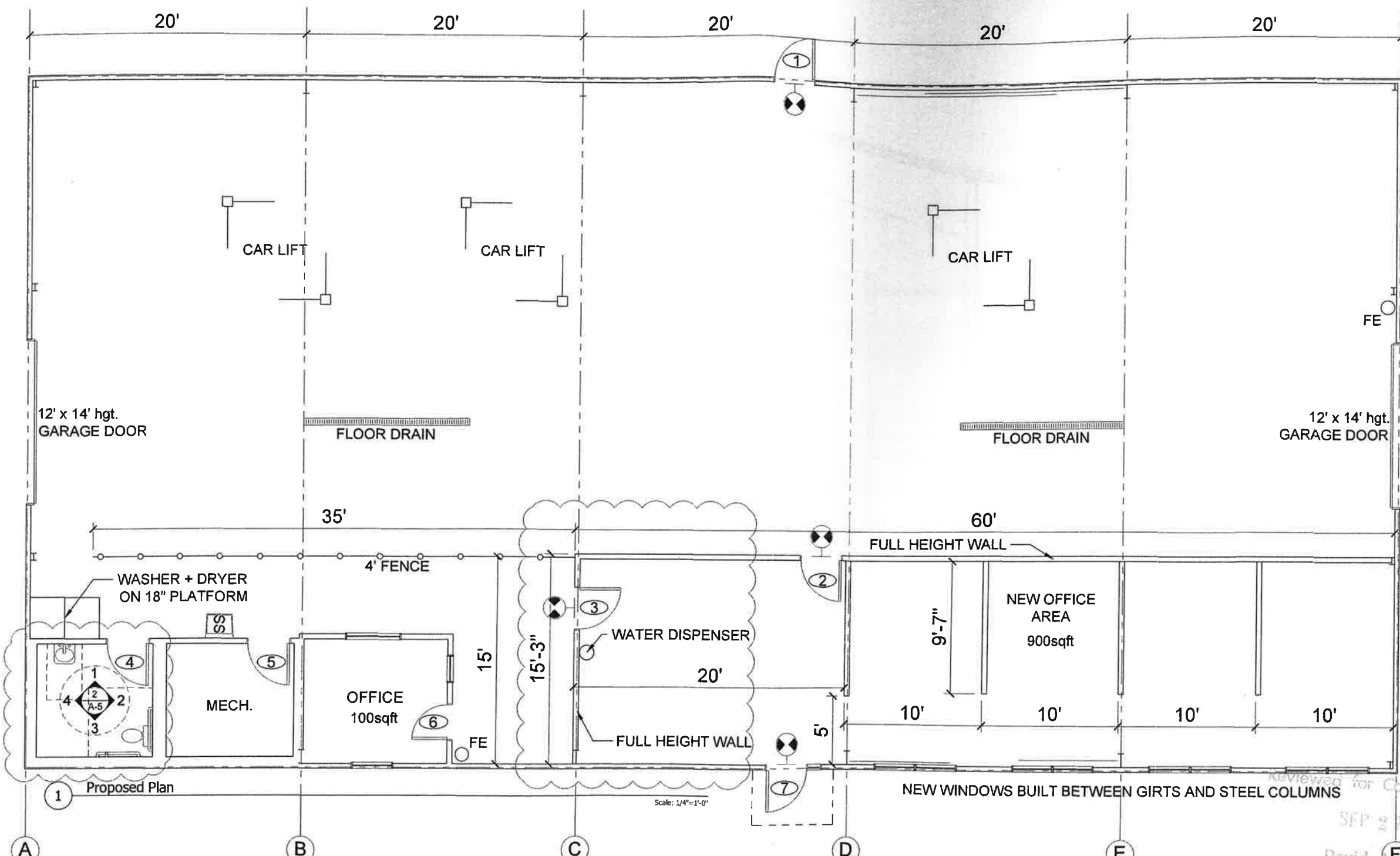
Status Dates

Processed	8/21/2017	12Z1	by	Cashish Stolar	Expires	8/16/2018
Issued	//		by			
Final	//		by			
COO	//		by			
OO	//		by			

Job Description

Work Type	Regular	Building Allocation	# of Plans	0
Sub Work Type	None		# of Pages	0
Permit Type			Declared Valuation	\$150,000.00
Priority	Normal		Calculated Valuation	\$0.00
AP Name	MOFF-DEFENDABLE USED CHRS		Total Valuation	\$150,000.00
Square Footage	0.00	<input type="checkbox"/> Government Building		

ADDING OFFICE SPACE FROM WAREHOUSE/SHOP SPACE-GS
NO ISSUE OF PERMIT UNTIL MOFF FEES ARE PAID IN FULL. NOT WANTED PER THE BUILDING OFFICIAL 1,000.00 FINE.



DOOR SCHEDULE

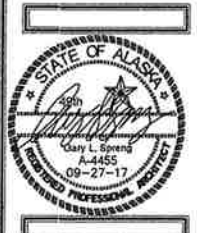
NO.	DOOR SIZE	MATERIAL	NOTES
1	3' x 6'-8" x 1-3/4"	IHM	LATCH, LOCK, CLOSER SET, AND WEATHER STRIPPING
2	3' x 6'-8" x 1-3/4"	WD	LATCH, LOCK, AND CLOSER SET
3	3' x 6'-8" x 1-3/4"	WD	LATCH, LOCK, AND CLOSER SET
4	3' x 6'-8" x 1-3/4"	WD	LATCH, LOCK, AND CLOSER SET
5	3' x 6'-8" x 1-3/4"	-	EXISTING
6	2'-6" x 6'-8" x 1-3/4"	-	EXISTING
7	3' x 6'-8" x 1-3/4"	IGP	LOCK, CLOSER SET, WEATHER STRIPPING, AND SIDE RELITE

DOOR MATERIALS KEY
 IHM = INSULATED HOLLOW METAL, 18 Ga.
 WD = SOLID CORE WOOD DOOR
 IGP = INSULATED GLASS PANEL

FRAMES
 2" x 16 Ga. HOLLOW METAL
 FIT TO DOOR SIZE
 FILL W/ BATT INSULATION
 WHERE DOOR OPENS TO
 EXTERIOR

NOTE: USE HALF INDICATED SCALE FOR 11X17 DRAWINGS

Spreng Associates Inc., AIA
 Architecture & Planning ©2014
 506 E. Fireweed Ln. Suite A / Anchorage, Alaska 99503 / (907)563-5141 / FAX:279-2377
 Job No: 1712 Date: 06/12/2017 Checked By: GLS Drawn By: COB



Reviewed for Code Compliance
 SEP 27 2017
 David Avobaid
 Building Safety

SUBMITTAL
 SEP 27 2017
 C17-1826

PROJECT TITLE: Dependable Used Cars
 prepared for Eric James
 Schematic Floor Plan
 10100 Old Seward Hwy, Anchorage, AK 99515

SHEET NUMBER: **A-3**
 JOB NUMBER: 1712

MOA 31