APPEAL OF END OF GASTINEAU SOCIETY

TO THE ASSEMBLY OF JUNEAU

Dear Assembly Members:

Our End of Gastineau Society respectfully and urgently appeals to you to return Rodenberg Way to its original location and original purpose. A public right-of-way is to be held in trust for the public for as long as it serves a public purpose.

This right-of-way serves a life-saving purpose in the heart of our tourist center. If you save the original Rodenberg Way, you will be saving what is left of the only historic residential neighborhood off South Franklin Street.

The appellants who petition you to save our neighborhood have already experienced the fear of the vibration from sheet piling. This vacation of the public right-of-way is one step towards the dangerous and commercial purpose of driving a sheet pile wall unbelievably larger than before. Last winter, the hill fell two inches. We were all under threat of evacuation. Therefore, we have no choice to appeal to you to protect this neighborhood.
We begin our argument with excerpts from our testimony to the Planning Commission. We told them more than enough to raise grave doubt as to the wisdom of granting the vacation of this important public right-of-way.

"A street or right of way is regarded as being held in trust for the public in general. When it can be demonstrated that the right of way is useless or is no longer needed for a public purpose... it can be vacated."

This public purpose, for me and the other residents in my building, is green open space, a buffer between residential and commercial use areas. It's very important.

Right now it's public. It's a public green open space. If it is ceded by CBJ, it will become what I see as a private taking of public lands, where the public benefits only in the creation of a trinket shop that is open 5 1/2 months out of the year... and further destabilization of the hillside under which my dwelling sits, or maybe I have that reversed—my dwelling sits above this hillside which will be further destabilized by this.

(Jeremy Neldon)
The destabilization he's referring to is that this... Steve didn't mention this, of course, because the great benefit is to the Belgian developers. They want to buy the land so they can make their building bigger. But if you see the area that they already shaved off the hillside, and you see that huge lot down there—I'm sure you've all been down South Franklin—you can see it's an enormous place anyway. They have a huge area to build a building. And so we have great fear of further destabilization of the hillside from their boring, doing their sheet pile wall even close to the apartments, and this would allow them to have that.

Maybe the Planning Commission could ask the Assembly to buy this land with the cruise ship funds money, because it is crucial, like Jeremy said, for tourists who come up. They come up every day just exasperated and desperate—"Where can I find a view? Where can I...?" And then I say, "Oh, look, they're going to develop here, and they say, "Oh, but you can always see buildings, and you can't see this beautiful green open space," and like Jeremy said, the flowers.

If you're going to have to grant this replatting, it should go all the way across the top. Now, this is really important. I'm really asking you to listen to me on this, because I'm not sure I'm always getting through, but this is really important. Where they want to replat this right-of-way to is at the top of the property, and right there Carrol Way comes down as a staircase. Then it levels out into a landing which goes into my house and also into Rodenberg Way. So it's reasonable to put a right-of-way off a landing. But you really can't put a public right-of-way off of a little staircase. I mean, it would never be useful.

That would be at least some justice, because then the Belgian people-- who are not from Juneau and really don't care about our particular little community and the people who live in it there and are really suffering from all this construction—just couldn't build to that extra 5 feet, and that would help a little bit.

I want to ask Tim a question. I didn't see a public notice at the site. You said there was a public notice at the site. Where was that?
That's all I can say—just to express to you how heartrending it is to see your neighborhood just being dissolved inch by inch, and now finally this little tiny strip. It just feels like the last straw, the last bit of... It's just grief that I feel, and the people in the apartments feel that. And it's still so beautiful. The tourists come up there and they gasp. Please save a little bit of the beauty of our neighborhood, because it's just unbearable to see it go. And it's a public resource, the beauty.

Do any of the photos you provided us with depict the area that's under consideration?  (Dan Bruce)

It's a wide... it's a strip of land which is now pretty narrow, but it's full, like I said, of wildflowers. It used to be a lot of trees in front, and without even going to the Planning Commission, the Belgian people were allowed to strip them away and just carve the hillside.

I want to say something else, too, about the brown houses and the benefit to them. The brown house, not Michelle's but the other one, has already been stripped of its yard by these particular developers. Mr. Landvig got a variance from you to take away the front yard, and the side yard was taken away—they were given an easement—the Belgians were given an easement to just grade it right to the house. So it's sitting on nothing. But that's not the fault of the city or the fault of the people in the neighborhood, but the fault of the developers. And to say, well, we need a yard for the brown house, when they already took it, it's a little self-serving.

This little tiny strip of land means so much to the neighborhood, and it means relatively little to the Belgian developers.

(Page Bridges)

I would like to say that there has been a fairly consistent voice... to protect the historical and natural integrity of this neighborhood. So when I saw that this was coming before us and that somehow we're justifying that a second building that's going to be built right beside the building that's now nearly finished and vacant—the second building is wanting to bore even further into our hillside. I think it's obnoxious. I think it's totally unacceptable.

I think that Michelle and Woodie's request for this, their support of this, is not in the interest of the neighborhood as a whole.
And I do like the idea of maybe the City stepping in and balancing what’s going on here and maybe saying, “OK, with respect to the community that’s asking for protection of this area as an open space or a park...”, you know, I think that is a legitimate outcome.

We’ve put up with one building going up, we’re going to put up with another one, but we’re saying it cannot encroach and dig into the hillside. It doesn’t make any sense.

(Chris Joy)

I’ve been aware of this neighborhood issue and debate for a while. I recently have moved to the actual location, so it’s becomes a personal point to actually come here and bring it to your attention that it does matter what happens.

Quality of life is quite important. It doesn’t make sense that we live in Juneau, Alaska and that we need to be begging to have a little piece of green land between us and the commercial property. It doesn’t make sense that we need to be here like, pleading. We live in Juneau. We live in Alaska. All we’re asking for is a green strip.

To say that we need to beg from Daddy Starbuck developer to not develop the green strip, that doesn’t make sense. It doesn’t make sense in basic psychology. It doesn’t make sense economically. It doesn’t make sense for quality of life. It doesn’t make sense for your purpose, each of you being here.

There’s been facts presented through the last few years of actual slides going on, engineers quitting—so I just ask you to take that all into account and come up with something creative. Please. Perhaps if... I was joking with a friend... I was like, well, if this was more visible maybe, if it was like on Calhoun next to the Governor’s Mansion, or anywhere near the Governor’s Mansion—damn, this would sure be getting more attention, and maybe something creative would happen about this.

It’s either really funny or really sad. It’s stand-up comic material. I mean, they’re building and they’re building, and it’s sliding, and everyone’s saying, no, it’s not sliding, but it is sliding, and you can actually come up and see that it is sliding.

(Sandra Cestari)
We appeal the decision to vacate our neighborhood right-of-way of the following major points:

1) **The Community Development Department lost the tape of the hearing.**

A transcript would not have been possible. If we had not ordered a copy of the tape immediately after the hearing, even the few paragraphs of our testimony transcribed here would have been lost.

2) **Health and Safety: Noise of construction and danger to hill.**

The hillside affected by this decision is located in a severe hazard zone. Since 1997, the excavation and sheet piling of massive commercial construction has brought about one enormous landslide, and two serious instances of subsidence causing property damage.

The letters to CBJ employees from CDD staff that are in the staff report (R9-12) reveal that this vacation will give a commercial developer area further back in the hillside, into which they can drive pilings, bore and excavate.

The purpose of the change is to allow Lot 8 to be attached to the three adjoining lots to the southwest, resulting in larger building sites.

The vibration of sheet piling, which we ask you to imagine even if you have not experienced it as we have, would be brought even closer to the apartments above than would be possible now.

The hill slumped last winter under the apartments and the neighboring yellow house north of Carrol Way. The project that caused that slump, the Alaska Fur Gallery building, called for a sheet pile wall, even though a very small amount of sheet piling next to Carrol Way in 1997 caused major property damage. The developers of that project, as well as the CBJ, recognized that there was a risk to the stability of the entire hillside, but they took it anyway.

We must not take this risk yet a third time. The hillside cannot take any more destabilization. And the residents cannot take any more fear. The stress from the fear, even terror, of feeling one's hill and home vibrate under one, in a severe hazard zone with a recent history of instability, has caused illness, accidents and a general malaise among many residents.

In addition, the noise of sheet piling and drilling for anchors is so loud that it is a threat to health. Noise travels up, and with this vacation, the developer could make this noise right under the apartments.
3) The public right of way is held in trust for the public.

A street or right-of-way is regarded as being held in trust for the public in general. When it can be demonstrated that the way is useless or is no longer needed for a public purpose, or where a public benefit can be demonstrated by its closure, a street, alley, or public thoroughfare right-of-way can be eliminated or "vacated". Street vacation is inappropriate where the principal purpose is to bestow a private benefit.

The above statement from the CBJ application for a vacation shows that private benefit at the expense of the public is not allowed. The only benefit of this vacation of Rodenberg Way would be to private property owners.

This right-of-way separates a beloved and beautiful green open space from commercially-owned property. The quality of life for the residents of this neighborhood has been so compromised already, that the loss of this green space, which provides a needed buffer, would destroy our quality of life altogether.

The loss of the green belt would also radically diminish the experience of Juneau for the tourists, who come up from South Franklin seeking local color and a view.

It would destroy the beauty of a historical neighborhood which could be the jewel of our tourist center, a place Juneau could be proud of, and which would attract people who love beauty and local color to visit us.

4) The right-of-way as replatted has no connection to any landings.

Not only is Rodenberg Way a buffer between commercial and residential areas, it also serves the purpose of providing interconnectiveness between two major public right-of-ways.

Carrol Way, south of the House of Russia, and Boroff Way, north of the Armadillo, are both vital transportation corridors. The public now walks between them on private property, the Knudson apartments' walkway. The CBJ cannot rely on private property for interconnectiveness.

The application to the Planning Commission for the vacation did not consider the need to provide the public access from Carrol Way to Boroff Way, and vice-versa. Rodenberg Way was replatted all the way across only because the public brought up the inequity and impracticality of replatting just a portion. But Rodenberg way as replatted has no access to any landings on these steep metal staircases, whereas the original Rodenberg Way does.

(Note: Our notice of appeal says there is access to a landing on Boroff Way. We were wrong, but had been relying on information from Tim Maguire, staff, that the property line was "just under the walkway.")
5) **Improper notification: concealed sign.**

The "property address" for this application is shown as "Rodenberg Way" in the staff report. "Access" is shown as "Boroff Way and Carrol Way."

The lease agreement for a public notice sign clearly states:

* Sign must be posted by the applicant/developer on the site

But the sign was on south Franklin Street, as revealed by the minutes:

Ms. Bridges also asked where the public notice sign were located. Mr. Maguire said the sign was posted in front of the property, off of Franklin Street.

The lease agreement for a public notice sign also clearly states:

* Sign must be clearly visible and readable from a public right-of-way.

But the photograph below shows the location of the sign. It was propped up on a rock at the back of a parking lot, often behind cars. (When this photograph was taken, Mr. Landvik had just taken away the sign, as told to this appellant by CBJ Engineering Department employee Bill Zentner, who was in the vehicle on the left.)

![Image of sign location](image_url)

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6. **Improper notification: no notice to apartment residents of change in use of part of the grounds of their residence. CBJ code requires:**

(5) The applicant shall deliver individual written notice by certified mail, return receipt requested of the application and the initial meeting thereon to each tenant of any multifamily residential development for which the application seeks a change in use.
7. Our Comprehensive Plan protects aesthetics, quality of life, buffers and open space, all of which this vacation would destroy:

In implementing the plan, care must be taken to protect natural amenities and develop carefully, or not at all on land which contains hazards.

Preface

This comprehensive plan helps establish a level of confidence that the livability which many residents cherish will remain for generations to come.

4.17

Inadequately regulated development degrades scenic resources. The quality of residential developments is enhanced by standards and policies to preserve open space.

5.3.2

Maintain, and consider enhancing land use code requirements for buffering and screening between residential and commercial/industrial uses and careful review of site development plans.

Residential project design intro

Juneau residents support measures which will assure the development of high quality, livable neighborhoods... The land use code has requirements intended to achieve this assurance. Maintenance and enhancement of these requirements will increase physical amenities, protect open space, shelter residential areas from adverse impacts of... incompatible land uses...

5.5.1

Maintain and improve design review procedures to assure that proposals for residential development are evaluated in regard to site design, including preservation of open space and natural features, buffers and screens...

5.5.6

Maintain and improve specific standards for buffering and screening between residential and commercial... uses... to ameliorate... adverse visual effects.

5.7.2

Maintain and improve design review procedures to assure that proposals for neighborhood commercial development are evaluated in regard to site design, building placement, parking, landscaping... and other factors related to surrounding properties.

5.10.3

Maintain and improve design review procedures to assure that proposals for mixed use development are evaluated in regard to site design, building placement... and other factors related to surrounding properties.
The green belt is extremely beautiful. It is a vital residential and tourist industry resource. Members of the Planning Commission, as shown by the quotes below, did not know what it looks like, or even where it is.

Mr. Kendziorek asked staff where the walkway is situated. Mr. Maguire explained that the walkway is on Lot 2, close to Lot 8. It is just above the property line.

The Planning Commission should not have made a decision of such importance with so little knowledge. Therefore, we submit these pictures. We were not able to bring photographs to the hearing, because we were not given notice.

Do any of the photos you provided us with depict the area that’s under consideration? (Dan Bruce)
As the photographs on the previous page show eloquently, the Planning Commission should have been aware of and protected the beauty of this publically-needed green belt which is threatened.

The Planning Commission also should have been aware of the severity of the threat to the actual hillside itself. We live in a severe hazard zone. Destabilization of the hillside is not only a threat to us, but also to our vitally important business community on South Franklin Street, as well as to South Franklin Street itself, Juneau's only access to Thane Road.

The Planning Commission is aware of the following two documents, which are sold in the Community Development Department. The information contained in them, if applied to this case, would be certain cause to deny the vacation.

The Belgian property was already stripped of all its trees, as counterindicated below, as a first step towards building a massive building. The second step, grading, was also already taken and is also counterindicated below. This application for a vacation of a public right-of-way is the third step in this process of trying to sneak a project of momentous proportions through the Planning Commission without public or other opposition. But as noted below, the large excavation that would be allowed by this vacation should be prohibited in a severe hazard zone.

GEOPHYSICAL HAZARDS INVESTIGATION FOR THE CITY AND BOROUGH OF JUNEAU, ALASKA

A Summary Report 1972

It is recommended that an immediate moratorium with penalties for violation, be placed on the removal of any vegetation now existing in undeveloped areas classified as High Hazard in the Composite Hazard Maps.

Furthermore, no additional vegetation be removed in High Hazard areas which are presently developed.

It is recommended that a policy be adopted prohibiting the disturbance or removal of earth materials in areas of active mass wasting or classified as Mass Wasting High Hazard.
The Technical Supplement to the previous document contains a passage which is chilling in its applicability to our situation on this hill. It says that in order to prevent earthslides, all hazardous slopes must be protected from "large-scale timber cutting, land clearing or construction activities which may disrupt an already delicately balanced stability situation." Our hill now has cracks in it from two previous construction projects. These cracks fill with ice in the winter and enlarge. This hill cannot take any more destabilization.

Measures for Landslide Prevention and Control

Landslides of the type occurring in the Juneau area are natural processes of erosion and slope reduction. They develop under the highly unstable slope and soil conditions prevalent in the area, triggered by excess soil water supplied by naturally high precipitation levels. Under such conditions, maintenance of slope integrity is prerequisite to preventing or controlling earthslide occurrence in urban and urbanizing areas. This means, at a minimum protection of all hazardous slopes from large scale timber cutting, land clearing or construction activities which may disrupt an already delicately balanced stability situation.

Reduction or elimination of major damage and loss of life can be best accomplished by either:

--avoiding areas with indicated landslide hazard;
--controlling damage resulting from landslides; or,
--limiting types of land use within hazard areas.

The Planning Commission was informed at the hearing-- and they should have known already-- that all of the trees on the large Belgian property had been cut and the entire lot graded. This enormous change to the status quo of the hillside had been made in violation of the above CBJ recommendations, as well as of the Hillside Development Ordinance, which applies to "any hazard or sensitive area." This large-scale removal of trees and earth had also been perpetrated without a Planning Commission or any other public hearing.

We cannot answer the question of why the Planning Commission is so irresponsible that it would let these developers proceed unimpeded through this present hearing, thus giving them an even bigger space to defoliate and destabilize. We will, however, show that one part of the problem is that the applicants and staff dissembled-- bent or concealed the truth-- so that the Planning Commission did not know the whole story. The Planning Commission needed to scrutinize more carefully the statements of people who stand to gain financially from this vacation of a public right-of-way.
The representative for the applicant is Steve Landvik. He is also the contractor for the planned large Belgian project. He is also the contractor for the recently built Fur Gallery building that caused a slump and damage to surrounding properties. When he went before the Planning Commission, as the minutes show, he said nothing whatever about the benefit of this ROW vacation to the Belgian developers:

Reading from Michelle Bonnet's letter to the Planning Commission, Mr. Landvik cited several positive aspects in support of granting the vacation.

Even though the Belgian property is in a severe hazard zone which has already shown its instability, a sheet pile wall is planned to be driven across the width of the property, approximately even with the back of the small neighboring residential lot. Mr. Landvik said nothing about this plan. Nor did he offer any explanation as to why the vacation would make "a more buildable site," as mentioned by staff with only a diagram in evidence:

With the right of way vacated, Lot 8 can be attached to the three adjoining lots creating larger parcels, and in the case of proposed Lot 1A a more buildable site (See Attachments B).

We have already shown how Mr. Landvik concealed the public notice. This lack of explanation is another aspect of his attempting to sneak this project through without attracting attention to the risk. We will give further examples in the following pages. But first, we submit, as allowed, in order to impeach and show a pattern of deceit, a fraudulent engineering report that he submitted to the CBJ for the Fur Gallery project:
Assessment of Risk from Sheet Pile Installation on Lots 2, 4 and 5, Block 1, U.S. Survey 7A

The slope above Lots 2, 4 and 5, Block 1, U.S. Survey 7A is composed of loose, unconsolidated landslide debris. During construction of the Garrison Stone Building, some minor ground subsidence occurred along the down hill side of the residence located on Lot 3, Block 1 of the Pacific Coast Addition during the driving of the temporary sheet piling retaining wall. The majority of the ground subsidence at the residence occurred when the contractor excavated the material within Carroll Way at the down slope end of the sheet piling wall. There is potential for additional settlement and a possible shallow rotational failure in saturated materials immediately below Lot 3 as the result of sheet pile driving on lots 2, 4 and 5. This is clearly recognized by the developer who has made arrangements with the owners to compensate them for any damages.

The primary purpose of the driving of sheet piling on lots 2, 4 and 5 is to provide a temporary retaining structure to allow construction of a permanent concrete retaining wall. The resulting wall will significantly improve the stability of the properties up slope.

5) The slope behind the Garrison Stone Building was over excavated during construction of the back wall of the building. Once the back wall was completed, backfill was placed behind the wall, a rockery wall was placed to allow for the 3' set back from the building walls, and granular backfill was placed above the rockery wall to bring the slope to 1½:1. There was no mechanical compaction of this fill material. Some lateral cracking of the ground surface occurred within the backfilled area as the backfill material consolidated over time. Once the slope reached natural consolidation, there has been no further apparent movement of the slope.

6) Based on the apparent stability of the slope during the construction of the back and side walls of the Garrison Stone Building, including during the driving of the temporary sheet pile retaining wall, there should be little likelihood of movement of this slope during the construction of the temporary and permanent retaining walls for the new building on Lots 4 and 5 of Block 1 of the Pacific Coast Addition.

Sincerely,

[Signature]
F.W. Baxter, P.E.

D.I. Swanston, Ph.D., C.E.G.

Analysis

1) The ground subsidence occurred not only on the downhill side but also under the house and on the Carroll Way side. According to a letter of the homeowner in the Planning Commission record, the subsidence was not "minor."

   Last year, development in another adjacent lot, the Garrison Stone property labeled "G-5" on the enclosed map, caused extensive sloughing of material both on their property and from beneath our house.

2) There was no "temporary sheet pile retaining wall" in the design of this project. A simple excavation and rockery were planned, but a landslide almost 100 ft. across occurred. The rockery design, made by the very same engineer who wrote this report, contained an error that would have necessitated excavation under the house mentioned above. When this excavation near the house, a crack formed next to the foundation. The CFS stopped work and required a geotechnical report of this engineer, but, according to another letter of the homeowner in the record:

   Instead of submitting the geotechnical report, sheet piling were driven by the contractor eight feet from our house (the report was never submitted).

3) The majority of the ground subsidence did not occur during excavation, but as a result of the sheet piling. The homeowner's letters show this also:

   Three weeks after we wrote the letter to the developer expressing concern over the development near our house, his contractor vibrated sheet piling into the ground eight feet away from our foundation. The next day, the soil separated from approximately 25% of our foundation.

4) The wall could not be installed without the risk of destabilizing the upslope properties, which is what actually happened. The area immediately above the wall as well as the areas to the north and south (across) slumped and now have cracks in them.

5) The slope was not "over excavated." It was excavated according to plan. The plan was faulty, causing a serious landslide which almost brought down the house above.

6) The very night that the back wall was completed, the landslide occurred. Backfill was not "placed" behind the wall, but rather landslide debris collapsed into the wall, which barely held.

7) The cracking was not "of the ground surface," but deep. Photographs and on-site evidence exist to prove this. Also the cracking was extensive not "within the backfilled area," but in the slope itself. And it did not occur "over time," but during the sheetpiling, also as proven by photos.

8) The slope has not yet "reached natural consolidation." It still has cracks.

9) The slope was not stable. There was a landslide, and later cracking of the slope.

10) The engineer who caused the landslide and the cracking, having denied that the landslide happened and attributed the cracking to "consolidation over time" rather than sheet piling, now concludes that more sheetpiling will be safe.
Steve Landvig, in charge of both the recent Fur Galley project and this presently underway Belgian project, is taking a gamble with public safety by attempting these dangerous projects. His disregard for public safety in the Fur Gallery project is documented by the fraudulent engineering report he submitted to CBJ. He also had a stop work order put on him for driving sheet piling the very first day when it was too wet. He also violated his building permit by driving two sheet piles and drilling for all the anchors without the required special inspector. Needless to say, as we have already said it here and the public learned about it from the newspaper last winter, Mr. Landvig's overeagerness to take away the support for our hill resulted in a slump, property damage, the threat of evacuation and great fear for the residents.

The above violations relate to the Fur Gallery project, but that project was carried out in conjunction with the Belgian project. The trees were stripped on the same couple of days. The Belgian hill was graded during the Fur Gallery project by the same construction crew. Exploratory boring for bedrock was carried out on both parts of the hill in the same time frame.

In addition, his history of violations, untrustworthiness and lack of regard for public safety is relevant here, because he is continuing this behavior with this project. There are so many misrepresentations in the proposal and testimony, the information given was so misleading, and there were so many violations incurred that this application is unsuitable for approval and should be denied.

We have already shown, on p. 13, that Mr. Landvig gave no explanation at all to the Planning Commission as to what was entailed by the Belgians needing a "more buildable site." He also only discussed Michelle Bonnet's letter, saying nothing at all about the commercial nature of the vacation.

Before we continue with three other serious misrepresentations and reasons for denial of the application, we wish to rebut another misrepresentation. In response to public concerns about the green belt, Mr. Landvik said that the green belt would be "ensured:"

the area above the existing right of way will remain green and vegetated. This is true even if the building below is built to 80% of the lot coverage. Mr. Landvik thought that that ensured the green belt would remain.

The photograph on the next page shows, however, that the Fur Gallery used its 20% of open land for parking (and a small corridor on Carrol Way which has a porch built over it) -- and built back as far as possible.
The three other misrepresentations are:
1) Imlying on the application that Larry Knudson, listed twice as property owner, is alive.
2) Replacing Larry's ex-wife's application with a copy removing her conditions, voiding her consent.
3) Misrepresenting the ROW area to be replatted as being behind both houses, instead of just one, concealing a private gain to Trucano Construction. (Staff did this, also.)

2 and 3 will be discussed after a letter from Larry to the Assembly on the next page, showing his stand against sheet piling on the hill.

When one Commission member asked who owned the lots, Mr. Landvik beat around the bush and did not answer. If he had, questions might have been elicited as to why Larry Knudson, who was deceased, was listed twice in the application as owner.

Ms. Gladziszewski asked what was on Lot 2, Lot 8 and Lot 1 and who owns them.

Larry died of cancer just a month before the sheetpiling that he feared commenced. He would never have allowed the sheetpiling even closer to his apartments that would be facilitated by this ROW vacation, nor would he have sold the land for that purpose.

LARRY DALE KNUDSON

DATE OF BIRTH
March 10, 1938
Dickinson, North Dakota

DATE OF DEATH
October 2, 2000
Renton, Washington

In Loving Memory
This letter protests the Fur Gallery project. Larry would never have allowed the Belgian developers to buy and develop his land (lot 8, The Green Belt).

Larry Knudson
412 Gastineau Ave, Apt. 1
Juneau, Alaska 99801
3 May 2000

To Members of the Juneau Assembly,

This letter is written regarding the Conditional Use Permit for a commercial building on Lots 2, 4, & 5, Block 1, U.S. Survey 7A. The adjacent site is the Garrison-Stone Building.

I own and live at 412 Gastineau Avenue, a 14-unit apartment complex with 3 buildings, which is directly behind the site-work of the Garrison-Stone Building. While they were doing excavation, this whole part of the hillside vibrated real bad. There was damage done to the foundation of Woody and Michelle's. I could not believe these people were not compensated for the damage done to their foundation. I had to request that the operator modify his work, which he did. Driving pilings, I believe, would drive even more vibrations through this hillside. I know the City inspected Woody and Michelle's residence. I thought there may have been damage to my building and did a foundation inspection, but didn't find any. This project however runs adjacent to my property, and I'm very concerned about it. I have read the Engineering report from C.C.E. and it definitely reinforces my concern. Who will be responsible for my building if damage is done? This hillside really vibrates since it is not that stable. It's definitely one thing for a party to accept responsibility and quite another to make good on it.

I have lived here for almost 30 years in this location. When I first moved here it was a residential area that I was astonished to see. It really was the armpit of Juneau. I thought this area needed to be beautified. There were a lot of people with drinking problems, family problems, Native problems, but after meeting them, I really grew fond of the people with a colorful past. There was "Blackie," the ex-logger, who always wanted to shake your hand and squeeze it so hard it hurt; the Jackson brothers; Olga, Dorothy, Richard, and so many others with so much character.

Just gift shops. I find it hard to believe that people visiting this town in Alaska want to see gift shop after gift shop. To me it seems that the City doesn't give a damn about the people who live here. Most of them live in the Valley or elsewhere, so it seems of little concern. Why can't we have a green belt area, or a working art building, or just about anything other than another gift shop. It's disturbing to me. Like I said, I have lived here for 30 years. You cannot believe how great and proud I felt when Marine Park was put in . . . some open space for people to gather. The people who live here are the ones who make a town thrive and work, not the tourist. I personally like the tourists. I like watching the elderly sightseeing this beautiful part of this beautiful land of Alaska after they have probably save a long time for this trip. So I have no problems with tourists. However I feel the community comes first, then everything falls into place with everybody getting more benefit.

Sorry my concern was not voiced earlier. I have an illness, and just returned from Seattle. Also hadn't known about Don and Margie selling their property to the developer, nor the pilings being driven, and I just read the Engineer's report. I would like to see this permit denied for reasons stated, and if not denied, want to know that my buildings will be covered for damage done to them if that occurs.

Sincerely,

Larry Knudson
Larry Knudson died in great pain from cancer. He left behind a common-law wife of many years, Patty, who lives in the apartments. Due to Larry's pain and confusion at the end, Patty did not inherit the apartments, but rather Eloise, his ex-wife, did. Eloise lives in Seattle and has not experienced first-hand the danger posed by this vacation she requested. But she did condition her consent in order to mitigate the danger. This condition was removed by Mr. Landvig, as shown by the identical faxes in the record, shown below. He submitted no evidence that she knew about this change. Her consent is therefore not valid, which in itself is enough to void this vacation.

Development Permit Application. To replace application #2 of the three D.P. Applications in Staff Report.
This pattern of deceit we have been following extends to the amount of CBJ public land the applicant requests be turned over to private ownership. The final decision of the Planning Commission was to replat the entire right-of-way, but not before five citizens protested the inequity. One Commission member was surprised by the request to replat just a portion:

Mr. Bavard asked why this wasn't done in the first place.

Mr. Landvik's application, as stated in the staff report twice, was to vacate just the portion of Rodenberg Way behind the Belgian property, and replat the portion behind both of the houses. This information was repeated in staff's oral testimony to the Planning Commission, as shown by the minutes:

To meet CBJ code requirements, the applicants are platting a new 5-foot access to the site directly from Carroll Way on the uphill side of Lots 2A1 and 3A.

Also included in this proposed replat is the relocation of a portion of right of way on the uphill side of Lots 2A1 and 3A.

At the hearing, a new diagram was given to the Planning Commission showing the replat only behind the first lot. But, though staff called the Commission's attention to the substitution of the application from Eloise Knudson, he did not call their attention to the new diagram. As shown above in the minutes, he instead told them that the new right-of-way would go behind both houses. This was untrue, and concealed a private gain to another commercial enterprise, Trucano Construction.

When Trucano Construction bought the house in order to facilitate construction of the Fur Gallery project, the Planning Commission was informed that the house would be sold upon completion of the project. Right now, its inhabitants are employees of Mr. Landvig, so that it is likely that the intention is indeed to sell it. The free distribution of the land from the right-of-way to Trucano Construction, concealed from the Planning Commission, will add to its resale value, at cost to the public.

With the revelation of this concealed private gain to commercial interests we close our brief. We choose not to rebut the letter in the record from our neighbors, Michelle and Woodie, who also hope to gain from this vacation. The quality of life they ask for would ruin the quality of life for the other residents; and the benefits they request can be brought about even if this decision were overturned. Instead, we ask you the Assembly, to listen to the voices of those who will not gain financially, but love our neighborhood and want to save it.
I believe the encroachment of the Belgian developers is unacceptable and unethical. Their persistent disregard to the public and local needs and interests in the local area is harmful to our geological and economic environment. Sliding has already occurred in the area. If more development occurs—more sliding will result. That poses a real, concrete danger to public safety of all those living in the area. Also, economically, how is the Belgian developers' plan really helping the people in Juneau? It is not. The money will stay in their bank account instead of circulating in ours. Furthermore, we want our neighborhood preserved. It is a quiet, beautiful area to live in. However, with the proposed development plan we will in a sense become serfs to Lords and Kings, or "Developers." We seek what most Alaskans seek—a quiet and natural place to live. Please seek a rebuttal to the Belgian developers' proposal and save our quiet neighborhood.

EGS has worked in good faith, following the letter of the law, in our repeated appeals of overdevelopment by commercial interests which clearly jeopardizes the stability of the hillside and the continuity of our green space neighborhood.

Our brief presents clear evidence of those commercial interests, represented by Mr. Steve Landvik, repeatedly violating codes, regulations and requirements which otherwise protect "right of ways" and hazard zones "in trust."

Additionally, there is the option of CBJ purchasing the plot(s) in question to formally cease risky and questionable commercial development practices in this area, spearheaded by Mr. Landvik.

Please consider rightfully "staying" the extent of Mr. Landvik's trinket sprawl, insofar as it is environmentally unsound, legally duplicitious and misleading and incompatible with public interests.

I believe this brief clearly presents the case of a neighborhood besieged by dubious developers whose arrogance negates any supposition of their good faith efforts to work with the residents. The Planning Commission erred in their decision due to insufficient notice to residents, and the subsequent insufficient, erroneous and fraudulent evidence provided by Landvik and CBJ. It is fortunate that through this process we now have the opportunity to adjudicate a more thoughtful, unrushed and fair decision.