



United States Department of the Interior

NATIONAL PARK SERVICE

Kenai Fjords National Park
P.O. Box 1727
Seward, Alaska 99664

IN REPLY REFER TO:

L7019(KEFJ)

August 6, 2006

Kenai Peninsula Borough
Planning Department
144 North Binkley Street
Soldotna, Alaska 99669-7599

This is a letter of intent to accompany the Mary Lowell Center Replat, Lot 17B which seeks to combine Lots 17A - Block 9, the vacated portions of Washington Street, Lots 1 and 2 - Block 4, all located in the Seward Townsite, Alaska. In addition, the replat establishes a new Right-of-Way (ROW) adjacent to the project and pedestrian easements on the replatted lot.

The area being replatted including the vacated portion of Washington Street will be used for the development of the Mary Lowell Center, a public facility. The Mary Lowell Center is a partnership project involving the City of Seward (COS), the Seward Ranger District - U.S. Forest Service (USFS), and Kenai Fjords National Park – National Park Service (NPS). The uses in the building include: conference center for the City of Seward, visitor center for the USFS and the NPS, and administrative headquarters for the NPS and USFS. The location is zoned for commercial development in downtown Seward. The project intends to make use of existing water and sewer service located in the alley or on Fifth Avenue. There are no exceptions to either City or Borough Ordinances being requested at this time.

In October, 2005, the National Park Service on behalf of the Mary Lowell Center Partners (City of Seward, U.S. Forest Service, and National Park Service) submitted to the Kenai Peninsula Planning Commission a petition to vacate 100' of Washington Street. The petition was accompanied by City of Seward Planning and Zoning Commission Resolution 2005-23 that supported the petition to vacate. The petition to vacate Washington Street was approved by the Kenai Peninsula Planning Commission on November 29, 2006. In order to finalize the approved vacation, the National Park Service is required replat the property incorporating the area to be vacated.

The National Park Service proposes to replat the alley on the south side of Washington Street as a 50' wide right-of-way (ROW) in accordance with Seward City Code (16.05.010). It should be noted that KPB Code (20.20.110.D) allows for a 40' wide ROW called a marginal access street

which would have been applicable in this situation if Seward City Code had not taken precedence. The National Park Service would replat a 30' wide ROW from the west side of the property known as Old Solly's (Lots 1 & 2 – Block 4) and the vacated portion of Washington Street.

During the vacation approval process (November, 2005), the Borough Planning Commission made several findings for consideration in the final plat. Finding #21 states: "If approved, suitable turnaround area will be provided for vehicles of emergency providers". Finding 25 states: "There is an alternative tsunami escape route."

City of Seward Fire Codes (adopted) apply as well and read as follows:

International Fire Code 503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

According to City of Seward Fire Chief Dave Squires, in reviewing the Mary Lowell Center schematic design, he noted that the code requirement for a cul-de-sac does not apply as the length of the remaining portion of Washington Street is less than 150'. During schematic design, Chief Squires identified that it would be desirable to widen the alley more than the existing 20' to improve access to the building for emergency purposes. His concerns were incorporated into the schematic design which provides an additional 5-8 feet of alley width along the entire west side of the Mary Lowell Center.

With regard to the need for an alternate tsunami escape route, Chief Squires noted at the October 6, 2005 Planning and Zoning Commission Hearing and at a June 6, 2005 Planning and Zoning worksession that there were several alternate tsunami routes available in the event that Washington Street should be vacated. The City plans to finalize the tsunami routes once the final plat is accepted.

Throughout the project development, the MLC Partners have recognized the inadequate width of the alleys in the downtown area. During the schematic design phase, the project created a 5-8' setback from the alley to alleviate some of the difficult loading/unloading situations that occur. It should be noted that the KPB Code leaves the development of alleys to city ordinance and the Seward City Code is silent on the development of alleys.

Once the vacation approval was obtained and the project moved into developing the replat, we discovered both the Borough's (20.20.090) and the City's (16.05.010) ordinances that address dead-end streets or minimum street widths. Given the downtown location and the local area's character, the MLC Partners find that both ordinances place unnecessary and undesirable requirements on the project. However given the timeframe that the National Park Service has to finalize the vacation, we will not pursue variances or exceptions to these requirements.

Both the MLC Partners and the Alaska Sea Life Center (neighboring property owner across the alley) have expressed concern about the newly established ROW being developed to its full 50' width to accommodate normal street traffic. We find that this would create an undesirable traffic

pattern in the downtown area which could also be a safety issue for the new visitor/conference facility. The Mary Lowell Center Partners hope to work with the community to ensure that both the remainder of Washington Street and the newly created ROW south of Washington Street would provide a safe and welcoming setting for all pedestrians using the area.

In December, 2005, the City of Seward established the Mary Lowell Center Citizen's Advisory Committee (MLCCAC) to make recommendations to the Mary Lowell Center Project Partners on such topics as the design and compliance with platting requirements. The MLCCAC has begun to focus their efforts on ensuring that the remaining portion of Washington Street is welcoming for pedestrians and provides a "Red Carpet" to the Fourth Avenue business district. The advisory committee anticipates making recommendations to the Seward City Council on potential actions to limit or restrict vehicle access if necessary to facilitate greater pedestrian movement between the proposed Mary Lowell Center and the 4th Avenue Commercial District.

We would also like to note that the project has heard repeatedly from the public and the Seward Planning and Zoning Commission that if this project were to be developed in a manner that did not require building across Washington Street, that the vacation be set aside. KPB 20.28.120 speaks very clearly that the final plat must be presented to the Commission within one year of approval, with no extensions. As a separate request from this replat, the National Park Service will be requesting an exception to KPB 20.28.120 that would somehow suspend recording the final plat until a time or action that demonstrates a need to build across Washington Street.

We look forward to hearing from you on this matter. If you should have any questions regarding this request, you may contact me at 224-7515.

Sincerely,

Jeff Mow
Superintendent

enclosures

National Park Service, Plat Submittal
Mary Lowell Center Replat, Lot 17B
List of Enclosures

1. Mary Lowell Center Preliminary Replat (7/31/06)
2. Recommended Changes to Tsunami Evacuation Routes
3. Seward Planning and Zoning Commission Resolution 2005-23
4. Seward Planning and Zoning Commission Resolution 2006-17
5. Seward Planning and Zoning Commission Minutes, July 6, 2006