

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

August 26, 2021
Virtual Meeting Only
12:00 PM

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I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. May 27, 2021 Draft Minutes, Title 49 Committee
- B. June 10, 2021 Draft Minutes, Title 49 Committee
- C. June 24, 2021 Draft Minutes, Title 49 Committee
- D. July 1, 2021 Draft Minutes, Title 49 Committee

IV. AGENDA TOPICS

- A. Downtown Parking
- B. Signs

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

VI. ADJOURNMENT

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Thursday, May 27, 2021
Community Development Department
Virtual & Telephonic Meeting, 12:00 P.M.

Members Present: Nathaniel Dye, Erik Pedersen, Travis Arndt, Mandy Cole

Members Absent: Joshua Winchell

Commissioners Present: None

Staff Present: Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Teri Camery (CDD Senior Planner), Laurel Christian (CDD Planner)

I. Call to Order

The meeting was called to order at 12:01 P.M.

II. Approval of Agenda

MOTION: *by Mr. Arndt to approve the agenda as written.*

The motion passed with no objections.

III. Approval of Minutes

A. February 18, 2021 Draft Minutes, Title 49 Committee

MOTION: *By Ms. Cole to approve the February 18, 2021 minutes subject to minor corrections.*

The motion passed with no objections.

B. April 1, 2021 Draft Minutes, Title 49 Committee

MOTION: *By Ms. Cole to approve the April 1, 2021 minutes subject to minor corrections.*

The motion passed with no objections.

I. Agenda Topics

A. Stream Buffer Code Revisions

Ms. Camery provided an overview of the memo provided to the Committee members in the packet. She explained the ordinance has been worked on for many years and it is being brought back for general discussion and overview.

Ms. Camery stated there were two stream ordinances underway. A second ordinance going to the Planning Commission in June was to provide an immediate fix to the stream buffer ordinance that is void due to references to the Alaska Coastal Management program.

What is before the Committee today is a more substantial revision that addresses issues currently in code. Ms. Camery clarified that the proposed ordinance would streamline the review process. Current code requires a Variance for work within the stream buffer. The point of the revision is to allow for lower impact uses within the buffer, without the need for a Variance. They could be reviewed through the department level if they meet minimum standards for best management practices (BMPs) and riparian vegetation standards. She added that the proposal will reduce the permitting burden on the public, while still being scientifically defensible. This will also reduce the workload for the Commission.

Ms. Camery stated there are a few outstanding issues outlined in the memo that still needed to be resolved. A major driver of the revision is to allow clearing along Jordan Creek, which poses a safety issue near the airport. The ordinance specifically points to allowing clearing along Jordan Creek for the airport. Ms. Camery said that we cannot have just an exception for one creek or one entity, so the ordinance would be amended to allow for fixes to all public safety issues.

The second issue is the nonconforming section. The new nonconforming certification process was not adopted when this was written. This will be reviewed and revised before it goes to the full commission. Ms. Camery also noted that the revisions will also need to comply with new flood regulations adopted this year.

Ms. Camery stated the ordinance would set up uses that could be permitted at the department level and there are prohibited uses. There are also uses that are listed that cannot meet BMPs; these would need to be approved through a Variance. The last is uses not listed and uses not prohibited; these would go through the Conditional Use Permit (CUP) process. Structures within the setback would require a CUP. Structures are seen as unacceptable in the buffer from the scientific community.

Ms. Camery added that previously the Title 49 Committee recommended that stream relocations should go to the full Commission, because if you move the stream, you move the buffer, which can have an impact on neighboring property.

Ms. Pierce added that some of the key issues that staff are looking to address through the ordinance are minor activities within the stream setback that they do not have an easy way to approve now. An example is a hazard tree; this is not something staff can easily permit to be removed. The idea behind tier 1 and 2 would be based on the intensity of the impact. She clarified that staff may be able to make permitting easier for people trying to do basic work, if there are no impacts to the riparian vegetation. Property protection related uses can generally be allowed within the inner buffer and more intensive uses are in the outer buffer.

Mr. Dye asked what the average height of a tree was in Juneau and stated a tree within the inner buffer could absolutely harm a structure.

Ms. Camery replied that hazard tree removal would be allowed within both buffers.

Packet page 18 / ordinance page 1

Mr. Arndt asked if the Ordinary High Water Mark (OHWM) should be defined by a surveyor and not CDD.

Ms. Camery replied that the 2013 Comprehensive Plan dictates the CDD determine where the OWHM is. She added that prior to this there were different interpretations by different surveyors. This is for purposes of consistency. She added the definition was updated as part of the flood ordinance.

Mr. Arndt replied that it was a legal question as to whether or not CDD has the authority to determine the OWHM.

Ms. Maclean said we would flag that for review.

Mr. Dye said a member of the public had their hand up and public testimony is not usually taken.

Mr. Arndt asked for measurement item (b), how are trees that start outside the buffer but have limbs within the buffer addressed.

Ms. Camery said that there are situations where vegetation overhangs the stream. She said people think you can cut the tree that overhangs the stream. The intent is that it remains attached to the land.

Mr. Dye added that the lines of the buffer extend vertically and anything within the buffer cannot be disturbed. If a tree is outside the buffer, the tree must be respected if it goes into the buffer by leaning.

Ms. Camery agreed.

Mr. Dye replied that it may only need to apply to the inner buffer. He thought the language needed to be clarified to add the intent.

Ms. Camery agreed and said the intent was for portions overhanging the stream.

Mr. Dye asked for uses not requiring a permit, item (c) surveillance equipment, and how would staff would handle cables that needed to be run to equipment.

Ms. Pierce added the intent was for a security camera for airport purposes. Staff would follow up and clarify surveillance equipment. It is not meant to be intensive.

Mr. Dye added that there might be utilities that go to the equipment and that should be clarified.

Ms. Pierce agreed it would be clarified.

Packet page 19/ ordinance page 2

Mr. Pedersen asked if there were only two prohibited uses or if there was another list.

Ms. Camery replied that those are the only two prohibited uses. She clarified that there are prohibited uses and uses not listed. If a use is not listed, the applicant can apply for a CUP. The outright prohibited items are not allowed through any process. There would be no way to adequately mitigate the impacts.

Ms. Maclean asked what section this would live in and clarified that anything but chapters 35 and 65 can be varied. She stated that the language needs to be clarified to prohibit a Variance.

Mr. Dye asked why it is being specifically called out in code. He thought it was odd. He did not think it should be called out so blatantly.

Ms. Pierce added that anything in Title 49 could be varied, with the exceptions Ms. Maclean noted, so staff do not need to call it out in this section.

Mr. Dye agreed that someone could apply for anything through the Variance code, so no need to call it out.

Regarding number 4, Mr. Arndt asked if riparian vegetation standards and best management practices are currently in code or are they yet to be created.

Ms. Camery replied that there is inconsistency in the terms. All terms will be riparian vegetation standards and best management practices and are at the end of the ordinance.

Regarding item (e)(3)(G) and (H), Ms. Cole asked if any removal of hazard trees requires a letter from a licensed arborist or if the two sections contradict each other.

Mr. Dye agreed the wording was not clear.

Ms. Pierce agreed that the language needed to be cleaned up. An arborist needs to determine if the tree is truly a hazard, there needs to be a level of professional standard.

Mr. Pedersen added that the letter from an arborist should be removed. He said that a neighbor's tree fell on his property and the letter was quite costly.

Mr. Dye questioned what a licensed arborist is.

Ms. Pierce replied that staff would look at the qualification level that is required. There are licensed hazard tree assessors that can make a determination.

Ms. Maclean added that staff would flag it for law to review. Ms. Maclean did not want CDD staff to determine if a tree is hazardous or not, and does not want the liability on the department.

Mr. Arndt asked about the license requirement. He wasn't sure what that license actually is. He added that people in town have told him they've gotten this advice from CDD before. He wants it consistent with non-stream tree issues.

Packet page 20/ordinance page 3

Regarding item (4)(a), Mr. Dye asked why do staff want to allow tree cutting for view shed management.

Ms. Camery replied that the intent was to allow department review of the most common requests within the buffer. The requests could be granted while maintaining the scientific function of the buffer. She added that "selective" removal of branches is important. Staff would allow the minimum removal to meet the need. It would be balanced with BMPs and riparian vegetation standards. If people are going to do it anyway, staff then have a way to review and address impacts.

Ms. Maclean added that the licensed arborist section was in the 0-25 feet buffer. The current section allowing limbing is a separate part of the 25-50 feet buffer.

Mr. Dye asked if it should not just be for view sheds; it's limiting. He asked if CDD staff would be making the assessment on what was okay to remove.

Ms. Camery replied that it appears to be subjective. In the fine print, both sections must require that the uses have to be within the buffer. The applicant must demonstrate those uses must be within the buffer.

Mr. Dye asked if you must be standing within the buffer to have the view shed.

Ms. Pierce clarified that selective removal may be okay for non-hazard purposes, not just point to view sheds. She added that the intent is the burden of proof must be on the applicant to prove the activity needs to take place within the buffer and can't be accomplished outside of the buffer.

Mr. Arndt provided an example. He stated you could have a garden at 51-60 feet; you may need to cut some of the trees within the 25-50 feet buffer, so that the garden could get more sunlight.

Mr. Dye agreed and asked if staff would accept a document from someone that shows the trees don't need to be in the buffer or does staff make that determination? Where is the documentation coming from? A professional or CDD staff as a judgement call.

Ms. Maclean said the homeowner needs to state what the purpose is and why it can't be done outside of the buffer.

Mr. Dye asked how this plays through – does the applicant make the case and CDD approves it?

Ms. Maclean added the burden of proof is on the applicant.

Ms. Pierce asked if Mr. Dye wanted a report from a professional. Mr. Dye replied that he did not; there was confusion. This would be a Director's determination.

Ms. Maclean added that she envisioned if a large lot that is flat might not need the exception. She said if there is a steep lot pushing it to a specific spot that may be necessary.

Ms. Camery replied that is important to remember all developments must meet the landscaping standards and BMPs. This gives staff more of an allowance to permit these items.

Ms. Cole asked if staff were getting rid of view-shed enhancement.

Mr. Dye agreed it would be selective trees not just for view shed.

Ms. Maclean added that the airport was asking for privileges in this code. The airport will not receive special treatment through this code. That will change based on guidance from the Law Department. The airport needs to follow the guidelines like other property owners. Amendments to the ordinance will be made to reflect this.

Regarding items (f)(A)(2), Mr. Arndt asked if the bridges, including culverts (there are private bridges in the valley and private culverts) section applies to only public infrastructure. Mr. Arndt said he did not read it as such. He asked if the intent was for public or private items or both.

Ms. Camery replied that staff could add wording for private. The intent of the section is to allow exceptions that were previously allowed under the Coastal Management section. They would be allowed without a Variance.

Mr. Arndt wanted it to include public and private and noted the proposed language is different from the old language in the Coastal Management section.

Ms. Pierce agreed staff should include private infrastructure.

Ms. Cole asked if item (l) on page (2) needed to be discussed.

Ms. Pierce clarified that (l) on page (2) would be reworded to allow for removal of threats to public safety. The legal interpretation is that the airport cannot be the only entity this applies to.

Mr. Dye replied that we should have a public safety exemption for everyone.

Ms. Pierce agreed.

Mr. Arndt said that on the very bottom of the page, items (3) and (4) seem to be the same. He wondered why they were separated.

Packet page 21/ Ordinance page 4 – nothing

Packet page 22 / Ordinance page 5

Mr. Arndt said there was a lot of repeating for major versus minor development. He asked if it could be called major and minor instead of tier one and tier 2.

Ms. Pierce said staff could look into it. She thought it should be separate.

Ms. Camery stated that there would be some internal review before it goes to the full commission.

Mr. Dye asked what the preferred wording would be by staff.

Ms. Pierce said tiers not major and minor.

Packet page 23/Ordinance page 6

Regarding item (7) schedule, Mr. Arndt asked why items are being duplicated from Title 19.

Ms. Pierce said staff would look at it to see if it could be cleaned up and not duplicated.

Regarding item (9), Mr. Arndt asked who would be considered a public safety official.

Ms. Camery replied that this was relating to the airport safety issue and that staff would need to clean it up.

Mr. Dye asked staff to rewrite it in a way that makes sense, so the code is applicable to everyone not just the airport.

Ms. Pierce agreed the burden of proof is on the applicant and it will be rewritten.

Packet page 24 / Ordinance page 7

Mr. Arndt again pointed to Title 19 for item (7).

Ms. Pierce replied staff would check Title 19.

Mr. Dye asked if any level of toxins would be okay.

Packet page 25 / Ordinance page 8

Regarding item (4), Mr. Arndt wondered why it is being flagged differently than the others. He said that if you are moving the stream, you are dealing with FEMA, so why does this go to the Public Works Department for review?

Mr. Dye said this would be a CUP, because there were concerns about moving the stream and moving buffers onto neighboring property. He asked if staff could reword it to state if buffers are moved, a CUP would be required.

Ms. Pierce replied that approval is required from the Director of Engineering and Public Works for drainage issues.

Mr. Arndt said it would be very expensive up front to get an engineered report and it would possibly be denied and not be able to use the work. He doesn't think the order, or who is required to look at the review, makes sense.

Ms. Camery said that the additional engineering review is needed for changing drainage patterns. The stream buffer moving also affects the flood ordinance. Higher level of review is needed and this is consistent with previous practice.

Mr. Arndt replied that his concern was within item (4)(k); it implies you have to get a permit first.

Ms. Camery replied that this is a list of specific items the Commission would review.

Mr. Arndt replied that this section implies you must already have a permit.

Ms. Pierce replied that the Commission needs to look at these items as part of the permit. Staff can look at where it lives. The concerns are valid; you won't design a stream relocation prior to getting the CUP, because it's not cost effective. Staff need to see how that workflow happens.

Packet page 26 / Ordinance page 9

Ms. Camery said staff need to further review the nonconforming section.

Mr. Dye asked for clarification on the question for item 1(c).

Ms. Camery stated that staff need to get the reference correct.

Mr. Dye asked for background information on the nonconforming section.

Ms. Pierce replied that staff have not reviewed this section against the new nonconforming section.

Ms. Camery added that the language was added before nonconforming was passed and that staff will clean up the issue and get it back to the Commission. The question is whether staff should treat nonconforming stream issues differently than other nonconforming issues.

Mr. Dye asked staff to bring it back to the Committee.

Ms. Pierce said yes. Parking is back to Title 49 first. At the following meeting, staff and the Committee can review a more cleaned-up version relating to nonconforming.

Ms. Camery also added that a key question is whether the existing nonconforming section applies or if everyone wants it to be special for the stream buffer. Does the nonconforming situation need to be remedied or mitigated?

Mr. Dye added that he thought the nonconforming section should live in one place, and this code could refer to the nonconforming section.

Mr. Pedersen agreed. Use the existing nonconforming information as much as possible.

Mr. Arndt agreed staff should defer to the nonconforming section.

Ms. Cole agreed and said this seemed like the Director's direction.

Ms. Pierce also said she agreed and the nonconforming section may need to be amended.

Mr. Dye asked about the waterbody permit application, and if this would go into the fee section. Is this in line with the current fee structure?

II. Committee Member Comments and Questions

Mr. Dye also said that the next meeting would be parking and then we can go to streams after parking. Mr. Dye asked for the Committee to get back onto a regular schedule.

Ms. Pierce reminded the Committee that parking is the Assembly's priority, so that will be at the next meeting.

Ms. Cole said she is in favor of a standing meeting, and requested that it not be the third Thursday of the month.

Mr. Dye prefers the first Thursday of the month.

Ms. Pierce asked for the second Thursday of the next month for parking.

The next meeting was scheduled for June 10, 2021.

Mr. Dye said that once a month may not be enough and they may need to meet more.

Ms. Pierce said the packet might be late for the next meeting.

This was not concerning to the Committee.

There were questions in the Q/A chat box. Mr. Dye asked staff to reach out to Mr. Hanna to address questions.

VI. Adjournment

The meeting adjourned at 1:20 P.M.

DRAFT

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Thursday, June 10, 2021
Community Development Department
Virtual & Telephonic Meeting, 12:00 P.M.

Members Present: Nathaniel Dye, Travis Arndt, Mandy Cole, Erik Pedersen

Members Absent: Joshua Winchell

Commissioners Present: None

Staff Present: Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Irene Gallion (CDD Senior Planner), Allison Eddins (CDD Planner), Laurel Christian (CDD Planner), Sherri Layne (CBJ Law)

I. Call to Order

The meeting was called to order at 12:04 P.M.

II. Approval of Agenda

MOTION: *by Ms. Cole to approve the agenda as written.*

The motion passed with no objections.

III. Approval of Minutes – None

IV. Agenda Topics

A. Parking

Ms. Gallion explained that staff is still working on the ADA parking issues. She said an issue paper was posted on line and included in the packet and summarized that the Law Department is working on the current interpretation and that the current interrelation is the number of ADA spaces required must be before reductions.

Ms. Gallion added that this creates systemic challenges in the downtown core. She said there was a gap between providing none and some. If any parking is provided, ADA must be provided. If no parking were provided on site, ADA would not be required. There doesn't seem to be any gray areas in the federal guidelines. She further described "readily achievable" and read the definition from the memo. She noted that we might be able to say all properties in the parking district cannot readily achieve ADA due to their constraints. This may be a way to not require ADA parking downtown. Ms. Gallion also described the research on Anchorage's requirements. There is no requirement for parking

downtown; ADA is based on the number in the parking lot and off-site ADA spaces were not allowed. Ms. Gallion also noted Mr. Voelckers comments in the packet.

Mr. Dye asked for clarification on the Anchorage requirements.

Ms. Gallion clarified that ADA parking spaces cannot be shared off-site, according to Anchorage's code.

Mr. Arndt asked about loading zones, and wondered if the Committee would be working on loading zones. Mr. Arndt said that it was his understanding that loading zones would not be reduced and asked if staff was okay with that.

Ms. Gallion said Mr. Voelckers was interested in reducing loading zones in the downtown area so it was still up for discussion.

Ms. Cole asked about the Anchorage requirements, and if there are any parking requirements in the downtown core.

Ms. Gallion said there are no parking requirements in the downtown core and that if a parking lot were constructed, then ADA would be provided.

Ms. Pierce added that the discretion of how many parking spaces to build was placed on the owner.

Mr. Dye asked if this is the direction staff wanted to go.

Ms. Gallion replied that it is not really a solution for Juneau at this time.

Ms. Maclean added that when staff started the discussion last year, they looked at a no-parking requirement downtown and it was decided that would not work for Juneau.

Mr. Dye asked if staff could create a separate use and requirement table for downtown. If there were a separate table, it would be a standard and not a 60% reduction.

Mr. Arndt asked what that solves.

Mr. Dye replied that ADA is required before the reductions. So, if staff started at the reduction, the ADA would begin at that number. It wouldn't be a reduction; it would be a different requirement within the Parking District.

Ms. Gallion replied staff would review that as a possible strategy.

Ms. Layne replied that she liked that line of thinking. The ADA requirement is based on the total number of what is required. The ADA doesn't say what the requirement needs to be for a use, but if

there were a separate requirement for downtown, the ADA would be based on that requirement. She agreed with the route.

Mr. Dye said the ADA would then be capped at the requirement. He said staff can't waive ADA. He wondered how it would be to get to the 60 percent reduction, and if that was achievable.

Ms. Gallion replied that staff could review it.

Ms. Cole asked if staff were reducing the table to 60 percent and making everyone go through the waiver process, or if the table could be reduced borough-wide.

Mr. Dye replied that originally, staff and the Committee did not want to talk about the table borough-wide, but that could be a side product. He thought it may need to be addressed at this point also and that someone could get a waiver on top of it.

Mr. Arndt said that it was a creative solution to get around ADA downtown, but he thought the table would look odd.

Mr. Pedersen replied that in the example in the memo, if the reduction was in the table, could staff waive all but the ADA? Staff could waive everything on top of the reduction and always provide ADA.

Ms. Pierce said if there was no parking requirement, there was no ADA requirement.

Mr. Dye asked for clarification.

Ms. Layne replied that the guides say "where parking is available" you must provide ADA. There is no guidance on how you get to zero. However, if you construct parking, you must provide ADA. As long as it is readily achievable, there may be wiggle room there.

Ms. Cole added that the Commission should not determine readily achievable for every individual project. It would be better to reduce the requirement rather than make a subjective determination on what readily achievable means.

Ms. Pierce agreed. She added that there were some situations where it's obvious. Topography does not lend to allowing ADA or if there was not an ADA accessible route from the parking lot to the business. A hybrid model may be needed.

Ms. Gallion added that staff may come up with code language that defines readily achievable.

Mr. Arndt said he did not want to get sidetracked because of the ADA issue. He thought reducing the requirement would be speedy. He asked what could be done to move this forward and maybe come back to ADA later and stick with the status quo.

Ms. Pierce understood Mr. Arndt's point, but thought staff could spend a bit of time researching the ADA issue so there is a clear path forward. If they get stuck, they may move forward without the ADA being addressed.

Mr. Dye replied that parking reductions were the quick way; the parking table is a larger issue. He said even if there was a second table, there is still a borough-wide issue if parking is waived for a property elsewhere. He thought the entire table needed to be dealt with, so the ADA issue was addressed borough-wide.

Mr. Arndt agreed staff and the Committee should work on the existing table. He replied that the original idea was not to waive ADA so they don't create an issue.

Ms. Pierce said this is not how everything is currently operating and staff weren't aware this was an issue until recently, so it is a new issue.

Mr. Arndt replied that the draft was pretty explicit to say ADA spaces cannot be reduced because that's how it was currently being applied in code.

Mr. Dye asked what the next step was.

Ms. Gallion replied that she would provide an update at the next meeting. Ms. Gallion asked about loading spaces and what the direction was.

Mr. Pedersen asked why federal requirement for ADA had to be followed.

Ms. Layne replied that the ADA is a civil rights law that all must follow. CBJ could open themselves up to lawsuits for civil rights violations if it is ignored.

Mr. Dye replied that loading zones should not be reduced. He added that there could be a separate loading zone table for downtown and it needs to tailor to loading zones downtown where space is limited.

Ms. Maclean added that the table could use updating, but it comes to a matter of staff capacity and priorities.

Mr. Dye replied that they have tried to take a quick route for a Band-Aid, but it doesn't seem that the ADA allows options to go this way.

Ms. Pierce replied that staff needed a bit more time to look at the ADA requirements, then they could make a plan of action. She thought it needed to be done right once.

B. Lot Depth

Ms. Eddins summarized the memo from staff on wanting to remove the lot depth requirements for all new lots. She added that in 1987, the zoning code was majorly rewritten and we adopted a code from down south. This worked when there was a boom of development. Around that time, Variances were easier to get if you couldn't meet a dimensional standard.

Ms. Eddins added that currently, staff are trying to achieve more infill development. The Variance criteria have changed to be more difficult. The developable lands that are left have development challenges. A solution is to remove the lot depth requirement. Lot width and lot size would be maintained. Minimum setback requirements would remain to preserve light, air, and space.

Ms. Cole asked if lot width would become an issue in the future.

Ms. Maclean replied that the Lands Committee also asked this question. Staff think there is more improvement that could be made to dimensions. She added that Ms. Eddins would look at the minimum rectangle, which would allow you to prove you have a buildable area and the other dimensions could be waived. The access must be through the frontage under current code, so if that remains we can allow some more flexibility. Ms. Maclean wanted to move along lot depth now, because it is a need and people can use it.

Ms. Pierce added that the idea would be to move lot depth as an immediate fix and we could do more research on other dimensions.

Mr. Dye said that minimum lot depth multiplied by minimum lot width is less than minimum lot size. He asked if there is ramification in code that needs to be addressed and if there were any unintended consequences.

Ms. Maclean replied that staff will need to make sure applicants are aware that even without a lot depth requirement, the minimum lot size and lot width will need to be met.

Mr. Pedersen looked at the table; MU is the only zoning district where lot width times lot depth equals square footage. He supports the amendment and it would allow for a lot more flexibility in platting lots. He has seen lot depth requirements preclude a lot from being used to its fullest extent.

Mr. Dye asked if too many lots could be subdivided.

Ms. Eddins replied that staff doesn't have the perspective that it would be a consequence. She added that housing is a goal of the assembly, and this creates more opportunities for development. Increased traffic could be a consequence, but this is an issue borough-wide. The City invests a lot of money in infrastructure and the lots cannot meet lot depth, so they cannot create infill where they have significant investments in infrastructure.

Mr. Pedersen asked about setback reductions on Page 7, Line 18 of the ordinance. He proposed “side, street-side, or rear”.

Mr. Arndt asked how this would be calculated for the rear.

Mr. Pedersen replied that if the lot width is less, the side or rear could be reduced.

Mr. Arndt replied that for a full width lot, the ability to reduce the rear for substandard lot depth is lost.

Mr. Pedersen said it should only be for substandard lots.

Ms. Eddins said that as the code is currently written the reduction would only be for lot width if lot depth was repealed. The proposed ordinance would no longer allow the setbacks to be reduced for the rear, because there is no requirement. Ms. Eddins asked if the Committee still wanted an avenue for rear yard setbacks to be reduced.

Mr. Pedersen said that front and rear setbacks drive lot depth. He replied that an applicant would need to at least create a buildable area within the setbacks.

Ms. Eddins replied that staff would need to look at setbacks and buildable area. She wondered if the Committee wanted to provide flexibility in reducing the rear yard setbacks.

Mr. Arndt said topography plays a large part and wanted a reduction for that.

Ms. Maclean replied that the section of code only applies to existing substandard lots. New subdivisions could not use this exception. She added that staff may need to see how many substandard lots exist outside of downtown and ADOD areas.

Mr. Dye asked if staff could come up with a different setback exception, using a ratio from lot width.

Mr. Arndt asked about preserving the neighboring properties and using an average.

Ms. Eddins replied that could be an option. There is an existing exception for that already in certain areas, and this could be expanded.

Mr. Pedersen said the proposed change to Line 18 should include street side.

Mr. Dye agreed with the change.

Ms. Maclean said she wanted to explore the minimum rectangle and move this forward as proposed.

Mr. Arndt replied that the minimum rectangle was an arbitrary size and structures weren't being constructed to reflect the rectangle.

Mr. Dye also added that many lots are oddballs and not straight lines, so it can get complicated.

Mr. Dye said on Page 3 of the ordinance, panhandle dimensions, he didn't agree with the number using half of a foot and requested rounding to a whole number.

Mr. Arndt said longer would be more generous.

Ms. Eddins said that number comes from lot depth in current code.

Ms. Maclean asked to round to 128.

Mr. Arndt asked why staff cared about the length of the panhandle.

Ms. Maclean replied that it is tied to fire access and how long a private driveway should be for public safety.

Mr. Dye asked if 300 is okay here, why is it not okay for all?

Ms. Maclean said she wasn't sure why this is the standard.

Mr. Arndt asked for 300 for all.

Ms. Eddins replied that it is tied to emergency access and she could ask CCFR if they have a preference.

Ms. Maclean said increasing it could encourage larger lots in denser areas, which is not ideal in the multifamily and higher density areas. Ms. Maclean also said she wanted to come back to shared access regarding this issue. The driveway in multi-family shouldn't be allowed to be that long, because it discourages density.

Mr. Arndt said he wasn't sure about the density implications; in multi-family zoning districts density is by acre, so that won't change.

Mr. Dye agreed with Ms. Maclean, but noted that it was not limiting density, but providing more of an example for what staff and the Committee wanted the subdivision to look like. He added common wall development in General Commercial and Light Commercial were allowed to have one unit on a lot. He said it could expand the ability to use land differently. He added the CBJ doesn't really like to acquire Right-of-Way, so this may not necessarily be a bad thing.

Ms. Maclean noted that Ms. Eddins needed to check on Industrial zoning districts to see if they needed to be included.

Mr. Dye said minimum lot width is 20 feet in Industrial zones, so panhandle isn't necessary.

Motion: By Ms. Cole to take AME20210007 to the full planning commission for approval noting comments from today's meeting.

V. Committee Member Comments and Questions

Mr. Pedersen asked what items would be on the next meeting.

Ms. Pierce said streams and parking would come back. The next meeting was set for June 24, 2021 at 12 noon to discuss parking.

Mr. Dye said he received an email from Ms. Gladyszewski and they wanted to have a joint meeting with the Title 49 Committee and the Assembly Lands Committee on July 19, 2021 or August 9, 2021.

The next meeting to discuss streams was set for July 1, 2021 to talk about streams.

VI. Adjournment

The meeting adjourned at 1:21 P.M.

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Thursday, June 24, 2021
Community Development Department
Virtual & Telephonic Meeting, 12:00 P.M.

Members Present: Nathaniel Dye, Mandy Cole, Erik Pedersen,

Members Absent: Travis Arndt, Joshua Winchell

Commissioners Present: None

Staff Present: Jill Maclean (CDD Director), Irene Gallion (CDD Senior Planner), Laurel Christian (CDD Planner), Sherri Layne (CBJ Law)

I. Call to Order

The meeting was called to order at 12:05 P.M.

II. Approval of Agenda

MOTION: *by Mr. Pedersen to approve the agenda as written.*

The motion passed with no objections.

III. Approval of Minutes – None

IV. Agenda Topics

A. Parking

Ms. Gallion explained the packet provided to the Committee. She explained that an outstanding question was ADA. The solution was to add a separate table to the parking section for the downtown area. These would be the standard for various areas rather than a reduction. She clarified that the only way to ensure no ADA was required, is to have no parking requirement. If one space was required, it would need to be ADA.

Ms. Gallion added that the draft incorporated comments from Commissioner Voelckers and staff. She said there should also be a discussion on loading spaces and how many should be required. The draft aims to make loading space requirements more flexible.

Ms. Gallion explained the table. There were three columns for different areas: one for the entire borough, one for geographic area of Juneau and Douglas, and one for the parking district. There would be a separate requirement for each.

Regarding the geographic area of Juneau or Douglas, Mr. Dye asked if this was an amendment.

Ms. Gallion explained there are already reductions for geographic area of Juneau or Douglas in code, so these are not new. The additional column clarifies there is a different standard.

Mr. Dye asked where that is in existing code.

Ms. Gallion said it was in the current parking table and the proposed table clarifies the existing difference and creates a column for the parking district. She then explained the tables and spaces per column and how staff arrived at the number.

Mr. Dye wondered if single-family/duplex/apartments should get a reduction. He thought they should be the same throughout the entire borough for those uses. Two would be required for each dwelling unit and one for an apartment for all in the borough.

Mr. Pedersen said he would be more inclined to have one be required for a single-family and one for an accessory apartment. He asked what Mr. Dye's reasoning was.

Mr. Dye replied that this is the current requirement and he wanted the parking district to be able to be applicable borough-wide later.

Ms. Cole thought it would be confusing to not make a reduction to single-family in the parking district. She added there were a lot of variables and different goals.

Mr. Pedersen wondered if the 60 percent needed to be applied to all uses; if not, they could not evenly apply that to all use types. The 60 percent was a starting point and the Committee would change it for different uses.

Mr. Dye agreed and thought that the 60 percent was the initial reduction and was supposed to be a quick fix, but since the Committee was looking at the table, they could not decide if that actually made sense for those uses.

Ms. Cole preferred requiring one parking space for single-family and per unit of duplex or accessory apartment. She thought there was more balance between what was realistic and the goals of the reduction.

Mr. Dye added that those uses would never need ADA, so it's safer to increase those now and have people ask for a waiver later.

Ms. Gallion clarified that the amount would be two spaces per single-family dwelling, and one for an accessory apartment.

Ms. Cole and Mr. Pedersen wanted it to be one space.

Mr. Dye asked why they couldn't reduce the spaces required for multi-family everywhere. He asked for column 2 to become the numbers in column 1 so there weren't three areas.

Ms. Gallion said staff could try to take the reduction to the full Commission.

Mr. Pedersen agreed with Commissioner Voelckers' comments to reduce the amount of parking required for sobering centers.

Mr. Dye recommended one space per bed in column 1 and one space per 24 beds on column 2. He also asked to add a visitor space.

Ms. Cole added that there would be employees and a staff van. She thought functionally three spaces would be needed. She thought it should be based on employee numbers not number of beds.

Ms. Gallion agreed that sobering centers are usually 24 hours to public transportation might not be an option that is available late at night when the busses stop running.

Mr. Dye asked if the office space requirement could apply for employees.

Ms. Gallion replied that it could, but cautioned that office space might not be a good indicator of staff presence.

Ms. Cole agreed that it wouldn't be characterized as office space typically.

Mr. Dye asked from staff's perspective if office space would apply for a break room.

Ms. Maclean said it could be case dependent.

Mr. Dye said that it would make more sense to round up always and wondered if that could be a premise of the table.

Ms. Cole replied that the math we use is pretty standard and if we want one space, we should say one space.

Mr. Dye replied that he did not want rounding to zero.

Ms. Gallion clarified that one space per 12 beds and one per 14 in the second column.

Ms. Gallion further explained the table and commented on convenience stores. She said that in column 2, there would be more of a reduction than 49.65, which allows reductions for adding certain features.

Ms. Layne said that the standards needed to be clear in how the Committee wanted to do it.

Ms. Gallion replied then that the Committee had some latitude to determine what the reduction should be.

Ms. Layne agreed and said the Committee needed to be clear with their preference.

Mr. Dye clarified that in 49.65, bonuses allow a reduction in parking or other items the applicant requests.

Ms. Gallion agreed there were multiple ways to get a reduction to parking.

Mr. Dye said suggested that the parking section should be struck from 49.65.540. He recommended one per 625 in the first column and one per 650 in the second column. The Committee agreed.

Ms. Gallion discussed additional comments from commissioner Voelckers. She said parking at schools was a question.

Mr. Dye asked staff to reach out to schools to determine whether or not their parking was meeting their needs.

Mr. Pedersen was inclined to leave schools as it is.

Mr. Dye said it should be left as is or the schools should be asked for their preference. He added to reach out to the University of Alaska Southeast, as well.

Ms. Gallion said that staff clarified non-accessible spaces for stacked parking on vehicle repair stations. She also discussed additional comments from Mr. Voelckers on post offices.

Ms. Gallion explained that childcare centers and homes have parking requirements in 49.65, which cannot be varied.

Mr. Dye said that staff should move the parking requirement into the table and the asterisk with a note and remove it from 49.65, but note that it cannot be varied.

Ms. Layne said that was fine as long as the Committee was clear on what they wanted to do.

Ms. Gallion explained there were a number of added items by staff that were run into often. She asked if the Commission was interested in looking at these items.

Mr. Dye asked what was being used for mobile food.

Ms. Gallion said that these are infill development and don't typically require much parking. She said they're taking advantage of where people already are and not attracting new people.

Ms. Cole suggested no change to salon and sports, but noted that food trucks and food was important.

Mr. Dye said that the starting position would be half of what a standard restaurant required for seasonal food and mobile.

Ms. Maclean added that it has been difficult for food trucks to find parking and accommodate parking similar to brick and mortar. She added that they are usually seasonal and temporary.

Mr. Dye said that half the requirement would be one per 1,000 square feet of gross floor area. He asked what is used to measure the square footage.

Ms. Maclean said that the square footage was based on the size of the food truck, or the structure, and added for all the structures on the property. She said the tented areas didn't count, only where you were getting food or drink.

Mr. Dye said staff and the Committee should be thinking about how employees park, not the customer base.

Ms. Cole felt the starting point should be zero.

Mr. Pedersen agreed to zero parking and requiring parking limits where food trucks can be stationed.

Ms. Gallion said the opening position for the parking district could be zero and the half of regular restaurants for the rest of the borough.

Mr. Dye said he thought it should be one per two on-shift employees everywhere and in the parking district would be one per four people. He noted they could still get a parking waiver.

Ms. Gallion said that if parking were required, the space required would need to be ADA, so not for employees.

Mr. Pedersen said that was a problem and supported Ms. Gallion's proposal for zero in the parking district and half restaurants in the rest of the borough.

Mr. Dye agreed. He added concerns for the name "mobile". He wanted clarification on what "mobile" means. He said there was a difference for boline trucks parked for a few hours versus something stuck in place, connected to utilities.

Ms. Gallion said she pulled a definition from the state and other communities on what mobile means.

Mr. Dye said that mobile should be zero everywhere. If they come for a night and leave the same day, they don't need parking. He said the definitions should be enforceable. Mobile food vendors could then be zero everywhere.

The Committee agreed.

Ms. Gallion moved forward to loading space requirements. She said that they were based on a percent of square footage.

Mr. Pedersen questioned the table provided to the Committee and asked for what staff wanted from the Committee and if this would just be for downtown. He said that 50 percent looked fine for the downtown area.

Ms. Gallion further explained the table provided in the packet.

Mr. Dye said he didn't want to change what was required for one, but thought the second space should have a much higher threshold.

Ms. Cole asked if 5,000 square feet was okay needing one.

Mr. Dye agreed.

Mr. Pedersen said he didn't agree, because in the downtown area it would almost be impossible to create a loading space. He generally supported Mr. Dye's number, but was also comfortable with staff's recommendation.

Ms. Gallion said that she has never seen a development proposal require two spaces in the downtown area.

Mr. Dye agreed and said there would not be a functional change. He said typical development downtown won't trigger a loading zone. He didn't think there was a need to reduce it downtown.

Mr. Pedersen wondered if a change in use would trigger parking.

Mr. Dye said there was code language that exempted existing buildings from parking requirements downtown.

Mr. Pedersen said that alleviated his concerns.

Ms. Cole asked if the Commission was comfortable with 7,000 square feet instead of 5,000. She said that was in line with lightening other requirements.

Mr. Dye said that 5,000 square feet was a very large building and it is not reasonable to need one, at least.

Ms. Cole said that she was trying to make it slightly less onerous.

Mr. Pedersen said he supported meeting in the middle at 6,000 square feet.

Mr. Dye agreed to 6,000 square feet and said never require two in the downtown parking district, because it was unlikely to have a building constructed that large anyways.

Ms. Gallion confirmed a 6,000 square-foot floor and getting rid of the second space requirement in the parking district.

B. Office space in Industrial zoning

Ms. Maclean said that a priority of the Assembly was to preserve Industrial zoning for Industrial uses, but also said there needed to be a balance. She said that the Honsinger Pond area next to the airport is zoned Industrial and is prime for uses that are not allowed in Industrial. She said that Note S in the TPU allows office spaces in Industrial only on the Sherwood Lane area and this was not equitable to other landowners in Industrial zoning districts. She thought if it was allowed in one area, it should be allowed in all Industrial zoning districts.

Mr. Dye asked how this weighed with increasing access to Industrial land in Juneau.

Ms. Maclean said that Industrial land is a priority, but she said staff could float this to see if it would be supported since there has been community interest.

Mr. Dye asked if Note S could be deleted and allow Sherwood Lane to become nonconforming, to preserve Industrial land going forward.

Ms. Maclean said that could be an option. She said that limiting uses is not always the highest and best use of land. She noted there is not a huge need for heavy Industrial uses in the borough.

Ms. Cole said that she supported Chair Dye's suggestion to delete the note. She felt this was a larger conversation that may not be quick; there was a clear problem with the note and said Industrial uses should be a longer discussion.

Mr. Pedersen said that the Honsinger Pond area worked for these uses, but it may not work everywhere that is zoned Industrial. He would more information on how this could change Industrial Boulevard. He also agreed with the Director in that traditional Industrial uses are not in very high demand here. He felt it would be good to have more Commissioners weigh in, but was in general support of the proposal.

Mr. Dye wondered about residential uses in Industrial zones. He thought the long-term solution would be a new subcategory for office space that is tolerant of Industrial activity. He thought the Conditional Use Permit process would help ensure this, but thought there might be a burden on the Commission

in the future to determine if uses were complimentary. He didn't want to erode the Industrial area with uses that were not complementary.

Ms. Maclean asked what the next step would be.

Mr. Dye said that staff and the Committee needed to determine where this fit into the priorities. He wanted further conversation on this with the Assembly and staff. He said the Committee supported deleting Note S, but that the Chair would report back on where a new line item in the TPU fits into the workflow.

The Committee agreed.

V. Committee Member Comments and Questions

Ms. Maclean said there was a Committee scheduled for July 1, 2021 at 12 noon to discuss streams.

VI. Adjournment

The meeting adjourned at 1:26 P.M.

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

July 1, 2021
Community Development Department
Virtual & Telephonic Meeting, 12:00 pm

Members Present: Nathaniel Dye, Travis Arndt, Mandy Cole

Members Absent: Joshua Winchell, Erik Pedersen

Commissioners Present: None

Staff Present: Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Teri Camery (CDD Planner), Laurel Christian (CDD Planner)

I. Call to Order

The meeting was called to order at 12:05 P.M.

II. Approval of Agenda

MOTION: *by Mr. Arndt to approve the agenda as noted.*

The motion passed with no objections.

III. Agenda Topics

A. AME2017 0001: Proposed Revisions to CBJ Code 49.70.310

Ms. Camery explained the memo provided to the Committee in the packet. She explained that staff made changes to the ordinance based on comments from the last meeting and there were still some outstanding questions for the Committee. Ms. Camery clarified that in the proposed revisions, hazard trees can be cut in the inner or outer buffer. She also explained that the measurement of the buffer would refer to limbs overhanging the stream.

Mr. Arndt asked if the language could be changed to say, "Limbs shall be subject to the standards the trunk is subject to." He thought the language regarding the waterbody was unnecessary.

Mr. Dye thought the intent was not to extend the 0-25-foot buffer into the waterbody. He said that a tree could live within the stream and wondered if that was protected differently. He thought that anything within the waterbody should be included in the buffer.

Mr. Arndt clarified this would be a tree growing within the ordinary high water mark (OHWM).

Ms. Camery replied that if a tree were below the OHWM it would not be within CBJ jurisdiction, it would be within the Alaska Department of Fish and Game's (ADF&G) jurisdiction, so staff can only write for the OHWM or above. She said this is related to a specific situation where someone was cutting limbs that were overhanging the stream.

Mr. Arndt said he understood the intent, but thought that a tree at 24 feet would be treated differently than 26 feet. He said that the limbs should be part of the tree wherever they are growing. He asked if these would be treated differently under the intent.

Ms. Camery said she wanted time to think about that and would provide a response later.

Ms. Pierce asked Mr. Arndt to repeat his question.

Mr. Arndt said he wanted to define limbs as wherever the tree was growing. He said if it were growing in the 0-25-foot buffer, those regulations should apply. If it were growing at 25-50 feet, those regulations would apply. If a tree were growing outside of the 50-foot buffer, it should be treated as outside the buffer.

Ms. Pierce replied that staff could use the hazard tree exception and asked Ms. Camery to think on the question.

Ms. Cole said she understands CDD has had issues with trees overhanging, but she wanted to be sure that the revised language addressed this issue.

Mr. Arndt asked Ms. Camery to explain the situation.

Ms. Camery said that the airport was cutting limbs that overhung the stream and staff wanted to make it clear that those applied to the 0-25-foot buffer. They argued that the limbs were not within the 0-25-foot buffer, because they were below the OHWM.

Mr. Dye asked whose regulatory authority it was.

Ms. Camery said that the trees were overhanging the water. Anything within the OHWM would be ADF&G, but something overhanging, but that is anchored to the land above the OHWM, would be CBJ jurisdiction.

Mr. Arndt agreed that is where the tree is growing.

Mr. Dye replied that it seemed like splitting a fine hair and thought that staff and the Committee shouldn't write it in a way that there was a loophole. He asked for a better definition of the buffer.

Ms. Pierce said that the stream itself was ADF&G jurisdiction and she said if the Committee wanted control of the entire tree, it needed to be within the buffer. Staff wanted to avoid questions on whose jurisdiction it was.

Ms. Camery further explained the memo and discussed surveillance equipment and how language was changed to be consistent throughout. She added that there were questions on trees that were causing damage; if there were current damages that were visible, no letter would be needed from a licensed arborist. She said the next item was for mitigation, in which a letter from an arborist would be required. She also clarified that the CBJ Law Department would address what a licensed arborist is. Ms. Camery referred to page 2 item 5 of the memo, and said that section (e)(3)(G)(h), is what she was talking about.

Mr. Dye asked to clarify that if there was already a risk, the “or at risk” language in item G should be removed. This would make it clear that the risk must already exist.

Mr. Arndt recommended adding “potential damage” to item H.

Ms. Camery further explained the memo. Item 6 was completed. Item 7 was completed to allow everyone to use the exception.

Mr. Arndt questioned if an extra criteria was added to (I) that (G) and (H) weren’t subject to. He recommended being consistent.

Mr. Dye said that he did not agree. He said public safety could be difficult to define and that there should be a higher bar for (I).

Ms. Camery clarified that (G) and (H) were for damage to structures. On (I), she thought that should be defined differently than damage to structures. She said they were very different types of situations. (I) was intended for public safety issues.

Mr. Arndt said he had a different understanding, but understood the distinction.

Mr. Dye asked for a better definition of public safety.

Ms. Camery further explained items 8 and 9.

Ms. Pierce clarified that on item 9, staff strive to make ordinances more user friendly for staff and applicants. She said she didn’t want to cross reference in order to be as clear as possible.

Mr. Dye asked for clarification.

Ms. Pierce said that at the last meeting, staff was asked to move it because it was in Title 19. She wanted it in Title 49 to ensure planners were reviewing it as a criteria and it wouldn’t be left up to the building staff.

Ms. Camery said that on item 10, detailed plans would be required to be reviewed. She then moved forward to discussion items. On item 1, view shed enhancement, she said staff had received a lot of calls about removing vegetation to improve views. She said that staff wanted to include it in the ordinance, so that they would have an ability to regulate it and ensure removal complied with Best Management

Practices for riparian vegetation. She noted that the intent was to list as many uses as possible, because if they weren't listed, a Conditional Use Permit (CUP) would be required.

Referring to view shed enhancements, Mr. Arndt said that for stream channel alterations, a CUP was not required, and asked why that requirement was being added.

Ms. Camery replied that previously, the Committee asked for a CUP requirement, because moving the stream could impose a 50-foot buffer on neighboring property and the CUP process would inform them if a change were occurring.

Mr. Dye said that he wasn't sure a view shed enhancement should be allowed. He felt that standards shouldn't be lowered to make illegal things legal if the stream buffer is important.

Ms. Camery said that if it shouldn't be allowed, it could be listed under prohibited uses.

Mr. Arndt replied that he liked the inclusion. He thought as written it could be subjective and create more work for staff.

Ms. Cole thought the conversation was different. She said that it should be based on a specific use needing the tree to be reviewed for view shed or enhanced light or air. A garden outside of the 50-foot buffer for example, might benefit from removing vegetative cover within the buffer to provide more light.

Ms. Pierce added that in the Comprehensive Plan, protecting view sheds is discussed and view shed enhancement. She said it could be a tool for flexibility in stations where it made sense; it could be for a garden or a protected view.

Mr. Arndt said that some of the garden language needed to be worked and a person shouldn't have to get a CUP to create more light for a garden.

Mr. Dye said that a CUP would only be required if the garden was within the buffer. If the garden was outside the buffer, but vegetation was going to be cut within the buffer, that didn't need a CUP. He said that there needed to be language for additional light or air if a use was not happening within the buffer. He thought it should be clarified.

Ms. Pierce replied that staff would revise the language to be clearer.

On discussion item 2, nonconforming uses, Ms. Camery said that it was recommended to remove the language and refer to the nonconforming section of code. She said that in the Coastal Management Program, now void, there was a section of language for rehabilitation of streams that did not replace the nonconforming section of code. Staff proposes to keep that language with a few changes. She didn't want to lose the opportunity to restore the function of the buffer for major development.

Mr. Arndt said he liked the inclusion with the exception of the words “shall include”, he did not agree with mandating it.

Ms. Pierce replied that would be a change to the intent and asked for others thoughts.

Mr. Dye clarified that what staff is recommending be added in as a holdover from the Coastal Management Program. He asked if this was previously required for all developments.

Ms. Camery said that she has only seen it used a few times where there was a clear case of degradation of the buffer. She noted that there was a minimum degree of rehabilitation that was required. The intent was to relate it back to Best Management Practices and riparian vegetation standards. It wasn't meant to be a burden on the developer, but thought that larger developments should do a minimum level of rehabilitation on the stream.

Ms. Pierce added that something that is nonconforming doesn't mean that it should be grandfathered in. Where there is an opportunity for restoration, which should be done. She wanted to ensure that if restoration was possible, it should be happening.

Mr. Dye clarified that this was only for major development.

Mr. Arndt said he didn't see that it was tied to nonconforming. He suggested encouraging it and making it easy, but not mandating it.

Ms. Maclean agreed that it was not tied to nonconforming. She said that if a property is degraded and an owner was continuing to degrade it, restoration would be required. She said staff already have the authority to require compliance regardless of size of the development. She felt this language made it clearer how they could come into compliance and this was making it more user friendly because there were clear standards.

Mr. Arndt said that he was concerned with the language “degraded by previous activity.” He said that many creeks in the valley had gravel mining and those banks are now degraded and altered. He asked if we should now go back and restore it to the original, or what would staff like to see with that restoration.

Mr. Dye said he shared the concern with “degraded by previous activity,” feeling that it was subject to interpretation. He thought the language needed to be cleaned up.

Ms. Pierce replied that staff would take the guidance, clean up the language, and discuss this with the full Commission.

Ms. Cole added that she supported the intent of restoration, but felt that the language needed to be clarified, specifically the scope.

Ms. Camery moved forward to discussion item 3, Variances. Staff said if the development cannot comply with Best Management Practices and riparian standards, then a Variance was required. She asked if that was clear.

Mr. Arndt said that he was confused in relation to CUPs for uses not listed. He didn't understand where the overlap was for a Variance or a CUP, is it either or both.

Ms. Maclean stated that if you can apply for a CUP you probably wouldn't need a Variance, but this wasn't always the case. She said staff could clean up the language to make that more clear. In most cases, only a CUP or less would be required. She noted that typical activity wouldn't require a Variance and staff can make that more clear.

Referring to page 3 of the document, tier reviews, Mr. Arndt thought (b)(1) seemed like a CUP was required if using more than hand tools. He said the hand tool language should be added to a(8).

Mr. Dye said that if the intent was someone using hand tools, the damage would be less severe. He noted that a large crew using hand tools could be just as damaging as one person using an electric tool.

Ms. Camery said that language was the easiest to make the distinction and the language came from the stream working group. She said with hand tools, it wasn't likely you'd be substantially changing the bank.

Mr. Dye said that he manages property and has seen damage caused by hand tools because of the scope.

Ms. Pierce said that staff could insert language to clarify.

Ms. Maclean said that some organization and phrasing might be changed to improve flow. She asked if the ordinance was ready for a Planning Commission Committee of the Whole meeting, or if the Committee wanted to see it again.

Mr. Dye asked if Law could fill any gaps now.

Ms. Pierce said that her suggestion would be to check with law, work on clean up and organization, and then send it to a Committee of the Whole.

Mr. Arndt said he wanted Law to check on licensing requirements, arborists, and public safety.

Mr. Dye suggested removing the whole line of (d)(1)(c), on page 1 of the ordinance.

Ms. Pierce asked for clarification on how it wasn't relevant. She didn't want to prohibit the placement of surveillance if needed.

Mr. Dye said these uses didn't need a permit and they were all very different.

Ms. Camery said this came from the airport and the intent was to encourage use of lowest impact options to help with public safety issues. She said that if someone could install a camera to monitor crime, rather than remove trees to monitor crime, that should be encouraged.

Mr. Dye said he understood the intent, but thought that it should be a separate process for public safety items.

Ms. Maclean said she agreed it should be a separate section for public safety. She also thought it might need a permit for the installation of electricity to the camera, or also gear to install them within the trees.

Mr. Dye suggested that items not requiring a permit should be stand-alone items, not things connected to power.

Mr. Arndt said that the OHWM is a legal boundary and thought that should be determined by a surveyor. CDD lays out the OHWM in the ordinance, but he wasn't sure if staff should do that legally.

Ms. Maclean said that it should be someone with the expertise to do the work, this could be a wetlands or stream specialist.

Ms. Camery said that would also require a change to the Comprehensive Plan.

Mr. Arndt said that the Comprehensive Plan is not a law, but an overarching goal.

Ms. Pierce said that a Comprehensive Plan change would be good in this instance. She added that in other places, there is a riparian review and a qualified environmental professional does that and established the boundary. She thought an independent review may be better, but was not sure how it would apply here.

Mr. Dye wondered if a surveyor should be required to complete the work.

Ms. Camery said that may lead to inconsistency in applying the definition of the OHWM and that is why the change was made in the past.

Mr. Dye said he wanted the ordinance to come back to Title 49 with the changes discussed at the meeting. He added that he agreed with requiring a surveyor to stake the OHWM.

Mr. Arndt discussed cutting more trees for light, or view sheds, he asked if staff would revise what is here or add a new section.

Mr. Dye said he wanted a separate section for that. View sheds and public safety needed to be their own sections.

IV. Committee Member Comments and Questions

Ms. Maclean asked the Chair to get the minutes and recordings to other Committee members, so staff and the Committee wouldn't have to back track at the next meeting.

Mr. Arndt asked where those were available.

Ms. Maclean said that Title 49 has been recorded and that the Committee members could easily get the recording, if requested.

The next meeting date was not set to allow for checking schedules. The options were July 22 or 29.

Ms. Maclean added that the Planning Commission would return to chambers on the August 24, 2021 Planning Commission meeting.

VI. Adjournment

The meeting adjourned at 1:17 P.M.



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August 23, 2021

MEMO

From: Irene Gallion, Senior Planner
Through: Jill Maclean, Director, AICP
To: Nathaniel Dye, Chair, Title 49 Committee
Case Number: AME2021 0003: Parking Revisions

RE: Modifications made since June 24, 2021 meeting

Does this need to come back to Title 49, or should it go to the full Commission?

Modifications include:

PROPOSED CODE:

- Attachment 1: CHANGES: Summarizes changes made since last time and remaining questions.
- Attachment 2: NUMBERED DRAFT 1a: Track changes version
- Attachment 3: NUMBERED DRAFT 2: Incorporates changes, no annotation.

PROPOSED SPACE TABLE:

- Attachment 4: REVISIONS TO SPACE TABLE: Summarizes changes made and research done since last time.
- Attachment 5: PROPOSED SPACE TABLE: Incorporates revisions.
- Attachment 6: Gym calc: Uses study done for USE2003-0014 (Alaska Club in the valley) to establish standards for gyms.

LOADING SPACES:

- Attachment 7: TCPD Loading Zone Table – DRAFT 1: Table includes a new column for the Town Center Parking District, and revisions as proposed in committee.

Attachment 8: PROPOSED DEFINITIONS: Proposed changes to the space table include new terms, “mobile food vendor” and “seasonal open air food service.” Of note, do we need to make the open air food service seasonal? It seems if open air food service is happening in the winter there is less tourism traffic and the parking is not an issue (GRIZ BAR, for instance).

PROPOSED CODE CHANGES

- Shown in DRAFT 1a
- Incorporated in DRAFT 2

Search and destroy to capitalize Director and Commission

How will we know of a change of use? If someone doesn't get a building permit, how do they know they need to do it, and we know they know? [49.40.200(e)]

49.40.200(k) Moved Town Center Parking District establishment language to this section of code, since an understanding of it is required for the following parking space table (it was buried under FIL, at the bottom).

PARKING SPACE TABLE: Insert new, see separate notes.

LOADING SPACE TABLE: Added a TCPD column to the loading space table. For TCPD, loading space parking starts at 6,000 sf, that is 1,000 sf more than other areas of CBJ. Also, the second loading space requirement is eliminated.

Added to 49.40.215: *The developer shall present to the Director a written instrument, executed by the parties concerned, providing for joint use of off-street parking facilities, and approved as to form by the City and Borough of Juneau attorney. Upon approval by the Director, such instrument shall be recorded.*

49.40.215 – removed ability for ADA spaces to be modified.

49.40.215 - Added ability to use public space for loading – double-check recording, was this still an issue of debate? I think T49 Chair was opposed.

49.40.220(b) - Redid the hierarchy on FIL.

PROPOSED CODE, RENUMBERED

ARTICLE II: PARKING AND LOADING

49.40.200 General Applicability

Off-street parking spaces for automobiles shall be provided in accordance with the requirements set forth in this section at the time any building or structure is erected or expanded, or when there is a change in the principal use thereof.

(a) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable parking code requirements have been met, in conformance with this chapter.

(b) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading spaces required in this chapter is a continuing obligation and joint responsibility of the owner and occupants.

(c) *Determination.* The determination of whether these requirements are met, with or without conditions, and deemed necessary for consistency with this title, shall be made by the Director in the case of minor development; the Commission in the case of major development; and the Commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the Director.

(d) *Expansion.* In cases of expansion of a building on or after the effective date of the ordinance codified in this chapter,

(1) The number of additional off-street parking spaces required shall be based only on the gross floor area added.

(2) No additional parking spaces are required if the additional spaces would amount to less than ten percent of the total required for the development and amount to less than three spaces.

(3) For phased expansion, the required off-street parking spaces is the amount required for the completed development.

(e) *Change in use.* In cases of a change in use on or after the effective date of the ordinance codified in this chapter, the number of spaces required will be based on 49.40.210.

(f) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming structures in residential districts shall be governed by chapter 49.30.

(g) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210 share the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum of the requirements for the several uses computed separately.

(h) *Uses not specified.* In the case of uses not listed, the requirements for off-street parking are based on the requirements for the most comparable use specified.

(i) *Location.* Off-street parking facilities are located as hereinafter specified; if a distance is specified, such distance is the walking distance measured from the nearest point of the parking facility to the nearest point of the building it is required to serve. Off-street parking facilities for:

(1) Single-family dwellings and duplexes, must be on the same lot as the building served;

(2) Multifamily dwellings, may not be more than 100 feet distant, unless subject to section 49.40.215; and

(3) Uses other than those specified above, may be not more than 500 feet distant, unless subject to section 49.40.215.

(j) *Off-street parking requirements.* Off-street parking requirements do not apply to lots if they are accessible only by air or water. If the Director determines that public access by automobile to the property has become physically available, the owner of the property shall be given notice and within one year shall provide the required off-street parking.

(k) *Town Center Parking District.* The parking district map was adopted **DATE**. The parking district map may be amended by the assembly through ordinance.

49.40.210 Number of Off-Street Parking Spaces Required

(a) *General.* The minimum number of off-street parking spaces required shall be as set forth in the following table. The number of spaces shall be calculated to the nearest whole number: **REVISED - replace**

Use	Spaces Required
Single-family and duplex	2 per each dwelling unit
Multifamily dwellings	Geographic area Juneau or Douglas
	1.0 per one bedroom
	1.5 per two bedrooms
	2.0 per three or four bedrooms
	All other geographic areas
	1.5 per one bedroom
	1.75 per two bedrooms
	2.25 per three or four bedrooms

Rooming houses, boardinghouses, single-room occupancies with shared facilities, bed and breakfasts, halfway houses, and group homes	Geographic area Juneau or Douglas
	1 per 2 bedrooms
	All other geographic areas
	1 per bedroom
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities
Accessory apartments	1
Motels	1 per each unit in the motel
Hotels	1 per each four units
Hospitals and nursing homes	2 per bed or one per 400 square feet of gross floor area
Senior housing	0.6 parking spaces per dwelling unit, plus 1 guest parking space for each 10 units, plus 1 parking space per employee
Assisted living facility	0.4 parking spaces per maximum number of residents
Sobering centers	1 parking space per 6 beds, plus 1 visitor parking space
Theaters	1 for each four seats
Churches, auditoriums, and similar enclosed places of assembly	1 for each four seats in the auditorium
Bowling alleys	3 per alley
Banks and offices	1 per 300 square feet of gross floor area
Medical or dental clinics	1 per 200 square feet of gross floor area
Mortuaries	1 per six seats based on maximum seating capacity in main auditorium
Warehouses, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area

Restaurants and alcoholic beverage dispensaries	1 per 200 square feet of gross floor area
Swimming pools serving general public	1 per four persons based on pool capacity
Retail commercial	1 per 300 square feet of gross floor area
Shopping centers and malls	1 per 300 square feet of gross leasable floor area
Convenience stores	1 per 250 square feet of gross floor areas or as provided at 49.65.540(b)
Pleasure craft moorages	1 per three moorage stalls
Manufacturing uses; research, testing and processing, assembling, all industries	1 per 1,000 square feet gross floor area except that office space shall provide parking as required for offices
Libraries and museums	1 per 600 square feet gross floor area
Schools, elementary	2 per classroom
Middle school or junior high	1.5 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom
College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60% of the required parking spaces may be in a stacked parking configuration
Post office	1 per 200 square feet gross floor area

(b) *Accessible parking spaces.* Except for residential parking lots of fewer than ten spaces, accessible parking spaces shall be required according to the following table:

Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 over

(c) *Facility loading spaces.* Space requirements shall be as set forth in the following table:

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Use	Gross Floor Area in Square Feet	Spaces
Motels and hotels	5,000—29,000	One
	30,000—59,999	Two
	Each additional 30,000	One
Commercial	5,000—24,999	One
	25,000—50,000	Two
	Each additional 30,000	One
Industrial, manufacturing, warehousing, storage, and processing	5,000—24,999	One
	25,000—50,000	Two
	Each additional 30,000	One

Hospitals	5,000—39,999	One
	Each additional 40,000	One
	Other Criteria	
Schools	For every two school buses	One
Homes for the aged, convalescent homes, correctional institutions	More than 25 beds	One

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65 **49.40.215 Modifications**

66 Developer may apply for multiple modifications. Modifications can be combined with allowable
67 reductions. The developer shall present to the Director a written instrument, executed by the
68 parties concerned, providing for joint use of off-street parking facilities, and approved as to
69 form by the City and Borough of Juneau attorney. Upon approval by the Director, such
70 instrument shall be recorded.

71 ~~(a) Accessible parking spaces off-site: For parking areas calculated to require a total of 25~~
72 ~~off-street parking spaces or less, the accessible space requirement may be met by a private~~
73 ~~off-site accessible parking space if the alternate space is determined by the Director to be of~~
74 ~~adequate capacity and proximity. The Director will consider U.S. Department of Justice~~
75 ~~accessibility guidelines when determining adequate capacity. In no case will the distance~~
76 ~~exceed standards established in 49.40.200(i).~~

77 (b) *Loading spaces off-site.* The loading space required may be met by an alternative
78 private off-site loading parking space, a public on-street space or a public off-street space if
79 the alternate space is determined by the Director to be of adequate capacity and proximity.
80 In no case will the distance exceed standards established in 49.40.200(i).

81 (c) *Joint use.* Joint use is when the same off-street parking space is used to meet the parking
82 requirement of different users. Joint use of off-street parking spaces may be authorized
83 providing the developer demonstrates that there is no substantial conflict in the principal
84 operating hours of the structures and uses involved.

85 (1) Any structure or use sharing the off-street parking facilities of another structure or
86 use shall be located within 500 feet of such parking facilities, unless a lesser radius is
87 identified in this chapter. A developer may apply to provide off-street parking in an area
88 greater than 500 feet distant, if approved by the Commission.

(2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed; and

(3) The developer shall present to the Director a written instrument, executed by the parties concerned, providing for joint use of off-street parking facilities, and approved as to form by the City and Borough attorney. Upon approval by the Director, such instrument shall be filed with the department.

49.40.220 Reductions

Developer may apply for multiple reductions. Accessible parking spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(c).

(a) *Parking waivers.* The required number of parking spaces required by this section may be reduced if the requirements of this subsection are met.

(1) *Standards.* Any waiver granted under this subsection shall be in writing and shall include the following required findings and any conditions, such as public amenities, imposed by the Director or Commission that are consistent with the purpose of this title:

(A) The granting of the waiver would result in more benefits than detriments to the neighboring area and community as a whole as identified by the comprehensive plan; and

(B) The waiver will not materially endanger public health, safety, or welfare.

(2) *Relevant information.* The following information may be relevant for the Director or Commission's review:

(A) Analysis or data relevant to the intended use and related parking.

(B) Provision for alternative transportation or transit improvements vetted through CBJ Capital Transit.

(C) Traffic mitigation measures supported by industry standards.

(D) Bicycle and pedestrian amenities.

(3) *Applications.* Applications for parking waivers shall be on a form specified by the Director and shall be accompanied by a one-time fee as cited in 49.85. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.

(4) *Public notice.* The Director shall mail notice of any complete parking waiver application to the owners of record of property located within a 250-foot radius of the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications shall be made concurrently in accordance with CBJ 49.15.230.

(5) *Expiration.* Approved parking waivers expire upon a change in use.

(b) *Town Center Parking District, Fee-In-Lieu of off-street parking spaces.* ~~The parking district map was adopted DATE. The parking district map may be amended by the assembly through ordinance.~~

~~(1) *Standard Reduction:* Off-street parking spaces required in 49.40.210(a) are reduced by 60 percent for expansion of an existing building, change of use, or the construction of a new building.~~

~~(1) *Fee in lieu of off-street parking spaces.*~~ In the Town Center parking district, a developer may pay a one-time fee in lieu of off-street parking spaces in order to meet the minimum parking requirements of this chapter. Fee in lieu can be used in any combination with other parking provisions of this chapter. Fees are cited in 49.85.

(1) *Payment.*

(A) In the case of new development, any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

(B) In the case of expansions or changes of use, 45 days after the fee in lieu of construction is granted, the fee must be paid in full, or a lien shall be placed upon real property involved and shall be paid in ten equal annual principal payments plus interest.

(i) The lien shall be recorded and shall have the same priority as a City and Borough special assessment lien.

(ii) Except as provided herein, the annual payments shall be paid in the same manner and on the same schedule as provided for special assessments, including penalties and interest on delinquent payments, as provided in CBJ 15.10.220. The annual interest rate on unpaid fees shall be one percent above the Wall Street Journal Prime Rate, or similar published rate, on January 2nd of the calendar year the agreement is entered into, rounded to the nearest full percentage point, as determined by the Finance Director.

49.40.225 Dimensions and signage for Required Off-Street Parking Spaces

(a) *Standard spaces.*

(1) Subject to subsections (b)(2) and (3) of this section, each standard parking space shall consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

(2) Spaces parallel to the curb shall be no less than 22 feet by 6½ feet.

(b) *Accessible spaces.*

(1) Each accessible parking space shall consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least five feet by 17 feet. Two accessible parking spaces may share a common access aisle.

(2) One in every eight accessible parking spaces, but not less than one, shall be served by an access aisle with a width of at least eight feet and shall be designated "van-accessible."

(3) Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. "Van-accessible" parking spaces shall have an additional sign designating the parking space as "van-accessible" mounted below the symbol of accessibility. The signs shall be located so they cannot be obscured by a vehicle parked in the space.

(4) Access aisles for accessible parking spaces shall be located on the shortest accessible route of travel from parking to an accessible entrance.

(c) *Facility loading spaces.*

(1) Each off-street loading space shall be not less than 30 feet by 12 feet, shall have an unobstructed height of 14 feet 6 inches, and shall be permanently available for loading.

49.40.230 – Parking area and site circulation review procedures

(a) *Purpose.* The purpose of these review procedures is to ensure that proposed parking and related site access areas provide for adequate vehicular and pedestrian access and circulation; that parking spaces are usable and are safely and conveniently arranged; that sufficient consideration has been given to off-street loading and unloading; that the parking area will be properly drained, lighted and landscaped; and that such areas will not be unsightly.

(b) *Plan submittal.* Development applications shall include plans for parking and loading spaces. Major development applications for commercial uses and for residential development of ten units or more must include plans prepared by a professional engineer or architect. These plans may be

part of a plan submission prepared in conjunction with the required review of another aspect of the proposed development.

(1) *Contents.* The plans shall contain the following information:

(A) Parking and loading space plans drawn to scale and adequate to show clearly the circulation pattern and parking area function;

(B) Existing and proposed parking and loading spaces with dimensions, traffic patterns, access aisles, and curb radii;

(C) Improvements including roads, curbs, bumpers and sidewalks indicated with cross sections, designs, details, and dimensions;

(D) A parking schedule indicating the number of parking spaces required, the number provided, and how such calculations were determined;

(E) Topography showing existing and proposed contour intervals; and

(F) Landscaping, lighting and sign details, if not provided in conjunction with the required review of another aspect of the proposed development.

(2) *Waiver of information.* The department may waive submission of any required exhibits.

(c) *Review procedure.* Plans shall be reviewed and approved according to the procedures of this chapter and chapter 49.15.

(d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the city attorney for the purpose of ensuring the installation of off-site public improvements. As a condition of plan approval, the applicant shall be required to pay the pro rata share of the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.

49.40.230 - Parking and circulation standards.

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site shall address layout of parking areas, off-street loading and unloading needs, and the movement of people, goods, and vehicles from access roads, within the site, and between buildings and vehicles. Parking areas shall be landscaped and shall feature safely-arranged parking spaces.

(b) *Off-street parking and loading spaces; design standards.*

(1) *Access.* There shall be adequate ingress and egress from parking spaces. The required width of access drives for driveways shall be determined as part of plan review depending on use, topography and similar considerations.

(2) *Size of aisles.* The width of aisles providing direct access to individual parking stalls shall be in accordance with the following table. Logical interpolation to other angles may be approved by the Director:

	Parking Angle
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Aisle width	0°	30°	45°	60°	90°
One-way traffic	13	11	13	18	24
Two-way traffic	19	20	21	23	24

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(3) Location in different zones. No access drive, driveway or other means of ingress or egress shall be located in any residential zone if it provides access to uses other than those permitted in such residential zone.

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(4) Sidewalks and curbing. Sidewalks shall be provided with a minimum width of four feet of passable area and shall be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.

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(5) Stacked parking. Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

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(6) Back-out parking. Parking space aisles must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. If the Director or the Commission, when the Commission has authority, determines back-out parking would not unreasonably interfere with the public health and safety of the parking space aisles and adjacent right-of-way traffic, back-out parking is allowed in the following circumstance:

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(A) In the case of single-family dwellings and duplexes with or without accessory uses located in residential and rural reserve zoning districts;

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(B) Where the right-of-way is an alley; or

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(C) In the case of a child care home in a residential district.

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(c) *Drainage.*

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(1) Parking areas shall be suitably drained.

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(2) Off-site drainage facilities and structures requiring expansion, modification, or reconstruction in part or in whole as the result of the proposed development shall be subject to off-site improvement requirements and standards as established by the city.

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(d) *Lighting.* Parking areas shall be suitably lighted. Lighting fixtures shall be "full cutoff" styles that direct light only onto the subject parcel.

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(e) *Markings and access.* Parking stalls, driveways, aisles and emergency access areas and routes shall be clearly marked.

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(f) *General circulation and parking design.*

255 (1) *Parking space allocations shall be oriented to specific buildings. Parking areas shall be linked*
256 *by walkways to the buildings they serve.*

257 (2) *Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks*
258 *shall be clearly designated by pavement markings or signs. Crosswalk surfaces shall be raised*
259 *slightly to designate them to drivers, unless drainage problems would result.*

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PROPOSED CODE, RENUMBERED

ARTICLE II: PARKING AND LOADING

49.40.200 General Applicability

Off-street parking spaces for automobiles shall be provided in accordance with the requirements set forth in this section at the time any building or structure is erected or expanded, or when there is a change in the principal use thereof.

(a) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable parking code requirements have been met, in conformance with this chapter.

(b) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading spaces required in this chapter is a continuing obligation and joint responsibility of the owner and occupants.

(c) *Determination.* The determination of whether these requirements are met, with or without conditions, and deemed necessary for consistency with this title, shall be made by the Director in the case of minor development; the Commission in the case of major development; and the Commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the Director.

(d) *Expansion.* In cases of expansion of a building on or after the effective date of the ordinance codified in this chapter,

(1) The number of additional off-street parking spaces required shall be based only on the gross floor area added.

(2) No additional parking spaces are required if the additional spaces would amount to less than ten percent of the total required for the development and amount to less than three spaces.

(3) For phased expansion, the required off-street parking spaces is the amount required for the completed development.

(e) *Change in use.* In cases of a change in use on or after the effective date of the ordinance codified in this chapter, the number of spaces required will be based on 49.40.210.

(f) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming structures in residential districts shall be governed by chapter 49.30.

(g) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210 share the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum of the requirements for the several uses computed separately.

(h) *Uses not specified.* In the case of uses not listed, the requirements for off-street parking are based on the requirements for the most comparable use specified.

(i) *Location.* Off-street parking facilities are located as hereinafter specified; if a distance is specified, such distance is the walking distance measured from the nearest point of the parking facility to the nearest point of the building it is required to serve. Off-street parking facilities for:

(1) Single-family dwellings and duplexes, must be on the same lot as the building served;

(2) Multifamily dwellings, may not be more than 100 feet distant, unless subject to section 49.40.215; and

(3) Uses other than those specified above, may be not more than 500 feet distant, unless subject to section 49.40.215.

(j) *Off-street parking requirements.* Off-street parking requirements do not apply to lots if they are accessible only by air or water. If the Director determines that public access by automobile to the property has become physically available, the owner of the property shall be given notice and within one year shall provide the required off-street parking.

(k) *Town Center Parking District.* The parking district map was adopted DATE. The parking district map may be amended by the assembly through ordinance.

49.40.210 Number of Off-Street Parking Spaces Required

(a) *General.* The minimum number of off-street parking spaces required shall be as set forth in the following table. The number of spaces shall be calculated to the nearest whole number: REVISED - replace

(b) *Accessible parking spaces.* Except for residential parking lots of fewer than ten spaces, accessible parking spaces shall be required according to the following table:

Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 over

(c) *Facility loading spaces.* Space requirements shall be as set forth in the following table:

REVISED - replace

49.40.215 Modifications

Developer may apply for multiple modifications. Modifications can be combined with allowable reductions. The developer shall present to the Director a written instrument, executed by the parties concerned, providing for joint use of off-street parking facilities, and approved as to form by the City and Borough of Juneau attorney. Upon approval by the Director, such instrument shall be recorded.

(a) *Loading spaces off-site.* The loading space required may be met by an alternative private off-site loading parking space, a public on-street space or a public off-street space if the alternate space is determined by the Director to be of adequate capacity and proximity. In no case will the distance exceed standards established in 49.40.200(i).

(b) *Joint use.* Joint use is when the same off-street parking space is used to meet the parking requirement of different users. Joint use of off-street parking spaces may be authorized providing the developer demonstrates that there is no substantial conflict in the principal operating hours of the structures and uses involved.

(1) Any structure or use sharing the off-street parking facilities of another structure or use shall be located within 500 feet of such parking facilities, unless a lesser radius is identified in this chapter. A developer may apply to provide off-street parking in an area greater than 500 feet distant, if approved by the Commission.

(2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed; and

(3) The developer shall present to the Director a written instrument, executed by the parties concerned, providing for joint use of off-street parking facilities, and approved as to form by the City and Borough attorney. Upon approval by the Director, such instrument shall be filed with the department.

49.40.220 Reductions

Developer may apply for multiple reductions. Accessible parking spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(c).

(a) *Parking waivers.* The required number of parking spaces required by this section may be reduced if the requirements of this subsection are met.

(1) *Standards.* Any waiver granted under this subsection shall be in writing and shall include the following required findings and any conditions, such as public amenities, imposed by the Director or Commission that are consistent with the purpose of this title:

(A) The granting of the waiver would result in more benefits than detriments to the neighboring area and community as a whole as identified by the comprehensive plan; and

(B) The waiver will not materially endanger public health, safety, or welfare.

(2) *Relevant information.* The following information may be relevant for the Director or Commission's review:

(A) Analysis or data relevant to the intended use and related parking.

(B) Provision for alternative transportation or transit improvements vetted through CBJ Capital Transit.

(C) Traffic mitigation measures supported by industry standards.

(D) Bicycle and pedestrian amenities.

(3) *Applications.* Applications for parking waivers shall be on a form specified by the Director and shall be accompanied by a one-time fee as cited in 49.85. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.

(4) *Public notice.* The Director shall mail notice of any complete parking waiver application to the owners of record of property located within a 250-foot radius of the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications shall be made concurrently in accordance with CBJ 49.15.230.

(5) *Expiration.* Approved parking waivers expire upon a change in use.

(b) *Town Center Parking District, Fee-In-Lieu of off-street parking spaces.* In the Town Center parking district, a developer may pay a one-time fee in lieu of off-street parking spaces in order to meet the minimum parking requirements of this chapter. Fee in lieu can

be used in any combination with other parking provisions of this chapter. Fees are cited in 49.85.

(1) *Payment.*

(A) In the case of new development, any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

(B) In the case of expansions or changes of use, 45 days after the fee in lieu of construction is granted, the fee must be paid in full, or a lien shall be placed upon real property involved and shall be paid in ten equal annual principal payments plus interest.

(i) The lien shall be recorded and shall have the same priority as a City and Borough special assessment lien.

(ii) Except as provided herein, the annual payments shall be paid in the same manner and on the same schedule as provided for special assessments, including penalties and interest on delinquent payments, as provided in CBJ 15.10.220. The annual interest rate on unpaid fees shall be one percent above the Wall Street Journal Prime Rate, or similar published rate, on January 2nd of the calendar year the agreement is entered into, rounded to the nearest full percentage point, as determined by the Finance Director.

49.40.225 Dimensions and signage for Required Off-Street Parking Spaces

(a) *Standard spaces.*

(1) Subject to subsections (b)(2) and (3) of this section, each standard parking space shall consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

(2) Spaces parallel to the curb shall be no less than 22 feet by 6½ feet.

(b) *Accessible spaces.*

(1) Each accessible parking space shall consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least five feet by 17 feet. Two accessible parking spaces may share a common access aisle.

(2) One in every eight accessible parking spaces, but not less than one, shall be served by an access aisle with a width of at least eight feet and shall be designated "van-accessible."

(3) Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. "Van-accessible" parking spaces shall have an additional sign designating the parking space as "van-accessible" mounted below the symbol of accessibility. The signs shall be located so they cannot be obscured by a vehicle parked in the space.

(4) Access aisles for accessible parking spaces shall be located on the shortest accessible route of travel from parking to an accessible entrance.

(c) *Facility loading spaces.*

(1) Each off-street loading space shall be not less than 30 feet by 12 feet, shall have an unobstructed height of 14 feet 6 inches, and shall be permanently available for loading.

49.40.230 – Parking area and site circulation review procedures

(a) *Purpose.* The purpose of these review procedures is to ensure that proposed parking and related site access areas provide for adequate vehicular and pedestrian access and circulation; that parking spaces are usable and are safely and conveniently arranged; that sufficient consideration has been given to off-street loading and unloading; that the parking area will be properly drained, lighted and landscaped; and that such areas will not be unsightly.

(b) *Plan submittal.* Development applications shall include plans for parking and loading spaces. Major development applications for commercial uses and for residential development of ten units or more must include plans prepared by a professional engineer or architect. These plans may be part of a plan submission prepared in conjunction with the required review of another aspect of the proposed development.

(1) *Contents.* The plans shall contain the following information:

(A) Parking and loading space plans drawn to scale and adequate to show clearly the circulation pattern and parking area function;

(B) Existing and proposed parking and loading spaces with dimensions, traffic patterns, access aisles, and curb radii;

(C) Improvements including roads, curbs, bumpers and sidewalks indicated with cross sections, designs, details, and dimensions;

(D) A parking schedule indicating the number of parking spaces required, the number provided, and how such calculations were determined;

(E) Topography showing existing and proposed contour intervals; and

(F) Landscaping, lighting and sign details, if not provided in conjunction with the required review of another aspect of the proposed development.

(2) *Waiver of information.* The department may waive submission of any required exhibits.

(c) *Review procedure.* Plans shall be reviewed and approved according to the procedures of this chapter and chapter 49.15.

(d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the city attorney for the purpose of ensuring the installation of off-site public improvements. As a condition of plan approval, the applicant shall be required to pay the pro rata share of the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.

49.40.230 - Parking and circulation standards.

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site shall address layout of parking areas, off-street loading and unloading needs, and the movement of people, goods, and vehicles from access roads, within the site, and between buildings and vehicles. Parking areas shall be landscaped and shall feature safely-arranged parking spaces.

(b) *Off-street parking and loading spaces; design standards.*

(1) Access. There shall be adequate ingress and egress from parking spaces. The required width of access drives for driveways shall be determined as part of plan review depending on use, topography and similar considerations.

(2) Size of aisles. The width of aisles providing direct access to individual parking stalls shall be in accordance with the following table. Logical interpolation to other angles may be approved by the Director:

	Parking Angle				
Aisle width	0°	30°	45°	60°	90°
One-way traffic	13	11	13	18	24
Two-way traffic	19	20	21	23	24

(3) Location in different zones. No access drive, driveway or other means of ingress or egress shall be located in any residential zone if it provides access to uses other than those permitted in such residential zone.

(4) Sidewalks and curbing. Sidewalks shall be provided with a minimum width of four feet of passable area and shall be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.

(5) Stacked parking. Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

(6) Back-out parking. Parking space aisles must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. If the Director or the Commission, when the Commission has authority, determines back-out parking would not unreasonably interfere with the public health and safety of the parking space aisles and adjacent right-of-way traffic, back-out parking is allowed in the following circumstance:

(A) In the case of single-family dwellings and duplexes with or without accessory uses located in residential and rural reserve zoning districts;

(B) Where the right-of-way is an alley; or

(C) In the case of a child care home in a residential district.

(c) *Drainage.*

(1) Parking areas shall be suitably drained.

(2) Off-site drainage facilities and structures requiring expansion, modification, or reconstruction in part or in whole as the result of the proposed development shall be subject to off-site improvement requirements and standards as established by the city.

(d) *Lighting.* Parking areas shall be suitably lighted. Lighting fixtures shall be "full cutoff" styles that direct light only onto the subject parcel.

(e) *Markings and access.* Parking stalls, driveways, aisles and emergency access areas and routes shall be clearly marked.

(f) *General circulation and parking design.*

(1) *Parking space allocations shall be oriented to specific buildings. Parking areas shall be linked by walkways to the buildings they serve.*

(2) *Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks shall be clearly designated by pavement markings or signs. Crosswalk surfaces shall be raised slightly to designate them to drivers, unless drainage problems would result.*

REVISIONS TO TABLE OF PARKING SPACE REQUIREMENTS

Correction	All Other Areas	TCPD
Spaces required for SF and duplex		2 – no reductions
Multifamily units, roominghouses, etc:	Use reduced standards of DT Juneau and DT Douglas 1 bed: 1.5>1 2 bed: 1.75>1.5 3-4 bed: 2.25>2 Roominghouse etc.: 1/bedroom >1/2 bedrooms	
Accessory apartment		No reductions
Sobering center	1 per 6 beds changed to 1 per 12, per PV written comment	1 per 24, per PV written comment
Retail Commercial	Combined with “Banks and Offices”, added “Salons and spas”	
Convenience stores	1 per 350 sf gross floor area ¹	1 per 625 sf gross floor area ¹
Commercial craft moorage	D&H does not feel there is a significant difference between private and commercial moorage parking requirements. In fact, breaking them apart would create complexities. They’ll be reviewing the standards and let us know if they think modifications are needed.	
Middle School or JH	Ask JDHS what they think should be the parking standard, no response.	
College – main and satellite	UAS does not have any facilities in the proposed TCPD. As long as waivers remain available they are content with parking requirements.	
Repair/service station	Added “non-accessible”	
Post Office	Listen to tape and see what was discussed – no change?	
+Childcare Home/Center	Added to table to put all parking requirements in one place	
+Indoor sports facilities, gyms	Proposed value based on USE2003-00014 parking study for the Alaska Club in the valley. See attached.	
+Mobile food vendors	Clarified: Zero	Clarified: Zero
+Seasonal open air food vendors	Made half of restaurants	Clarified: Zero

Other edits needed:

1. Remove reference to parking standards in 49.65.540(b). Resolves Law’s concerns regarding conflict.
2. Define “mobile food vendors”
3. Define “seasonal open air food vendors”

PROPOSED SPACE TABLE

Items in RED added for Commissioner consideration.

49.40.210 Minimum space and dimensional standards for parking and off-street loading.

- (a) *Table of minimum parking standards.* The minimum number of off-street parking spaces required shall be as set forth in the following table. The number of spaces shall be calculated to the nearest whole number:

Use	Spaces Required in All Other Areas	Spaces Required in Parking District
Single-family and duplex	2 per each dwelling unit	2 per each dwelling unit
Multifamily units	1.0 per one bedroom	0.4 per one bedroom
	1.5 per two bedrooms	0.6 per one bedroom
	2.0 per three or four bedrooms	0.8 per three or four bedrooms (more?)
Roominghouses, boardinghouses, single-room occupancies with shared facilities, bed and breakfasts, halfway houses, and group homes	1 per 2 bedrooms	0.4 per two bedrooms
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities	0.4 per each single-room occupancy plus 0.4 per each increment of four single-room occupancies with private facilities
Accessory apartments	1	1 per each unit
Motels	1 per each unit in the motel	0.4 per each unit in the motel
Hotels	1 per each four units	0.4 per each four units
Hospitals and nursing homes	2 per bed OR one per 400 square feet of gross floor area	0.8 per bed OR one per 1,000 square feet of gross floor area
Senior housing	0.6 parking spaces per dwelling unit, plus 1 guest parking space for each 10 units, plus 1 parking space per employee	1 per four dwelling units, plus 0.4 guest parking spaces per 10 units, plus 0.4 parking spaces per employee.
Assisted living facility	0.4 parking spaces per maximum number of residents	0.16 parking spaces per maximum number of residents

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(Supp. No. 130)

Sobering centers	1 parking space per 12 beds, plus 1 visitor parking space	1 parking spaces per 24 beds, plus 1 visitor parking space
Theaters	1 for each four seats	0.4 for each seats
Churches, auditoriums, and similar enclosed places of assembly	1 for each four seats in the auditorium	0.4 per each seats in the auditorium
Bowling alleys	3 per alley	1.2 per alley
Banks, offices, retail commercial, salons and spas	1 per 300 square feet of gross floor area	1 per 750 square feet of gross floor area
Medical or dental clinics	1 per 200 square feet of gross floor area	1 per 500 square feet of gross floor area
Mortuaries	1 per six seats based on maximum seating capacity in main auditorium	0.4 per six seats based on maximum seating capacity in main auditorium
Warehouses, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area	1 per 2,500 square feet of gross floor area
Restaurants and alcoholic beverage dispensaries	1 per 200 square feet of gross floor area	1 per 500 square feet of gross floor area
Swimming pools serving general public	1 per four persons based on pool capacity	0.4 per four persons based on pool capacity
Shopping centers and malls	1 per 300 square feet of gross leasable floor area	1 per 750 square feet of gross floor area
Convenience stores	1 per 250 square feet of gross floor areas	1 per 625 square feet of gross floor area
Watercraft moorages	1 per three moorage stalls	0.4 per three moorage stalls
Manufacturing uses; research, testing and processing, assembling, all industries	1 per 1,000 square feet gross floor area except that office space shall provide parking as required for offices	1 per 2,500 square feet gross floor area except that office space shall provide parking as provided for offices.
Libraries and museums	1 per 600 square feet gross floor area	1 per 1,500 square feet of gross floor area
Schools, elementary	2 per classroom	0.8 per classroom
Middle school or junior high	1.5 per classroom	0.6 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom	A minimum of 6 spaces per school; where auditorium or general assembly is available, 0.6 per four seats; 0.4 additional spaces per classroom

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(Supp. No. 130)

College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 1,250 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, 0.4 per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 750 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, 0.4 per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60% of the required non-accessible parking spaces may be in a stacked parking configuration	2 spaces per bay. For facilities with two or more bays, up to 60% of the required non-accessible parking spaces may be in a stacked configuration
Post office	1 per 200 square feet gross floor area	1 per 500 square feet of floor area.
Childcare Home	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Childcare Center	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Indoor sports facilities, gyms	1 per 300 square feet gross floor area	1 per 750 square feet gross floor area
Mobile Food Vendors	No parking requirement	No parking requirement.
Seasonal open air food service (TPU 8.3)	1 per 400 square feet of gross floor area.	No parking requirement.

Commented [IG1]: PV feels this should be, at a minimum, one per 300, comparable to retail commercial. Neither Kindred Post nor USPS at the Federal Building have any. Unfair to new development.

Commented [IG2R1]: Discussed, but not changed

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 May 8, 2003
 Page 3 of 6

To accommodate the additional capacity and improve the existing parking situation, the applicants are proposing to add a new parking lot that will have a driveway entrance on James Boulevard and to reconfigure the existing parking area. Total proposed parking lot capacity will be 192 parking spaces. Some room will be left for expansion of facilities and parking in the future.

Traffic – Traffic potential was reviewed when the zone change from D18 to LC was proposed. Potential use of the property discussed under the zone change considered high intensity use of the property however, the current proposal is relatively modest. Although large, the “air inflated” tennis courts have relatively low occupancy and will not generate much traffic. An addition of 923 square feet on the second floor will similarly not create a great demand. Parking requirements for these additions combined will only need 8 additional spaces to meet increased demand. This represents a small increase in vehicular traffic which can be handled on existing streets.

Since James Boulevard will be used to provide access to the new parking area, more traffic will utilize this street than is currently the case. Given the high traffic volumes on Riverside Drive, the ability for vehicles to use James Boulevard as a point of access to and from the site will probably be safer. There was some concern expressed in the traffic study about the level of service for left turning movements at the Riverside/James intersection. However under the applicant’s proposal, vehicles will have the option of accessing Riverside Drive directly from JRC’s parking lot as they do today. The net result will be that drivers will have more options than currently are available and may choose the safest route based on existing conditions.

A major pedestrian crosswalk is located at the James Boulevard/Riverside Drive intersection which leads to Riverbend Elementary School. On school days, crossing guards are present during peak pedestrian times.

Parking and Circulation – Currently the building is permitted for 50,219 square feet of floor space. Since CBJ’s Land Use Code does not have specific parking requirements for athletic clubs, extensive staff review was conducted to determine the appropriate parking requirement for the proposed facility expansion. This research measured 232 square feet per occupant when the facility was operating near capacity. It was further determined that there were approximately 1.31 persons per vehicle parked at the club. Therefore the current parking demand for the existing structure is:

50,219 square feet / 232 square feet per occupant = 216 occupants

$$\frac{50,219 \text{ sf}}{165 \text{ spaces}} = 304 \text{ sf/sp.}$$

216 occupants / 1.31 people per vehicle = 165 parking spaces currently required

Analysis for the new tennis building concluded that it would require 5.33 parking spaces.

The proposed second story addition will add 923 square feet.

923 square feet / 232 square feet per occupant = 4 occupants

4 occupants / 1.31 people per vehicle = **3 parking spaces for second story expansion**

Parking for new building and interior expansion: 165 + 5.33 + 3 = **173 parking spaces Total**

	Gross Floor Area in Square Feet		
Use	Town Center Parking District	All other areas	Spaces Required
Motels and hotels	6,000-59,999	5,000—29,999	One
		30,000—60,000	Two
	Each additional 30,000	Each additional 30,000	One
Commercial	6,000-50,000	5,000—24,999	One
		25,000—50,000	Two
	Each additional 30,000	Each additional 30,000	One
Industrial, manufacturing, warehousing, storage, and processing	6,000-50,000	5,000—24,999	One
		25,000—50,000	Two
	Each additional 30,000	Each additional 30,000	One
Hospitals	6,000-40,000	5,000—40,000	One
		Each additional 40,000	One
		Other Criteria	
Schools		For every two school buses	One
Homes for the aged, convalescent homes, correctional institutions		More than 25 beds	One

PROPOSED DEFINITIONS:

Mobile Food Vendor: A mobile food vendor is a type of food service that is located in a vehicle, trailer or cart and is capable of moving easily daily. Unless a push cart, these units must be capable of being licensed by the state as a motor vehicle, and can be moved without special conditions (such as a pilot car, flagging, or restricted hours of movement). Mobile units must completely retain their mobility at all times.

Seasonal Open Air Food Service: A seasonal open air food service is a type of food service located in a structure that does not have a permanent means of heat. (Note that woodstoves are not considered a permanent means of heat by building code officials). The food service operates for 210 days or less. A zoning official can extend the operation period for cause, such as extended tourist season, community event, or emergency provisions.



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DATE: August 23, 2021

TO: Nathaniel Dye, Chair
Title 49 Committee

FROM: Allison Eddins, Planner

CASE NO.: AME2020 0005

PROPOSAL: Proposed amendments to CBJ 49.45 Sign Regulations

CDD is drafting sign regulations that address national legal requirements and clean up some of the inconsistencies in our existing code.

The draft amendments includes some big changes from the existing sign code. Those changes are listed below.

- The purpose statement has been expanded to lay the foundation for substantial government interests.
- Sign permit approval timeline has been expanded from two business days to 10 business days to be more consistent with other permits. Average sign permit turnaround time in 2019 was 7.75 business days.
- Signs will be regulated based on sign type and zoning district.
- Window signs mounted on or within 3 feet of a window in commercial, mixed use and industrial zoning districts will require a permit and will count toward allowed sign area.
- Painted signs and murals will not require a permit. Some restrictions do apply.

Background

The US Supreme Court ruled in 2015 that municipal and state ordinances could not regulate signs based on content. This violates free speech. Signs can be regulated based on time, place and manner. This allows us to use zoning-related tools, size limitations, and technology limitations to regulate signs. A simple rule to follow is: If you have to read the sign to know which regulation to apply, you have an unconstitutional code.

More recently, courts have made rulings requiring sign regulations to be narrowly tailored to further a substantial government interest. Safety and aesthetics qualify as a substantial government interest and those are laid out in the expanded purpose statement.

Chapter 49.45 - SIGNS¹¹

Footnotes:

--- (1) ---

Administrative Code of Regulations cross references— Design review standards, signage, Part IV, § 04 CBJAC 065.010 et seq.

Cross reference— Building regulations, CBJ Code tit. 19.

ARTICLE I. - IN GENERAL

49.45.100 – Intent.

The intent of this chapter is to regulate signs in a manner that balances the right of free speech by sign display against the competing public and government interests in protecting community aesthetics, minimizing driver distractions and other negative effects associated with excessive and/or inappropriate signage.

49.45.110 - Purpose.

The purpose of this chapter is to provide standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with this chapter, as applicable. The general purpose of these standards is to promote, preserve and protect the health, safety, general welfare, and enjoyment of the public, to preserve and protect the aesthetic quality of the borough, and to achieve the following:

- (a) Safety. To promote the safety of persons and property by providing that signs:
 - (1) Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
 - (2) Do not obstruct firefighting, police, and private security surveillance;
 - (3) Do not create traffic hazards by confusing or distracting motorists;
 - (4) Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals;
 - (5) Do not cause hazardous or unsafe driving conditions for motorists due to their lighting or movement; and,
 - (6) Do not otherwise interfere with or detract from the safety of persons or property.
- (b) Visual landscape quality and preservation. To protect the public welfare and to enhance the appearance and economy of the borough, by providing that signs:
 - (1) Do not create a nuisance to persons using the public rights-of-way;
 - (2) Do not constitute a nuisance to occupancy of adjacent property by their brightness, light glare and reflection, size, height, or movement;
 - (3) Are not detrimental to land or property values;
 - (4) Do not overwhelm people by the number of messages presented;

- (5) Do not create or worsen visual clutter or visual blight;
- (6) Do contribute to the special character of particular areas or districts within the city and borough, helping the observer to understand the city and be oriented within it;
- (7) Do not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
- (8) Do not obstruct views of users of adjacent buildings to side yards, front yards or to open space;
- (9) Are compatible with building heights of the existing neighborhood and do not impose a foreign or inharmonious element to an existing skyline;
- (10) Do otherwise protect and preserve a quality landscape in the city and borough; and
- (11) Do otherwise enhance the appearance and economy of the city and borough.

(Serial No. 92-39, § 3, 1992)

49.45.120 - Compliance with requirements.

All signs erected, constructed, altered, or changed in the City and Borough must comply with the requirements of this chapter.

(Serial No. 92-39, § 3, 1992)

49.45.130 - Permits, plan submittal and review.

- (a) With the exception of those signs for which a permit is not required, all signs require a permit issued by the community development department.
- (b) Sign permit applications shall include plans for all signs to be placed, including directional signs. The plans shall illustrate sign elevations, dimensions, placement, materials and lighting. Cross sections may be required if the sign requires a building permit.
- (c) A sign permit application will be reviewed and decided by the department within 10 business days after receipt of a complete application.

Commented [AE1]: I looked at the AVG turnaround time in 2019 with a sample of 12 permits. AVG was 7.75 business days.

(Serial No. 92-39, § 3, 1992)

ARTICLE II. - STANDARDS

49.45.200 - Generally.

- (a) Signs shall be located so as to achieve their purpose without constituting a hazard to vehicles or pedestrians.
- (b) All signs proposed for placement in the historic district must comply with the historic district sign standards set forth in section 49.45.260. .
- (c) All permanent signs shall be constructed of permanent, weatherable materials.

(Serial No. 92-39, § 3, 1992)

49.45.205 – Dimensional Standards; maximum area of signs

Commented [AE2]: No change from existing code.

The maximum allowed area of signs in the mixed use, commercial and industrial zoning districts for any single building façade is calculated as follows:

The length of one side of the building x 1.5 feet = the maximum sign area in square feet for that one side of the building.

No one side of a building shall have more sign area than one and one-half square feet per lineal foot of that side of the building.

49.45.210 – Signs allowed with a sign permit

The following signs may be installed, mounted or placed on public display upon the issuance of a sign permit and subject to the dimensional, area and location regulations specified in the table below.

Sign Type	Zoning District			Use and/or Location	Number Allowed	Maximum Height	Maximum Area	Illumination
	Residential	Commercial and Mixed Use	Industrial					
Freestanding	•			Subdivision and Multifamily	2 per street entrance	6 feet	32 square feet per sign face	External
		•	•	Single tenant	1 per street frontage	30 feet or extend to the roofline of the subject building, whichever is less	64 square feet per sign face	External or internal
		•	•	Multiple tenant			100 square feet per sign face	
Façade mounted	•			Home Occupation	1 per dwelling		4 square feet total sign area	Not allowed
	•			Commercial	1 per tenant per street frontage	Sign shall not project above the roofline of the subject building	8 square feet total sign area	External or internal
		•	•	Commercial	1 per tenant per street frontage	Sign shall not project above the roofline of the subject building	No maximum *Sign area shall count toward allowed sign area per building side	
Façade mounted projecting	•			Commercial	1 per tenant per street frontage	Sign shall not project above the roofline; must be 14.5 feet above a vehicular	16 square feet per sign face	External or internal
		•	•	Commercial			No maximum *Sign area shall	

Commented [AE3]: From CBJ existing code

Commented [AE4]: Consistent with what other communities do.

Commented [AE5]: Home occupations are only allowed to have a façade mounted sign. That is why it's singled out here.

						travel way and 8.5 feet above a pedestrian travel way.	count toward allowed sign area per building side	
Sign Type	Zoning District			Use and/or Location	Number Allowed	Maximum Height	Maximum Area	Illumination
	Residential	Commercial and Mixed Use	Industrial					
Under canopy	•			Commercial	1 per tenant per street frontage	The lowest portion of the sign shall not be less than 7 feet above a developed right of way.	10 square feet per sign face	External only
		•	•				No maximum *Sign area shall count toward allowed sign area per building side	
Canopy face	•			Commercial	1 per tenant per street frontage	The sign shall not project more than 12" above or below the canopy face	10 square feet	External only
		•	•				No maximum *Sign area shall count toward allowed sign area per building side	
Window Signs larger than 1 square foot attached to a window or displayed within 3 feet of the window and legible from the travel way	•	•	•	Commercial	1 per window		Sign areas shall not occupy more than 25% of each window (Excluding marijuana businesses) *Sign area shall count toward allowed sign area per building side	No illumination
Drive-thru signs	•	•	•	Commercial; must be located within on-site parking and vehicle circulation areas	5 per drive-thru lane	12 feet	65 square feet per drive-thru lane	

Commented [AE6]: Standard 8.5"by11" poster would not meet size requirement for needing permit

Commented [AE7]: Percentage restriction is necessary to preserve line of sight

Commented [AE8]: Add definition to 49.80

Commented [AE9]: McDonald's

(Serial No. 92-39, § 3, 1992)

49.45.210 - Signs not requiring a permit.

(a) All signs not requiring a permit must conform to the placement and height standards set forth in subsection (b) of this section.

(b) The following signs are allowed without a permit with the following restrictions:

(1) A-Frame Signs. One (1) non-illuminated A-Frame, or similar self-supporting sign, up to 8 square feet shall be allowed without a sign permit and shall not be included as part of the maximum allowable sign area. A maximum of one A-Frame sign per tenant is allowed. The signs shall not be placed within a CBJ or AKDOT right-of-way and shall not be left out after business hours.

(2) Hand painted signs and murals. One (1) hand painted sign or mural shall be allowed per building façade without a sign permit and shall not be included as part of the maximum allowable sign area. The building façade shall not have frontage on a developed right-of-way and the hand painted sign or mural shall not cover door or window openings.

(3) Temporary signs. Up to three (3) non-illuminated temporary signs are allowed without a sign permit in the commercial, mixed use and industrial zoning districts. Each sign shall not exceed 32 square feet in the commercial, mixed use and industrial zoning districts. Up to two (2) non-illuminated temporary signs are allowed without a sign permit in the residential zoning districts. Each sign shall not exceed 16 square feet in the residential zoning district. Temporary sign area shall not be included as part of the maximum allowable sign area. Temporary signs shall not be displayed more than 30 consecutive days and more than 90 days total within a twelve month period.

(4) Residential use signs. Non-illuminated signs up to four square feet are allowed without a permit for residential use only and shall not be included as part of the maximum allowable sign area.

(5) Identification signs. Every building shall be entitled to one sign up to 36 square feet. The sign shall not be included as part of the maximum allowable sign area. The sign may be placed in any of the following locations:

- a. On the front of the building, residence or structure; or
- b. On each side of an authorized United State Postal Service mailbox; or
- c. On one building post.

(5) Parking and vehicle circulation signs. Signs that are located within an approved parking area and are used by the public to locate entrances, exits, parking spaces and parking lanes will not require a sign permit and shall not be included as part of the maximum allowable sign area.

(6) Government required signs. All government required signs shall be allowed without a sign permit and shall not be included as part of the maximum allowable sign area.

49.45.240 - Illumination standards.

(b) Illuminated signs in all districts shall be arranged so that no light or glare is directed or reflected to adjoining lots and streets or into residential windows. Dark backgrounds shall be used where feasible to reduce glare.

Commented [AE10]: All of these signs will require an amendment to 49.80

Commented [AE11]: Event signs, political signs, real estate signs, etc.

Commented [AE12]: Ideological and political, etc.

Commented [AE13]: Address signs. This is a distinct sign category based on how the reader uses the sign, not based on content. Definition needs to make this really clear.

Commented [AE14]: Same as address sign comment.

(Serial No. 92-39, § 3, 1992)

49.45.250 - Sign maintenance.

Every sign shall be maintained in a safe and good structural condition at all times, including the repair or replacement of defective parts and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety and maintenance standards, the department may require its removal in accordance with this chapter.

(Serial No. 92-39, § 3, 1992)

49.45.260 - Historic district sign standards.

The purpose of the historic district sign standards are to enhance, protect, and preserve the distinctive historical character of the historic district. All signs within the historic district shall comply with the requirements of this chapter. In addition, the following standards shall apply:

- (a) Lettering style and symbols on signs shall be appropriate to the building's style and compatible with the lettering and style of other signs on the building.
- (b) The only sign appearing above the canopy or first floor level of a building shall relate to the name of the building or principal use within the building. This may be externally illuminated only and be in the plane of the storefront. Signs that are hung underneath the canopy and perpendicular to the building shall be no less than seven feet above the finished sidewalk. The preferred material for these signs is wood, with natural stain or painted finish and external illumination only. Signs within or fixed to canopy edges shall not be lighted and shall not extend past the bottom or one foot above the top of the canopy fascia, and shall not exceed 12 inches in overall height.
- (c) All sign proposals for buildings in the historic district require a permit from the community development department. The department will review plans for dimensions, placement, lettering styles, color, materials, legibility and appropriateness of style to the character of the historic district.

(Serial No. 92-39, § 3, 1992; Serial No. 99-22, § 8, 1999)

49.45.270 - Prohibited signs and sign materials.

In addition to any sign or sign materials not specifically in accordance with the provisions of this chapter, the following are prohibited:

- (a) Any sign which simulates or imitates any traffic sign or signal, or which makes use of words, symbols, or characters in such a manner as to interfere with, mislead or confuse pedestrian or vehicular traffic;
- (b) Signs attached or placed adjacent to any utility pole, parking meter, traffic sign post, traffic signal or any other official traffic control device;
- (c) Any off-premise sign that directs attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located, except as provided in sections 49.45.300—49.45.310. This prohibition does not include off-premise signs in public transportation terminals, nor does it include signs on public vehicles regulated pursuant to chapter 20.40 provided that the primary use of the vehicle is not the display of signs and that such vehicle is not used as a static display for advertising;
- (d) Signs consisting of any moving, rotating, flashing, or otherwise animated light or component within 250 feet of a vehicular travel way, except for time and temperature displays and barber poles;

Commented [AE15]: This is "content-based" unless it applied to both commercial and non-commercial messages. Strict scrutiny is applied. Question for Law.

Commented [AE16]: Will this pass the safety test? Why are these less distracting?? Question for Law.

- (e) Spinners, twirlers or propellers, flares, and similar devices, or containing elements creating sound within 250 feet of a vehicular travel way.
- (h) Any sign placed within the public rights-of-way that is not owned and maintained by a government entity.

(Serial No. 92-39, § 3, 1992; Serial No. 94-35am, § 12, 1995)

49.45.310 - Exceptions from sign standards.

The commission shall hear all applications for exceptions from the sign standards of this chapter using the procedure and criteria established for variances other than de minimis in chapter 49.20, article II, variances.

(Serial No. 92-39, § 3, 1992; Serial No. 95-33, § 9, 1995)

ARTICLE IV. - NONCONFORMING SIGNS AND ENFORCEMENT

49.45.400 - Nonconforming signs.

Nonconforming signs shall be required to come into conformity with this chapter at the time of a major development or major addition to the subject property except signs which violate section 49.45.270, prohibited signs and sign materials, shall come into compliance within 90 days of the effective date of the ordinance codified in this chapter. The owner of a nonconforming sign may apply to the commission for an exception from the sign standards as provided in section 49.45.310.

(Serial No. 92-39, § 3, 1992)

49.45.410 - Enforcement.

- (a) A violation of this chapter is a violation subject to a civil fine. Each and every day during which a violation of this chapter is committed, permitted, or continued shall be treated as a separate offense and subject to the offender to separate charges and fines, in accordance with CBJ 03.30.075.
- (b) A person charged with violating this chapter may produce proof to the enforcement officer that the violation has been remedied. If proof is provided within 15 days after the issuance of a citation, the citation shall be dismissed unless the person has been convicted previously for violating this chapter or has provided proof under this subsection on a prior occasion.

(Serial No. 92-39, § 3, 1992; [Serial No. 2015-29\(c\), § 2, 6-29-2015, eff. 7-30-2015](#))