

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

March 21, 2018

Marine View Building, 4th Floor Conference Room, 230 S. Franklin Street
12:00 AM

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **APPROVAL OF MINUTES**
 - A. December 12, 2017 Draft Minutes
- IV. **AGENDA TOPICS**
 - A. Election of Vice Chair
 - B. Code Update Overview
 - C. Proposed Canopy Code Changes
 - D. Proposed Stub Street Code Changes
- V. **COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- VI. **ADJOURNMENT**

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

Wednesday, December 20, 2017, 12 pm
Community Development Department, Large Conference Room

Commissioners Present:

Dan Miller, Kirsten Shelton, Paul Voelckers, Carl Greene, Nathaniel Dye, Ben Haight

Members Absent:

Dan Hickok

Staff Present:

Laura Boyce (CDD), Jill Maclean (CDD), Beth McKibben (CDD), Amy Liu (CDD), Robert Palmer (Law), Marjorie Hamburger (CDD)

I) Call to Order

Meeting called to order at 12:04 pm.

II) Agenda Topic

a) De Minimus Variances

Ms. Boyce clarified that a De Minimus Variance will be renamed to reflect that this is an administrative variance, decided upon by the Director of Community Development. She presented a draft of the revision to code to start the conversation (page 3 of the packet) as well as other handouts as follows:

- How to Calculate the Height of a Building
- Setback Exceptions
- The Table of Dimensional Standards, 49.25.400
- Appeals, Variances and Interpretations, Chapter 49.20
- Site Specific Setback Reductions

Ms. Boyce stated that the code is generous already and allows for encroachments and setbacks and reductions. Currently for the De Minimus Variance there are four (4) criteria to be considered by the Director before granting the variance (page 3, lines 9-17).

Mr. Voelckers asked if it is the intent to get the language cleaned up at this meeting. Ms. Boyce said she wanted commissioners to talk about administrative variances today. At the January 23, 2018, meeting staff can present these changes to variances along with court cases that explain the determining criteria and, if the draft is good enough, ask for a vote of approval on these administrative variances. Mr. Voelckers asked if at that point the Planning Commission will forward the draft to the assembly for consideration. Yes, said Ms. Boyce.

Ms. Boyce said staff would like to change the name to add the word “administrative” so as to be clear what it is. Also, as it stands it states that “projections not to exceed 25 percent of the yard setback” (page 3, line 6) and this figure needs discussion.

Mr. Voelckers asked if these types of variances are done as a pre-approval or post-project, like for someone who has made a boo-boo. For Criteria A, is it “an unreasonable hardship” because something is already in place? Ms.

Boyce said staff hopes this variance can more often be used a pre-approval. Ms. McKibben said currently it is used as a post-project solution. Mr. Palmer said this could be used for both situations.

Mr. Voelckers said he thinks this should be clarified in the language. Discussion ensued about how this has been used in the past for certain circumstances. If the intent is that it applies to both types of situations, it seems useful to have language indicating this, restated Mr. Voelckers.

Mr. Miller said he feels strongly about the 25% determination on post-project variances, if a mistake has been made. But asking for relief of a full 25% of the yard setback requirement ahead of time seems problematic to him.

Mr. Dye suggested that it might make more sense to be stated as 25% or 3 feet, whichever is less. This might mean applications for this variance are requested less often?

What is the intent for adding 3 feet, asked Mr. Voelckers? What is our biggest setback in code, he asked? Ms. Boyce said 25 feet.

Mr. Palmer said the uniqueness of the unreasonable hardship criteria helps both pre- and post-project. For a post-project there is a financial hardship. Pre-project there may be different hardships.

Mr. Greene asked if granting the variance is by the Director and is denied, does it go to the Planning Commission? Mr. Palmer said this is interesting, and he does not know of a recent appeal of a De Minimus Variance. He does not think this could happen legally. Any time a director does something, the public has the right to appeal. But for an administrative variance, there are fewer elements to consider than for a regular variance. So there would be no motivation to apply for a regular variance based on those fewer elements.

Ms. McKibben said the current process is the applicant needs to get their application for a variance signed off by neighbors. The De Minimus option is different. Either an applicant meets or does not meet the criteria, regardless of neighbor sentiment.

Mr. Voelckers said he believes there is a broad presumption in the community that for any director determination there is a right to an appeal. Mr. Palmer said he thinks it should be stated in this language that it is different for a De Minimus Variance.

Mr. Dye returned to the topic of the 25% figure; he said it makes him uneasy. Interpreting the variance as applicable both pre- and post-project, it seems easy to go ahead and build something knowing that you can obtain a variance of this sort. Mr. Dye wants to avoid abuse of this option.

Mr. Voelckers said he likes the addition of a maximum of 3 feet because 25% of a larger setback could be much larger, maybe even 18 inches or 2 feet to make requesting this variance more as a response to a small boo-boo, not about taking advantage of something while in the planning stages.

Mr. Miller suggested looking at exceptions already in code before determining the right number or percentage.

Mr. Voelckers asked why the department has allowed some exceptions outright while others have kicked in with this variance. Ms. McKibben said it is more applicant-friendly to have exceptions allowed over the counter. De Minimus was first created to address mistakes.

Ms. Boyce and Ms. McKibben listed some situations, such as slope of a property, unheated arctic entries, adding exterior insulation, which have been allowed a setback exception and not gone through this administrative process.

Ms. Boyce pointed out the handout about encroachments. Generally this applies to things that are not living space, like a deck or a shed. Living space with setback reductions is generally when variances are requested.

Mr. Voelckers said the usual cases are “problem children”- a steep or substandard lot, for example.

Mr. Voelckers said he likes Mr. Dye’s suggestion about adding the geometric upper limit to the exception so as to not create a mechanism to game the system. We don’t want to create an unintended consequence, he said. Mr. Miller said he brought it up because of the potential for people building on smaller and smaller a lot which increases the possibility of a mistake. He is okay with the idea of 25% not to exceed 3 feet. Mr. Dye pointed out that he just grabbed that number randomly and asked Mr. Miller what he thinks would be reasonable, from his perspective as a builder. Mr. Miller said he thinks 3 feet is either enough or too much. Mr. Voelckers said he thinks 2 feet is better, because it is hard to justify a 3 foot mistake. Mr. Dye suggested the committee to consider the low side, not the high side.

Mr. Greene asked if the size criteria should be the same for pre- and post-requests. Mr. Voelckers said there could be a situation with a neighbor who has a fence too close to the lot line and this might indicate a need to exempt an overhanging eave to accommodate.

Ms. Maclean said for the most part we require setbacks to be confirmed for building permits and a surveyor needs to sign off. Most surveyors will not jeopardize their career for manipulations to the code like this, she said. Inspectors go out to the site as well.

Mr. Voelckers suggested drafting the number at 2 or 3 feet for now, to allow the committee to move on and address other areas of the code.

Ms. McKibben said that Criteria C (page 3, line 14) has to do with sight visibility, which falls under the area of public health and safety. How do you think staff should evaluate an after-the-fact encroachment in such a situation, she asked the commissioners.

Where is the harmonious piece, asked Mr. Greene? We played with that, said Ms. Boyce, and did not include that language because as part of looking at the built environment, if there are already encroachments and unmet setbacks in the neighborhood, we do not want to continue to repeat that pattern. Harmony with the built environment is not necessarily the goal, she said. Mr. Palmer added that if this is used after the fact, would commissioners want the director to base the decision on neighboring properties, when, for example, no one else has a bump out of 2 feet?

Mr. Miller asked about Criteria B. What does this mean? Mr. Voelckers said he thinks this might hamper the ability to respond to a mistake. Ms. Boyce said this could be worded better. Mr. Voelckers asked if it is necessary to keep this item. What are we trying to solve with Criteria B? Mr. Palmer said it could come out. Is there a problem he could foresee, asked Mr. Voelckers? Not that I see at this point, said Mr. Palmer. Mr. Dye said if the wording contained a maximum amount for the variance (3 feet, for example) then B could be deleted, he thinks.

Mr. Dye said that Criteria D might have a relationship to harmony and gives the director some flexibility without stating harmony specifically. The word ‘tailored’ works here, said Mr. Voelckers.

Mr. Voelckers asked on about language on Page 4, Line 24; what does “not caused” mean? The staff report would need to clarify this, he said. Mr. Palmer said now it says “conditions of the property” to address a nonconforming lot situation. Mr. Voelckers said he wanted to remind people that a too narrow interpretation needs to be avoided.

Mr. Miller pointed out number 3 (Page 5, Line 2), and said that if the variance has to meet number 3, no variance will ever be granted. Ms. McKibben said when she looks at this from staff perspective, if in a neighborhood of single family homes there is an extreme slope and a narrow envelope for building, an applicant can be permitted to build in a way that is compatible with the neighbors who do not have the same situations on their properties. Mr. Miller said he argued previously against this. Mr. Voelckers wondered if one reading of #3 could be an unintended overreach as in a height variance. Mr. Miller pointed out that the Soboleff Center on Front and Seward Streets would not have made it past this determination, for example.

Ms. Shelton said perhaps the word “necessary” could be removed and the language just says it would enable or help. Mr. Voelckers asked if the term was about being consistent with the neighbors. If a property owner is surrounded by underutilized properties, then this determination works against fully utilizing a property. Ms. Maclean gave an example of wanting to deny a variance on Meander Way because given the current status of the Mendenhall River, allowing a smaller setback would be a terrible idea, although other properties bordering the river have such a setback and are currently threatened.

Mr. Dye said regarding neighborhood harmony and height, does #5 cover such considerations enough already?

Mr. Miller said he is trying to get rid of #3, thinks it is covered by 5(A) of 49.20.240. He has never been able to find for 5(A). Mr. Voelckers asked staff to struggle with this and come back with some solution. Ms. Boyce said the main concept here is justice. Mr. Voelckers said the words “reasonably tailored” are good words.

Mr. Voelckers asked staff what was the 7th criteria lurking in shadows? Mr. Miller talked about the “CRAP concept”. He recalled Mr. LeVine’s concern – while staff and commissioners are working to fix things in code so as to reduce or eliminate the need for variances, some properties or situations don’t yet fall into the fixed categories. Mr. Miller explained that he and Mr. LeVine joked about this as the Code Review Analysis Process = CRAP. Mr. Miller appreciates the thought that we cannot just dismiss the variance process because people are not receiving justice right now. He advocated for a 7th criteria for property owners who need relief from the code because staff has not yet been able to fix things in code.

Mr. Voelckers said an obvious example is the 50 foot stream buffer. This is a problem that is not fixed yet. Mr. Dye suggested including a bulleted list of these unfixed things that could be struck once new code is approved by the Assembly. Mr. Palmer said this could be put in on Page 1, Line 16/17. This could include things like canopies, signs, eagles, etc. that have not been address or are not yet finalized.

Mr. Greene said would this mean we would be prematurely hearing a case that may be addressed later on? Mr. Voelckers said until we’ve done the other fixes, we would be crazy not to consider a variance. Mr. Dye said we would have to put this in for the meantime. Mr. Greene said if, for example, we grant the variance for eagle setbacks and the new eagle ordinance gets denied by the Assembly, then what happens? Ms. Maclean said the person who got the variance would still go through with their project, that particular variance would still stand, but no longer would eagles be a cause for a variance if denied by Assembly.

Are there other categories not addressed yet, asked Mr. Voelckers? We didn’t talk about page 7 or 8, he said.

Mr. Hickok said some of the points discussed, like 5(A), struck a note that it was an “or” statement. He agreed that this particular statement was one commissioners could never say yes to. By eliminating it, he said he thinks this is solved. It seems this addresses all the concerns the commission had.

Mr. Voelckers restated that this variance addresses pre- and post-activity.

Ms. Boyce brought up the issue of public notice. At present, De Minimus Variance requests do not need the big red sign posted on the property but code says this is required for a regular variance. Requiring a posted sign means an additional upfront fee of \$150 with a return of \$100 if the sign is returned, so there is more cost for an applicant. Mr. Dye asked why signs are not used for administrative variances. Can a neighbor appeal this variance, he asked? Yes, within 20 days, said Mr. Palmer. Ms. McKibben asked if Mr. Palmer and Ms. Boyce had thought about this already.

Mr. Dye said he thinks it would be fair if the sign is up for an administrative variance as well.

Ms. McKibben gave an example from the past where neighbors submitted comments against the applicant. What would staff do if neighbors do not like the situation, she asked? For a De Minimus Variance the director is only reviewing established criteria and not taking public comment into account. Mr. Dye said comments could be useful if some information is brought forward that staff might not be able to learn otherwise, for example about a school bus pick up spot that people in the neighborhood know about.

Mr. Voelckers said he likes erring on the side of extra notice.

Mr. Miller said he has personal experience of pouring a foundation that is 6 inches off. It is a huge deal when this happens. That said, he thinks more public notice is probably fine. Before, an applicant had to go to the neighbors and have them sign off. If the circumstance is a small mistake after the fact, when you put the red sign out you allow everyone driving by to be able to comment.

Ms. Boyce said red signs let the public know about a public hearing. She said she does not propose the red signs be up for some decision that the director has the authority to make. There could still be some sort of notice, though. Ms. Maclean said minor subdivisions do not get the red notice sign, for example, but the abutters get noticed, the adjacent properties. Ms. Boyce said she thinks noticing the adjacent neighbors only could be a good idea.

Mr. Dye asked if the variance is appealed, does further notice go out? No, said Mr. Palmer.

III) Next Meeting

Tentative: Wednesday, January 17, 3:15 pm.

VI) Adjournment

The meeting adjourned at 1:09 pm.



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March 16, 2018

MEMO

To: Nathaniel Dye, Chair Title 49 Committee

From: Jill Maclean, AICP, Senior Planner

RE: Revisions to the Canopy section of Title 49

Background

An update to the canopy section of the Land Use Code was identified as a priority, specifically Title 49 (49.15.800 and 49.60.270), and Title 4 (Chapter 45 045.010, and Chapter 80 080.380 as it pertains to height and Appendix C definitions).

Attached are recommendations and questions that need to be addressed prior to making final recommendations on revisions to the code. The intent of these revisions is to:

- Clarify which zoning districts this section of code should apply to,
- Determine and include how to measure the canopy height, and
- Move the sections of code found in Part IV - Administrative Code of Regulations that are relevant and move to Title 49 in either 49.15.800 *Canopies and Awnings* or 49.60, *Bonus Procedures and Policies*.

Recommendations

Staff recommends that the Code is amended to clarify, make consistent, and update the canopy sections of Title 49 and Title 4, exclusive of the historic district guidelines. It is recommended that any sections of Title 4 that are relevant should be adopted into Title 49 and subsequently repeal this section of Title 4.

Attached

Review of existing ordinance

Staff Report TXT2006-04 (TXT case is now referred to as an AME case)

Minutes Excerpt of TXT2006-04

ARTICLE VIII 49.15. 800 CANOPIES AND AWNINGS

IDENTIFIED ISSUES W/EXISTING ORD.	Existing	Questions / Suggestions	Proposed
	In the MU zoning district, canopy height, as measured from the sidewalk to the lowest point on the canopy, shall be a minimum of eight feet and a maximum of ten feet above the sidewalk. Canopies shall match the existing canopy heights of adjacent structures, where practicable.	Title 4 (Historic District Guidelines) uses the following language in regards to height: 7.22 Canopies shall step down to maintain a consistent height over the sidewalk. • Canopies shall not be angled across the building facade. • Some slope is appropriate to allow for run-off of precipitation. • Articulation in awnings and canopies is appropriate to designate the main building entry. 7.23 Projecting horizontal canopies are most appropriate. • The canopy shall fit the opening of the building. • Odd shapes, bullnose awnings and bubble awnings are inappropriate on most structures. • Internal illumination is inappropriate. • Simple shed shapes may be considered in some cases.	An awning or Canopy must provide vertical clearance of no less than eight feet (8') from the sidewalk.
			Minimum 8’ and may have a maximum height of the first story, and may be higher to accommodate functional purposes, and a portion may accommodate an architectural feature above (Baranof) (this should accommodate slope)

Comment [JM1]: Recommend making the height minimum consistent across all sections of the code.

DEFINITIONS	Existing T49	Existing Part IV Title 4 Chapter 80	Existing Building Code	Proposed?
Canopy		A roof-like projection or shelter that projects from the facade of a building over the sidewalk.		
Awning	cloth or aluminum, is attached.	Not available in T4 Appendix C		

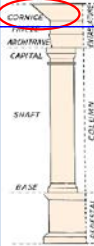
Comment [JM2]: Recommend using the same definitions as the Building Code for consistency.

Cornice

Marquee

Marquee means any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

Not available in T4 Appendix C



Comment [JM3]: Recommend determining if Cornices require indemnification, and if so, it should remain in code.

EXISTING ORDINANCE

49.15.800 - Purpose.

It is the purpose of this chapter to authorize canopy and awning encroachments into public ways, to provide standards for construction of canopies and awnings, and to provide a permitting process. The CBJ requires canopies in the Historic District, and encourages the construction of canopy and awning treatments to protect pedestrians from the elements in all zoning districts.

49.15.810 - Application.

Canopies and awnings are permitted in all zoning districts. The permitting provisions of this chapter apply to canopies and awnings located above public ways, including the Seawalk. In the Downtown Historic District, canopies, consistent with the Downtown Historic District design guidelines, are required for all new construction and when exterior work is proposed to exceed a value of \$25,000.

49.15.820 - Canopy permit required.

- (a) No person shall construct or maintain a canopy, awning, or cornice without a canopy permit issued pursuant to this chapter.
- (b) The canopy permit application shall include the following:
 - (1) A complete application for a building permit, and the required building permit fee.
 - (2) A site plan, along with scaled drawings of the existing structure to which the canopy will be affixed, showing the full width of the public way upon which the encroachment is proposed, and the extent of the requested encroachment. The Engineering Director, in his or her discretion, may require additional information.
- (c) The application shall be reviewed and a permit issued upon a finding that the proposed construction or other work complies with the building code, the canopy and awning standards listed in section 49.15 below, the setback provisions in CBJ 49.25.430, and any other applicable code requirements.

49.15.830 - Canopy and awning standards.

- (a) Canopies and awnings shall comply with the following:
 - (1) Canopies or awnings shall be approved only if a sidewalk, curb, and gutter extending the entire length of the property frontage exists or is to be constructed under the same permit application as the awning or canopy.
 - (2) Vertical support structures from the pedestrian way are prohibited.
 - (3) Canopies shall be designed to direct drainage water into an approved drainage way.
 - (4) No awning or canopy shall be constructed in a location or manner which would obstruct, obscure, or interfere with traffic, a traffic control device, street sign, streetlight or utility pole.
- (b) In the MU zoning district, canopies and awnings shall meet the following requirements in addition to those in subsection (a), above.
 - (1) Canopies and awnings shall span the entire frontage of a building.
 - (2) Canopy height, as measured from the sidewalk to the lowest point on the canopy, shall be a minimum of eight feet and a maximum of ten feet above the sidewalk. Canopies shall match the existing canopy heights of adjacent structures, where practicable.
- (3) For new construction, any clerestory must be located above any canopy or awning.

49.15.850 - Indemnification.

Permittees shall sign an agreement, on a form provided by CBJ, containing the following indemnity and hold harmless provision, and are bound by the following provision: "The holder of a canopy permit issued under this chapter, and the holder's successors, heirs and assigns agrees to forever indemnify, hold harmless, and defend the City and Borough of Juneau against all claims and suits of any nature arising in any manner out of the issuance or existence of the permit, the existence of the canopy, awning, cornice, or other encroachment in the public way, or for any other reason related to the existence of the canopy, awning, cornice, or other encroachment, provided, no indemnification is required on account of injury to persons or damage to property caused by the sole negligence of CBJ."
(Serial No. 2007-11, § 2, 4-23-2007)

49.60.270 - Project design.

- (a) Scenic vistas. ...N/A to canopies.
- (b) Awnings, marquees, canopies. In the commercial, waterfront and mixed-use districts in the geographic area Juneau, a development which provides storefront awnings, marquees and canopies over public ways may be awarded bonus points.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 15, 6-5-2006)

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- Comment [JM4]:** This is outside of MU and currently height is only addressed in the MU zoning district, and historic district through the guidelines;
- Recommend addressing height and not make it specific to a zoning district.
- Recommend adding all zoning districts (for example, downtown Douglas has many residential zoning districts in the village area that could have canopies).
- The staff report from '07 also mentioned allowing canopies to encroach in the ROW in downtown Douglas, Auke Bay, and other commercial areas, which are not zoned MU.
- Comment [JM5]:** Is this amount still preferred? If the \$ amount is not exceeded, and development/project does not require a building permit, how we do ensure that property owners obtain an indemnity for CBJ?
- Comment [JM6]:** Cornice appears here, but is not defined in T49 or used elsewhere in this ord.
- Comment [JM7]:** Update to correct title.
- Comment [JM8]:** If we continue to use both “canopies and awnings” rather than just “canopies”, make sure that all occurrences are in the same order, and not “canopies and awnings” and “awnings and canopies”.
- Comment [JM9]:** Need to keep Auke Bay in mind, if this pertains to new zoning.
- Comment [JM10]:** Recommend changing to all zoning districts.
- Comment [JM11]:** Change “shall” to “may”
- Comment [JM12]:** A max. does not take the slope into account.
- Comment [JM13]:** Does not take the slope into account and 8' is different from Title 4 which uses 9' – Title 4 is used for the bonus section of Title 49 and therefore this should be made consistent.
- Comment [JM14]:** Recommend deleting – not necessary.
- Comment [JM15]:** Need to retain an Indemnification clause.
- Ask Law if the language requires any updating.
- Comment [JM16]:** Recommend changing this to all zoning districts and borough-wide to include Douglas and Auke Bay

SUPPLEMENTAL INFORMATION

CBJ Part IV Administrative Code of Regulations Title 04 Community Development

Chapter 45 CBJAC 045.010 - Awnings, marquees, and canopies.

- (a) Policy. In the WC, WCR, WCO, and the MU districts of Service Area 1, a development which provides store front awnings, marquees, and canopies over public ways may be awarded bonus points.
- (b) Earning points. A maximum of three points may be awarded for implementation of the above stated policy.
- (c) Standards and criteria. Points will be awarded according to the size and extent of the covering and its compatibility with the surrounding environment. The covering shall be placed along principle frontages that connect to adjoining properties. The covering shall be a minimum of nine feet above the sidewalk and a minimum depth of two-thirds of the width of the sidewalk, but [the covering] shall not extend further than the curb. Thickness should not be greater than one foot at the outer edge. Design and construction shall be permanent and complement the character of the surrounding structures.
- (d) Submittals. The applicant shall submit site plans, building elevations, and design review board recommendations.
- (e) Conditions of approval. The commission may require approval of construction plans, construction or a construction guarantee according to the approved plans.

(Eff. 02/19/88)

Chapter 80 Article VI 04 CBJAC 080.380 - Canopies and Awnings.

Canopies are simple in detail, reflecting the character of the buildings to which they are attached. They are primarily flat; many of the early canopies were as wide as the sidewalk area.

Fabric awnings are simple, and fit into the building opening which they are covering. Historically these awnings were often operable (i.e., could be rolled, raised and lowered) to accommodate changing weather patterns. Rigid fabric awnings may be considered on an historic building on a case-by-case basis by the City and Borough of Juneau Community Development Department.

- 5.27 Preserve existing canopies.
- Do not permanently remove canopies on historic structures.
- 5.28 If a canopy has been altered, consider restoring it to the original design.
- Restore the historic canopy if it has been altered.
 - If an awning or canopy existed and is now missing, it should be reconstructed.
- 5.29 An alternative design that is an interpretation of a traditional canopy is appropriate.
- Where the original canopy is missing and no evidence of its character exists, a new design that uses the traditional elements may be considered.
 - Canopies should convey the character of typical canopies of the building type.
 - Canopies should not obscure character-defining features or damage the historic fabric of the building.
- 5.30 Awnings are only appropriate on certain building types and styles.
- Historical evidence of the previous awning on the building must be provided in order to gain approval for locating an awning.
 - Awnings should be of rigid frame construction. Operable awnings are inappropriate.
 - The scale of awnings should be in proportion to the building, and not dominate the facade.
 - The materials should be canvas or a synthetic canvas.
 - Material must be durable and able to withstand the extreme climate.
 - Awnings should have a matte finish. Glossy finishes are inappropriate.
 - Awnings cannot be lit internally.

(Amended 10-21-2009, eff. 10-21-2009)

Comment [JM17]: Recommend moving relevant sections to Title 49 and repealing this chapter from code.

Comment [JM18]: If Chapter 45 remains, update these zoning districts and remove the service area - no longer applicable

Comment [JM19]: Recommend making the minimum height consistent throughout Title 49 and Title 4 at 8' minimum.

Comment [JM20]: Recommend adding this language to Title 49.

Comment [JM21]: As the Preservation Plan is currently underway, we do not recommend changes to this section of Title 4, except for considering the height and method of measuring the height, and making definitions consistent with T49, and practicable.

Chapter 80 Article VII 04 CBJAC 080.500 Façade Elements

Canopies are noteworthy features of the historic district and have a strong history of use. Their inclusion in the design of new construction is required by the land use code.

- 7.19 Building canopies are required.
- Canopies help unify the streetscape as well as provide refuge from inclement weather.
- 7.20 Mount canopies to accentuate character-defining features and window openings.
- Canopies shall be mounted to highlight moldings that may be found above the storefront or within the storefront.
 - The scale of canopies and their support systems shall be in proportion to the building, and not dominate the facade.
- 7.21 Use colors and materials that are compatible with the overall design of the building.
- Canopy materials shall reflect the style and character of the building.
 - Use colors that are compatible with the overall color scheme of the facade. Solid colors or simple, muted stripe patterns are appropriate.

7.22 Canopies shall step down to maintain a consistent height over the sidewalk.

- Canopies shall not be angled across the building facade.
- Some slope is appropriate to allow for run-off of precipitation.
- Articulation in awnings and canopies is appropriate to designate the main building entry.

- 7.23 Projecting horizontal canopies are most appropriate.
- The canopy shall fit the opening of the building.
 - Odd shapes, bullnose awnings and bubble awnings are inappropriate on most structures.
 - Internal illumination is inappropriate.
 - Simple shed shapes may be considered in some cases.

Comment [JM22]: Should the height be consistent with areas outside of the district? This method has caused challenges in the MU district due to slope.

Recommend changing to minimum 8’ and a maximum of the height of the first story.

DATE: February 22, 2007

TO: Planning Commission

FROM: Matthew Halitsky, Planner
Community Development Department

FILE NO.: TXT2006-00004

PROPOSAL: An amendment to CBJ Code to allow canopies and awnings in CBJ ROW's and public pedestrian ways boroughwide.

The City and Borough of Juneau Code states in CBJ §49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

BACKGROUND

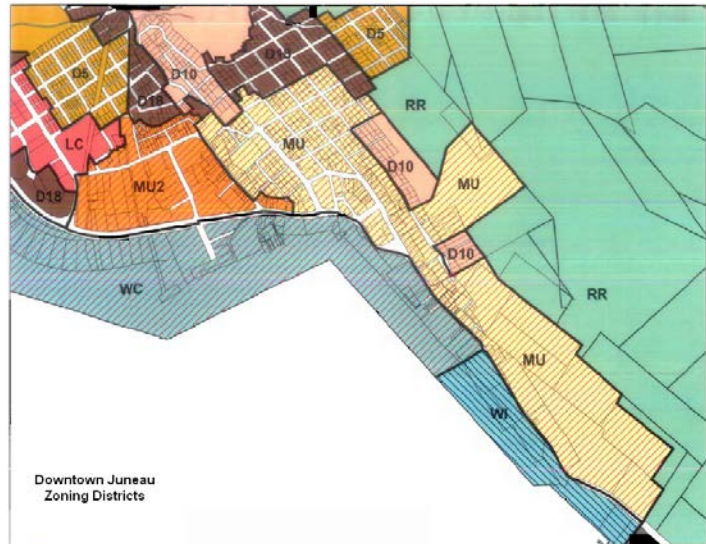
The proposed ordinance would provide a mechanism to allow canopies and awnings in CBJ ROW's and public pedestrian ways boroughwide (Attachment A).

To protect pedestrians from the elements, the CBJ encourages the construction of canopies and awnings on the front facades of structures. Through the Historic District Design Standards located in Title 4, canopies are allowed to encroach into public rights-of-way in the Downtown Historic District; however, no mechanism currently exists in either Title 49, the Land Use Code, or Title 62, Public Ways and Property, to allow canopies or awnings to encroach into public rights-of-way or pedestrian ways outside of this district. The intent of the proposed ordinance is to provide a simple mechanism to allow such encroachments.

The proposed ordinance would apply boroughwide, with greater scrutiny in design in the MU Zone. This zone is bounded roughly by Fifth Street to the north, Willoughby Avenue to the west, Gastineau Avenue and Harris Street to the east, and extends south along South Franklin Street to just past the AEL&P electrical substation (See Below). This is due, in part, to an earlier discussion with the Planning Commission regarding an expansion of the Historic District north to include portions of Third and Fourth Streets. In addition, in the recently completed design review evaluation completed by Winter and Company, it was recommended that areas immediately adjacent to the Downtown Historic District be considered conservation areas, where some design review occurs, but not to the extent appropriate for an historic district.

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The proposed ordinance has been reviewed by the CBJ Community Development Department, Engineering Department, Law, and the Building Division for conformance with Title 19 and the International Building Code. The draft ordinance, included as Attachment A, reflects the changes and additions of the Building Official, Community Development and Engineering Directors, and the City Attorney.



COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

Policy 2.11. *It is the policy of the CBJ to expand the role of downtown Juneau as the civic, cultural and economic center of the community through careful urban design and planning of public and private facilities.*

The Comprehensive Plan states that “careful planning for public facilities and development of an urban design concept and development standards for the area [downtown] are necessary”. In addition, implementing action 2.11.4 calls for the facilitation of the pedestrian usage of Downtown, including encouraging development which improves pedestrian facilities, and extending the Seawalk, as envisioned in the adopted Long Range Waterfront Plan.

Policy 4.3. *It is the policy of the CBJ to promote and facilitate transportation alternatives to automobiles as a means of reducing congestion and air pollution and conserving energy.*

According to the Comprehensive Plan, “improved pedestrian access should greatly enhance the use of the downtown core area by local employees, shoppers, and tourists”. Paramount to achieving this goal is to protect these pedestrians from the elements, by way of encouraging the construction of canopies. Implementing action 4.3.14 calls for provisions and methods to reduce conflicts between pedestrian and vehicular traffic.

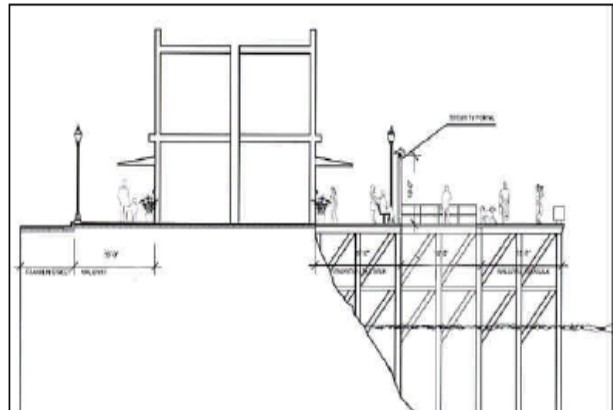
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Policy 4.4. *It is the policy of the CBJ to respond to the special transportation needs of each subarea of the borough and to integrate them into a boroughwide comprehensive transportation plan.*

Included in the implementing actions for downtown Juneau is 4.4.7, maintaining and improving design standards for new developments which facilitate pedestrian movement, particularly in the waterfront and retail core areas. A mechanism allowing canopies and awnings to encroach into city-owned rights-of-way would encourage pedestrian circulation both in the retail core , as well as the waterfront.

Long Range Waterfront Plan

The Long Range Waterfront Plan, adopted October 25, 2004, contains suggested design criteria for the six subareas along the waterfront. Included among these suggested criteria are improved streetscape and awning improvements (page 33), as well as a recommendation that architectural elements and ground-level weather protection elements be permitted to encroach to the street edge (page 52). The Long Range Waterfront Plan draws a clear correlation between protection from the elements and pedestrian use, and stresses these elements to create a strong, pedestrian-oriented downtown.



Discussion

In order to facilitate the pedestrian usage of downtown Juneau, canopies and awnings covering pedestrian ways are needed for protection from the elements and local Juneau climate. As mentioned above, the Historic District Design Standards, located in Title 4, provide for the construction of canopies and awnings in the Downtown Historic District, however, a mechanism to allow such treatments outside of the Historic District does not exist. Most canopies and awnings located over pedestrian ways and rights-of-way would be located in the MU and MU2 zoning districts. However, the Long Range Waterfront Plan calls for the Seawalk to act as a secondary pedestrian pathway along the waterfront, with waterfront businesses providing secondary storefronts along the water. The Seawalk is neither a right-of-way, nor located in the MU or MU2 zoning districts. The Seawalk path traverses the Waterfront Commercial,

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Waterfront Industrial, and Industrial Zoning Districts. Thus, the proposed ordinance, in addition to the MU and MU2 zones, would allow canopies and awnings over the Seawalk, as envisioned in the Long Range Waterfront Plan. In recent development proposals, the Seawalk has been the instrument to help reduce congestion along the South Franklin corridor by diverting pedestrian traffic away from the narrow sidewalks flanking the street. This alternative thoroughfare was the basis of many variances granted by the Board of Adjustment, and vital to the success of the pedestrian way is protection from the elements.

Findings

The proposed ordinance to amend Title 49 to allow canopies and awnings in CBJ rights-of-way and public ways is in general conformance with the policies and implementing actions of the CBJ Comprehensive Plan, and the Long Range Waterfront Plan.

COMPLIANCE WITH CBJ CODE

Title 49 Contents

A mechanism to allow encroachments into CBJ rights-of-way does not currently exist in the Land Use Code, Title 49. The intent of this proposed ordinance is to create such a mechanism, to encourage pedestrian protection from the elements. Current setback requirements would preclude canopy and awning encroachments in undesirable areas, such as residential zones, but would allow their construction in areas such as downtown Juneau, Douglas, commercial waterfront areas such as Auke Bay, and along the Seawalk. A text amendment to reduce the front setback in the MU Zoning District to zero will be considered in the near future, to help encourage the construction of these features in the city center. Basic design criteria, such as minimum height and distance from the curb, are regulated through the International Building Code.

Canopies located within the Downtown Historic District shall be governed by Article V of CBJ §49.70, the Historic District, and reviewed in conformance with the adopted Historic District Design Standards.

Title 62 Contents

A mechanism currently exists in Title 62, Public Ways and Property, to issue right-of-way permits for minor encroachments into these public ways. However, the intent of this chapter is to allow retroactive approval of situations where there is a long history of encroachment in a public way, and to provide to such owners the minimum encroachment permit necessary to allow conventional financing of the purchase, rehabilitation and remodeling of such structures. This

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mechanism is not sufficient to allow the construction of new canopies in rights-of-way and public ways.

CBJ Administrative Code

The existing Historic District Design Standards are currently found in the CBJ Administrative Code, 04 CBJAC 080. As described above, these standards allow for the construction and reconstruction of canopies located within the Downtown Historic District (04 CBJAC 080.070-C). Canopies in the Historic District are to be horizontal, cantilevered construction, which step up with changes in grade. In addition, the illustrated Historic District Guidelines call for canopies to be located below the clerestory, where one exists, to allow light into the first floor of a retail establishment. These design standards are only required within the current boundaries of the Downtown Historic District.

Discussion

Although the Land Use Code allows the construction of canopies within the Downtown Historic District under the design standards located within the Administrative Code, a mechanism does not currently exist within CBJ Code to allow these features outside of the superimposed historic district. The intent of this ordinance is to create such a permitting mechanism. The majority of applications are expected in downtown Juneau, although other areas including downtown Douglas could also benefit from the ordinance change. As mentioned above, an ordinance to reduce the front setback in the MU Zone to zero will help facilitate construction of these canopies and awnings. Current zoning and setback requirements would preclude the encroachment of these features in residential zones, and in non-centralized commercial areas without a variance. Basic design criteria, such as minimum height and distance from the curb, are regulated through the International Building Code.

Included in the draft ordinance is a provision that canopies and awnings located in the MU Zone meet three additional requirements above and beyond those required across the borough:

- o Canopies and awnings shall be located below the clerestory, where one exists.
- o Canopies and awnings shall span the entire length of the building. Awning length shall be measured across the frontage of the building generally parallel to the curb.
- o Canopy height, as measured from the sidewalk to the underside of the fascia, shall be a minimum of eight (8) feet and a maximum of (10) feet from the sidewalk. Care should be taken to match the existing canopy heights of adjacent structures, where present.

These criteria mirror three of the design standards required within the Downtown Historic District. By regulating canopy construction in the MU zone, greater uniformity in design between the Downtown Historic District, adjacent neighborhoods and character areas can be achieved. This was a central theme in the recent design review evaluation conducted by Winter and Company, and proactively begins to regulate canopy construction in the MU Zone in the

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wake of the August 15, 2006 presentation to the Planning Commission by Winter and Company, and the subsequent discussion of a possible extension of the historic district to include portions of the Juneau Townsite north of Second Street. Although not receiving as intense a design review as projects located within the Downtown Historic District, proposals for canopies within the remainder of the MU Zoning District would be guided by these principals in an effort to maintain good urban design principles in the areas immediately adjacent to the historic district, prior to the lengthy process of inventorying properties for an expansion to the historic district.

Findings

The proposed ordinance to amend Title 49 to allow canopies and awnings in CBJ rights-of-way and public ways is in general conformance with CBJ Code, specifically the Land Use Code (Title 49), the Engineering Code (Title 62), and the CBJ Administrative Code (04 CBJAC).

RECOMMENDATION

Community Development Department staff recommends that the Planning Commission recommend to the Assembly this ordinance allowing canopies and awnings to be located within CBJ public ways. This ordinance would create a mechanism to allow the construction of these features to protect pedestrians from the elements.

TXT2006-00004

An amendment to CBJ Code to allow canopies and awnings in CBJ ROW's and public pedestrian ways boroughwide.

Location: Boroughwide

Applicant: CBJ Community Development

Staff report

Matthew Halitsky provided a staff report and PowerPoint presentation. He said the proposal was to provide a mechanism to allow canopies and awnings in CBJ ROW's and public pedestrian ways boroughwide. He stated that canopies were already allowed within the downtown Historic District, although a mechanism to allow such treatments outside of the Historic District did not currently exist in the Code. In order to facilitate the pedestrian usage of downtown Juneau, he said canopies and awnings covering pedestrian ways were needed for protection from the elements and the local Juneau climate. He said the intent of the draft ordinance was to create a permitting mechanism, and to reduce the front setback in the Multi-Use (MU) Zone to zero that would assist in facilitating construction of canopies and awnings, with the basic design criteria, such as minimum height and distance from the curb that were regulated through the International Building Code. Also included in the draft ordinance was a provision that canopies and awnings located in the MU Zone meet three additional design criteria, which mirrors the same design standards required within the Downtown Historic District, for greater uniformity in design and character. The additional design criteria was where a clerestory existed, the canopy had to be located below it, with canopies and awnings required to be placed along the entire length of the building. Where adjacent canopies existed, he said they would have to meet the minimum of 8' and a maximum of 10' from the sidewalk.

Staff recommendation: that the Planning Commission recommend to the Assembly this ordinance allowing canopies and awnings to be located within CBJ public ways. This ordinance would create a mechanism to allow the construction of these features to protect pedestrians from the elements.

Commission action

Mr. Kendziorek asked that the Draft Ordinance, Chapter 49.15, §49.15.820(2), second sentence, to read "The Engineering Director, ~~in his or her~~ at their discretion, may require additional information regarding the extent of the encroachment, including an as-built survey by a registered land surveyor of the property showing..." He was in support of the ordinance. Ms. Gladziszewski disagreed with the first correction above, and stated that the proper grammar was initially stated as, "in his or her discretion,..." as the Engineering Director was 'singular.' It was the consensus of the Commission that the CBJ Department of Law would make the final correct grammatical determination to the Draft Ordinance.

Mr. Watson clarified that canopies and awnings were not being required outside the Downtown Historic Area, as opposed to being an option. Mr. Halitsky said yes. Mr. Watson asked if signage was allowed on canopies, or if it was instead underneath. Mr. Halitsky stated that Title 49 currently did not include signage requirements in the section specifically referencing the Downtown Historic District; therefore the same would apply to the CBJ ROW's and public

pedestrian ways boroughwide, as well for the signage being located underneath the canopies and awnings. Mr. Pernula agreed stating staff needed to address that issue through the Sign Ordinance. Mr. Bruce noted that the PC previously dealt with that same issue regarding Blockbuster's canopy and signage placement. Mr. Watson said there was a difference regarding hardtop canopies, versus soft canopies because it was a matter of opinion.

MOTION: *by Mr. Kendziorrek, that the Planning Commission recommend to the Assembly this ordinance allowing canopies and awnings to be located within CBJ public ways. This ordinance would create a mechanism to allow the construction of these features to protect pedestrians from the elements.*

There being no objection, it was so ordered, and TXT2006-00004 was approved.



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155 S. Seward Street • Juneau, AK 99801

March 16, 2018

MEMO

From: Tim Felstead (Planner II), Community Development Department

To: Title 49 Review Committee

RE: Reviewing bonding requirements for unconstructed stub streets and temporary cul-de-sacs within a subdivision

When new subdivision proposals are reviewed, street connectivity and associated utility improvements to adjoining, 'unsubdivided lands' is required.

This is specifically supported by 49.35.120(a)

49.35.120 - Improvements; generally.

(a) The developer must install all of the required improvements within the boundaries of the development, and may be required to make improvements beyond the development boundary in order for all of the improvements to function properly. In addition, improvements must be designed and constructed to provide for future extension to adjoining lands.

And 49.35.210(a)

49.35.210 - Street system.

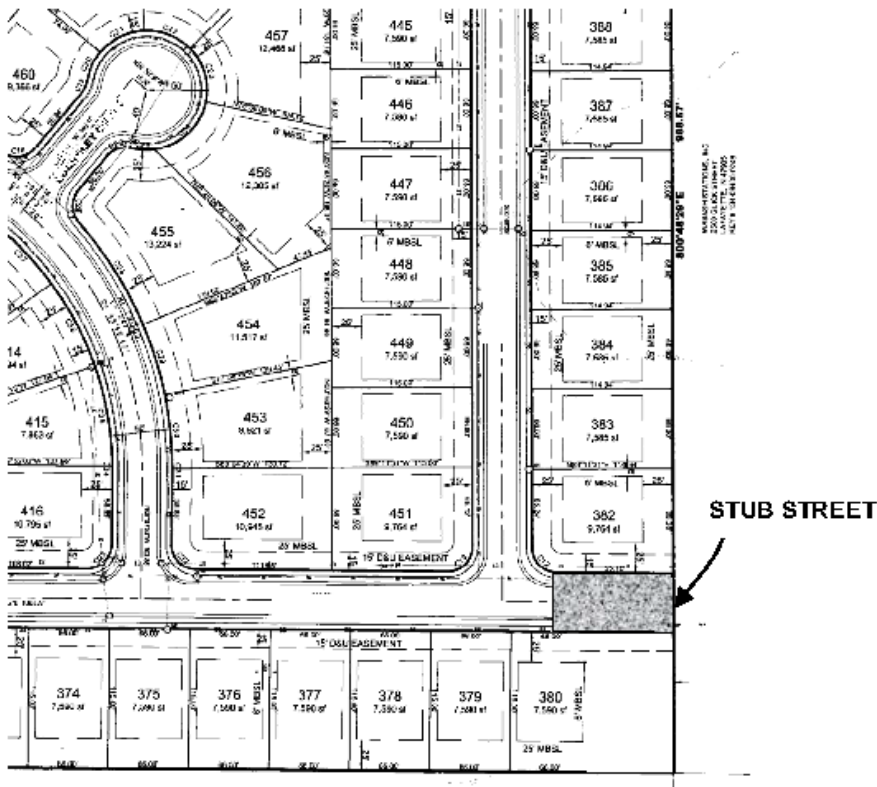
(a) [In general.] Subdivision street systems shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

(1) The street system shall provide for connecting streets into adjoining unsubdivided lands.

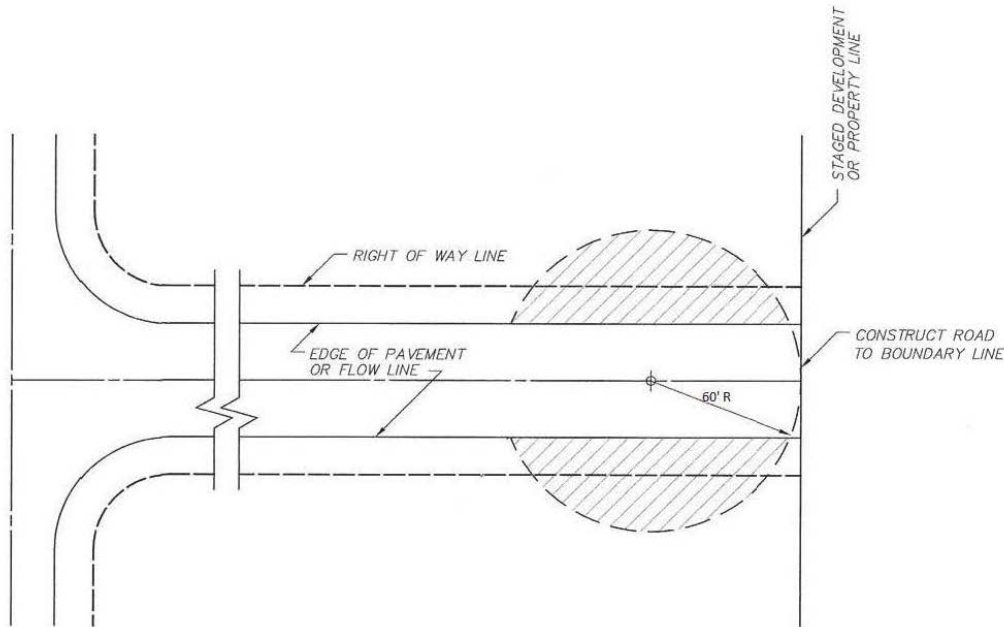
This can result in streets with no outlet since it is anticipated that they will be extended in the future to serve a development (presumably a subdivision). The Land Use Code provides two different mechanisms to deal with streets identified for future extension.

Stub streets – When a ROW is required to be platted to provide connection to adjacent lands, but is not used to meet access requirements (i.e. frontage) for any lots within the subdivision, such a ROW is called

a 'stub street'. The Land Use Code allows the CDD Director discretion as to whether the developer has to construct all, part, or none of the normal street improvements for the stub.



Temporary cul-de-sacs – Where the ROW does provide frontage to lots within the new subdivision, but extension of the road is logical in the 'near future', then temporary cul-de-sacs are allowable under the Land Use Code. This ensures vehicles (including emergency services and CBJ Streets operations) are able to turnaround at the end of such streets. The temporary cul-de-sac provides for an easement on lots adjacent to the right-of-way to accommodate the turnaround.



Bonding requirements – The existing language for these two concepts provided in the 2015 major overhaul of subdivision requirements. In committee review for both stub streets and temporary cul-de-sacs, the issue of fairness to the current subdivision developer, and the subsequent subdivision developer, was discussed.

In the case of temporary cul-de-sacs, the issue was who should pay for the cost of removal of the temporary portions of the cul-de-sac turnaround when the road is extended. For stub streets the issue was who should pay for the construction of the street when a subdivision occurs on the ‘unsubdivided’ adjacent land.

The same solution was used to solve this problem in both situations – the current subdivider would be required to bond for the cost of either the cul-de-sac removal or the construction of the stub street. This bond would lapse after 5 years with the subsequent developer then being responsible for these tasks.

However, as summarized in the table below temporary cul-de-sacs and stub streets benefit the current and subsequent subdividers differently.

	Temporary cul-de-sac	Stub Street
Current subdivider	Enables subdivider to build a dead end street while meeting connectivity requirements and street construction requirements. Buildings are setback from a temporary right of way edge which means they are further away when the cul-de-sac easement is returned. Would probably prefer to just build a permanent cul-de-sac and not bond. Why do we want to remove temporary cul-de-sacs?	Forced to give up land for ROW their subdivision does not directly benefit from.
Subsequent developer (subdivider)	Now has to remove a cul-de-sac that they did not build (although current subdivider bond may help pay). Their subdivision gets no direct benefit from the existence of the temporary turnaround except it enabled the street which does serve them to be built.	Platted ROW is provided to their development and some of the street providing connection to their subsequent development is constructed – access improved to their development where there was no access before.

The purpose of the 5 year bonding is to ensure the subsequent subdivision developer is not discouraged from their project by the additional cost of removal of the temporary turnaround or the construction of the stub street. The 5 year time limit also provides an incentive for the adjoining land owner to develop their land relatively quickly (although it doesn't specify the intensity it needs to be developed to). On the other hand this means the bond required from the current developer may serve as a disincentive to them, especially where the project is already providing a marginal return.

Questions for discussion

Bonding

Do temporary turnarounds and stub streets merit the same bonding approach? Is the current approach really 'fair'?

Should there be more specific requirements of what sort of development triggers the construction of the improvement? For example, is it fair that a subsequent 3 lot subdivision triggers this high expense for the current developer?

Should there be a maximum length of stub street the current subdivider is financially responsible for (e.g. minimum lot depth for zoning district)?

Should the level of the existing subdivider contribution to construction diminish in increments overtime (e.g. 100% of cost in 1st year, 80% in 2nd year) etc.?

Stub street requirements

In some situations, the unsubdivided lands being 'stubbed' to are under CBJ, State or Federal ownership, or on steeper hillsides, and future development is very speculative. *Should the bond requirement exist in that situation?*

Stub streets are only allowed where they do not provide access to lots the current subdivision. Currently, private shared access standards would seem to allow some lots to front onto a platted (but unconstructed) stub street but not require its construction if a parallel 'private shared access' provides the access. *Should private shared access be allowed to lots that have frontage on an unbuilt ROW?*

Does 'unsubdivided land' need to be better defined to better trigger the connectivity requirement (e.g. alternative access to parcel already provided in X feet of the existing subdivision)? Should the unsubdivided parcel size also need to be considered?

Temporary cul-de-sac turnaround

Articulate why temporary cul-de-sac turnaround should be removed once road is extended? Waste of land? Unsightly?

Currently, temporary land is currently counted toward adjacent lot size –it may need to be returned to owner to make conforming lot. Adjacent lots have setback from temporary section edge of ROW so they could end up being 50ft back from edge of reconstructed ROW following removal of the temporary cul-de-sac.

How else can temporary cul-de-sacs be repurposed? Can they be repurposed with landscaping for the neighborhood when no longer needed for turnarounds?

Why not require a bond if the portion of street not constructed beyond the cul-de-sac location if the cul-de-sac cannot be located up to the lot boundary?

Should there be a date by which the extension is built or the cul-de-sac become permanent?

Attachment 1 – Excerpts from Land Use Code

49.35.240 - Improvement standards

...

(g) Cul-de-sacs

(2) Temporary cul-de-sacs. Temporary cul-de-sacs will be allowed where a street can logically be extended in the near future, and if the following are met:

(A) The temporary portions of the cul-de-sac turnaround must be shown on easements on the plat rather than as dedicated right-of-way.

(B) All of the cul-de-sac must be constructed to permanent street construction standards except as noted in (G) below.

(C) The CBJ will record a release of the easements for the temporary portions of the turnaround at the state recorder's office at Juneau at the time the turnaround is removed and the street improvements have been extended.

(D) Easement lines for the temporary turnaround will be considered front property lines for determining building setbacks.

(E) All improvements, including utilities, must be designed to accommodate the eventual extension of the street and reversion of the temporary turnaround to adjoining properties.

(F) Temporary cul-de-sacs must be extended to as close to the adjoining property boundary as practical. If it is not practical to construct the turnaround portion of the cul-de-sac at this location, then the right-of-way must be extended beyond the temporary turnaround to the adjoining property line, and the street extension constructed to standard (See Figure 3).

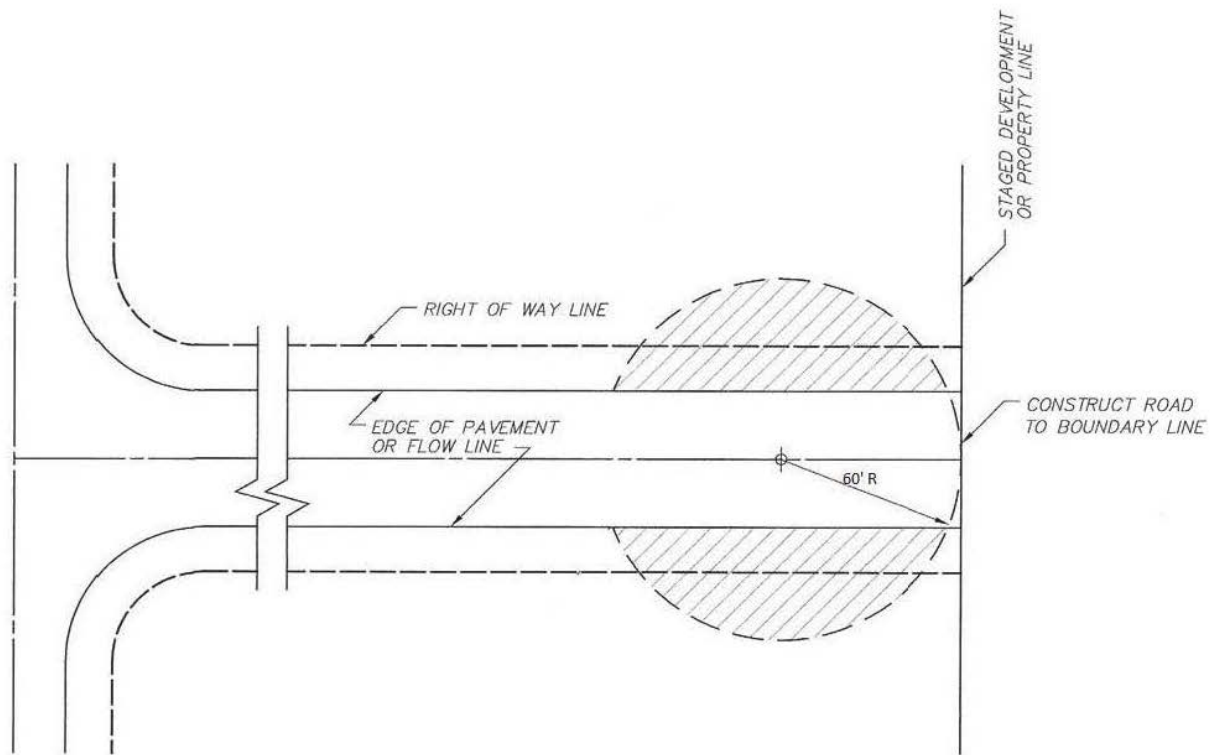


Figure 3

(i) Street waivers

...

(2) Stub streets.

(A) The director for minor subdivisions and the commission for major subdivisions may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property, and does not provide required access to any lot within the subdivision. The commission or director may require provision of a roadbed, utility line extensions, or other appropriate improvements (See Figure 4).

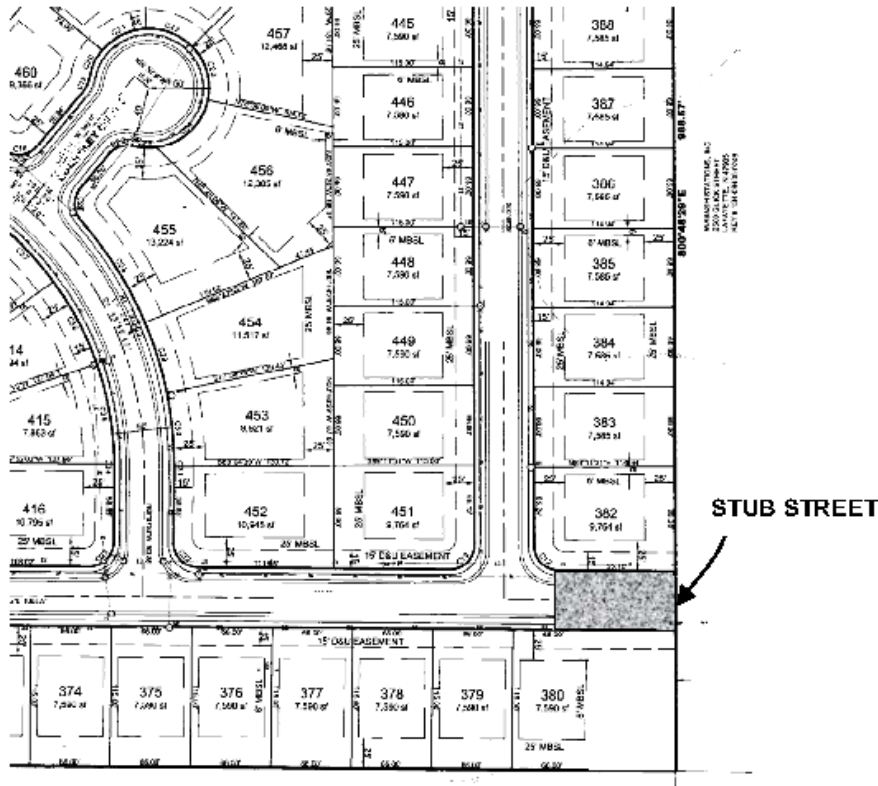


Figure 4

(B) In addition, before final acceptance of subdivision improvements, the subdivider must provide a financial guarantee to cover the costs of constructing that part of the roadway improvements waived by the commission or director in subsection (A) of this section. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to connect the roadway to adjoining property within that five-year period, the subdivider may complete the construction, or the guarantee may be used by the City and Borough for that purpose. If a right-of-way has not been dedicated on the adjoining property that accomplishes the connection to the stub street within this five-year period, the financial guarantee will be released.

(C) When the subdivider of adjoining property is required to connect to the stub street, and the stub street will not be constructed through subsection (B) of this section, then the subdivider of the adjoining property will be required to construct the stub street to City and Borough standards at the time.

(D) Easement lines for the temporary turnaround will be considered front property lines for determining building setbacks.

(E) All improvements, including utilities, must be designed to accommodate the eventual extension of the street and reversion of the temporary turnaround to adjoining properties.

(F) Temporary cul-de-sacs must be extended to as close to the adjoining property boundary as practical. If it is not practical to construct the turnaround portion of the cul-de-sac at this location, then the right-of-way must be extended beyond the temporary turnaround to the adjoining property line, and the street extension constructed to standard (See Figure 3).

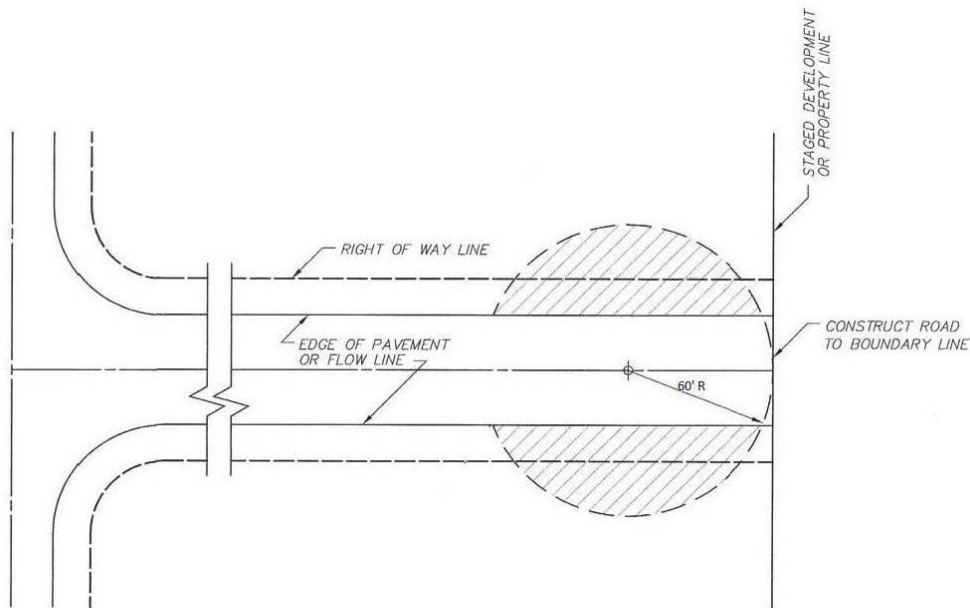


Figure 3

(G) If the temporary turnaround is constructed on property outside of the subdivision boundary, curb, gutter, and sidewalks are not required for the temporary turnaround.

(H) Before final acceptance of all improvements by the CBJ, the developer must provide a financial guarantee to cover the cost of removal of the temporary turnaround and reconstruction of the street. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to construct the street to the adjoining property within that five-year period, the developer can complete the reconstruction and extension, or the guarantee may be used by the CBJ for that purpose. If a right-of-way has not been dedicated on the adjoining property for the purpose of connection to the temporary cul-de-sac within this five-year period, the financial guarantee will be released.

(I) When the developer of adjoining property is required to connect to the temporary cul-de-sac, and the temporary cul-de-sac has not been extended as authorized by this section, then the developer must remove the temporary portions of the turnaround and reconstruct and extend the street to CBJ standards.

(3) Hammerhead turnarounds. Hammerhead turnarounds may be built in lieu of a temporary cul-de-sac, upon approval by the director of engineering and public works.

Tim Felstead

From: bruce <brucegriggs@hotmail.com>
Sent: Friday, March 16, 2018 1:17 PM
To: Tim Felstead
Cc: Gabe Hayden; M.F. Griggs
Subject: Re: Merritt

To whom it may concern,

My name is Bruce Griggs. I'm an excavation contractor and have done several substantial developments in the Juneau area over the last 20 years. I've been involved in and with helping to attempt to lower the cost of housing here by lowering the property tax burden on new developments and other changes in the CBJ code and policy. I am currently building a new 13 lot subdivision above Jackson street in the Blueberry hills subdivision called Merritt street.

My situation on Merritt is not unusual and affects many subdivisions and developers here. Whenever a subdivision is being proposed, and it shares a property line with another property, the developer is required to provide access to the neighboring property. Usually by way of a 60' ROW from the new street connecting to the neighbor. In my case that "donated" property amounts to over a half acre of land which is bigger than most of the individual lots up there. So, I'm essentially giving this valuable land to my neighbor. Great for my neighbor, not so much for me who already has the burden of building an approved road on my own land. I get why we don't need to land lock any property in this town. But for me this was a major deterrent in building this project.

What really makes absolutely no sense with the current policy is the fact that now I'm required to actually bond the cost of building this section of ROW on land I already donated in case my neighbor decides they want to develop. Not to mention that I could actually be required to pay for building the road to the neighbor within the ROW that I donated. Again, in my case between \$300,000 and \$400,000 plus the value of the land I was required to give up. The truly fair thing here is to require the neighbor to build his own access to his development on the ROW that was already donated to his cause.

My subdivision neighbor happens to be the Forest Service. I met with the district ranger and he assured me that they would not be utilizing my ROW to access their land anytime in the foreseeable future and probably never will as their land is very steep and is part of the historical Treadwell Ditch trail. It seems like CBJ has identified it as being a approximate alignment of a future bench road though. If all these factors did not mean there was a very low possibility of me being required to actually build this access, then my project would have never happened as that increase in cost to the subdivision improvements would have rendered the project uneconomical.

Everyone involved with the planning and design of this new neighborhood agrees how absurd it is to not only require this ROW, but to require a bond as well. It is a terrible waste of time and money for both me and the city.

If we truly want to try to reduce the high cost of housing in our town we need to give the planning department the tools to be able to make decisions that make sense. There needs to be some flexibility within the system.

Another change that would really help, is the requirement to build a full sized cul de sac in a minor subdivision like mine. Full circumference cul de sacs on a steep hill side are very costly to build and many times render the lot on the downhill side difficult to develop and much less desirable. Allowing CBJ to make the call in house to reduce the size of cul-de-sacs in certain situations makes a lot of sense.

Please consider these changes to the policies of title 49.

Sincerely,
Bruce Griggs

Bruce Griggs
(907)723-7851
Creative Development Inc
SJS Excavation Inc

