

Title 49 Committee Work Session
City & Borough of Juneau
March 21, 2018
Marine View Building, 4th Floor Conference Room, 230 S. Franklin Street
12:00 AM

I. ROLL CALL

Staff

Laura Boyce, Senior Planner, CDD
Beth McKibben, Planning Manager, CDD
Jill Maclean, Senior Planner, CDD
Tim Felstead, Planner, CDD
Bhagavati Braun, Administrative Assistant, CDD

Committee Members

Nathaniel Dye, Chair
Paul Voelckers
Michael Levine
Carl Greene

II. APPROVAL OF AGENDA

Agenda approved.

III. APPROVAL OF MINUTES

- a. **December 12, 2017 Draft Minutes** - Approved.

IV. AGENDA TOPICS

a. Election of Vice Chair

Mr. Dye stated that he was happy to not elect a Vice Chair, and in his absence the Committee can select someone to lead. All present agreed on this structure.

b. Code Update Overview

Ms. Boyce presented a status update on current Title 49 cases.

Mr. Voelckers suggested the Committee consider allowing energy efficiency improvements to encroach into setbacks for new construction, similar to the recent code amendment allowing exterior insulation encroachments into setbacks (AME2017 0017). Mr. LeVine questioned this idea, asking if new construction can encroach into setbacks maybe the Committee should analyze setbacks in general. He further stated that existing buildings cannot adjust their footprints, while new construction can take current knowledge on insulation and setbacks into account while planning. He suggested that other incentives for exterior insulation could be created that don't affect setbacks.

Mr. Levine asked what the focus of Street Names and Addressing was. Ms. Boyce answered that the department cartographer would like to clarify how we distinguish and name streets and assign house numbers.

Mr. Dye asked why vegetative cover was on the priority list, and suggested it might not need to be at the top of the list. Ms. Boyce replied that the list was created from priorities in the past. Mr. Greene asked who prioritized these items, Ms. Boyce answered that the Planning Commission and the Assembly determine priorities; the Planning Commission looked at the list most recently at their COW in December. Mr. Greene requested that a new column be added to this sheet to identify who prioritized each item and its priority level.

c. Proposed Canopy Code Changes

Ms. Maclean introduced this item. She spoke to Skye Stekoll in engineering to hear the concerns that the engineering department might have in addition to concerns already aired. She stated that some of

the biggest problems are how to measure canopy heights with the topography of our town, clarifying which zoning districts the code should apply to, and determining whether we want to move sections of code that applies to canopies from title 4 into title 49. She stated that the department has been trying to move title 4 items into title 49 to clean the code up. Ms. Maclean talked with building side as well and intends to make the definitions in building code, title 49 and title 4 consistent, probably with what is currently in building code because it was the most recently updated.

Mr. Voelckers asked why code needs to stipulate height. He suggested that intent language might suffice, such as: "work harmoniously with adjacent canopies if they exist." Mr. Dye brought up possible issues with basing code on adjacent canopies because some canopies, for example on South Franklin Street, are quite low, and we would like to encourage new development to have a minimum canopy height of eight feet. Ms. McKibben stated that the purpose of the section is to protect pedestrians from weather. If the canopy is too high it may not achieve that goal. Mr. Levine suggested wording that specifically calls out weather protection. Ms. Maclean stated that the current code has an eight foot minimum and a ten foot maximum. She added that eight feet is a good minimum, but there are many places where higher canopies were needed for practical purposes such as allowing truck access. She continued that their higher canopies still provide some weather protection, but flexibility is useful to accommodate for these unforeseen circumstances. Mr. Voelckers stated that he likes the idea of a minimum, but would like to consider some leeway allowing for consistency. He added that having a maximum height may be overreaching and may lead to unintended consequences. Mr. Voelckers stated his opposition to legislate weather protection saying that he hasn't seen people willfully create canopies that do not protect from weather. Ms. Maclean stated that Mr. Stekoll also suggested using the term "may" for maximums and not "shall" allowing flexibility.

Mr. Dye asked if the eight foot minimum would align with parking signs, stating that there have been issues with canopies blocking parking enforcement signs downtown and suggesting that the new code be conscious of that and not create issues between the regulations.

The Committee members stated their general agreement that code should encourage canopies, and not create difficulties with this code.

Mr. Greene asked if the use of canopies for signage is addressed in code. Staff stated that signs on canopies are addressed in the sign code.

Ms. Maclean read 49.15.800, the purpose of this section, to the group:

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.

Mr. Voelckers asked why construction of canopy and awning treatments is encouraged in all districts, citing D5 as a district that doesn't seem compatible with canopies. Ms. Maclean brought up downtown Douglas, which is a quilt of zones, and might do well to have canopies in many places. Mr. Levine suggested that maybe it should be encouraged in all non-residential districts. Ms. McKibben stated that canopies are only desired if buildings abut the sidewalk, if homes have a setback they wouldn't be

encouraged to have a canopy because their building doesn't abut a right of way. Committee members voiced that they are OK with the purpose statement because of the word "encourage". It was clarified that canopies are encouraged on buildings that abut the seawalk in addition to sidewalks.

Ms. Maclean – value of \$25,000 – required canopy – no intention to change this

Ms. Maclean noted that there is an indemnity section in code (49.15.850) which includes "canopie[s], awning[s], cornice[s], or other encroachment[s] in the public way." Cornices here are sometimes overlooked. In 49.15.830(b) the code adds requirements for canopies or awnings in the MU zoning district, Ms. Maclean suggested that that be expanded to include all zoning districts, Mr. Voelckers suggested all commercial zoning districts. The group agreed that whatever language would be used in the purpose statement would be reiterated here. 49.15.830(b)(1) states "canopies and awnings shall span the entire frontage of a building." Ms. Maclean stated that both she and Mr. Stekoll suggested changing this wording from "shall" to "may" and to add "where practicable." Mr. Levine stated that awnings should span the frontage unless there is a reason they can't or shouldn't, Mr. Voelckers added that it should be encouraged but with room for contingencies.

49.15.830(b)(3) states that "for new construction, any clerestory must be located above any canopy or awning." Mr. Voelckers questioned the need for this line, and suggested that it could cause unforeseen problems. He stated that people constructing canopies will, for the most part, try to make something that is good; this code should keep it general allowing administrative flexibility so as not to deny reasonable requests.

Ms. Maclean suggested adding wording from the purpose section to the bonus section. Some of the bonus section is outdated and also found in Title 4, so should be moved into Title 49. Ms. McKibben stated that Title 4 is administrative code, not ordinance, and it doesn't have the same effect as Title 49, the department is working on incorporating applicable parts of Title 4 into Title 49, but it is important to ensure that they do not contradict one another.

Discussion about bonuses ensued, currently awnings are only required in the Historic District, the bonus is for outside the Historic District. Mr. LeVine suggested the new code should clarify that if a canopy is required bonuses do not apply.

Ms. Maclean gave an overview of the historic guidelines as they apply to canopies stating that no changes are proposed except to how height is measured. She warned the Committee to be careful here because a new preservation plan is being worked on and the guidelines may change. It's important to keep this portion flexible.

Ms. Maclean stated that in the Title 4 the zoning districts are outdated, if this portion of code should remain it must be updated, it could be moved into the canopy code or bonus section of Title 49. Ms. Maclean suggested that height requirements be consistent across the code. Mr. Voelckers pointed out that Title 4 gives the requirement of "two-thirds of the width of the sidewalk" and asked how this is measured. He further stated that it might be better to include a minimum width of the awning, with some wiggle room incorporated. Mr. LeVine asked why canopies are addressed in multiple places, Ms. Maclean answered that all of canopy-specific Title 4 could be moved into Title 49.

Mr. Dye brought up under-canopy lighting, asking if it was being addressed, stating that recent lighting of canopies was put in where gutters would go, it seems they're in opposition to each other. Further, he pointed out that the quality of light in the Right-of-Way can be diminished by canopies, both by blocking sunlight, and by blocking street lighting. Some discussion ensued about transparent canopies, which seemed unreasonable, and it was noted that snow loads could create dark walkways even with transparent canopies. The Committee leaned toward lighting being a reasonable requirement, wanting lighting to create a friendly sidewalk in this winter city.

d. Proposed Stub Street Code Changes

Mr. Felstead gave an overview of stub streets. Bonding for stub streets was added to code in the 2015 subdivision changes, it is being discussed now to determine how to be most fair to the current and future developers. Currently the developer who is building out an area bonds for five years. After the five years subsequent developers would pick up the tab for the development. Mr. Felstead pointed out that in some places, Blueberry Hill for example, future developments are probably not going to be constructed due to topography or ownership of the land.

Mr. Voelckers asked Mr. Felstead to clarify what affect the bond will have on the developer. Mr. Felstead replied that the bond could tie up capital or property, or a developer could take out a surety which is like an insurance policy for the bond. Mr. Dye added that surety policies are inexpensive.

Mr. Felstead clarified that these streets are not being constructed to the developers' advantage. It was discussed that the purpose of stub streets was to allow and incentivize continued access. Ms. Maclean added that if the development can continue it is a good idea, but if not the bonding is difficult to justify.

After giving a bit more information on the current example of this in Blueberry Hills Mr. Felstead stated that there is no wiggle room in the code for this situation, or any in the future. Each developer would have to bond for a full street. Mr. Voelckers suggested a change so that the Director has discretion, taking into account access to further potentially developable land, possible future bench roads, etc.

Mr. Felstead outlined his suggestions.

The Committee voiced their preference for cul-de-sacs, versus stub streets that often gather undesired activity, adding that for plowing and fire requirements cul-de-sacs are a better option. Mr. Felstead asked when we want to put the developer on the hook for a stub street, the Committee voiced the opinion that if future development is likely in the next five years, possibly involving a study of grades or services available. Mr. Voelckers suggested a Directors decision with bullets regarding physical practicality, stating that if it seems reasonably or highly likely it would be good to create a stub street. Mr. LeVine suggested at a minimum, a Directors decision to waive the requirement based on some set of criteria. He added that generally people who live near stub streets don't really like them.

Ms. Maclean suggested the possibility of adding pedestrian access to trails on the stub street, to have some function. Mr. Voelckers voiced that it would be disadvantageous to tear the trees down and begin constructing the stub.

Committee members suggested staff draw up some wording for a Directors decision for multiple options, including the Director waiving the requirement, or the Director requiring the bond. Mr.

Voelckers wanted to see who would make the decision that there is likely to be a further development, and also suggested an incentive for creating a stub street if there is a practical reason to create one. Mr. LeVine stated that the area of the street would need to be a platted Right of Way for the future, he also suggested the proposals include timing, stating that a bench road above Blueberry Hill was not likely to happen in the next five years.

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Speaking to the priority list Ms. McKibben stated that when childcare was recently addressed adult day care centers were not addressed. She stated that generally these are kept together, and after reviewing the minutes it seems that leaving out adult day care was a decision that the Committee made. She suggested the Committee consider adding adult day care to the list.

VI. ADJOURNMENT