

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**
January 9, 2017, 5:30 PM.
Municipal Building - Assembly Chambers

Work Session - No Public Testimony

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. December 12, 2016 Committee of the Whole Meeting Minutes

IV. AGENDA TOPICS

A. Update on Mayor's Ad-Hoc Committee on Homelessness

Chief Housing Officer Scott Ciambor will be present to provide information to the Assembly on homelessness.

B. Ordinance 2016-44 An Ordinance Amending the City and Borough Code Relating to Camping in the Downtown Juneau Area.

This ordinance would amend the CBJ's existing camping ordinance in by adding a provision designed to prohibit camping on private property in a narrowly defined geographic area in downtown Juneau prohibited. (Camping on public property and rights of way not posted for camping is already prohibited under CBJ code.) The purpose of this amendment is to address an issue raised by business owners in the downtown area who are experiencing a noticeable increase of unauthorized people camping on their property, resulting in a significant increase in refuse and litter and other waste being left behind. This ordinance is not an outright bar as it allows private property owners to grant permission to campers to use their property.

This ordinance would give the CBJ and business owners a tool to minimize the unauthorized camping.

C. Ordinance 2016-26 An Ordinance Amending the Land Use Code Relating to Access Standards.

The primary purpose of this ordinance is to create a new access option for subdivisions. If approved, the shared private access option would exempt lots in certain subdivisions from the requirement that lots have frontage on a public right of way, and instead allow the lots to be accessed via private shared access located in a private easement. Private shared access ways would be maintained solely by the homeowners.

In August, 2015, the Assembly directed staff to codify the existing practice of allowing shared access. Since then, Community Development staff has been working with the Subdivision Review Committee, a subcommittee of the Planning Commission, the Public Works and Engineering Department, the Fire Department, the Law Department, and the Planning Commission to develop the proposed changes.

On October 25, 2016, the Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the Community Development Department's staff report and

recommended that the City and Borough Assembly adopt staff's recommendation for approval, with changes.

This ordinance was introduced at the November 7, 2016 Assembly meeting and referred to the November 21, 2016 Committee of the Whole meeting. At that meeting it was referred to the January 9, 2017 Committee of the Whole meeting. No date for a public hearing and Assembly action has been set.

V. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

December 12, 2016, 6:00 PM.
Municipal Building - Assembly Chambers

Assembly Work Session - No Public Testimony

I. ROLL CALL

Deputy Mayor Jerry Nankervis called the meeting to order at 6:05 p.m. in the Assembly Chambers.

Assemblymembers Present: Maria Gladziszewski (telephonic), Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, Beth Weldon, Debbie White.

Assemblymembers Absent: Mary Becker.

Staff present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Laurie Sica, Municipal Clerk; Patty Wahto, Airport Manager; Ken Nichols, Airport Engineer; Bob Bartholomew, Finance Director.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. November 21 2016 Committee of the Whole

Hearing no objection, the minutes of the November 21, 2016 Committee of the Whole meeting were approved with grammatical changes.

B. December 3, 2016 Committee of the Whole - Assembly Retreat

Hearing no objection, the minutes of the December 3, 2016 Committee of the Whole meeting were approved with a clarification to the motion on forwarding the discussion on an automatic protest on marijuana and liquor licenses to the Committee of the Whole and grammatical changes.

IV. AGENDA TOPICS

A. Willoughby Arts Complex Update

Mr. Watt introduced Nancy DeCherney, Executive Director of the Juneau Arts and Humanities Council, and said the staff was asking the Assembly to consider a five year extension to an updated resolution allowing time to work on a long term lease of municipal property for a new Juneau Arts and Culture Center.

Ms. De Cherney said the project was now called the "new JACC" and she distributed folders with the project overview. The decision was made that the current facility should be demolished and they have a schematic design and they are starting the capital campaign. They recently received a large donation from Ron and Cathy Maas. The new building will have a community hall that will parallel Egan Drive which is the same size as the current hall. A theatre seating between 280-300 will be added with a balcony and orchestra pit, a cafe, a larger gallery space than the current space, a lobby shop, a small event space, and offices for the JAHC and other non-profits on the

2nd floor are anticipated. The primary entrance will be on Whittier Street, and there would be connections to Centennial Hall and covered walkways.

Ms. Gladziszewski said the project had increased from \$20 million to \$24 million and asked about the decision to demolish the current building. Ms. DeCherney said that retrofitting the current building for something the community could use for another 50 years was proving difficult and the new facility will be much better. It was not an easy decision.

Ms. Gladziszewski asked if there was a resolution on parking in the area and for the project. Ms. DeCherney said several people, including Mr. Kiehl and Mr. Jones, had met to review the project possibilities and the matter is still under review. Mr. Jones discussed the meetings on parking and said that getting the funds for the project is now the bigger push. Ms. Gladziszewski asked about site control and Mr. Jones said he believed there was sufficient commitment to site control within the resolution, under consideration for extension. Mr. Watt said now that there was a design for the facility, it can be run through the parking code calculation review, and there was an ongoing effort regarding parking code waivers and there would likely need to be a finding by the Planning Commission on fee-in-lieu of parking for this project. Mr. Watt confirmed that this project was located in the downtown parking district.

Mr. Nankervis asked about the size of the theatre. Ms. DeCherney said this is a size of theatre that is not currently available in Juneau and was estimated to provide adequate seating for many local groups that would use the facility.

Mr. Gregory asked about any housing being part of the facility and Ms. DeCherney said they had looked at this idea but determined that it was cost prohibitive to the project to incorporate housing. He asked about youth using the facility and she said she anticipated youth programs due to the proximity to Zach Gordon Teen Center and with other groups. He asked about any outdoor space for concerts or movies and Ms. DeCherney said the community hall was anticipated to be used as a better location for concerts in the park due to the weather and the intention is to extend events to the outdoors.

***MOTION**, by Jones, to direct staff to prepare an updated resolution in support of the project, extending Resolution 2642 for another five years. Hearing no objection, it was so ordered.*

B. Airport Master Plan

Ms. Wahto said that the Juneau International Airport is busy, operating 24/7. She said they are at about 150,000 operations at the airport and it is at the second highest emplanement number in the airport's history, with roughly 2 million people going through the airport a year. There are 23 full time employees. They must be financially self-sustaining according to CBJ and the FAA. She reviewed the number of businesses at the airport. They are finalizing an economic impact study, which is running parallel to the airport master plan. They are currently building the snow removal equipment facility, and continuing work on the runway safety area. They are updating the Airport Rescue Fire Fighting station building now. The airport sustainability master plan is also ongoing. Goals include lowering the landing minimums for Alaska and Delta in inclement weather by installation of lighting (the MALSAR Project). This is being kept as an FAA program in full. There will be another phase of the Runway safety area with potential businesses, plane parking and improvements to the float pond. Alaska Airlines will phase out the "combi" aircraft and we are planning a jet bridge for that area to keep people out of the weather. Terminal renovations for the north end are a goal – that area will need to be removed, and we have some of that funding in place. The taxiway will need to be rehabilitated and the runway incursion mitigation will need to be fixed for entry and exit of planes on the runway. We have not ordered runway maintenance equipment until we could have a building that it would fit in. Alex Holden Way will need to be repaired, and the parking will need to be expanded at the airport.

Mr. Jones asked about the north wing project. Ms. Wahto said many studies had been done and it was determined that a complete overhaul to the ground, including the utilities, as needed. The

schematic design has been done and we have \$2.6 million of FAA funds, and another \$6.9 million in the bond and either through future bonds, or PFC's, we would need to capture a remaining \$5.5 million. Mr. Jones asked about the traffic control tower and if there were timing issues. Ms. Wahto said that the master plan addressed the tower, it is an FAA component, it would be their funds that would relocate it, and it would be separate from the north end, where it is part of the north end now.

Ms. Gladyszewski asked about the lighting system, MALSAR. Ms. Wahto said they were looking at adding additional feet to the lighting system, which decreased the ceiling and visibility required for minimums. Ms. Gladyszewski said that this project seemed a top priority. Ms. Wahto said this has been on their list every year and they are trying to work through the FAA funding bank, to keep it an FAA owned and maintained piece of equipment. It would be great to get Assembly support for congressional action on this.

Mr. Watt suggested providing a resolution of support for this project. There may be other property owners that don't like to see additional lighting in their view shed, but he could work with Ms. Wahto to draft this for the delegation list. He said Mr. Healy and he could do a peer review on the North Terminal. If FAA will provide all the funding, you may not need more information, but if it goes to a bond, you may want more.

Mayor Koelsch asked how international flights could be accommodated. He thought the airport got a fair amount and would like to see both Customs and FIS (Federal Inspection Services, which is more encompassing, including cargo) accommodated. He asked if anyone at the airport was working to entice international flights. Ms. Wahto said they have worked with Air North out of Canada but they are only interested in charter flights. Mayor Koelsch asked if Delta returned on a year round basis, how it would be accommodated. She said they could have gates 5 and 2, and they could lease the others. They got special procedures to come in but their regional office pulled out. We are working with them to develop year round traffic. Mayor Koelsch asked about covered parking. Ms. Wahto said that was on the wish list.

Mr. Kiehl asked if FIS services would be paid for by the federal government. Ms. Wahto explained that the airport only collected about \$50 now on passenger fees, but that type of service could generate more fees which could pay for the facility and it is an expected service at larger airports.

Mr. Nankervis asked about the 5 am start to 1 am operating schedule, and Ms. Wahto said the 4:20 flight came in with cargo every day. He asked if Alaska Air would have freight planes separated from passenger planes and she said yes. He thanked the Airport Board for replacing the sign at the airport. Mr. Hiaiasen said the sign took ten years and \$10,000 to build.

Mr. Gregory asked about the corner between AK Airlines and Federal Express and planes that don't look like they move. Ms. Wahto said that was LAB's area and they have been inspected, they are paying fees and they are slowly selling the planes.

Mr. Nankervis asked about Alex Holden Way. Ms. Wahto said the paving was a bandaid for the potholes but the drainage has not been fixed.

Ms. Wahto turned the presentation over to Ken Nichols and John Yarnish to review the airport sustainability master plan. The information in the plan will be submitted for review to FAA and there is much of the plan that will be approved locally.

Mr. Yarnish, consultant with ACOM, in Seattle, Washington, said the purpose was to take the many projects in a package to the FAA to raise the ability to get funding and to identify projects that respond to the demands of the community. We are in step four, with a complete list of projects and drawings to deliver to the FAA. If it makes sense to them, they approve and then the projects are eligible for funding. We will have the first meetings on the financial feasibility, how the projects will be paid for over a 15 year CIP based on cash flow at the airport. This document will guide the airport's future. He explained the public process on the plan. He reviewed the Master Plan

recommendations included in the presentation in the packet. Mr. Yarnish said that once the FAA signed the Airport Layout Plan, it became an official document.

Ms. Gladyszewski asked about the EVAR extension, and what that meant for the trail. Mr. Nichols said they were doing an environmental study on the extension and said it was a little over a half mile from the existing end, and would make the trail a road. The section of trail that is not on the road, but in the wetlands, would remain.

Mr. Kiehl asked for the need for additional float plane docks and the level of demand. Mr. Yarnish said it would be over a 20 year period. All of the docks there were fully rented. There are four transient docks at one end and one at the other end used for those not renting a dock. Ms. Wahto said they are rented on an 8 month average –the use depends on when the pond freezes.

Mr. Jones asked about the narrative that went to the FAA, and asked who reviewed that, before submission. Mr. Nichol said the forecast of use for a 20-year planning horizon was reviewed by the Airport Board then went to the FAA. The land use plan will be reviewed by the Airport Board prior to submission to the FAA. The large sustainability plan with narrative and financial plan will go to the FAA, then the Airport Board, then the Assembly for final adoption.

Mr. Nankervis asked about the demand for hangar space. Mr. Nichol said he had a wait list of 16 commercial and private operators. It is a 20-year plan for development. Mr. Nankervis asked if the trend for personal aircraft was going up or down in Juneau. Mr. Yarnish said that the number of airplanes based in Juneau was stable and nationally has decreased. We find that the type of aircraft here are larger and more sophisticated and the growth area is businesses, vs. personal use. Mr. Nichol said there was no place to expand now, so there was pent up demand. Ms. Wahto said that as more hangars were built, there were fewer spots for tie downs, and creating hangars is more desirable based on the weather. Mr. Nankervis asked how the long term CIP works. Ms. Wahto said the airport had the five year plan, and a larger 20 year. The “100 year” plan included the tower from FAA. We are pretty firm on a five year plan, but the rest is a fairly realistic time frame. Mr. Yarnish said the projects were based on demand, so there was latitude in the timing on some of the projects. Mr. Nichol said that Alaska Airlines has asked to be part of the demand discussion.

Mr. Jones said the airport doesn't really have any more land and was there any indication that the economic plan would be better if there were more land. Ms. Wahto said there were a few properties that could be obtained within the limits of airspace. This plan looks at capacity and the size of the airplanes landing. We haven't thought about 30-50 years from now. Mr. Jones said it was important to identify potential areas to expand. Ms. Wahto said that the FAA had a five mile radius for construction issues including cranes, and some types of uses adjacent to the airport are restricted, such as schools.

Mr. Heueisen, Airport Board member, said many airports down south get income from businesses associated with the airports, which reduces the operating costs, and include uses like golf courses, so they would take every acre they could get.

Mr. Nankervis said he appreciated the work of all members of the board and congratulated the staff on running a great airport.

C. Economic Development Plan Update

Ms. Cosgrove referred to the materials in the packet that reviewed the highlights on progress on the Economic Development Plan and a breakout of implementing actions. This type of activity happens over long periods of time and she said there is good steady process being made in part due to the Assembly moving things forward through staff and community partners. It is truly a community effort. The things that jumped out to her were that there were many issues moving forward with downtown revitalization, housing, the University and fisheries, North Douglas Highway construction is beginning and JEDC has done good work on their initiatives.

The Assembly and staff discussed the NOAA facility disposal in Auke Bay.

Mr. Nankervis appreciated the work Ms. Cosgrove provided and said he approved of the format.

Brian Holst distributed two handouts, including information on Juneau Monthly Employment Data. 2016 is seeing a lower level of employment and a loss of jobs, with the main loss in the government sector. He provided a population graph which showed a high number of young adults living in Juneau, and also a high level of 50 - 65 year adults over the national standard. He showed another graph indicating that people in Juneau were retiring, but staying in Juneau, based on levels of earned income and levels of retirement income.

Mayor Koelsch asked if the senior population in was growing and Mr. Holst said it was relative to the U.S. Mayor Koelsch asked if the senior population was growing as a portion of the overall Juneau population and Mr. Holst said yes. Mayor Koelsch asked about people retiring from state jobs but continuing to work locally and Mr. Holst said that is happening.

Mr. Holst said the Choose Juneau effort continues and offers companies a reason why companies would want to locate their firms in Juneau. There is an RFP out to make short videos out for that purpose. He spoke about the robotics tournament the past weekend. All of the schools are participating with 70 volunteers. This is a STEM education project for future jobs.

Ms. Gladziszewski said she was eager to see the videos to help in her recruitment efforts at work.

Mr. Jones asked if the University was a part of the attraction for recruitment in JEDC's efforts. Mr. Holst said yes. Mr. Jones said that Choose Juneau is a good approach which gives a benefit to other organizations in Juneau and asked about financial support or updates from those entities. Mr. Holst was told by the board not to continue it if there was no financial support. People find it valuable but we have not had luck getting organizations to write us checks to maintain the program. There was initial funding from CBJ, and we will need to find business support, or support from the Assembly, if it is to continue.

Mr. Nankervis thanked Mr. Holst for his information.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

MOTION, by Kiehl, to move into executive session, to discuss a matter, the immediate knowledge of which could have a detrimental financial impact to the community, namely a potential partnership with the University. Hearing no objection, the committee recessed into executive session at 8:03 p.m.

The committee returned to regular session and Mr. Kiehl stated that the Assembly gave direction to the manager regarding partnerships with the University.

The Assembly discussed a plan to hold deliberations regarding the OLMO v PC hearing.

VI. ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 8:54 p.m.

Submitted by Laurie Sica, Municipal Clerk



MEMORANDUM

Manager's Office
155 S. Seward St., Juneau, Alaska 99801
Scott.Ciambor@juneau.org
Voice (907) 586-0220
Fax (907) 586-5385

TO: CBJ Assembly Committee of the Whole

FROM: Scott Ciambor,
Chief Housing Officer

DATE: December 24th, 2016

SUBJECT: CIP & Housing Programs

Background:

The CBJ Assembly Goals for 2017 include *Housing and Addressing Homelessness and Public Inebriate Issues* in its' list of priorities.

The recently adopted *Housing Action Plan* indicated that the CBJ should spend its own resources to address some of the challenges and problems in the housing market.

Recently, the Mayor's ad hoc committee meetings discussed chronic homelessness issues downtown and came up with a number of housing/homelessness related items that could be considered for future CIP funding or other CBJ funding, including:

Outreach

- More police presence
- Continued support and coordination of outreach teams
 - Service Providers (Glory Hole, Zach Gordon Youth Center, AWARE, St. Vincent's)
 - Juneau Police Department Homeless Intervention Team
- Development of a Rapid Re-Housing program

Low-Barrier Emergency Shelter

- A shelter available to all regardless of substance abuse, level of intoxication; and
- A shelter with a temperature trigger – open once the temperatures dips below a certain level (20 degrees)

Year Round Thane Campground Improvements

New Sleep Off Center (Free up Rainforest to pursue MAT)

Medically Assisted Treatment – Improved Services for drug/or alcohol addiction

*Note BRH just received a \$175K grant for MAT

Permanent Supportive Housing

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- Development of a Rapid Re-Housing program
- Juneau Housing First Collaborative – Phase II

Juneau Continuum of Care

Many of these ideas ad hoc committee ideas fit into or have been discussed/pursued by the local Continuum of Care (CoC). (Juneau Coalition on Housing and Homelessness)

A CoC is s a regional or local planning body that coordinates housing and services funding and programs for homeless families and individuals. There are four necessary parts of a continuum:

- **Outreach, intake, and assessment** in order to identify service and housing needs and provide a link to the appropriate level of both;
- **Emergency shelter** to provide an immediate and safe alternative to sleeping on the streets, especially for homeless families with children;
- **Transitional housing** with supportive services to allow for the development of skills that will be needed once permanently housed; and
- **Permanent and permanent supportive housing** to provide individuals and families with an affordable place to live with services if needed.

CoC's also have to take into consideration certain subpopulations: families, youth, chronically homeless, veterans.

Note: In the Juneau Housing Spectrum diagram provided to the Assembly previously, the CoC occupies the lower end of the housing spectrum (light blue) and which typically involves an appropriate mix of housing and services (rental assistance, behavioral health services, etc.)

To get a sense of the current resources within the Juneau CoC and where there are gaps, a draft table is in your packet. The goal is to verify this information with the agencies at the Project Homeless Connect event at the end of January and to make this information available.

Draft CIP & Housing Programs

The *CBJ Capital Improvement Program (CIP)* is a plan of capital improvements proposed for a six-year period with methods of financing it. The FY17 CIP process is currently underway and a draft CIP plan for Housing Programs is being provided to the Assembly for consideration.

Some key points to keep in mind while looking at this draft CIP:

- **Existing Resources:** This draft includes a column for existing resources for these types of housing programs and resources that the CBJ already has in place. (Juneau Affordable Housing Fund & Mobile Home Down Payment Assistance Program)
- **Juneau Affordable Housing Fund:** The Juneau Affordable Housing Fund (Items in Blue) allows for flexibility to provide not only capital but for other items known to make low-income, supportive housing programs successful such as capacity-building, supportive services, and operating.

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- **Other CIP Budgets:** Funding that would benefit housing goals are also included in other CIP budgets. Example: the Lands CIP requests would be beneficial to housing.
- **Planning Commission:** The Planning Commission had two suggestions that were included in this list: Downtown Landslide/Mass Wasting Study & Funding for Lands to acquire parcels that would be useful for construction of housing.
- **Housing Data:** Numerous discussion have taken place of putting together updated needs assessments, inventories of downtown re-development opportunities, or local surveys of the rental market to have a better gauge of economic impacts or changes in the market.
- **Homeowner Programs & Housing for the Homeless/Special Needs Housing:** Items in these categories have been separated out so that it is clear the intended target. All of these meet goals of the Housing Action Plan or discussed in the recent meeting on downtown homelessness.

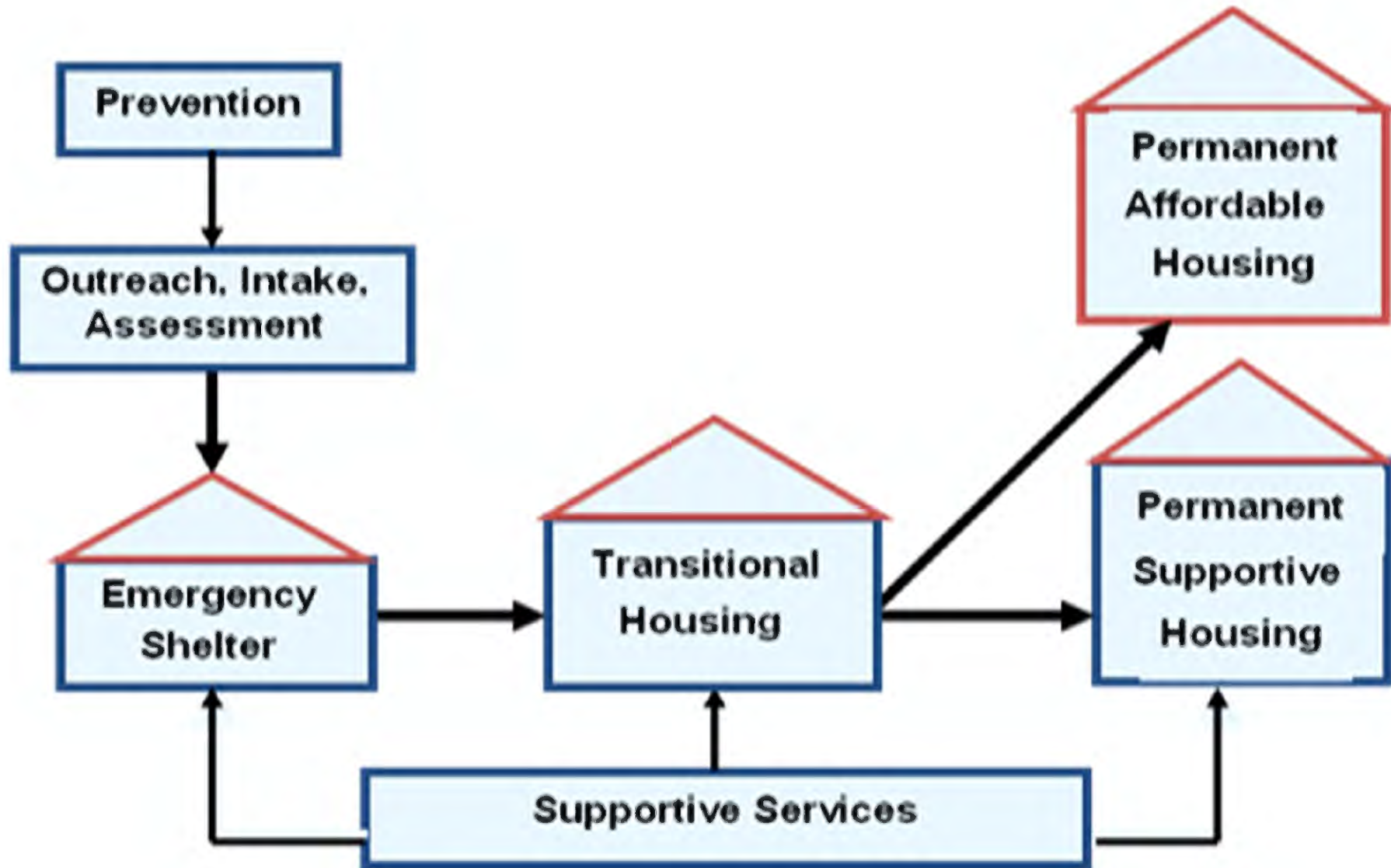
Other Resources Attached:

1. Draft CIP for Housing Programs
2. Continuum of Care Diagram (Housing and Service for the Homeless)
3. Alaska Point In Time Homeless Count (Juneau in Red)
4. Juneau CoC – A list of CoC resources that currently exist in the community
5. Juneau Housing Spectrum
6. Rapid Re-Housing Graphic

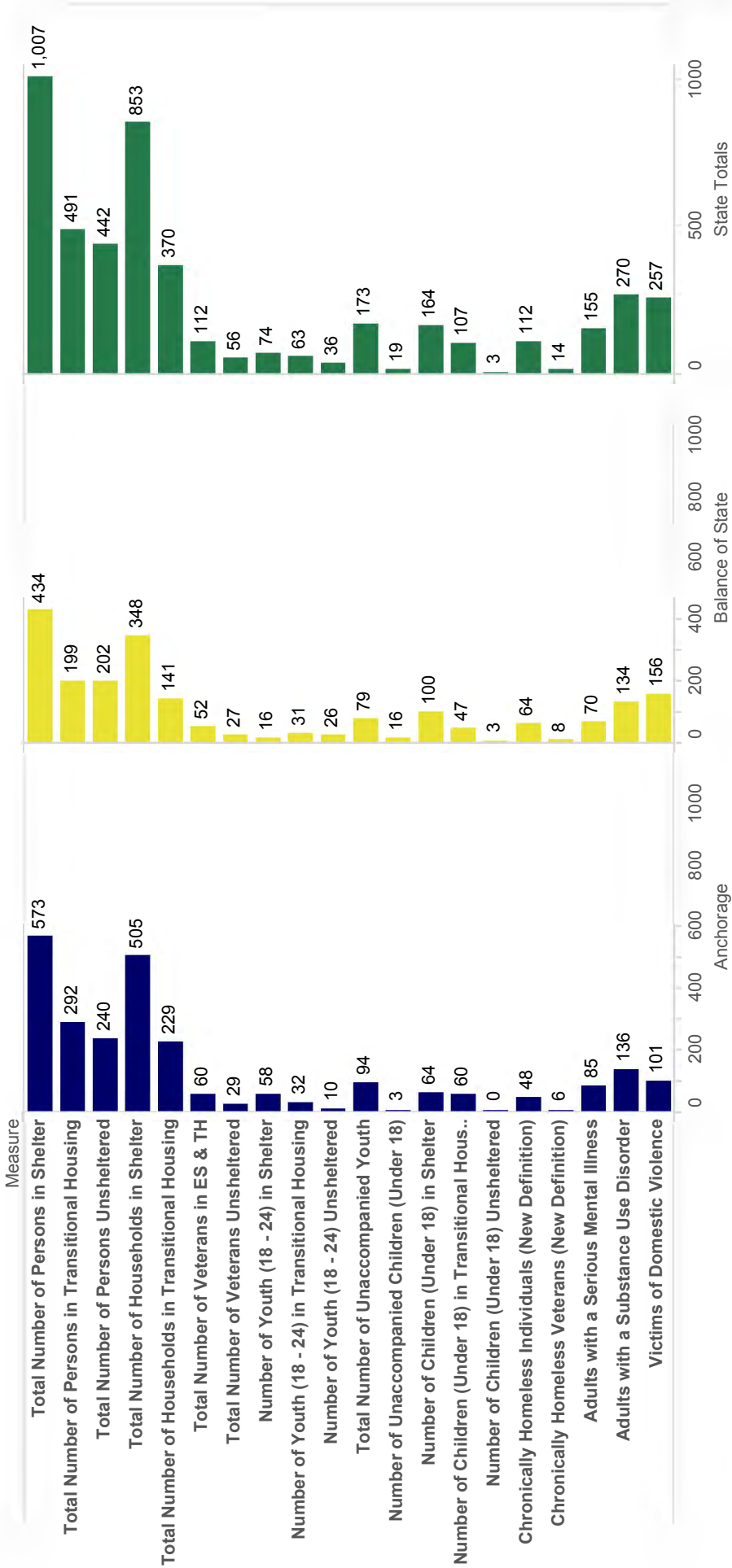
Department	Priority	Project	Funding Source	Existing	FY18	FY19	FY20	FY21	FY22	Future
Manager's Office CIP & Housing Programs		Juneau Affordable Housing Fund		\$390,000						
		Capital for Rental and Ownership Housing (0-120% AMI)								
		Capacity-Building for Non-profit Developers								
		Supportive Services for Occupants of Affordable Housing								
		Operating Expenses of Housing Developments								
		Planning								
		Downtown Landslide/Mass Wasting study			\$200,000					
		Housing Data			\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
		Lands								
		- Support for LANDS CIP (Pederson Hill, Switzer) - Parcels for Acquisition for Housing			See Lands CIP					
		CBJ Land Subdivision Support			\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
		Private Subdivision Development Grant Assistance Program			\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
		Homeowner Programs								
		Mobile Home Down Payment Assistance Program		\$100,000						
		Homeowner Accessory Apartment Incentive Grant		\$92,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
		CBJ Code Compliance Loan Program (Milwaukee)			\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
		Downtown Upstairs Fund (DBA/Main Street USA)			\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
		Neighborhood Improvement Projects (Milwaukee)/ Borough-wide or included with Small Area Plans (bike paths, parks, lighting)			\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
		Community Land Trust Program/Workforce Housing Program (Juneau Housing Trust)			\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000

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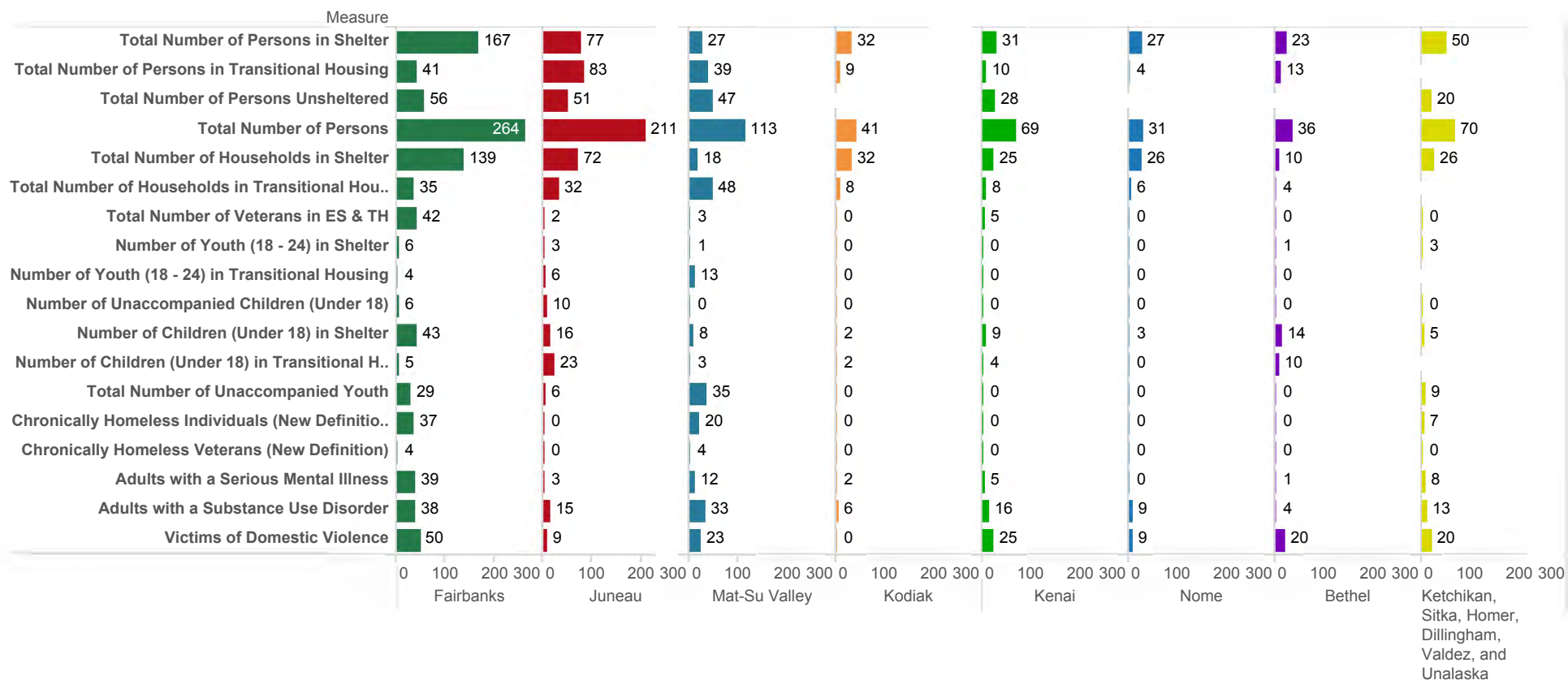
HUD Continuum of Care



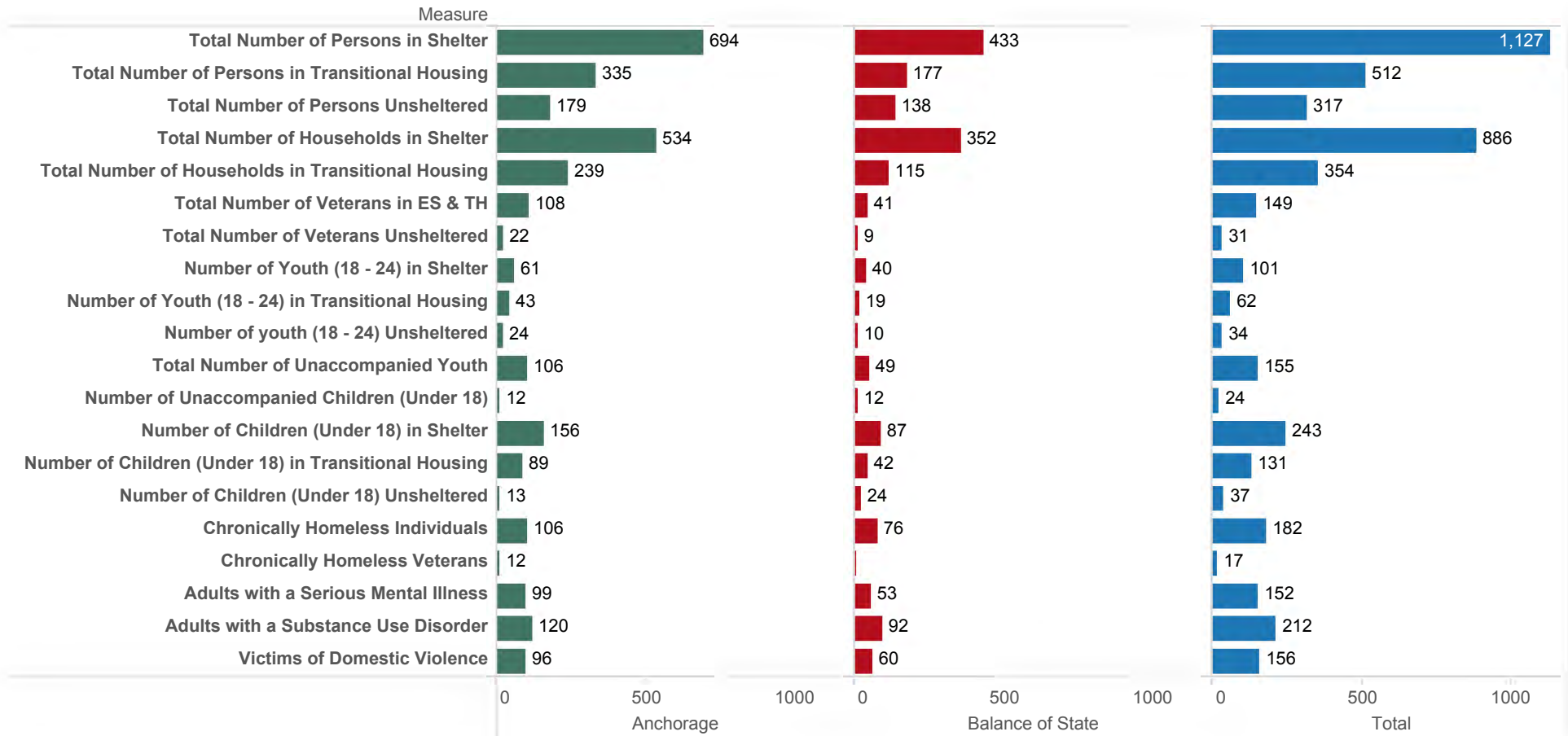
Alaska January 2016 Point-in-Time Count



Alaska Balance of State January 2016 Point-in-Time Count by Community



Alaska January 2015 Point-in-Time Count



Juneau Continuum of Care (housing and services for the homeless)

DRAFT

Prevention

Juneau Housing Assistance Program Rental Assistance/Utility Assistance	Alaska Housing Development Corporation (AHDC) sponsors the Juneau Housing Assistance Program that assist households facing eviction, and/or disconnection of essential utilities. The program also provides funding assistance to homeless families for Security Deposits, so they can move into stable affordable housing.	
Juneau Homeless Medical Respite Care Program	Bartlett/JEDC/CBJ/Glory Hole/Hospice	Short-term hotel/taxi vouchers (3-7 days) for the homeless. Referral by Dr. at emergency room
(Rapid Re-Housing)	Rapid re-housing is an intervention designed to help individuals and families quickly exit homelessness and return to permanent housing. Rapid re-housing assistance is offered without preconditions — like employment, income, absence of criminal record, or sobriety — and the resources and services provided are tailored to the unique needs of the household.	
(Assertive Community Treatment – ACT TEAM)	An Assertive Community Treatment team consists of a transdisciplinary team of medical, behavioral health, and rehabilitation professionals who work together to meet the intensive needs of recipients with severe and persistent mental illness.	
SSI/SSDI Application Assistance SOAR		

Outreach, Intake, Assessment

Street Outreach	Outreach Staff with Social Service Providers • Trevor Kellar, Glory Hole • Tom Kellar, St. Vincent DePaul • Heidi Clements, Juneau Youth Services • Christina Love, AWARE	
Street Outreach: Juneau Police Department	Homeless Intervention Team	

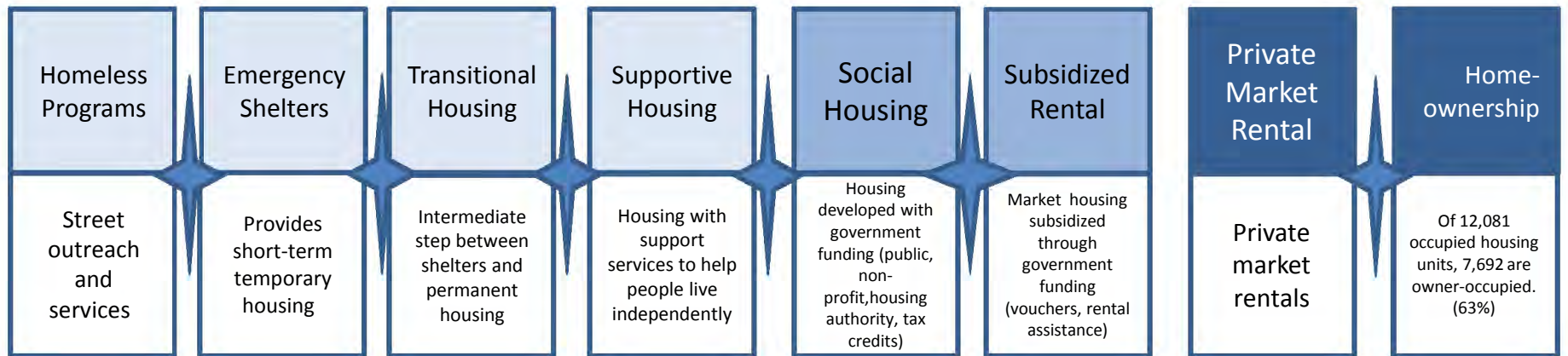
	Mission: To partner with multiple social services to actively contact homeless individuals and connect them with the appropriate housing and services. Tactics: Partner with JAMHI, the Glory Hole and Polaris House to create a rotating two man team to contact high risk homeless individuals in the downtown area with the assistance of JPD. High risk will be determined by mental illness, frequent violent interactions with the public and police, and a history of substance abuse. Once an individual is recognized, the goal is to make contact within one week and try to establish a direct connection with services and identify a path for success. Service provider ride a long would occur about once every two weeks with a Downtown Officer.	
Alaska Homeless Management Information System (HMIS)	Glory Hole, AWARE, Gastineau Human Services, St. Vincent DePaul, Alaska Housing Development Corporation, Juneau Youth Services, Haven House	7 local agencies currently data sharing and working toward Coordinated Entry system. HMIS provides the following data: • Universal Data Elements (16+) • Program-Specific Data Elements (15+) • System Performance Measures ○ (length of time homeless, exit to permanent housing, etc.)
Project Homeless Connect		Annual event to provide services to the homeless and participate in the HUD
Annual Point In Time Homeless Count & Housing Inventory Chart	Juneau participates in the HUD PIT Count (2016 #'s attached) 2016 Count = 216	
Vulnerability Index Street Outreach Surveys	• 2012 • 2015 • Dec. 2016 mini-survey	Surveys targeting those currently on the street

Emergency Shelter		
AWARE, Inc. (Domestic Violence)	32 beds	
The Glory Hole (Individuals)	40 beds	
Juneau Youth Services (Youth 16?)	Cornerstone = 10 beds	
St. Vincent DePaul	24 beds	
Family Promise (Families)	(developing)	
	Total Beds = 106 + Family Promise	
Transitional Housing		
AWARE (Domestic Violence)	12 beds	
St. Vincent DePaul	82 beds	
Juneau Youth Services (TAY)	17 beds	
Juneau Alliance for Mental Health, Inc.	4 beds	
Gastineau Human Services (Re-entry & Substance Abuse Treatment)	26 beds at Juno House (10 beds targeting chronic w/Substance Abuse)	
Haven House (Re-Entry)	8 beds	
Tlingit-Haida Regional Housing Authority		
	Total Beds =	
Permanent Supportive Housing		
Juneau Housing First Collaborative	32 beds (developing)	
Supportive Services		
Housing Choice Vouchers (AHFC)	Approximately 325 in Juneau	
Substance Abuse Treatment		

Gastineau Recovery House: 10 bed residential substance use treatment for those who have completed in-patient treatment and need continuing high levels of support to remain clean and sober.		
Rainforest Recovery Center		
Bartlett: Medication Assisted Treatment Expansion Grant		
Mental Health/ Behavioral Health Services		
JAMHI		
Polaris House		
NAMI		
AWARE, INC.		
SAIL, Inc.		
Planned Parenthood		
REACH, INC.		
Catholic Community Services		
Food		
The Glory Hole		
SE Alaska Food Bank		
Legal		
Alaska Legal Services		



City and Borough of Juneau Housing Continuum



 Special Needs Housing (homeless, seniors, persons with disabilities, youth)

 Affordable Housing

80% AMI

NON-MARKET HOUSING

MARKET HOUSING

Income Line

Extremely Low
(0 to 30% AMI)

Very Low
30% to 50% AMI

Low
(50% to 60% AMI)

Moderate
(60% to 80% AMI)

Workforce Housing
(50% to 120% AMI)

HOUSED PEOPLE ARE NOT HOMELESS



Rapid Re-Housing (RRH) **ends homelessness** for families and individuals.

FIND LANDLORDS & APARTMENTS

Help people quickly find housing within one month or less.

HELP PAY FOR HOUSING

Help people pay for housing short term; longer-term help an option.

CONNECT TO JOBS & SERVICES

Help access services so people can stay in housing.

The **Core Components** of Rapid Re-Housing help people **find** housing fast, help **pay** for housing, and **connect** to jobs and services.

FIND FAST HOUSING IDENTIFICATION



Build relationships with landlords to have access to as many housing units as possible.



Find and secure housing as quickly as possible after a person or family becomes homeless.



Limit the time a family or individual spends homeless. Move people into housing within **30 days or less**.

HELP PAY RENT AND MOVE-IN ASSISTANCE



Pay for security deposits, move-in expenses...



... and/or rent and utilities.



Length of assistance varies, but often **4 to 6 months**.

HELP CONNECT TO JOBS AND SERVICES

Connect families and individuals to services and supports in the community.

Help resolve issues that may threaten housing stability, including conflicts with landlords.



www.rapidre-housing.org

This document was produced by the National Alliance to End Homelessness with the support of the Melville Charitable Trust as part of an effort to increase the use of effective rapid re-housing practices nationwide. The National Alliance to End Homelessness is a leading national voice on the issue of homelessness that accomplishes its mission through research and education, policy analysis and advocacy, and capacity building. The Melville Charitable Trust is the largest foundation in the U.S. that is exclusively devoted to supporting solutions to prevent and end homelessness.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-44

**An Ordinance Amending the City and Borough Code Relating to Camping
in the Downtown Juneau Area.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 53.09.340 Camping, is amended to read:
53.09.340 Camping.

(a) Except as provided in subsection (c) of this section, no person shall camp or establish or maintain a campsite:

(1) On any part of a public right-of-way not designated for camping by an official sign;

(2) For a period in excess of 48 hours within the boundaries of any one area on a public right-of-way, designated for camping by an official sign; or

(3) On City and Borough land other than a public right-of-way within one-half mile of the same location for a period in excess of 48 hours.

(4) On any parcel or right-of-way within or abutting the Downtown Juneau Area unless authorized by the property owner. For the purposes of this section, the Downtown

1
2 Juneau Area is defined as North of 900 South Franklin, South of Fourth Street, East of
3 Main Street and the waterside of the cruise ship docks, and West of Franklin Street as
4 depicted on the adopted Downtown Juneau Area No Camping Map dated xx, 2017, as the
5 same may be amended from time to time by the assembly by ordinance.

6
7 (b) The following words, terms and phrases, when used in this section, shall have the
8 meanings ascribed to them in this subsection, except where the context clearly indicates a
9 different meaning:

10 (1) *Camp* means to be personally present with the intent of remaining between the
11 hours of 12:00 midnight and 7:00 a.m., other than in a permanent residential structure
12 constructed and maintained in accordance with applicable codes.

13 (2) *Campsite* means a shelter, tent, camping equipment, furniture, bedding, cooking
14 or eating utensils, or other outdoor or household items indicating an intent to remain or
15 return for the purpose of staying overnight.

16 Establishment or maintenance of a campsite by a person may be established if the
17 campsite includes mail addressed to that person, items having other indicia of ownership
18 or control by that person, or items identified by a witness as owned or controlled by that
19 person. It shall be a defense to liability under this section if the defendant can establish
20 that an item came to be located at the campsite solely by an act of God or an act or
21 omission of a third party other than an employee or agent of the defendant, if the
22 defendant establishes that the defendant exercised due care with respect to disposal of
23 the item, including foreseeable acts or omissions of such third party. Items not claimed by
24 the defendant shall be confiscated as unclaimed property and disposed of according to
25 sections 55.50.230 through 55.50.310.

- 1
- 2 (c) The manager or the manager's designee may issue permits for recreational camping in
- 3 excess of that otherwise allowed by this section upon a showing by the applicant that such use
- 4 will result in no waste, damage, or pollution to the land occupied.
- 5 (d) Violation of this section is an infraction.
- 6

7

8 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its

9 adoption.

10 Adopted this _____ day of _____, 2016.

11

12 _____

13 Kendell D. Koelsch, Mayor

14 Attest:

15 _____

16 Laurie J. Sica, Municipal Clerk

17

18

19

20

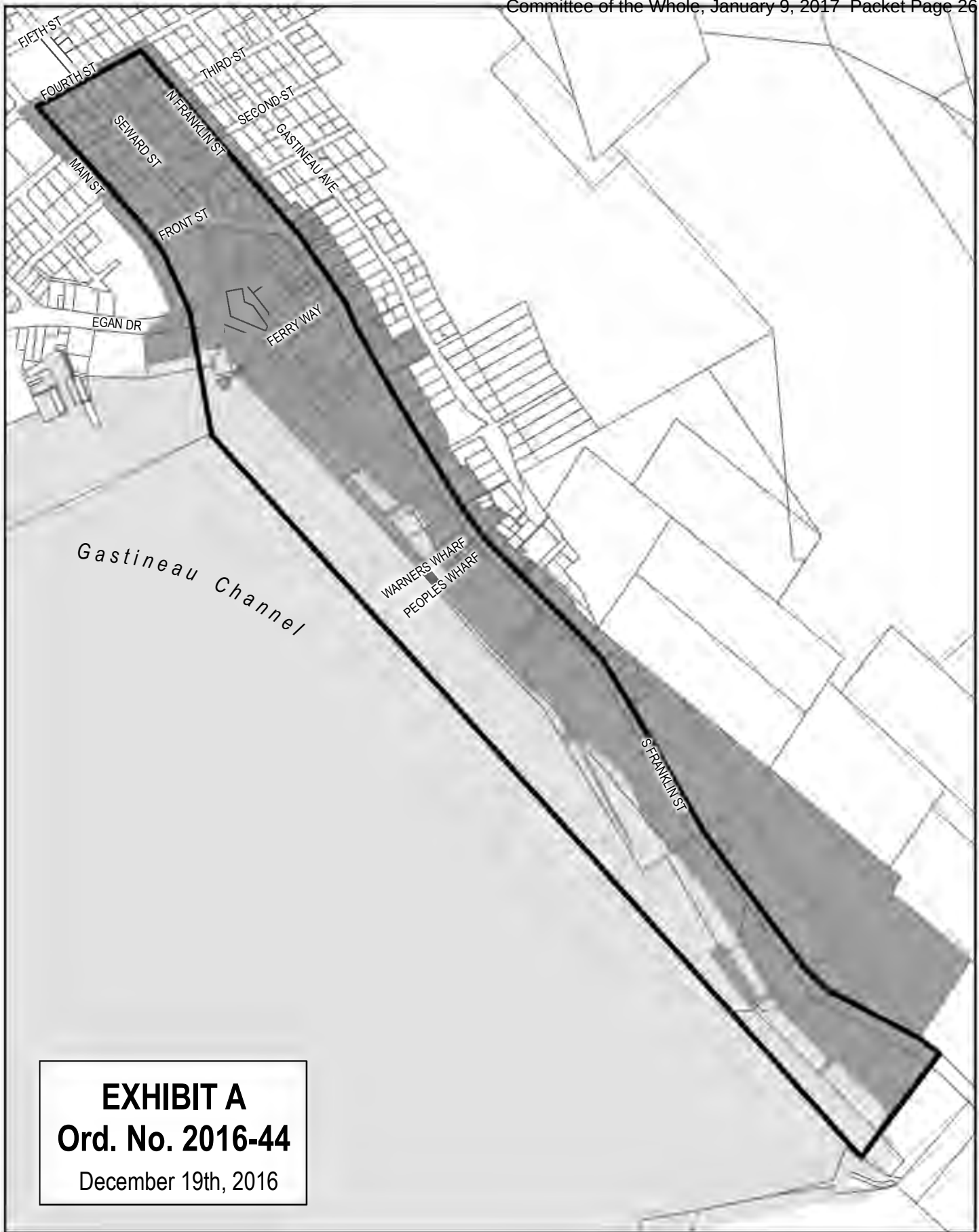
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24

25



NO CAMPING AREA

500 250 0 500 Feet



Downtown Juneau Area Boundary



No Camping Area



P:\quinn\Projects\CDD\Overlay districts\ no_camping.mxd

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-26

An Ordinance Amending the Land Use Code Relating to Access Standards.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Repeal of Section. CBJ 49.15.424 Access, is repealed and reserved.

Section 3. Repeal of Division. CBJ 49.15 Article IV, Division 4, Privately Maintained Access in Rights-of-way, is repealed and reserved.

Section 4. Amendment of Section. CBJ 49.15.442 Improvement Standards, is amended to read:

49.15.442 Improvement standards.

The following improvement standards apply to remote subdivisions:

- (1) CBJ 49.35.250, ~~49.15.424~~ Access.
- (2) CBJ 49.35.240, Improvement standards.
- (3) CBJ 49.35.310, Water systems.
- (4) CBJ 49.35.410, Sewer systems.

Section 5. Amendment of Chapter. CBJ 49.35 Public Improvements, is amended to read:

Chapter 49.35
Public and Private Improvements

Section 6. Amendment of Section. CBJ 49.35.110 Purpose, is amended to read:
49.35.110 Purpose.

The purpose of this chapter is to:

- (1) Establish design and development criteria for public and private improvements; and
- (2) Outline the procedures and responsibilities of the developer for furnishing plans and completing the improvements.

Section 7. Amendment of Section. CBJ 49.35.120 Public improvements; generally, is amended to read:

49.35.120 Improvements; Public 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 allow the potential ~~provide~~ for future extension to adjoining lands.

(b) If a publicly-maintained street serves an area outside the roaded service area boundary as a result of a subdivision, the roaded service area boundary, and if appropriate, the fire service area, shall be extended to include the roaded area and newly-created subdivision.

Section 8. Amendment of Table. 49.35.240 Table of roadway construction

standards, is amended to read:

<i>Avg. Daily Trips (ADT)</i>	<i>Adopted Traffic Impact Analysis Required</i>	<i>Sidewalks</i>	<i>Travel Way width</i>	<i>Street lights</i>	<i>ROW Widthⁱⁱ</i>	<i>Paved Roadway Required</i>	<i>Publicly maintained</i>
≥ 500	Yes	Both sides	26 ft.	At all intersections	60 ft. <u>Public ROWⁱⁱ</u>	Yes	Yes
212 to 499	Maybe	One side	24 ft.	At all intersections	60 ft. <u>Public ROWⁱⁱ</u>	Yes	Yes
0 to 211	No	Not required	22 ft.	At intersection of subdivision street(s) and external street system	60 ft. <u>Public ROWⁱⁱ</u>	Yes	Yes
0 to 211	No	Not required	20 ft. ⁱ	At intersection of subdivision street(s) and external street system	60 ft. <u>Public ROWⁱⁱ</u>	No, if outside the urban service area ⁱⁱⁱ	No
<u>0 to 70</u> 50	<u>No</u>	<u>Not required</u>	<u>20 ft.ⁱ</u>	<u>No</u>	<u>50 ft. private easement</u>	Yes <u>No</u>	<u>No</u>

Notes:

ⁱ Or as required by the Fire Code at CBJ 19.10.

ⁱⁱ ROW width may be reduced as prescribed at CBJ. 49.35.240.

~~ⁱⁱⁱ Paving of roadway is required for any street type located within the urban service area or within the Juneau PM-10 Non-Attainment Area – Maintenance Area Boundary map.~~

Section 9. Amendment of Article. CBJ 49.35, Article II, is amended by adding a

new section to read:

49.35.250 Access.

1
2
3 (a) *Principal access to the subdivision.* Except as provided below, the department shall
4 designate one right-of-way as principal access to the entire subdivision. Such access, if not
5 already accepted for public maintenance, shall be improved to the applicable standards for
6 public acceptance and maintenance. It shall be the responsibility of the subdivider to pay the
7 cost of the right-of-way improvements.

8 (1) Principal access to remote subdivisions. The department shall designate the
9 principal access to the remote subdivision. Such access may be by right-of-way.
10

11 (b) *Publicly maintained access within a subdivision.* Unless otherwise provided in this
12 section or in 49.15.420(a)(1), all lots must satisfy the minimum frontage requirement and have
13 direct and practical access to the right-of-way through the frontage. The minimum frontage
14 requirement on a right-of-way is 30 feet or the minimum lot width for the zoning district or use
15 as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished
16 by:

17 (1) Dedication of a new right-of-way with construction of the street to public
18 standards. This street must connect to an existing publicly maintained street;

19 (2) Use of an existing publicly maintained street;

20 (3) Upgrading the roadway within an existing right-of-way to public street
21 standards. This existing right-of-way must be connected to another publically maintained
22 street; or
23

24 (4) A combination of the above.

25 (c) *Privately maintained access within a subdivision.* Lots shall front and have direct access
to a publically maintained street except as:

(1) *Privately maintained public access.* A subdivision may create new lots served by a privately maintained access within a public right-of-way not maintained by an agency of government as provided by CBJ 49.35, Article II, Division 2. All lots must have either a minimum of 30 feet of frontage on a right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

(2) *Private shared access.* A lot in a subdivision is exempt from having the minimum frontage on a public right-of-way when a ~~new access point is prohibited or when a new access point would likely result in a traffic safety hazard as determined by the director~~ shared access is approved pursuant to CBJ 49.35, Article II, Division 1. All lots served by a shared access shall have a minimum of 30 feet of frontage on the shared access.

(d) *Remote subdivisions accessible by navigable waterbodies.* All lots in a remote subdivision solely accessible by navigable waterbodies must have a minimum of 30 feet of frontage on, and direct and practical access to, either the navigable water or a right-of-way. The right-of-way must have direct and practical access to the navigable water.

(e) *Access within remote subdivisions accessible by pioneer paths.* All lots must either have direct and practical access with a minimum of 30 feet of frontage on the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

Section 10. Amendment of Article. CBJ 49.35, Article II, is amended by adding a new division to read:

DIVISION 1. PRIVATE SHARED ACCESS

49.35.260 Purpose.

Shared access serving four or fewer lots without frontage on a right-of-way may be constructed within a private easement consistent with this division.

~~(a) — A subdivision shall be designed to minimize lots without frontage on a publicly maintained right of way.~~

~~(b) — If a new access point is prohibited or if traffic safety concerns warrant restricting access to a public right of way, then shared access serving three or fewer lots not having frontage on a right of way may be constructed within a private easement consistent with this division.~~

49.35.261 Application.

An applicant must submit the following to request shared access:

- (1) A preliminary plan and profile of the proposed shared access; and
- (2) A proposed access easement, drainage and utility agreement.

49.35.262 Standards.

(a) *Agency review.* The director shall forward the complete application to the fire department and to the engineering and public works department for review.

(b) *Approval criteria.* The director may approve a subdivision, with or without conditions, that has a shared access if all of the following criteria are met:

~~(1) — A new access point is prohibited or a new access point would likely result in a traffic safety hazard.~~

(2) The shared access will be located in a private easement completely on and fully crossing all of the lots served.

(3) The shared access serves ~~four~~ **three** or fewer lots. If a subsequent common wall residential subdivision is intended to be served by shared access, the common wall parent lot shall count as two lots.

(4) The shared access does not endanger public safety or welfare.

(5) The shared access complies or can be improved to comply with the emergency service access requirements of CBJ 19.10.

~~(6) The use of each lot served by the shared access shall be limited to one single family residence and an accessory apartment.~~

(7) The total Average Daily Trips resulting from the subdivision shall not exceed 70 and no use of any subdivided parcel shall prevent construction of a single-family home with an accessory apartment on any other parcel.

(8) Shared access is only allowed in RR and residential ~~the D-1, D-3, D-5, and D-10-SF~~ zoning districts defined by CBJ 49.25.210.

~~(9) Shared access is prohibited if street connectivity would be impaired.~~

(10) Shared access is prohibited if the subdivision abuts a parcel that does not have alternative and practical frontage on a publicly maintained right-of-way.

~~(11) The portion of the shared access in the right of way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater.~~

(12) Lots must meet the minimum standards for the zone district according to the Table of Dimensional Standards excluding the shared access easement. A buildable area must exist without the need for a variance.

(c) *Approval process.*

1
2
3 (1) Upon preliminary plat approval by the director, the applicant shall construct the
4 shared access pursuant to the corresponding standard in Table 49.35.240 for a roadway
5 with 0 to 70 ~~50~~ average daily trips. A financial guarantee cannot be used as a condition of
6 construction.

7
8 (2) The shared access easement shall be recorded.

9
10 (3) The following shall be noted on a plat or in a recorded decision that contains a
shared access:

11 (i) The private easement is for access, drainage, and utilities and shall be
12 specifically identified.

13 (ii) The owner(s) of the lots served by the private access easement
14 acknowledge the City and Borough is not obligated and will not provide any
15 maintenance or snow removal in the private easement.

16 (iii) The owner(s) of the lots served by the private access easement shall be
17 responsible and liable for all construction and maintenance of the shared access
18 from the edge of the publically maintained travel lane.

19 (iv) Except a subsequent common wall subdivision depicted on this plat, the
20 lots served by the private access easement are prohibited from subdividing unless
21 the access is upgraded to a public street, dedicated to, and accepted by the City and
22 Borough.

23
24 (v) Owner of a lot served by the private access easement shall automatically
25 abandon all rights to and usage of the private access easement except for utilities, if
any, if a publically maintained street serves that lot.

(vi) A lot with frontage on a public street and on the shared access is prohibited from having vehicular access to the public street except through the shared access.

49.35.263 Other Shared Access Requirements.

(a) If a shared access is approved, the applicant must apply for and receive a right-of-way permit to construct the shared access.

(b) If the director determines that a street sign is required for a health, safety, or welfare reason, the applicant shall install a street sign provided by the City and Borough at the applicant's expense.

(c) The front yard setback shall be measured from the shared access easement.

(d) The width of the shared access easement may be reduced up to 20 ~~40~~ feet if the director finds there is sufficient area for the provision of utilities, drainage, snow storage, and that it is unlikely for the shared access easement to expand in the future to a public street.

(e) The director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and minimize traffic interferences.

(f) Shared access existing on the effective date of Ordinance 2016-26 is exempt from the requirements of this division.

~~(f) — Parcels that are served by an existing shared access and made nonconforming by the adoption of this division shall be allowed to construct a single family residence, including an accessory apartment if otherwise allowed, and any previously permitted~~

~~development. All other development shall be prohibited unless consistent with this division.~~

Section 11. Amendment of Article. CBJ 49.35, Article II, is amended by adding a new division to read:

DIVISION 2. PRIVATELY MAINTAINED ACCESS IN A RIGHT-OF-WAY

49.35.270 Purpose.

A privately maintained access road serving 13 or fewer lots located outside the urban service area may be constructed within a public right-of-way and constructed to less than full public street construction standards.

49.35.271 Application.

On a preliminary plat application, the applicant must submit the following to request approval for a privately maintained access in a right-of-way:

- (1) A preliminary plan and profile of the proposed privately maintained access road and any proposed public or private utilities; and
- (2) A proposed access agreement as required by 49.35.272.

49.35.272 Access agreement.

(a) An access agreement must be executed between the City and Borough and all property owners proposed to be served by a privately maintained access road. The agreement must identify the parties and the property, all signatures must be notarized, and the agreement must include the following provisions:

1
2
3 (1) In exchange for the grantee not being required to construct a road that can be
4 accepted for maintenance by the City and Borough, and for the City and Borough not being
5 responsible for maintaining the privately maintained access road, the parties execute this
6 agreement with the intent for it to run with the land and bind all heirs, successors, and
7 assigns consistent herein;

8
9 (2) The grantee acknowledges that the City and Borough is not obligated to provide
10 any maintenance, including snow removal, for the privately maintained access. The
11 grantee is required to arrange for year-round reasonable maintenance for the privately
12 maintained access, including snow removal, sufficient to meet weather conditions and to
13 allow for safe vehicular traffic;

14 (3) The grantee and the grantee's heirs, successors, and assigns will defend,
15 indemnify, and hold harmless the City and Borough from any claim or action for any
16 injury, loss, or damage suffered by any person arising from the location, design,
17 maintenance, or use of the privately maintained access;

18 (4) The grantee will ensure that use of the privately maintained access road will not
19 block vehicular or pedestrian access by the public in the right-of-way;

20 (5) The City and Borough will have unimpeded access in the right-of-way.

21 (6) The grantee is required to arrange for maintenance of the right-of-way. The
22 grantee and the grantee's heirs, successors, and assigns will maintain the privately
23 maintained access road and public right-of-way according to the conditions established in
24 this agreement;

25 (7) The City and Borough will record a copy of the agreement, at the grantee's
expense, with the state recorder's office for each lot or parcel of land either, in the case of

1
2
3 existing lots, those adjoining the segment of right-of-way in which the privately
4 maintained access is to be located; or, in the case of lots created by subdivision and served
5 by the privately maintained access, those lots so created;

6 (8) The owners of the lots subject to this agreement are required to pay for right-of-
7 way upgrades when existing or proposed development served by the privately maintained
8 access exceeds 211 average daily trips as determined by the director;

9
10 (9) The owners of the lots subject to this agreement are prohibited from subdividing
11 unless the privately maintained access is upgraded or all the property owners served by
12 the privately maintained access execute a new access agreement;

13 (10) Any development that increases the estimated traffic above 211 average daily
14 trips, as determined by the director, shall pay a proportionate share of the costs of the
15 right-of-way upgrades, which will offset the costs imposed on the existing owners served by
16 the privately maintained access. The proportionate share shall be the percentage increase
17 in average daily trips;

18 (11) The owners of the lots subject to this agreement authorize the City and Borough
19 to amend this access agreement by adding a new owner only upon presentation of a
20 written and fully executed maintenance agreement between all the existing property
21 owners subject to the original access agreement and the new property owner proposing to
22 be served by the existing privately maintained access. Any amended access agreement
23 supersedes an existing access agreement. After recording, the new access agreement shall
24 be sent to all the owners subject to it; and
25

(12) The owners agree to maintain in full force and effect any insurance policy required by the City and Borough until and unless the roadway is accepted for maintenance by the City and Borough.

(b) Prior to the City and Borough executing the access agreement:

(1) The owners of the lots subject to the agreement shall create an owner's association for the purpose of continuing the duties contained in the agreement; and

(2) The association shall obtain liability insurance of a type and in the amount deemed necessary by the City and Borough to provide coverage for claims arising out of or related to the use, occupancy, and maintenance of the privately maintained access road.

The City and Borough shall be named as an additional insured on any required policy.

49.35.273 Standards.

(a) *Agency review.* The director shall forward the complete application to the fire department and to the engineering and public works department for review.

(b) *Approval criteria.* A subdivision may be approved, with or without conditions, with privately maintained access in a public right-of-way if all of the following criteria are met:

(1) The subdivision is located outside of the Urban Service Boundary;

(2) The proposed privately maintained access would abut and provide access to 13 or fewer lots each limited to a single-family residence, or the proposed access road could serve 13 or fewer lots;

(3) The proposed privately maintained access will be located in a public right-of-way that has not been accepted for public maintenance;

1
2
3 (4) The proposed privately maintained access does not endanger public safety or
4 welfare;

5 (5) The proposed privately maintained access will be improved to provide for
6 emergency service access;

7 (6) A privately maintained access shall only serve property in which the maximum
8 allowable residential density uses do not exceed 211 average daily trips as determined by
9 the director; and
10

11 (7) Property served by the privately maintained access shall include accessory
12 apartment traffic, if allowed with or without a conditional use permit, even if accessory
13 apartments are not currently proposed.

14 (8) Privately maintained access is prohibited unless:

15 (A) The abutting parcels have alternative and practical frontage on a publicly
16 maintained right-of-way; or

17 (B) The property owners of all abutting parcels are signatories of the access
18 agreement required by CBJ 49.35.272.
19

20 (c) *Approval process.*

21 (1) All of the requirements of this Title and the conditions identified in the
22 preliminary plat notice of decision have been satisfied.

23 (2) Area for the right-of-way has been dedicated to the City and Borough. The
24 privately maintained access has been constructed consistent with corresponding standard
25 in 49.35.240 for a roadway with 0 to 211 average daily trips.

(3) The access agreement is recorded prior to recording the final plat.

(4) The director may impose conditions necessary for public, health, safety, and welfare upon approving the subdivision.

49.35.274 Other requirements.

(a) If a preliminary plat with a privately maintained access in the public right-of-way is approved, the applicant must apply to the engineering and public works department for a permit to construct the privately maintained access as required by CBJ 62.05, accompanied by final construction plans. Additional fees and bonding may be required for final plan review, inspection, and construction of the access road and utilities.

(b) The applicant shall install a street sign, to be provided by the City and Borough, which shall indicate that the privately maintained access is not maintained by the City and Borough.

(c) The director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and minimize traffic interferences.

Section 12. Amendment of Section. CBJ 49.80.120 is amended by the addition of the following definitions to be incorporated in alphabetical order:

Access point means any improvement designed for a motor vehicle to travel from or onto a right-of-way including, a driveway, a parking area, or street that intersects an existing street, and any similar improvements.

~~Grade (maximum grade for access) means the maximum percentage slope of the finished surface measured every 10 feet.~~

Travel way means the portion of the roadway for the movement of vehicles, exclusive of shoulders.

Section 13. Amendment of Section. CBJ 49.80.120 is amended to read as follows:

Common driveway means a commonly shared or used pedestrian or vehicular way that connects or serves two or more properties within a common wall development.

...

Roadway means that portion of a street intended for vehicular traffic, including shoulders. ~~where curbs are laid, the portion of the street between the back of the curbs.~~ The sum of the traveled way and shoulder widths constitutes the roadway width.

...

~~*Roadway width* is measured as the paved section of a paved street or from shoulder to shoulder on a gravel street.~~

Section 14. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this ____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



Rob Steedle, Director

(907) 586-0757
Rob.Steedle@juneau.org
www.juneau.org/cdd
155 S. Seward Street • Juneau, AK 99801

January 4, 2017

To: Jerry Nankervis, Deputy Mayor, Chair Assembly Committee of the Whole

From: Rob Steedle, Community Development Director

Subject: Title 49 Shared Driveway Access Decisions

The central question for the Assembly to answer when it takes up Ordinance 2016-26 is whether or not the practice of allowing shared driveway access for new subdivisions should continue. If the answer is no, some properties will remain undevelopable for the foreseeable future because alternative access would be cost-prohibitive. These include lots that front on publicly maintained roads for which additional driveways will not be allowed by DOT for traffic safety reasons as well as lots that are access-challenged due to physical geography. If the answer is yes, then the Assembly must consider the subsidiary policy questions addressed in the ordinance. These are:

- Hardship or by-right. The draft ordinance as modified by the Planning Commission would allow this type of development outright. In earlier versions of the draft ordinance, shared access would not be allowable unless terrain or the inability to secure a driveway permit prevented development.
- Zoning districts. The draft ordinance would permit shared driveway access in Rural Reserve and in all residential districts. Note that permitting this in multi-family districts may allow less intensive development, which runs counter to the direction encouraged by the Comprehensive Plan and by the Housing Action Plan.
- Limit number of lots. The draft ordinance would allow up to four lots to be served by a shared driveway. The Assembly could choose a different number or no number at all.
- Limit Average Daily Trips (ADT). The draft ordinance limits use of the shared driveway to 70 ADT. That level would allow each lot in a four-lot subdivision to have a single-family home with an accessory apartment. Again, the Assembly might choose a different number or no number at all.
- Uses. The draft ordinance would allow all uses permitted in the underlying zoning district to take place on lots served by a shared driveway. Note that if the number of lots and the ADT remain unchanged in the final ordinance, a four lot subdivision will consume all of the available ADT. If the subdivision consisted of just two lots, a childcare home could be permitted on one of the lots but be limited to four children. (It may be necessary to draft additional language that explicitly permits the Community Development Director to impose such a condition.)
- Frontage. The draft ordinance relaxes the requirement that a lot must have frontage on a right-of-way by allowing frontage on an easement to be sufficient.
- Paving. The draft ordinance requires the entire driveway to be paved.



(907) 586-0715
 CDD_Admin@juneau.org
 www.juneau.org/cdd
 155 S. Seward Street • Juneau, Alaska 99801

MEMORANDUM

TO: Borough Assembly Committee of the Whole

FROM: Beth McKibben, AICP *BMc*
 Planning Manager, Community Development

DATE: November 17, 2016

SUBJECT: 2016-26 Shared Access Ordinance

In August of 2015, the Assembly adopted Ordinance 2015-03, enacting significant changes to subdivision development requirements in Title 49, the Land Use Code. During its deliberations of that ordinance, the Assembly recognized that the new code did not adequately address the prevalent practice of allowing shared private vehicular access from properties to the road network. The Assembly directed staff to codify its practice. CBJ's overarching policy has been, and remains, to provide flexibility with development options for well-designed neighborhoods that provide safe connectivity to properties, using both public and private access. The potential for developing land for infill is expanded if private shared access is allowed. The overuse of shared accesses can result in haphazard development and hinder or prohibit future development and street connectivity. The proposed ordinance is intended to balance these competing concerns.

The key shared access policies in the draft ordinance are as follows:

- The proposed access option would eliminate the current requirement and practice that lots in new subdivisions must have frontage on a publicly maintained right-of-way. The long standing practice of CBJ has been to approve shared driveways when all of the lots have frontage on a publicly maintained street.
- Shared access in private easements may be considered for subdivisions of four or fewer lots that do not have frontage on a publicly maintained right-of-way with approval of a permit as follows:
 - Frontage of lots must be along the private easement. CBJ 49.15.424(a) requires public right-of-way access to a subdivision. CBJ 49.15.424(b) addresses access within a subdivision;
 - No more than four lots may share the easement;

- o The easement may be constructed to less than full public street construction standards;
- o Applies only to residential zoning districts, (RR, D1, D3, D5, D10SF, D10, D15 & D18);
- o The average daily trips (ADT) for a subdivision using shared access cannot exceed 70 ADT. Any use in the zoning district may be permitted, but other uses cannot prohibit any lot in the subdivision from having at least one single family home and one accessory apartment per lot.
- Shared access standards include the following:
 - o Fifty foot wide easement (may be reduced by 20 feet with Director approval);
 - o Must be paved borough wide;
 - o Must meet minimum Title 19 standards;
 - o Yard setbacks would be measured from the easement rather than the property boundary;
 - o Minimum lot size requirements must be met exclusive of the access easement; and
 - o Provide a plat note that states the following:
 - Further subdivision is not allowed unless access is upgraded to a public street;
 - Acknowledgement that the owners are responsible for snow and access maintenance, not the CBJ;
 - Identifies presence of access easement and which lots are served by it; and
 - Owners shall automatically abandon all rights and duties to the private access easement when a publicly maintained street serves the lot.
- Required submittals for consideration of shared private access approval include the following:
 - o A preliminary plan and profile of the proposed access along with any proposed public or private utilities;
 - o A private utility easement if private utilities are proposed to be located within the shared easement;

- o An access agreement that will be reviewed by the CBJ to ensure it meets access requirements but will not be reviewed for legal sufficiency; and
- o Review by the Fire and Engineering and Public Works Departments with approval by the CDD Director, who may specify conditions.

Key Policy Questions considered by the Planning Commission

Should all lots be required to have frontage on public right-of-way:

The CBJ's practice of requiring frontage for each lot on the publicly maintained road while also allowing shared access provided a relief valve in the event that the private shared access situation fell apart. Even though constructing access through the frontage might have been difficult and/or expensive, direct access to the property – while not necessarily vehicular – could have been achieved via stairway or some other pedestrian method. Access would not be impaired catastrophically if the property did not also have that frontage on the publicly maintained right-of-way. Removing that requirement for frontage takes away that relief valve.

Surface type:

The shared access surface type is proposed to be a paved surface. Potential neighbor disputes regarding maintenance may be allayed by having a paved surface which requires less long-term, ongoing maintenance. The Mendenhall Valley is subject to air quality monitoring. Additional gravel roads/driveways may have an impact.

Public Improvements:

Based upon discussion at the Planning Commission COW meeting on July 12, 2016 and the regular Planning Commission meeting on October 25, 2016, the ordinance states that public improvements must be designed and constructed to allow for the potential for future extension. This distinction acknowledges that future extension is a possibility rather than a certainty. CBJ 49.35.120 (a) requires that improvements must be designed and constructed to provide for future extension to adjoining lands. Because subdivisions using the shared access provision are not allowed if the subdivision abuts a parcel that does not have alternate and practical frontage on a publicly maintained ROW, subdivisions using the shared access provision may not be required to provide for future extension of public improvements.

Easement width:

The easement width is required to be 50 feet wide, and may be reduced up to 20 feet if the director finds there is enough area to provide for utilities, drainage improvements and snow storage and that it is unlikely the easement would become a future public street. The CBJ Streets and Transit Superintendent has indicated that 40 feet is the minimum public right-of-way width. The director's finding of no possible future road is

critical to allowing the reduction of the easement to 30 feet. The required 50-foot easement width is less than the current new street standard requirements for public rights-of-way, which is 60 feet. Reductions in the 60-foot ROW are allowed by code, with approval of the director.

Number of lots:

Initial discussions and recommendations limited the use of shared private access to three lots or less. Staff researched approved shared accesses as far back as 1987. The majority of the private shared accesses were approved for two to four parcels. However, there are approved private shared accesses for more lots. The Commission ultimately recommended 4 lots.

Use and Zone District Limitations:

The proposed ordinance allows for private shared access in all residential zoning districts, including multi-family (RR, D1, D3, D5, D10SF, D10, D15 & D18). It also limits the number of average daily trips (ADT) for the subdivision to 70 ADT. The Planning Commission rationale is to make possible alternative developments in multi-family zones and to not preclude smaller developments in multi-family zones.

The draft ordinance also does not limit the uses for the lots on private shared access. Any use allowed in the zoning district may be permitted, as long the total ADT does not exceed 70 ADT. The intent, stated by the PC, is to assure that anyone who built on an adjacent lot in the subdivision would have enough allocated trips for a single family home and an accessory apartment. Every lot in the subdivision would be guaranteed at least a single-family home and an accessory apartment. The rationale for not limiting the uses in the subdivision to only one single-family and an accessory apartment is to not create a different class of residential subdivisions. The Commission discussed a variety of uses that might take place that would have little to no impact on ADT, such as a small home occupation or a home childcare. They decided that if ADT is used then more uses might be allowed, while at the same time not increasing the traffic beyond what the private shared access can adequately accommodate, or place un-fair burden on the owners of the other lots within the subdivision. This change also recognizes that not every subdivision created using the private shared access provision will be the maximum number of lots allowed, and there may be “extra” trips left for other uses permitted in the zoning district. For example, if a three lot subdivision is developed with three single-family homes, each with an accessory apartment, there are approximately 25 trips remaining that could be used by another use allowed in the zoning district before reaching the maximum of 70 ADT.

Hardship or allowed outright:

At its COW meeting on September 13, 2016, the Planning Commission decided that hardship should not be a criterion for allowing private shared access. Not requiring the hardship standard provides more flexibility. While, ultimately the Commission voted to support this amendment, during the discussion there was not agreement among all, and a vote was taken to keep the hardship criterion, which failed.

Pre-existing shared access:

The ordinance recommended by the Planning Commission includes the provision that shared accesses approved prior to the adoption of this ordinance are exempt from these requirements. There are a number of previously approved shared access easements in many different zone districts. A number of the lots served by these easements do not yet have approved building permits. Some of these are in multifamily zoned districts as well as in the Industrial zone (I). If building permits are not approved at the time of this ordinance's adoption, the only development that may occur would be a single-family dwelling and an accessory apartment or uses that generate less than 70 ADT. This is especially problematic for the Industrial zone and commercial zones where uses generate higher traffic counts. Also, the only residential use allowed in the Industrial zone district is a caretaker unit which is accessory to the primary industrial use.

Street Grade:

The maximum grade of the shared access is dictated by the International Fire Code, which is 10%. The Fire Chief may, in some cases, approve the grade to a maximum of 14%. The Commission removed the definition of grade (which would apply to all street improvements, not just shared private access) which measured slope every 10 feet. This change was recommended by the Director of Public Works and Engineering. It was explained that measuring grade at 10-foot intervals is not standard engineering practice. Engineering staff is concerned that defining grade in this way will lead to problems, challenges, and inconsistencies, and other unintended consequences. Engineering has indicated that the language in the ordinance that requires the director (of CDD) to forward the complete application to the Fire Department and to the Engineering and Public Works Department for review provides for sufficient consideration of the driveway grade. Additionally, Engineering has stated they would develop a typical section (drawing) for private roadway access that would be included within the Standard Drawings. This will significantly reduce the potential for inconsistencies and challenges.

Setbacks and Lot Area:

Although the easement will be included in the respective lots because it will be privately owned, the lots will need to meet the underlying zone district minimum requirements exclusive of the easement area. In the event that the easement is further developed into a CBJ street and dedicated and accepted by the CBJ for maintenance, then the resulting lots would still meet the zone district requirements and will not create undersized nonconforming lots. At the October 25, 2016 meeting the Commission added the requirement that the easement must be completely and fully on all of the lots served. One of the reasons for this amendment is to ensure that all lots have enough lot area, and subsequent development is adequately setback in the event that at some time in the future the easement may become a developed right-of-way.

Landlocked Parcels:

49.35.262(b)(7) prohibits private shared access if it will create a landlocked parcel. Adjacent parcels not part of the subdivisions must have access to a publicly maintained right-of-way. While this ordinance was crafted in such a way that shared private access is not an option if access to adjacent properties is clearly to be needed at some point in the future, the Commission gave a great amount to the thought that at some point in the future an approved shared private access may need to become a public right-of-way. While the easement width is less than required for new street construction, great care was taken to ensure there is sufficient space for a travel way, utilities and drainage, and that buildings are adequately setback, and the lot size sufficient.

Common Driveway:

The definition for Common Driveway was changed to be specific to common wall developments. This means that any other shared driveway could be subject to the requirements of the shared private access ordinance, including shared driveways for panhandle subdivisions and developments on a single parcel with more than one primary structure (such as a multifamily apartment complex in more than one building). Requiring these types of development to be subject to the easement width, construction standards and maintenance agreements requirements was not discussed by the Commission.

Financing implications:

While not discussed in detail by the Planning Commission, there may be financing implications for lots being served by a private easement. Most financing programs require a permanent easement (into perpetuity) for access, water and waste water. Additionally, most financing programs require a maintenance agreement. It may be through a Homeowner's Association (HOA) or through a legally enforceable agreement. Additionally, most lending programs require an appraiser to verify the existence of the easement and maintenance agreement. Appraisers are also asked to report on the condition of the driveway and verify that it has an all-weather surface that an emergency vehicle and typical passenger vehicles can drive on at all times. This draft ordinance does not require a HOA or a legally binding maintenance agreement.



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: Borough Assembly
FROM: Amy Gurton Mead, Municipal Attorney *AGM*
DATE: November 3, 2016
SUBJECT: 2016-26 Shared Access Ordinance

The purpose of this memo is to explain the substantive provisions of 2016-26.

Section 2. Section 2 repeals 49.15.424 and moves that section's access requirements to 49.35. Doing so concludes the process the Assembly directed when the subdivision ordinance (2015-03) was adopted.

At that time, the Assembly was told that it was CDD's practice to allow variances for shared access issues. The Assembly was told that a shared access ordinance was being prepared and that in the meantime, CDD could either stop allowing variances for shared access absent a code change, or the Assembly could direct that the access provisions be relocated to the Design Division of code for clarity (variances are specifically allowed for "design.") The Assembly directed that the access provisions be moved to the design section until the shared access ordinance was brought forward.

Section 3. This section moves the privately maintained roads in public rights of way section out of 49.15 and to the Improvements Chapter for consistency.

Section 7. The Planning Commission recommended the following code change to section (a) of 49.35.120:

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 allow the potential provide for future extension to adjoining lands.

First, it is important to note that this code section is not specific to private shared access. This code section applies to all development.

This change marks a shift from the policy currently embodied in Title 49. Currently, developers must provide for future expansion by providing the appropriate infrastructure. This change would allow a developer to provide only what is necessary for that developer at that time.

An example illustrating this policy shift is stub streets. Under current code, absent a waiver, developers are required to fully construct a roadway located within the developer's subdivision in order to provide right of way access to bordering property. (See CBJ 49.35.120 and 49.35.210(a)(1)). The change proposed by the PC eliminates that requirement. (It must be assumed that by making this change, the PC meant to impose a different requirement than exists in current code.)

Section 8. This is a housekeeping measure. Note iii to the Table of Roadway Construction Standards, requiring paving within the Juneau PM-10 Non-Attainment Area, is no longer necessary as all roadways constructed within the urban service area must be paved.

Section 9. This is where the access section now located in 49.15.424 moved (see Section 2, above). There were two changes to the current code language:

- 1) A change recognizing private shared access as a type of allowable access:

Current code:

49.15.424(c) Privately maintained access within a subdivision. A subdivision may create new lots served by a privately maintained access road not maintained by an agency of government as provided by CBJ 49.15, article IV, division 4. All lots must have either a minimum of 30 feet of frontage to the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

2016-26:

(c) *Privately maintained access within a subdivision.* Lots shall front and have direct access to a publically maintained street except as:

(1) *Privately maintained public access.* A subdivision may create new lots served by a privately maintained access within a public right-of-way not maintained by an agency of government as provided by CBJ 49.35, Article II, Division 2. All lots must have either a minimum of 30 feet of frontage on a right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400.

(2) *Private shared access.* A lot in a subdivision is exempt from having the minimum frontage on a public right of way when a shared access is approved pursuant to CBJ 49.35, Article II, Division 1. All lots served by a shared access shall have a minimum of 30 feet of frontage on the shared access.

- 2) A change to current code in order to specify that access is through frontage. This change was necessary to embody the fact that the purpose of frontage is to provide access (for example,

for public safety and utilities)¹.

Current code:

49.15.424(b) Publicly maintained access within a subdivision. Unless otherwise provided, all lots must either have direct and practical access to, and a minimum of 30 feet of frontage on, the right-of-way, or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by....

2016:26:

(b) *Publicly maintained access within a subdivision.* Unless otherwise provided in this section or in 49.15.420(a)(1), all lots must satisfy the minimum frontage requirement and have direct and practical access to the right-of-way through the frontage. The minimum frontage requirement on a right-of-way is 30 feet or the minimum lot width for the zoning district or use as provided in CBJ 49.25.400. These requirements for frontage and access can be accomplished by ...

Section 10. This is the section that makes the most substantive changes to Title 49 by introducing privately shared access. The policy questions related to this type of frontage and access are as follows:

- 1) Should privately shared access be allowed in the case of hardship (topography or inability to access the ROW because of DOT or CBJ requirements) or allowed outright? The concept originally presented suggested privately shared access be allowed only in cases of hardship; the PC at its last meeting made them allowed outright.
- 2) Zoning. Originally, the concept for shared access was to allow them only in single-family zoning districts. The idea was to allow these exceptions to frontage and access requirements in order to encourage development in lower density areas where development would not otherwise occur due to hardships (topography, no access to the right of way) that would make development economically infeasible. In the first drafts of this ordinance, private shared access was only allowed in RR, D1, D3, D5, and D10-SF.

At its last meeting, the Planning Commission expanded the permissible areas for private shared access to include the multi-family zoning districts (D-10, D-15 and D-18).

This change could encourage low density single family lots being developed in the multi-family zones. (Because of the ADT limitations, a developer would be prohibited from building a multi-

¹ Utilities and public safety are not the only reasons local government normally requires frontage on a public right of way. In addition to providing access for utilities, fire, police, and emergency medical services, frontage requirements are considered useful for minimizing the potential for private disputes, remove the need for private parties to rely on their neighbors for each other's winter maintenance and repairs including snow removal, and avoids creating roadblocks for first time homebuyers seeking certain loans that require the home have frontage on a public right of way.

family unit on a shared private access.)

3) CBJ 49.35.263, the vested rights issue. A prior draft of 2016-26 imposed the same limitations on preexisting shared access as the new code section proposes for new development on shared access. At its last meeting, the Planning Commission changed 49.35.263(f) to only impose the code restrictions on new shared access development.

This sets up a situation where similarly situated developers and property owners are treated differently under the code due to whether the shared access was developed before or after this ordinance.²

4) Use limitation. A prior version of 2016-26 limited uses on privately shared access to only single family and accessory apartments, which had a combined ADT of 16.17 (9.52 + 6.65) per lot. At its last meeting, the PC changed the use limitation to allow for any use allowed consistent with the TPU, but the PC did not change the allowed ADT. The new language is at 49.35.262(b)(5):

The total Average Daily Trips resulting from the subdivision shall not exceed 70 and no use of any subdivided parcel shall prevent construction of a single-family home with an accessory apartment on any other parcel.

This code section cannot be adopted as written. If a homeowner has a home-based business (child care providers, for example) and an accessory apartment, the ADT for that lot exceeds 16. If there are unimproved lots served by the same shared access, that fact could prohibit development of unimproved lots served by the same access road because the home based business would be using too much of the allowable 70 ADT.³

In order to address this inconsistency and still allow all uses allowed under the TPU would mean increasing the allowed ADT, but increasing the allowable ADT results in increased use on a private roadway not maintained by the CBJ.

As I understand it, the Planning Commission's intent was to allow for additional uses beyond single family/accessory apartment in cases where the ADT would be less than 70 even if all lots were developed. (For example, a subdivision serving only two lots.) But because of the Planning Commission's change to 49.35.262(b)(1) (see paragraph 5, below) requiring developers to build the shared access across all lots, it seems there is an expectation that the shared access serve additional property. That cannot be the case and still comply with the 70 ADT requirement.

² The CBJ has addressed vested rights differently in the past. For example, when Ordinance 2015-32 was adopted to amend the child care zoning standards, a different vested rights clause was used: "The standards identified in this article do not apply to any preexisting legal child care home or center so long as the preexisting use does not change." CBJ 49.65.1100.

³ See CDD's memo to the Title 49 Committee on child care dated April 9, 2015, finding that the ADT for a child care home is 4.48 ADT per child or CDD's power point to the Planning Commission Committee of the Whole on Sept. 13, 2016, finding that a day care center having 1,000 square feet of floor has a 74.06 ADT.

5) 49.35.263(d) was amended by the Planning Commission to allow for a reduction in the width of the shared access if CDD finds that the shared access is unlikely to become a public street in the future. But the Commission also added a requirement at 49.35.262(b)(1) that the shared access be completely on and fully cross all of the lots served by the access, in anticipation of a public street being constructed in the future.

This inconsistency can be resolved in one of two ways:

a) Keep the requirement that the director make a finding that the shared access will not eventually be used for a public street⁴ and eliminate the requirement that the private access fully cross all lots served by the access. This would be consistent with a policy decision that private shared access be an exception to the normal requirement for frontage and access and that shared access be used in hardship scenarios; or

b) Remove the language allowing for a reduction in the width of the easement but keep the requirement that the private access abut all lots in anticipation of a public street being constructed. This would be consistent with a policy decision to allow private shared access outright.

Section 11. All of the language in this section (Privately Maintained Access in a Right-of-Way or PMAs) is currently in code. Besides the few changes identified below, 2016-26 relocates these code provisions (currently found in 49.15, Division 4) to a new section in 49.35.

1) 49.35.270 (formerly 49.15.424). This line is being deleted from the purpose section: “Such permits may also allow subdivisions creating new lots accessed by a roadway not accepted for maintenance by a government agency.”

2) 49.35.271 (formerly 49.15.431) clarifies that the request for approval of a privately maintained access road (PMA) must be made with the preliminary plat application.

3) Current code section 49.15.432 (providing for department review of the application for a PMA) is now consolidated in a new code section: 49.35.273(a).

4) Current code section 49.15.433, Design criteria, was also incorporated into 49.35.273(b), with changes (for example, adding the requirement that the PMAs be located outside the urban service area, which the Assembly did with Ordinance 2015-03. Previously, that requirement was only in the road standard table; it’s been added to the chapter on PMAs for clarity.)

Section 12. This section makes changes to the definition section of Title 49. Of note is a change by the PC that did not make it into the final version of the ordinance. The PC removed the following definition:

⁴ Using a private shared access for a public street would likely require the CBJ to initiate an eminent domain action to take the property needed for a public right of way.

Grade (maximum grade for access) means the maximum percentage slope of the finished surface measured every ten feet.

The reason for this definition was to specify how grade would be measured. The need to specify how grade would be measured arose last year. In that case, a developer obtained all preliminary permits and approvals from CDD through the Title 49 process, including approval of the engineering plan for construction of a shared access driveway (serving four homes). When it came time for final approval by the Fire Department for purposes of obtaining the certificate of occupancy, the Fire Department could not approve because portions of the driveway were too steep for the fire trucks to access. The developer argued that when the grade of the driveway was averaged over its whole length, the driveway met the code's grading specifications. Though that was an accurate statement, that did not change the fact that portions of the driveway were too steep for the trucks. Fire and Engineering requested that a definition clarifying *how* grade would be measured be included in Title 49, thereby giving advance notice to developers and not leaving the issue for a late-discovery and dispute. When the private shared access concept was being presented at a Subdivision Review Committee meeting last year and this question arose, a commission member recommended grade be measured every ten feet.

At the last Planning Commission meeting, the Engineering Director asked that the definition be removed.