

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

September 11, 2018
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. July 24, 2018 DRAFT Minutes - Planning Commission Committee of the Whole

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. ITEMS FOR RECONSIDERATION

VI. CONSENT AGENDA

VII. UNFINISHED BUSINESS

VIII. REGULAR AGENDA

A. AME2018 0015: A text amendment to Title 49, the Land Use Code, CBJ 49.35.240, regarding improvement standards

IX. BOARD OF ADJUSTMENT

X. OTHER BUSINESS

XI. STAFF REPORTS

A. Status update of the CBJ Parks and Recreation Master Plan

XII. COMMITTEE REPORTS

XIII. LIAISON REPORT

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVI. EXECUTIVE SESSION

XVII. ADJOURNMENT

Agenda
Planning Commission, Committee of the Whole
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
July 24, 2018

I. ROLL CALL

Ben Haight, Chairman, called the Planning Commission Committee of the Whole meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:15 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Nathaniel Dye, Dan Miller, Andrew Campbell

Commissioners absent: Michael LeVine, Percy Frisby, Dan Hickok, Carl Greene

Staff present: Jill Maclean, CDD Director; Beth McKibben, Planning Manager; Robert Palmer, Deputy City attorney

Assembly members:

II. REGULAR AGENDA

- A. Discussion of proposed Title 49 Land Use Code regarding Alternative Residential Subdivisions.

Commissioner Haight provided a brief recap of the previous Title 49 Committee meeting (see Title 49 Committee minutes).

Open Space

Mr. Miller noted that at the last meeting on page 5 of 14 of the draft ordinance the committee discussed open space. Commenting on this, Mr. Miller noted the draft ordinance stated that open space must be usable. He said he appreciated the open space requirements being reduced to the current level. He said while parking spots were excluded from open space, that it did not exclude roadways or bike paths. He said he said that both of those items would be considered usable space and therefore should be included in the open space calculations.

Mr. Dye said he is assuming that in the PUD (Planned Unit Development), sidewalks and roadways would not be considered open space because they are in the public domain as public right-of-ways. He said he is concerned the ordinance is trying to be too broad by even

addressing public-right-of ways with the bonus points. Especially since open space bonus points could be gained without having to dedicate public right of ways, he added. He said he felt it created conflicting themes which made the ordinance more complicated.

Mr. Voelckers asked if wetlands were considered usable property. He said he assumed ponds and water of that nature were not considered usable property.

Mr. Miller said that both wetlands and water such as ponds on property are considered usable property.

Mr. Palmer said there are several layers to the definition(s) of open space:

- *Open Space*
Open space means any parcel or area of land or water essentially unimproved and set aside dedicated, designated or reserved for public or private use or enjoyment or for use and enjoyment of owners and occupants of land adjoining or in the same neighborhood as open space.
- *Usable Open Space*
Open space within a proposed development site excluding areas devoted to structures, storage, or recreational vehicles and parking. At least half of all areas designated as usable open space must have a slope of less than 20 percent.

Ms. Maclean said the definition of “structure” which is excluded from usable open space, includes a street, road, sidewalk, driveway, parking area or storage area.

Mr. Voelckers commented that bike paths would seemingly be allowed.

Mr. Miller said the way he interprets this language is that if a recreation or social gathering facility was constructed for the use of the development, that it would not be considered for a bonus because it would not be considered usable open space, considering the definitions. He added that putting in a playground would also not qualify as open space. Those are amenities, that would be very valuable for the residents of the development, said Mr. Miller.

Mr. Voelckers said the problem is that these items are addressed before they ever reach a Planning Commission meeting. He said rather than try to make perfect language to focus on these issues as having discretionary aspects which the Commission can evaluate. There are many unique circumstances which will never be encompassed within the ordinance, said Mr. Voelckers. He added it should be early on in the process so that the developer has feedback from the Commission and knows which direction they can pursue.

Mr. Palmer said what is currently drafted in the ordinance is a requirement for a pre-application conference. The use of the Subdivision Review Committee is awkward, said Mr. Palmer. He said the Subdivision Review Committee is currently used on minor subdivisions which would go before the Director. He said it becomes complicated if the Subdivision Review Committee reviews a PUD or the developments within this ordinance because those three or four members could steer the direction of the development before it ever arrived before the Commission for evaluation. He said reviewing the definitions that are currently in code, the concerns of the commissioners are not currently being addressed. He said this ordinance will need to come back to Commission with another draft after he has addressed their concerns.

Mr. Miller said language could be placed right within the ordinance which states something such as, "common elements can count as open space".

Mr. Dye said at a Planning Commission conference several years ago, a private land use attorney said every city attorney was way too conservative and that there was a lot more freedom than their opinions would dictate. The attorney also mentioned that commission members should not do site visits because not every Commissioner would have the benefit of the site visit, thus their opinions would be based upon varying information.

Mr. Palmer said if less than three commission members visit a site that creates no problem. However, he said, it cannot become a serial meeting where various small groups of commissioners are visiting the site at different times which would constitute a serial meeting, which could cause problems with the public meeting requirement.

Permitted Uses

Mr. Miller asked where the Commission currently resides in its opinion on accessory apartments in an alternative residential subdivision. Chairman Haight said his understanding is that an accessory apartment would be allowed on a lot which fits the dimensional standards of the underlying zone (parent lot). Mr. Miller said that is what the last sentence under "Permitted Uses" states. He said he is fine with the current version of the draft ordinance pertaining to accessory apartments.

Mr. Voelckers said he likes the current verbiage as well. He said the intent of this ordinance is to achieve a certain density goal for a certain type of development. He said changing accessory apartment language would just create confusion. He said he would like to talk about possible language regarding child care in alternative residential subdivisions. He said they may want to take care that they don't preclude something that could be very beneficial to the subdivision; especially child care.

Mr. Dye said he agreed. He said in-home childcare could prove to be very beneficial to these residential subdivisions.

Mr. Miller asked for a brief review of home child care that was discussed during the previous Title 49 committee meeting. (Home child care centers are for 12 or fewer children, with various requirements for staff and parking which includes two parking spaces for the dwelling unit and one parking space for each on-shift employee. It would probably require a Conditional Use Permit. Specific language within the ordinance mentioning child care may be beneficial.)

Mr. Miller said he would like to see child care for 12 or fewer children allowable within the alternative residential subdivision stipulating that it has to be addressed within the HOA (Home Owners Association). The HOA would decide how it would deal with the required parking for that business, he added.

The Commission concurred with Mr. Miller's suggestion. The staff will work this language into the ordinance under "Permissible Uses".

Mr. Voelckers asked if this could be part of the predevelopment meeting.

Mr. Miller said it would have to be allowed by the Homeowners' Association along with its specific recommendations.

Mr. Voelckers said he did not understand the first sentence under "Permitted Uses". (No primary uses are permitted on the parent lot except a residential center or community facility.)

A child care center could be a primary use that could be allowed in the common area that is not a residential use, said Ms. McKibben.

Mr. Campbell said it appeared that Mr. Miller would like the child care center added to the primary use is permitted on the parent lot as well as a note about it being allowed in the small lots.

Mr. Miller concurred with Mr. Campbell's assessment.

Pre-application Conference

Mr. Voelckers said he felt it should be stated specifically that it is at this pre-application conference where discussion such as bonus points would ensue.

Mr. Palmer said they will add that language under the "Pre-application Conference".

Mr. Miller asked if the home owners Association could be for condominiums.

Mr. Palmer said an HOA could be for condominiums. He referred the Commission to language on page 11 of the ordinance which refers to a "Homeowners' Association, or a similar entity, is required".

Mr. Miller said the Homeowner's Association cannot consider this until the first phase is complete and there is a certificate of occupancy for all of the units, for a condominium.

Mr. Voelckers said if a Homeowners' Association happens at this later stage in the process, then it would not be available to make a decision on items such as a child care home at an earlier stage.

Mr. Palmer said one of the nuances to contemplate is that a condo declaration or a Homeowners' Association declaration can be amended after the Community Development Department (CDD) reviews it.

Mr. Palmer said if the facility is on the parent lot such as a community center, that would work much easier in the process. If it is a child care business within the individual home, that would be harder to come up with closer to the beginning of the process, he said.

Parent Lot

Mr. Voelckers said he felt there should be clarification on the definition of parent lot. He said in his mind the parent lot is the initial piece of property before any development takes place. He said it was also referred to as the residual property from which the small lots are developed.

Mr. Palmer said they could add that to the definition of "parent lot" if Mr. Voelckers felt it provided more clarity.

Mr. Dye asked if these lots carved out of the parent lot will be considered lots or not. He asked if the Homeowners' Association would hold the property in common and pay a common property tax or if the lots would be considered individual lots and taxed as such.

Mr. Palmer said the lots carved out of the parent lot would be individually taxed. However, he said, a multi-unit development would be taxed as proposed by the Homeowners' Association. It would be whatever the developer wanted to do, he added.

Mr. Miller asked if it would be easier to get financing for a fee simple piece of property as opposed to a condominium.

Mr. Palmer said it was easier, even though they both paid dues. He said that is because it is a model that banks and investors are comfortable with.

Mr. Voelckers asked what does "less than fee simple ownership" mean.

The classic type of ownership when one purchases property is that the purchaser owns the entire piece of property, said Mr. Palmer. The old Walmart land was sold for "less than fee simple" for a term of years. The purchase was only for 17 years, said Mr. Palmer.

Expiration

Mr. Dye asked if it would be more difficult for the developer if they lessened the 18 month period given prior to the time the project would expire after the Commission notice of decision.

Mr. Miller said he has had several Conditional Use Permits during his time in Juneau and one expired after 18 months so they needed to file for an extension. He said he felt in most cases 18 months is enough time for developer.

Mr. Dye said he was asking about the preliminary plan, not the final plan. He clarified his question and asked if it would be too hard on the developer to give them perhaps 12 months for the preliminary plan rather than the 18 months.

Mr. Miller said he felt 18 months was the appropriate amount of time.

Commission Action

Mr. Voelckers questioned the word “may” in the language “The commission ‘may’ approve the final plan....” He said he would expect that word to be “shall”.

Mr. Palmer said if the Commission wants to limit its discretion to “shall approve” it could do so. The word “may” gives the Commission more discretion, he said. Mr. Palmer said there is an Alaska Supreme Court case in which the court was asked if a planning commission reviews a Conditional Use Permit that says it “may” approve the permit, that it leaves the Commission the option to deny the permit even if all of the permit requirements have been met.

Completion of an Individual Phase

Mr. Miller said this could be a time when the Homeowners’ Association plan could be reviewed to make sure it is in compliance with what is needed for the development.

Minor Amendment

Mr. Voelckers commented that the elements of a minor amendment seemed rather insignificant.

Amendment of Section

Mr. Dye asked if the fees listed in this section have been pulled from other pieces of the code so that they are consistent.

Ms. McKibben said a PUD or a cottage housing development have a preliminary plat application of \$400 plus \$800 per unit. The final plan is \$300 plus \$60 per unit, she added. She said the fees in this ordinance are the same.

Mr. Miller asked what the fees were for a major subdivision.

Preliminary plats are \$110 per lot, said Ms. McKibben, and final plats are \$70 per lot, she said. A plat amendment is \$110 plus \$25 per lot, she said. A minor subdivision is \$425 for each resulting lot, said Ms. McKibben.

Mr. Campbell said he recalls a memo from the chief housing officer in which he mentions that financing will be available for these type of lots through either USDA or FHA financing. He said that is substantially different from financing that is typically available for condominiums. That type of that financing is not available, he said. Mr. Campbell said he thinks that is a very positive aspect of this ordinance.

Second Review of the Ordinance

Parent Lot Size

Mr. Miller said he liked Mr. Dye's idea of the 150 percent of the minimum lot size.

Mr. Voelckers said he likes the flexibility that gives.

Chairman Haight said he felt it would be valuable for this to go back to the staff for evaluation and to write up some alternative language.

Mr. Voelckers asked the staff if they felt the 150 percent of the minimum lot size was feasible.

Ms. Maclean said she thought it would work.

Density Bonus

Mr. Miller said he felt the total bonus should not exceed 25 percent rather than the 15 percent stated. He said rather than a three percent bonus for a setback of greater than 50 feet, that perhaps it should be a scale starting at a certain percentage for 50 to 55 feet, a larger percentage for more than that, etc. Mr. Miller said perhaps it could be something like five percent for a 50 to 55 foot setback and 70 percent for setback larger than that.

Mr. Miller said he felt excellent siding, design, and landscaping could easily be a 10 percent bonus, instead of the five percent currently within the draft ordinance. Walking trails and things of that nature would be a very nice addition for residential developments, he said.

Mr. Voelckers said he would support a 10 percent bonus for excellence in design, amenities, etc. He said this would also be a good place within the draft ordinance to give bonus points for amenities such as preserving a view corridor within the development.

The bonus points for dedication of a public right-of-way within the development should be given a much larger bonus than the five percent listed within the draft ordinance, said Mr. Miller.

Mr. Miller said he felt the items listed providing pedestrian or bicycle pathways within the development could fit under the (D) in the bonus section.

Mr. Dye said he agreed with Mr. Miller that the items providing pedestrian or bicycle pathways within the development could easily fit under (D) in the bonus section, especially if they were going to change the five percent bonus to 10 percent. He suggested that (F) be deleted from the ordinance.

Mr. Miller said perhaps the five percent bonus for separating dwelling structures by at least 10 feet could be increased to 10 percent for those dwellings set further apart than 10 feet.

Mr. Dye said this section of the ordinance particularly bothers him because it is also a scaling issue. He said instead of measurements, perhaps they could connect the separation of dwellings to what an established street-side setback would be within the parent Lot.

Mr. Voelckers said he did not like this particular portion of the ordinance. He said he has seen very attractive and successful developments in which the dwellings which are clustered very close together and yet also share a very large common space which works really well.

Mr. Miller said they could eliminate (F) and (G) from the ordinance, and place a 15 percent bonus in (D) instead of a five percent bonus.

Mr. Voelckers said in (D) they could also add the term “pathways”.

Chairman Haight said it may be a good idea to take these new numbers listed by the Commission and play them out in actual scenarios, to see how they work.

The Commission agreed that having a new chart with the new numbers could be discussed in another Title 49 meeting.

Mr. Dye said he did not understand the purpose of including a public right-of-way within the ordinance. He said he could not really think of a scenario in which a developer would put in a public right-of-way in this type of development.

III. OTHER BUSINESS

IV. REPORT OF REGULAR AND SPECIAL COMMITTEES

V. ADJOURNMENT

The meeting was adjourned at 8:29 p.m.



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DATE: September 5, 2018
TO: Planning Commission
FROM: Tim Felstead, Planner
Community Development Department
CASE NO.: AME2018 0015
PROPOSAL: A text amendment to Title 49, the Land Use Code, CBJ 49.35.240, regarding improvement standards.

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the 'FROM' line of the letterhead.

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

Applicant: City and Borough of Juneau
Legal Description: Borough wide

ATTACHMENTS

Attachment A Draft ordinance showing proposed changes
Attachment B Title 49 Committee meeting minutes regarding draft ordinance
Attachment C Extract of Planning Commission minutes June 9, 2009, regarding amendments to subdivision improvement requirements

BACKGROUND

The proposed ordinance would remove the requirement for a subdivision developer to provide a financial guarantee for a period of 5 years for construction of a type of platted right-of-way (ROW) referred to as a 'stub street'.

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

This is specifically supported by 49.35.120(a)...

49.35.120 - Improvements; generally.

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

And CBJ 49.35.210(a)...

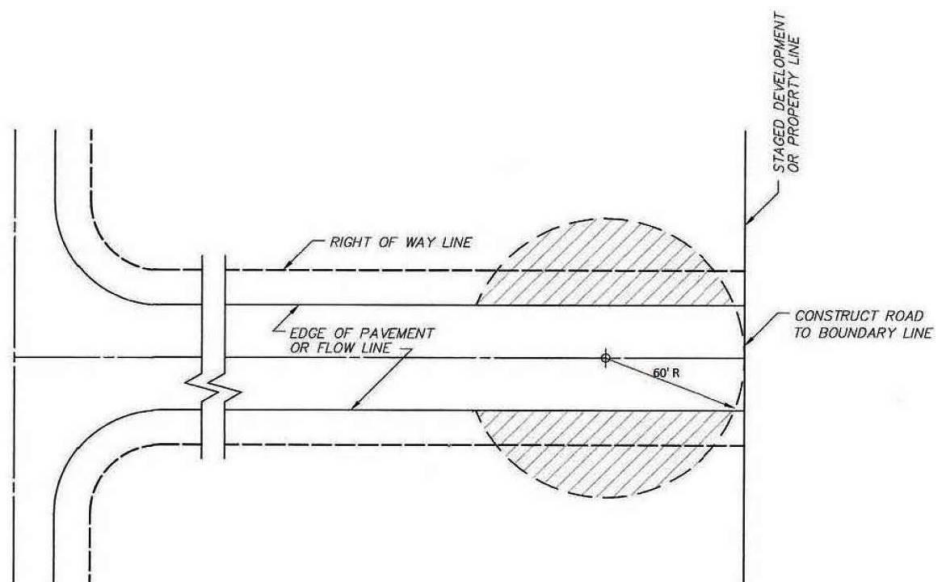
49.35.210 - Street system.

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

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

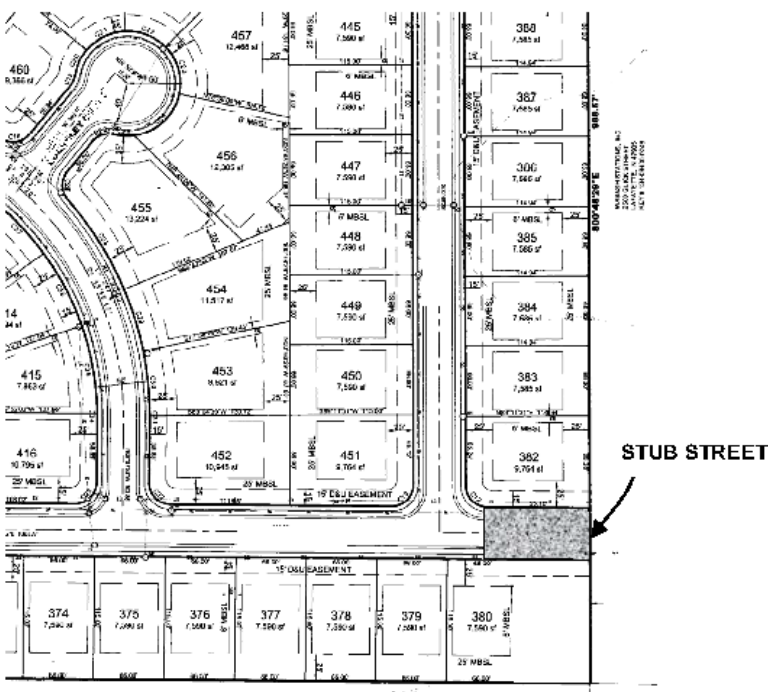
This can result in streets with a dead end since it is anticipated that they will be extended in the future to serve subsequent development such as a subdivision or a permissible land use. The Land Use Code provides two different mechanisms to address streets identified for future extension – stub streets and temporary cul-de-sacs. This proposed amendment concerns stub streets only, although temporary cul-de-sacs are discussed for background.

Temporary cul-de-sacs (CBJ 49.35.240(G)(2)) – Where the ROW does provide frontage to lots within the new subdivision but extension of the road is logical in the ‘near future’, then temporary cul-de-sacs are allowable under the Land Use Code. This ensures vehicles (including emergency services and CBJ Streets operations) are able to turn around at the end of such streets. The temporary cul-de-sac provides for an easement on lots adjacent to the right-of-way to accommodate the turnaround. The Land Use Code requires the cul-de-sac to be placed at the exterior boundary of the subdivision. If that is not practicable, then any portion of ROW between the temporary cul-de-sac and the exterior property line must be constructed.



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Stub streets (CBJ 49.35.240(i)(2)) – When a ROW is required to be platted to provide connection to adjacent lands but is not used to meet access requirements for any lots within the subdivision, such a ROW is called a ‘stub street’. The Land Use Code allows the Planning Commission discretion for major subdivisions, or the Director of Community Development for minor subdivisions, as to whether the developer has to construct all, part, or none of the street improvements for the stubbed street. To allow waiver of the construction, it must be determined that the stub street does not provide required access to any lot within the subdivision. If full construction of the street is waived, *‘roadbed, utility line extensions, or other appropriate improvements’* can still be required, although there is no ‘standard’ as to when this partial construction should be required.



Financial guarantee requirements – The existing language for these two concepts is provided in the 2015 major overhaul of subdivision requirements (Ord. 2015-03(c)(am)).

As background, the subdivision ordinance adopted in 2015 was written in two stages. In 2008 to 2009 changes were written by staff, in consultation with the Planning Commission, on subdivision improvement requirements (Chapter 35 of the Land Use Code) and included the new provisions for temporary cul-de-sacs and stub streets (TXT2007 00004). This first phase of the subdivision re-write was then put on hold until the future work was complete. Staff then began working on subdivision permit requirements (Chapter 15 of the Land Use Code) (TXT2009 00001) which was then combined with the previous work on the ‘Improvements’ section to form the combined 2015 Ordinance (Ord. 2015-03).

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Prior to 2015, similar provisions for waiving construction of 'stub streets' were made (although not explicitly identified as 'stub streets', but staff working documents note that there was a recognized issue with the current waivers and how to '*make the connection of stub streets work*').

Staff has researched historical committee discussion on temporary cul-de-sacs and stub streets. The Planning Commission discussed requirements for temporary cul-de-sacs and, to a lesser extent, stub streets at their June 9, 2009, regular meeting (see **Attachment C**). These minutes were found after the Title 49 Committee's recent work on this proposal. Staff has been unable to find any other minutes of Planning Commission or Assembly meetings (and their subcommittees) which evidence review of this particular change.

In the 2009 Planning Commission discussion, the issue of temporary cul-de-sacs was discussed extensively, but stub streets were discussed to lesser extent. There was also some discussion about remnant portions of ROW that would be created if a temporary cul-de-sac could not be located at the exterior boundary of the subdivision boundary. The requirement to place the temporary cul-de-sac at the exterior subdivision property line or require construction of the additional ROW portion beyond the temporary cul-de-sac was specifically proposed by staff. The intent was to insure platted ROW beyond the temporary cul-de-sacs was constructed as part of the subdivision improvements. The Planning Commission requested that the construction of the remnant ROW be allowed a construction waiver with the requirement of a 5 year financial guarantee for construction. It is unclear as to whether those remnant portions were intended to be treated the same as stub streets as a mechanism to provide the guarantee option – there was no specific mechanism added to the temporary cul-de-sac section of code. This raises a question as to whether the cul-de-sac remnants should be considered as different situations to a standard stub street.

In the review of staff working documents for the 2015 subdivision ordinance for both stub streets and temporary cul-de-sacs, the issue of fairness to the current subdivision developer, and the subsequent subdivision developer, was discussed. Specifically, in a 2008 working document staff noted the following as a question to put forward to the Planning Commission or Public Works and Facilities Committee ...

Is it equitable to put the cost of the connection of the stub street and the reconstruction of the temporary cul de sac all on the next developer.[sic]

One option would be to hold a bond from the original developer for 5 years for his share of the stub street and reconstruction of the cul-de-sac. The bond would be released after 5 years if there was no subdivision of the adjoining property requiring the connection.

In the case of temporary cul-de-sacs, the main issue was who should pay for the cost of removal of the temporary portions of the cul-de-sac turnaround when the road is extended.

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For stub streets, the issue was who should pay for the construction of the street when a subdivision or other development occurs on the 'unsubdivided' adjacent land.

The same solution was used in both situations – the current subdivider would be required to provide a financial guarantee for a five year period for the cost of either the cul-de-sac removal or the construction of the stub street. This guarantee would be returned after five years with the subsequent developer then being responsible for these tasks.

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

	Temporary cul-de-sac	Stub Street
Current subdivider	Enables current subdivider to build a dead end street used for access to lots while meeting connectivity requirements and street construction requirements. Buildings are setback from a temporary right of way edge which means they are further away when the cul-de-sac easement is returned. Would probably prefer to just build a permanent cul-de-sac and not provide a guarantee.	Forced to give up land for ROW their subdivision does not directly benefit from. No lots in the subdivision are using the street for access.
Subsequent developer on adjoining property (or subdivider)	Now has to remove a cul-de-sac that they did not build (although current subdivider guarantee may help with costs). New subdivision gets no direct benefit from the existence of the temporary turnaround except it enabled the street which does serve the new subdivision to be built.	Platted ROW is now provided to their land and some of the street providing connection to the subsequent development is constructed – access improved to the new development where there was less access before.

Based on review of previous staff working drafts, the purpose of the 5 year financial guarantee is to ensure that the subsequent developer is not discouraged from their project by the additional cost of removal of the temporary turnaround or the construction of the stub street. The 5 year time limit also provides an incentive for the adjoining land owner to develop their land relatively quickly. On the other hand, this means the financial guarantee required from the current developer may serve as a disincentive, especially where the project is already providing a marginal return. It should also be noted that the purpose of the stub street is to provide

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possible connection to future proposed arterial or collector streets such as the Douglas Bench Road. Such streets are long term projects that are outside of the 5 year guarantee period.

Typical financial guarantees are either a performance bond for the full cost of construction or conveyance of lots equal to value of full construction. The guarantee is returned when the street improvement is constructed. For a performance bond, a developer may choose to provide a full bond amount themselves or pay for a surety bond from a third party. The surety bond acts like an insurance policy and typically cost ~2% of the cost of the improvement being bonded for.

The Planning Commission Title 49 Committee discussed financial guarantee requirements for both stub streets and temporary cul-de-sacs on March 21, 2018. The committee directed that temporary cul-de-sac guarantees should remain as is, since this would not be a temporary cul-de-sac if the road would not be extended in the 'near future' (this is part of the determination to make it a temporary cul-de-sac rather than permanent).

For stub streets, two options were requested for further discussion:

OPTION 1) Reword CBJ 49.35.240(h)(i)(B) to allow the Director to waive the bonding requirements when development of the adjacent parcel is unlikely to occur. Factors leading to the Director waiving the decision to require bonding could include:

- a. Limitations on both construction of scale of further subdivision and access roads due to topography,
- b. Ownership by government agency, and
- c. Restricted development status of adjacent lot being connected to (e.g., Tongass Forest , conservation lot)

OPTION 2) Remove requirement for bonding completely, recognizing that the current subdivision developer has already provided some paved right-of-way and platted other right-of-way to a lot that was previously unconnected to the street system. The provision is already made that actual construction of the stub street may be waived by the Director if it is not needed for access for the lots within the subdivision.

At the May 16, 2018, Title 49 Committee meeting these two approaches were discussed. The Title 49 Committee recommended Option 2 as the preferred approach. The draft ordinance includes the Committee's recommended changes.

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COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

The 2013 Comprehensive Plan recognizes the need to provide more affordable development opportunities while balancing the need to provide for future street connection.

POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

Development Guidelines

8.5 - DG1 Require dedication of all rights-of-way and easements, including those for trails, roads and transit corridors and facilities on subdivision plats and development plans as determined to be appropriate by the Planning Commission for that development. Obtain commitments to construct trails and local and collector roadway improvements from private developers when projects are approved, and ensure that those improvements are complete prior to issuing building permits on adjacent properties within that development.

8.5 - DG2 Review, implement and maintain appropriate and affordable development standards for major subdivisions and major developments to ensure safe and convenient vehicular traffic and to provide safe pedestrian and bicycle access internal to the subdivision/development as well as to ensure a Level of Service of D or better for roadways and intersections serving the development.

Discussion

The balance between appropriate and affordable development standards when requesting improvements that are of no direct benefit to a developer can be difficult. Requiring what is most appropriate for the community is not always the most affordable for a developer.

Access to previously land locked lands adjacent to new subdivisions and provision for future street development are good planning practices that provide for future land development and are supported by the Comprehensive Plan. However, it is difficult to know when that connectivity will be utilized in the future and so demonstrating the community purpose of the connection can be difficult.

Platting a right-of-way that is of no direct benefit to lots within the subdivision may be seen by the developer as equivalent to removing a lot that could be platted and sold in the subdivision. The allowance of a construction waiver for stub streets is a recognition that construction of such platted ROW are speculative and adds to the cost of a subdivision development with no

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immediate benefit to property owners in the subdivision or the wider community. However, requiring a financial guarantee to cover construction of a stub street still adds to the immediate subdivision cost as it requires additional money or land to be held for 5 years. Removal of the requirement of a financial guarantee reduces immediate subdivision costs for a developer. However, it cannot guarantee the provision of affordable housing. The proposed amendment is an attempt to provide a more equitable way to encourage subdivisions while still providing the opportunity for access to adjacent lands.

COMPLIANCE WITH CBJ LAND USE CODE

Title 49 Contents

The proposed amendment to Title 49 will not create any internal inconsistencies within the Land Use Code. As stated in CBJ 49.05.100, the purposes and intent of Title 49 are as follows:

- 1. To achieve the goals and objectives and implement the policies of the Juneau comprehensive plan and coastal management program;*
- 2. To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
- 3. To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
- 4. To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- 5. To provide adequate open space for light and air; and*
- 6. To recognize the economic value of land and encourage its proper and beneficial use.*

This amendment is not in conflict with any of these intent statements. If it is approved, then it will be found to be consistent with the above purposes, especially 2, 3, 4, and 6. However, as described above, the existing language can also be seen as consistent with the same purpose statements as it is trying to make development less costly for the next developer.

CBJ 49.35.210 states that the general purpose of subdivision street systems ...

'...shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

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September 5, 2018
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- (1) *The street system shall provide for connecting streets into adjoining un-subdivided lands.*
- (2) *Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets ..., to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.*
- (3) *Traffic calming should be taken into account in street layout and design.'*

Discussion

Title 49 requires a connecting street system within the CBJ. Street connectivity requirements would not be hindered with the amendment as proposed. The removal of the requirement for a 5 year financial guarantee would reduce immediate costs for a subdivision developer, but potentially it would add to costs for a subsequent developer (although they would now benefit from access that they may not have had before).

As discussed above, the proposed waiver process amendment does not create any internal inconsistencies within Title 49.

HABITAT

Not applicable.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan and Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

Presented by:
Introduced:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-XX

An Ordinance Amending the Land Use Code Relating to Removal of Requirement for a 5 year Financial Guarantee from Subdivider for Stub Street Construction.

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 49.35.240 Improvement Standards, is amended to read:

49.35.240 Improvement Standards

...

(k) *Street waivers.* The director, after considering the recommendations of the director of the engineering and public works department and of the fire marshal, may waive the following and no other street improvement requirements:

...

(2) *Stub Streets.*

...

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

RESERVED

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

...

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

Adopted this _____ day of _____, 2018.

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Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

DRAFT

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

I. ROLL CALL

Staff

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

Committee Members

Nathaniel Dye, Chair
Paul Voelckers
Michael Levine
Carl Greene

II. APPROVAL OF AGENDA

Agenda approved.

III. APPROVAL OF MINUTES

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

IV. AGENDA TOPICS

a. Election of Vice Chair

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

b. Code Update Overview

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

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

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

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

c. Proposed Canopy Code Changes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Proposed Stub Street Code Changes

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

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

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

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

Mr. Felstead outlined his suggestions.

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

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

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

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

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

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

VI. ADJOURNMENT

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

Wednesday, May 16, 2018
Community Development Department
Small Conference Room, 12:00 pm

Members Present:

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

Members Absent:

Michael Levine

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Planner), Tim Felstead (CDD Planner), Bhagavati Braun (CDD Admin)

I) Call to Order

Meeting called to order at 12:04 pm.

II) Approval of Minutes

April 18, 2018 Draft Minutes

MOTION: *by Mr. Voelckers to approve the April 18, 2018 minutes*

The motion passed with no objection.

III) Agenda Topics

a) Review of Bonding for Stub Streets

Mr. Felstead gave an overview of the Stub Streets memo, including details about a subdivision which would benefit from a change in the stub streets rules; the subdivision abuts forest service land that will probably not be developed. He outlined the options discussed in the memo – either creating a provision for the Director to waive the requirement (option 1), or deleting the bonding requirement entirely (option 2).

Mr. Voelckers asked Mr. Felstead what his recommendation would be. Mr. Felstead stated that both options are agreeable. Ms. Boyce added that option two was in the code until around 2015. Mr. Felstead noted that he had found comments in notes from the last subdivision code change that stated the Commission wanted to ease the burden on subsequent developers, of building access to their property behind a subdivision. Mr. Voelckers added that the goal was to strike a balance of not creating a burden to the current or next developer. Mr. Dye noted that if it's making problems in the three years since it was adopted he would prefer to return to option 2.

Ms. Maclean added that developers currently have to set aside a platted right-of-way even if they bond for the street. Mr. Miller commented that setting aside that right-of-way could be a significant outlay for the developer even without bonding or street construction. Mr. Dye suggested that the criteria to waive, if used, could also include a criteria to waive the need of platting a right-of-way. Mr. Felstead clarified that the CBJ would not require a right-of-way to be platted if it wouldn't be feasible to construct.

Mr. Voelckers asked if Mr. Felstead would elaborate on option 2 and how it would affect different parties. Mr. Felstead replied that the current code puts the burden on the current sub-divider; the current sub-divider gets no benefit from platting the right-of-way.

Committee members discussed the costs of bonding and street construction and the lost income from platting a right-of-way, as well as both options presented by staff.

MOTION: *by Mr. Voelckers to adopt option 2 and use the language was proposed in the packet.*

The motion passed with no objections.

b) Common Wall Revisions

Ms. Maclean outlined the changes made since the previous meeting noting that most of the revisions requested, as well as some more updates, were made. Mr. Voelckers asked Ms. Maclean to refresh the Committee on incentives for more dense development, mentioning encouraging three or more units. Ms. Maclean stated that in the way the code was originally written two unit common walls did not get the minimum lot size and in order to incentivize developments of three units or more the reduced lot would be applied. Recently staff discovered that the code was not being applied correctly. The options in front of the Committee, she continued, are to use code as written (not as it has been applied), or to fix the code to reflect the practice that has been used. Current use is to apply the reduced lot size regardless of how many units are being built. She added that the Committee had stated they did not want common walls in Mixed Use (MU) zoning districts (common walls are still recommended in Mixed Use 2 (MU2), Light Commercial (LC), General Commercial (GC), and D5, D10, D10 SF, D15 and D18 zoning districts).

Mr. Voelckers voiced concern about allowing the same incentives for two lots as for three or more. Mr. Dye and Mr. Green voiced their support for reduced lot size for all common walls. Ms. Maclean clarified that three or more common walls receive a reduction in lot size because they provide more density; this may require agreements between neighbors for access to utilities etc. She added that it was her impression that the Committee wanted to extend the reduced lot size to two-unit common walls in the code change, adding that she fixed the numbers on the Table of Dimensional Standards included in the packet.

Mr. Dye asked if common walls would be allowed in the D-3 zoning districts as well – stating that there are currently 138 lots in D-3 zoning districts that have zero-lot lines, and if the property is on city water more common walls should be allowed, with lot size reductions available. Ms. Maclean clarified that D-3 is similar to D-5 and D-10SF in which only two unit common walls are permitted as these are single-family duplex zoning districts.

Mr. Miller asked if a smaller minimum lot size (under 5,800 square feet) would be good in the D-5 zoning district. Mr. Voelckers voiced his support for Mr. Miller's idea.

Mr. Voelckers asked if there were any consequences the Committee and staff hadn't considered regarding the D-3 zoning district, Ms. Maclean noted that there seems to be anecdotal information that when common walls were put into code there was some trepidation about having them in the D-3 zone. She stated she didn't see any more evidence that would preclude common walls from being allowed in the D-3 zoning districts, adding that there are many already throughout the borough.

Mr. Miller requested a smaller lot size for common walls in the D-10SF zoning district. He noted some small lots that could build a common wall instead of only one dwelling, thus increasing density. Mr. Voelckers stated that this seems in character with the mission for the D-10SF zoning district. Ms. Maclean expressed some concern about how this change could affect the upcoming rezone of downtown, but stated that staff would look into this idea. Staff and Commissioners discussed the character of the Flats neighborhood and how this change could affect the character of the neighborhood, weighing the benefits and possible down-sides of allowing common walls in the area. Mr. Haight voiced his support for allowing more options or "more tools in your tool belt" and letting the developers choose. Mr. Dye added that two unit common walls would reduce the cost to developers and encourage infill. Ms. Maclean added that common walls are sometimes preferred (over bungalows) because they allow more square footage.

Ms. Maclean outlined the changes in the notes for the superscripts in the Table of Dimensional Standards (see packet). She noted that in the proposed changes two unit common walls would not be allowed in the Light Commercial (LC), General

Commercial (GC), and MU2 zoning districts to encourage infill, stating that higher density should be encouraged where allowed. Mr. Dye questioned this, suggesting that there may be lots that are too small for a three unit common wall, but which would accommodate a two unit common wall. He stated that if a two unit common wall is the only thing available to a developer the ability to construct one would be encouraging infill, he stated that the market will determine what gets built. Ms. Maclean stated that she was not in favor of allowing too much flexibility in these districts because they're primarily commercial areas. Mr. Dye responded that the common wall units could have multiple uses, parking and retail on the bottom and housing on top, for example.

Mr. Voelckers posited that it could be possible to allow two unit common walls but only for small or otherwise limited lots. He stated his preference, in general, to steer toward higher density, but stated he didn't want to preclude a small lot that would remain undeveloped, stating further that large standard lots should not be able to do under-scaled development. He stated he didn't want to orphan lots because of strong encouragement toward higher density.

Mr. Miller summarized that he agreed with Mr. Dye and Mr. Voelckers, stating that the Committee is supposed to be planning for the community, that incentivizing more units is good, but if there are small lots where a two unit common wall would be the only option the code should be flexible enough to allow that.

Discussion ensued about which common wall developments would allow mixed use development. Staff stated that the underlying zoning districts (49.25) descriptions could be the basis for what uses would be permissible within a common wall structure, this should illuminate the appearance of arbitrariness. Committee members suggested they look at this more closely to check for unintended uses and to be thorough. Ms. Maclean stated that she would draft information for the Committee to review at a future meeting.

The Committee commented on the wording in V2 Attachment A (included in the packet) specifically under 49.65.700 – Purpose. The committee wanted the last clause to be moved closer to the other residential uses portion of the section.

There was some discussion about the advantages of a common wall development compared to a condo-ized development for financing purposes.

Mr. Voelckers pointed out 49.65.735 Parking and Access refers to single family dwellings; he suggested that this gets changed to reflect mixed use development as well. He also suggested adding a period after “zoning districts” in 49.65.745 – Zoning Districts.

Ms. Maclean recommended that the Committee delete density and dimensional standards from the ordinance language in 49.65 so they are all in the Table of Dimensional Standards. Ms. Maclean also mentioned that the variances code change was adopted with minor changes (Ms. Boyce will forward the changes to the Committee) and will be in effect in a few weeks. She stated that having dimensional standards in this portion of code could be tricky. She recommended that the dimensional standards be housed in the Table of Dimensional Standards for this and for future changes.

IV) Next Meeting

Monday, June 18, 12:00 pm.

Common Walls

It was requested that Rob Palmer be in attendance

Mr. Dye asked that the Committee use the next meeting to look at the priorities list and work plan.

Mr. Voelckers asked for an updated on downtown zoning.

VI) Adjournment

The meeting adjourned at 1:26 pm.

FRIENDLY AMENDMENT: *by Mr. Miller, that the group determines whether it is possible to obtain and review the report generated by the ATF on the breach of security, and if so, the group should include their findings in the report to the PC.*

Mr. Satre accepted Mr. Miller's friendly amendment, which was incorporated into the motion as well.

Mr. Barajas offered to attempt to contact ATF to see if he is able to obtain a copy of the report on the breach of security at the lower powder magazine facility.

Chair Gladziszewski stressed that the gist is for the group to investigate what could heighten security at this APU powder magazine site in whatever manner is necessary, and therefore the Commissioners are concerned enough to continue consideration of USE2009-00019.

Mr. Satre noted that by the PC continuing USE2009-00019, the Commissioners are potentially holding this applicant to a different standard, versus the applicant of USE2009-00018 that was approved on the Consent Agenda. Mr. Rue referred to USE2009-00018, explaining that the lower powder magazine facility has a fence. Chair Gladziszewski said the Commissioners have been suggesting that requiring the applicant of USE2009-00019 to install a fence is not going to help heighten security at this site. Mr. Satre clarified that the requirement that a perimeter fence containing razor wire was not a condition of USE2009-00018.

Roll call vote

Ayes: Taug, Grewe, Bennett, Watson, Rue, Waterman, Gladziszewski

Nays: Miller, Satre

Motion passes: 7:2, and USE2009-00019 was continued until further information is provided to the PC.

Mr. Pernula commented that if at all possible he would like to attempt to present the requested information to the PC on July 14, explaining that the next regular PC meeting on June 23, 2009 already has a full agenda.

BREAK: 8:04 - 8:12 p.m.

VIII. UNFINISHED BUSINESS - None

IX. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

TXT2007-00004

A Draft Ordinance amending the Title 49 Land Use Code, Chapter 35-Public Improvements, which deals with the construction requirements for new subdivisions. (Ord. Serial No. 2009-XX)

Location: Boroughwide

Applicant: City & Borough of Juneau

Staff report

Tim Maguire reported that the proposal is a continuation of an update of Title 49, the CBJ Land Use Code, specifically Chapter 35-Public Improvements. He explained that 95% of this chapter

mainly pertains to new subdivision improvements, noting that there are some portions dealing with driveways in public rights-of-way. He said the Title 49 Committee reviewed this chapter numerous times, and their recommendations and revisions were provided to the Law Department for the purpose of developing the Draft Ordinance. He stated that all throughout this process the CBJ Fire, Engineering, Community Development, and Public Works Departments reviewed the proposed code revisions. He explained that most of the language after the revisions were provided was replaced, noting that not very much of the existing code remains. Technically, he explained that the Law Department is going to rescind Chapter 35 and re-adopt it as a new code. He stated that the objective for this update is to: 1) clearly spell out the permitting approval process, 2) clarify and standardize the requirements, and 3) simplify the approval process where possible. He said Chapter 35 mainly deals with standards so it contains minimal permitting processes, but when they discuss the subdivision section they will be reviewing additional permitting aspects at that time.

He stated that he will provide a review of the major revisions listed in the report:

1. Driveways in the Rights-of-Way.

He said the permitting process for this was cumbersome, which required developers to obtain an Allowable Use or a Conditional Use permit, but the criteria for approval did not fit the proposed action. He explained that driveways in the rights-of-way will have a separate permit process and criteria for approval to fit the requested action, including that in-house approval will be provided for proposals that serve 6 lots so these permits will not be presented to the PC. He explained that this code section lays out the process for approving driveways in existing public rights-of-way, but this is not an improvement standard for constructing a new subdivision.

Mr. Miller said he foresees the possibility of a gated community scenario, whereby he referred to a criterion found under the Draft Ordinance subsection 49.15.560(a)(3), and cited, "The applicant will ensure that the driveway will not be blocked from use by the public for access." He explained that there may be a time when a gated community would not contain such a requirement. Mr. Maguire said the Planned Unit Development process might be presented under this type of gated community situation because it would be more or less a private driveway. He explained that if this were the case, this particular section of code would not apply because it would not be constructed in an existing public right-of-way. Mr. Miller confirmed that this would also be the case for a regular subdivision on private property. Mr. Maguire said yes.

2. Waiver of Public Improvements.

He stated that there were a number of waivers for public improvement standards that were added to the code over the years so it became confusing as to which standards applied, including that the code has changed in other areas that already addresses certain situations. He noted that the Title 49 Committee chose to delete the waivers that are not useful, and retain only those that are considered to still have value, including allowing new waivers to be added in the future to deal with new situations. He said certain areas of the code were changed, and now if certain criteria are met the alternative standard for construction applies without having to request a waiver.

3. Temporary Cul-de-sacs.

He said the code did not address the use of temporary cul-de-sacs, i.e., how they are supposed to work, who pays for the reconstruction of the turnarounds and the extension of the road, and what the building setback requirement is from the temporary turnaround. He stated that temporary cul-de-sacs have been utilized in subdivisions in the past with varying success. He said the

changes to address these issues includes a new code section that states that temporary cul-de-sacs will be treated as easements and will revert back to the property owners. He explained that another requirement was added for a bond to be posted for reconstruction of the turnaround and utilities when the roadway is extended. He said the purpose is to attempt to spread out the cost of reconstructing the cul-de-sac, versus waiting until the next subdivision comes in and placing all these costs on the new developer to extend the road.

Mr. Miller said he wishes to commend staff and the Title 49 Committee, noting that he has been through a couple of subdivision processes so he appreciates the revisions, which is more simplified and very clear. However, the only objection he has to any of the revisions is the requirement for a five-year bond to be posted for reconstruction of the turnaround and the installation of utilities when the road is extended. He referred to Attachment 1, explaining anecdotally when a developer on the left side of the road constructs a subdivision with a temporary cul-de-sac to the end of his property line, as it stands right now when the developer completes the subdivision they are done once all of the requirements of the CBJ are met, and then the developer's bond is no longer in effect. However, the method in which the code has been revised is that the first developer will now be required to post a five-year bond, and then later be required to return to the subdivision and change the cul-de-sac so the second developer on the left side of the road can do what they want to do, which ties up a bond that the first developer had to pay for five years, including maintaining the paperwork for CBJ to monitor to assure that such a bond is in effect. Another anecdotal situation is if the developer on the left is also the same developer on the right, but completing the construction in phases, and therefore would do so the same way as he does now with no bond requirement for Phase I of the subdivision on the left side of the road. This is because right after this phase is done the developer begins constructing Phase II of the subdivision on the right side of the road, whereby all of the improvements are completed at the same time, including changing the cul-de-sac to extend the road. He said it does not make sense as to why they added a five-year bond requirement for a temporary cul-de-sac into this code revisions process. Mr. Maguire said this example of a cul-de-sac (Attachment 1) shows the temporary cul-de-sac being constructed to the property line; however, in many cases it is not, and instead, is left un-built by the first developer so it just contains the right-of-way extending to the property line. He stated that when this happens and the second developer begins construction on the other side of the road, he has to incur the cost to construct the remaining un-built section of road and the reconstruction of the cul-de-sac to extend the road; therefore, this cost burden is solely on the second developer, which is usually the case. He noted that they added language which states that the temporary cul-de-sacs are to be constructed as close to the property line as possible, and this was not previously provided in code. He said there is another section of code that addresses stub streets. He explained that many times a street stubs out and does not serve any lots so a turnaround is not required, but the stub street will be connected during future development of the property. However, the language in this section now states that the guarantee must be for a period of five years from the date the plat is recorded, and he agrees that it certainly is not a perfect solution, but this is the method in which some communities deal with these issues so that adjoining developers share these costs.

Mr. Watson said the initial builder incurs all the expenses constructing a subdivision on the left side of the road, along with installing improvements to the property line. He said this creates greater value to the owner of the vacant land on the right side of the road, and therefore the second developer benefits by this, yet there would now be a burden of a five-year bond placed on

the initial developer. He asked how the five-year number was derived at. Mr. Maguire said the five-year number is what they thought would be a reasonable time period for a financial guarantee of a bond to be posted to have these costs shared. He stated that if the second developer constructs a subdivision on the right side of the road within the five-year time period, the cost is shared with the first subdivision developer on the left side of the road. However, if the second developer does not do so within this time period, the financial guarantee will be released.

Ms. Gladziszewski stated that if a developer is required to build a temporary cul-de-sac to the end of their property, she believes the developer should be done with the application.

Mr. Rue cited, Draft Ordinance subsection 49.17.425 Streets, (a)(6)(C) Temporary cul-de-sacs, "Temporary cul-de-sacs will be allowed where a street can logically be extended in the near future..." He noted that this time period is not very specific. He explained that either way the road and temporary cul-de-sac has to be constructed so it is accessible by emergency personnel and their equipment, but the issue is if the temporary cul-de-sac is not built to the property line by the first developer and does not service all the lots. He said the reasoning would probably be so the developer retains more developable property, and therefore in this case the code should require the initial developer to post a bond or else the other developer is going to have to fix it.

Mr. Miller said he believes he understands how the concept came into being, i.e., the last developer ending up having to pay excessive costs, which were not his to bear. He explained that he has not witnessed these situations that have been mentioned happening very much, and instead, he has often seen this take place regarding drainage situations. He stated that when construction has been happening over the course of 20 years, all of a sudden they discover that a stormwater system is no longer capable of handling additional runoff, and therefore the last developer that wants to build a subdivision has to attempt to fix it and bear this cost. He stated that they want the developers to share the cost, but in reality the second developer on the right is gaining benefits from the fact that the developer on the left has already established a subdivision so second developer's land is now more valuable because he does not have to install the primary feed into his property himself. He stressed that as this portion of code has been revised, it will be placing more of a cost burden on the first developer so he would like to see the five-year bond requirement removed, except in situations when the subdivision is not constructed to the property line.

Ms. Waterman stated that a situation could be that the second developer on the right has the opportunity for a second access, and to meet the public good the PC wants to encourage this developer to work with the first developer on the left to get rid of the temporary cul-de-sac in order to provide continuity for developments to work together, and to avoid having multiple cul-de-sacs in the borough. In addition, she said that if the developers know in advance that there is some type of cooperation requirement, this might encourage the second developer on the right side of the road to help eliminate the temporary cul-de-sac.

Mr. Maguire stated that the Casa del Sol Subdivision is where there is a temporary cul-de-sac proposed, and it has another parcel adjacent to it. He said in this case they may wish to later extend the right-of-way to connect to the other parcel to avoid constructing two temporary cul-de-sacs, but the initial temporary cul-de-sac is quite a ways back from the other parcel. Therefore, if they were to state that the second developer of the other parcel does not get any

more benefits than the initial developer does and is required to construct a road through his parcel, including extending it to the existing road, it would place a much greater cost burden on this developer. He explained that the situation that they are commonly left with is that the temporary cul-de-sacs are not constructed to the property line.

Ms. Gladziszewski stated that it is simpler to state that if the developer constructs the subdivision to the property line, and then once the subdivision is complete they are done, and therefore this developer is not required to post a five-year bond. However, if the developer does not construct the subdivision to the property line, they are responsible to post a bond and share the expense to extend the road with the new developer if the new development takes place within a five-year time period.

Mr. Watson stated that once a temporary cul-de-sac is reverted back to extend a street, he asked if the portion on the original developers property reverts back to them. Mr. Maguire said yes, explaining that it would only consist of the portion of their property that is outside of the easement. Mr. Watson stated that if the original property owner sells the property, he asked if this will be duly noted on the plat for future owners. Mr. Maguire said yes, stating that the CBJ would eliminate the easement, including providing paperwork confirming that the remaining property was converted back to the owner.

Mr. Rue referred to the Draft Ordinance subsection 49.17.425 Streets, (a)(6)(C)(vi), and cited the first section, "Temporary cul-de-sacs must be extended as close to the adjoining property boundary as practical." He said the issue the PC is currently discussing is already solved according to this section. However, he stated that he might have missed something, whereby he cited the remaining section, "If it is not practical to construct the turnaround portion of the cul-de-sac at this location, then the right-of-way must be extended beyond the temporary turnaround to the adjoining property line, and this roadway extension constructed to standard (See Figure 4);" He stated that Mr. Maguire's scenario regarding the Casa del Sol Subdivision temporary cul-de-sac issue would be solved per this subsection. Ms. Gladziszewski said this subsection does not address which developer pays for extending the road. Mr. Rue said he interprets this subsection to state that the road has to be constructed when the subdivision is built. Mr. Maguire clarified that in the past there has been a gap in the code, so this new language would require the developer to construct the temporary cul-de-sac to the property line, and then to also include a small extension of the road. Ms. Gladziszewski confirmed that this verbiage states that the developer is allowed to construct a temporary cul-de-sac anywhere they want, but they are required to construct a road to the end of the property line. Mr. Maguire said yes. Mr. Rue commented that the developer would not be required to post a bond because the road would have already been extended once the subdivision is done. Mr. Pernula clarified that this developer would still be required to post a bond for removal of the temporary portion of the cul-de-sac if it is necessary for new construction to extend the road to the adjoining property within a five-year period. Ms. Waterman asked about installing drainage. Mr. Miller explained that the code states that the road has to be constructed to standard, and therefore the developer would be required to install all required utilities, e.g., drainage, sewer, water, electricity, television cable, etc. Ms. Gladziszewski said this is somewhat confusing, explaining that it states that the developer is constructing housing within a subdivision, including a temporary cul-de-sac, but they are also required to randomly extend a road to the end of their property line, which could be to nowhere. She asked if the CBJ currently has this requirement in place. Mr. Maguire said no. Mr. Miller said in this case a bond would be appropriate, rather than requiring a developer to construct a

road to nowhere. Although in other cases it makes sense that the developer would chose to construct the cul-de-sac and extend the road to the property line so they would not have to post a bond. He stressed that this section of the Draft Ordinance needs to be revised. Mr. Maguire offered to incorporate the revisions that the PC has recommended.

4. Water Systems.

He explained that the code was not clear as to what standards needed to be met for water systems in new subdivisions, and it did not clearly stipulate what the requirements were for fire flows, or what fire protection systems are needed in the fire service area. Further, he explained that the code did not address the issue of the State requirement for water appropriation. He said they added language to require coordination with the State for appropriation of water and securing water rights. In addition, language was added to clarify the standards for water systems in subdivisions, including how they are to deal with the issue of non-residential water systems (commercial and industrial). He explained that the code was also revised so that the current standards for fire flows and fire protection must meet the fire code in Service Area 10.

5. Sanitary Systems.

He stated that under sewers, the existing code does not address various types of wastewater treatment systems, which are allowed in subdivision development, and therefore they included code language to address different types of systems that would be allowed as well as the process for approval. He said it was also unclear when CBJ oversight applies in terms of operation, monitoring, or maintenance of private sewage facilities. He explained that when the CBJ Lena Subdivision was completed, an ordinance containing regulations was passed to require CBJ oversight of the individual treatment systems. However, the Title 49 section of code does not make a distinction between the type (residential or commercial), the size (minor or major subdivisions) and all types of private treatment systems (individual or community systems) regarding those that are under CBJ construction permitting and maintenance oversight. Therefore, the Title 49 Committee worked with the Public Works and Engineering Departments to straighten this out. He said the new verbiage provides that the regulations in code are now reconciled, and wording was added to address different types of wastewater systems, including revising maintenance of individual wastewater systems to reflect responsibilities by the Public Works Department versus the property owner.

6. Oversizing Lines.

He explained that this section was very complicated, whereby he noted that the Publics Works Director stated that it was incomprehensible. He said this section has been now updated, which simply states that oversizing will be required if the Engineering Department determines that it is necessary, including that any cost difference which may occur can be dealt with at the time of construction plan approval.

Mr. Rue interjected, asking if Mr. Maguire was going to discuss the Draft Ordinance subsection 49.17.440 regarding drainage. Mr. Maguire said he did not specifically call out this section in the report. Mr. Rue explained that he is concerned that this entire drainage section is too focused on storm drain facilities. He said this runs counter with the PC's recent discussion regarding instituting the complete streets/context sensitive concept, swales, and wetlands, etc. He said these are different methods they are able to institute so drainpipes are not directing runoff into creeks. He said the worst scenario is if any of these drainpipes direct polluted runoff into anadromous streams from parking lots, such as Auke Lake. He said the PC held significant

discussions regarding methods to redesign streets in order to deal with runoff issues, but this approach runs counter to this entire effort. He explained that a developer was required by the PC to install grassy swale, and then the Engineering Department overrode this decision and had them install a storm drain system instead. He stressed that his concern is that this section focuses too much on storm drains, e.g., under subsection (3)(b) Easements, he cited, “All subdivisions must be provided with necessary drainage easements, and drainage facilities...” He said this is requiring a storm pipe and oil/water separator to be provided, as opposed to other non-hard drainage alternatives. Therefore, he requests that the Engineering Department consider integrating drainage with non-facility types of alternatives, which should include the efforts that Michele Elfers is currently working on as well. Mr. Maguire explained that while they were working on this update, it was decided that they would not focus on completing a major update of the standards. He said there were many suggestions, so they intend to look at the entire drainage section and discuss all the different options regarding the standards in the near future. He agrees that this language in the drainage section is outdated and needs to be reviewed. He noted that a few years back the CBJ adopted an Alternative Road Standard, which eliminated storm drains, curbs and gutters, and now requires that grassy swales be installed instead in low-density subdivisions. Mr. Rue said he agrees with the notion to just clean up what is in code now, and then the Engineering Department can recommend further revisions, but he would like the PC to review this within the next year.

7. Walkways.

Mr. Maguire said the joint use for both pedestrian and bicycle use was not addressed in this section. He explained that they asked that “walkways” be changed to “shared-use pathways,” including an increase in construction width from 5 feet to 8 feet based on the AASHTO standards. He said there was no requirement for rights-of-way or widths to be provided, so they also requested that the rights-of-way be required at a minimum width of 10 feet. Finally, they addressed the timing of construction of these shared-use pathways to try and prevent past difficulties with installing pathways after houses were already build on adjacent lots.

Chair Gladziszewski thanked Mr. Maguire for his presentation, stating that the Commission is happy to see this move forward. Ms. Bennett added that she serves on the Title 49 Committee and found it to be a nice process while working with staff on these revisions.

Commission action

MOTION: *by Ms. Waterman, that the Planning Commission requests that the revisions be incorporated by staff regarding the Temporary Cul-de-sacs and Stub Streets sections as discussed by the Commission, and then the work on the Title 49, Chapter 35-Public Improvements shall be forwarded to the Assembly.*

Mr. Rue asked if the intention is to remove the five-year bond requirement out of the Temporary Cul-de-sacs section. Ms. Waterman deferred to Mr. Maguire and Mr. Miller for clarification. Mr. Maguire said he understands that the agreement is if the temporary cul-de-sac is not initially constructed to the property line then the road extension would not need to be constructed, but if it is constructed close to the property line the developer would be required to post a bond. He explained that they will need to make revisions for these two different situations. Mr. Watson said when Mr. Maguire states “close to or to,” he prefers that a specific dimension be provided instead. Mr. Miller said he likes “close to” and explained that if there is a wetland or a forest abutting the property that is 20’ away it could be considered as being “close to” the property line,

and it could also be that such sections of property might never be developed so they are left undisturbed. Mr. Maguire said they could revise this section in such a way as to not utilize his exact words, which could also state that this is an aspect that staff presents to the PC for a final determination.

There being no objection, it was so ordered, and TXT2007-00004 was recommended for approval after the PC's revisions are incorporated by staff, which will then be forwarded to the Assembly.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

VAR2009-00008

A Variance request to exceed the maximum canopy height limit of 10 feet by a maximum of 2 feet for three canopy segments on the Telephone Hill Parking Garage.

Location: 100 Main St.

Applicant: CBJ Engineering

Staff report

Mr. Sexton stated that a point of concern, after reviewing minutes and listening to the discussion of the meeting, is that the actual PC motion did not address staff's recommendation to approve part of the requested Variance to allow for the Parking Garage south vehicular entrance canopy to be constructed at 12-feet, noting that the motion only recommended adoption of findings and analysis from the applicant. He said he believes it was the intent of the PC to provide recommendations of approval for all the tower canopies on the Parking Garage.

Commission action

Chair Gladziszewski asked if staff is requesting a motion so this is made clear. Mr. Sexton said staff just wanted to make this clarification, and if the Commissioners concur with the Notice of Decision language regarding VAR2009-00008 no motion is required. Chair Gladziszewski asked if the Commissioners had any objections to the Notice of Decision regarding VAR2009-00008, to which the PC had none.

XII. DIRECTOR'S REPORT

Upcoming meetings

Mr. Pernula reported the Committee of the Whole (COW) of the Assembly will meet on June 15, 2009 at 7:00 p.m. to review the League of Women Voters survey results of the CDD permitting functions. He explained that the original memorandum previously presented to the Commission was revised to incorporate the PC's suggestions. Therefore, he will provide the survey results, the newly revised memorandum, and the May 26, 2009 COW of the PC minutes to the COW of the Assembly for review, whereby he strongly encouraged the Commissioners to attend this meeting.

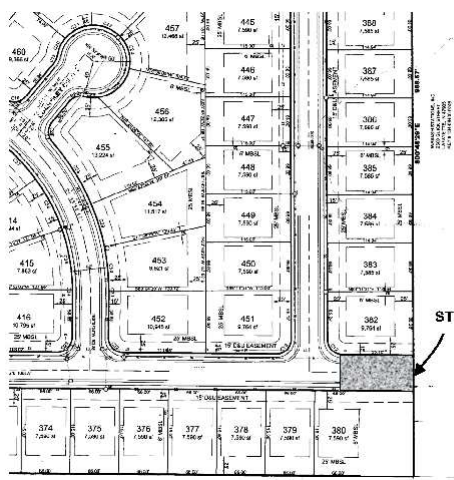
He stated that the next regular PC meeting will be held on June 23, 2009, noting that there are several items on the agenda, including the Allowable Use permit and Variances for the Alaska Mental Health Trust Authority Building.

AME2018 0015 - A text amendment to CBJ 49.35.240 regarding improvement standards



AME2018 0015

Stub streets



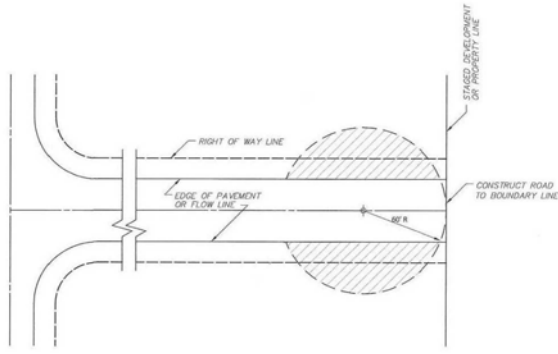
ROW that is required in order to meet street connectivity requirements

Director can waive all, part, or none of the construction requirements for the street if the street does to provide access to any lots in the subdivision.

STUB STREET Subdivider is providing ROW to lots which may not already have access

AME2018 0015

Temporary cul-de-sacs

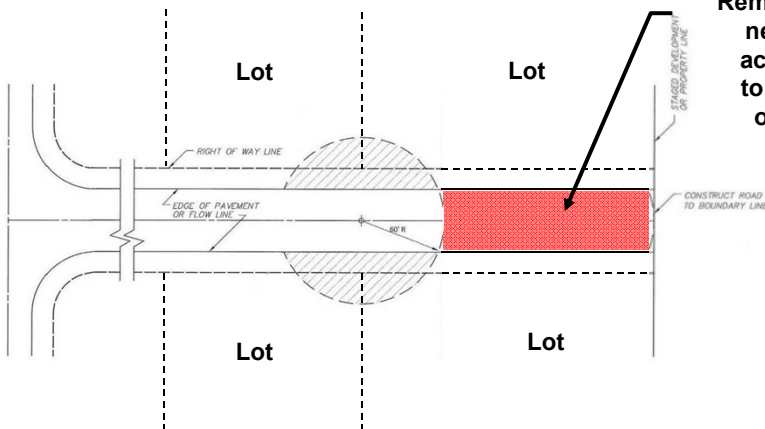


Allows for a street that provides for 'near future' street connectivity to still meet Fire (space for quick maneuvering) and CBJ Streets (snow-ploughing) turnaround requirements

Cul-de-sac shall be constructed as close to property boundary as practical. If not practical then ROW shall be extended to property to property boundary and constructed.

AME2018 0015

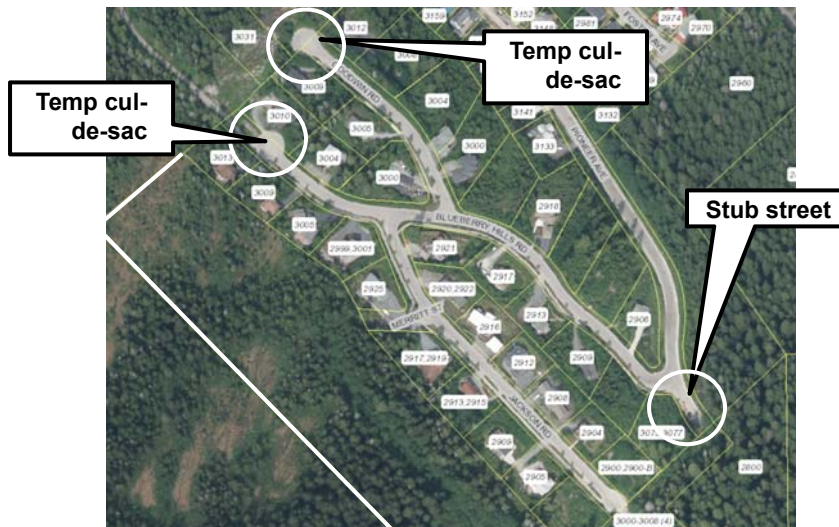
Temporary cul-de-sacs – not built to property line



Remnant ROW not necessary for lot access – required to be constructed or to be treated like a stub street?

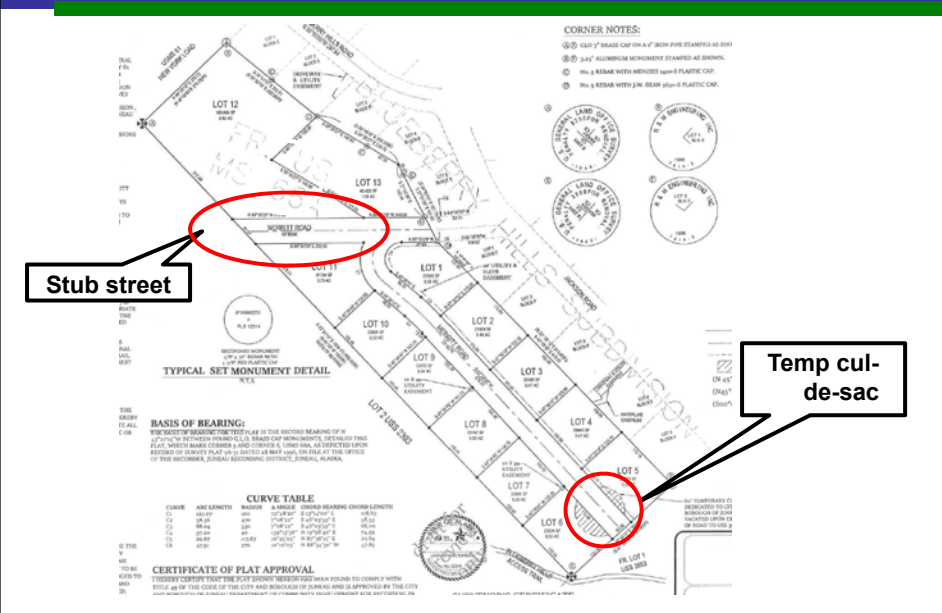
AME2018 0015

Example: Blueberry Hills (West Juneau)



AME2018 0015

Example: Merritt Road (West Juneau)



AME2018 0015

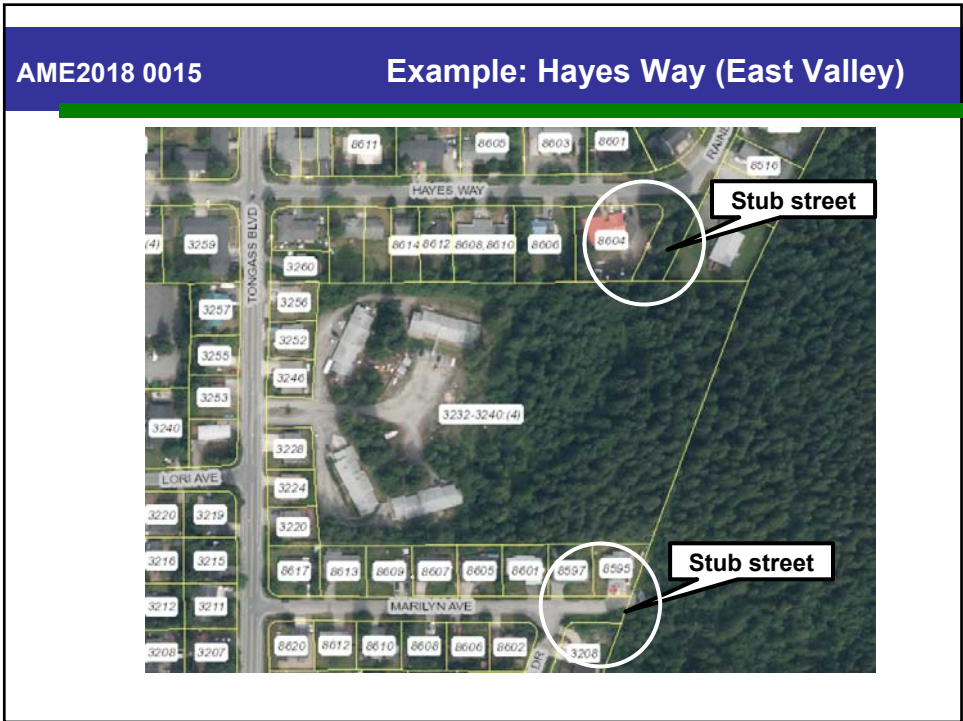
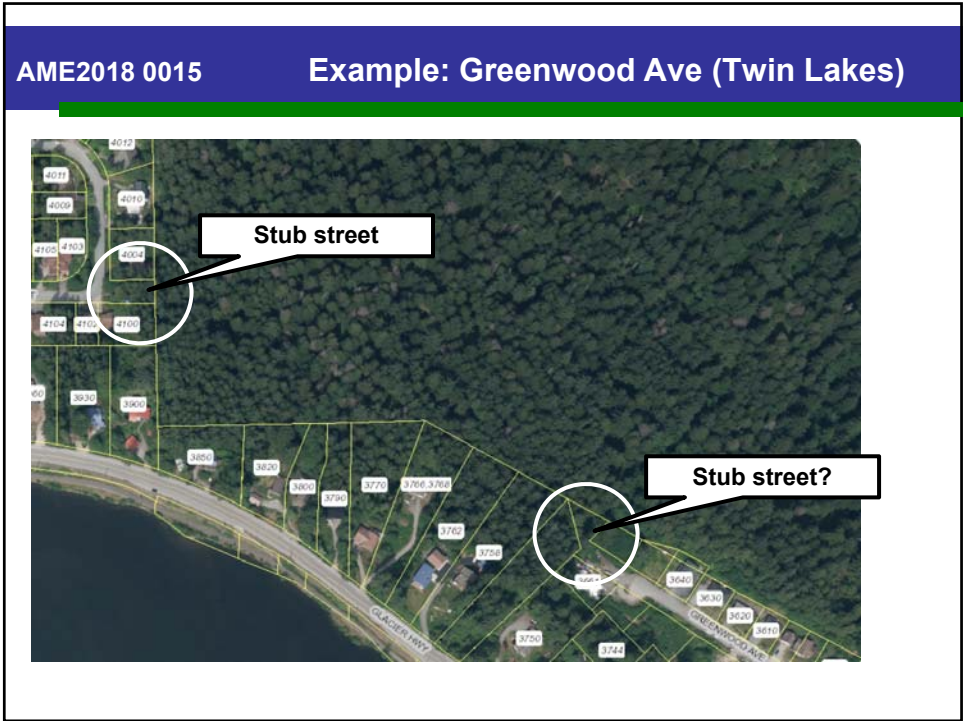
Example: Vista Del Sol (Lemon Creek)

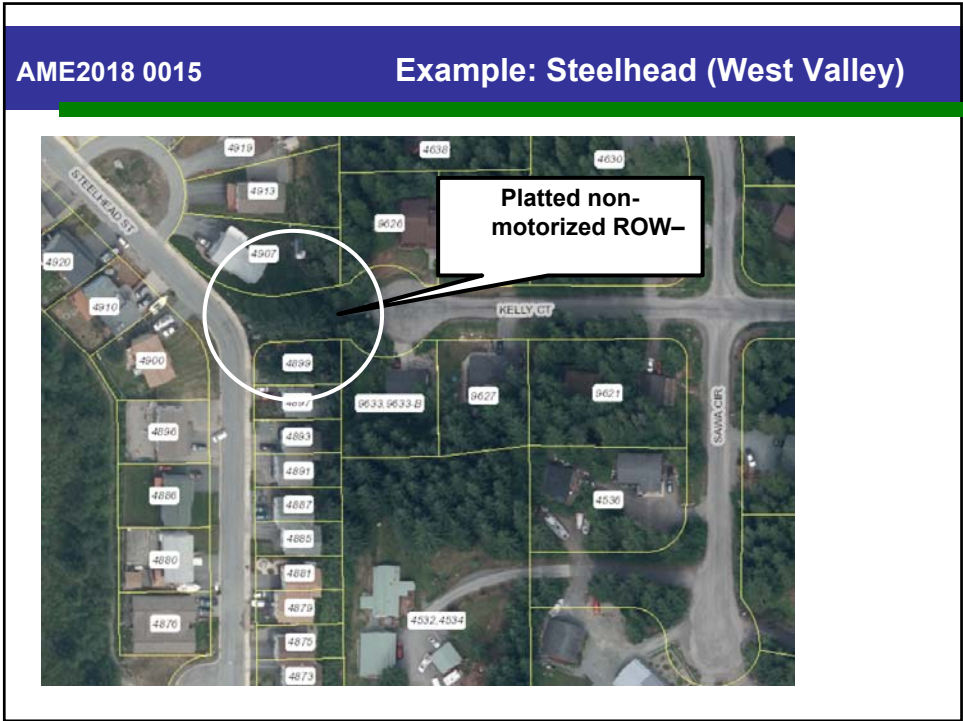
Platted as 'temporary' cul-de-sac with stub street

AME2018 0015

Example: Kanata St (East Valley)

Stub street – associated with permanent cul-de-sac







TO: Planning Commission
FROM: Alexandra Pierce, Parks & Recreation Project Manager
DATE: August 31, 2018
RE: Parks & Recreation Master Plan

The Draft Parks & Recreation (Parks & Rec) Master Plan is the result of two years of work by department staff and by the PRAC Special Committee, who donated hours of their time to reviewing the document chapter by chapter. We consulted with over 30 user groups and engaged the public through surveys, meetings, and online. Based on the feedback we received from the public, the Special Committee developed a mission, vision, guiding principles that shape the direction of the Draft Master Plan. The department also developed a set of recommendations based on public feedback and internal goals. The Draft Master Plan document arrives at these goals and recommendations and provides baseline conditions, a policy framework, and guidance to future decision makers. The key themes of the Plan are partnerships, maintaining what we have, supporting underserved residents, and direction for future land management decisions.

At the September Planning Commission meeting, staff will provide a high level overview of the plan, along with draft maps

Mission, Vision, and Guiding Principles

These statements shape the direction of the Plan. The mission is what Parks & Rec seeks to accomplish with the planning process, the vision is the long-term, overarching goal for the process, and the guiding principles describe the core functions of the department and should form criteria for considering new proposals.

Mission Statement

To establish Parks & Recreation's role as an essential partner in a healthy community

Vision Statement

Guiding future decisions to provide the highest possible quality Parks & Recreation facilities, programs and services for all regardless of age, income, or ability

Guiding Principles

The Parks and Recreation Master Plan will guide the department in:

- Promoting community engagement, health, and wellness
- Managing our assets effectively
- Ensuring financial sustainability
- Supporting community partnerships
- Engaging youth and encouraging lifelong wellness
- Serving the needs of a diverse and changing population
- Fostering environmental stewardship
- Increasing cultural awareness
- Making programs and facilities accessible to all

Elements for Future Planning Commission Review

1. Park Classifications

Parks are grouped into two broad categories, Recreation Service Parks and Natural Area Parks. Recreation service parks are programmed for various activities and may contain built features such as playground equipment and sports fields. Natural Area Parks may include some amenities such as shelters or picnic tables, but their primary purpose is to support users' enjoyment of their natural surroundings. These two categories are further classified into park types based on size and intended use.

Recreation Service Parks

Recreation Service Parks include parks developed for active recreation and programmed use and may be a single use or activity area. Examples of Recreation Service Parks of different sizes include Bonnie Brae Park (a mini-park), Capital School Park (a neighborhood park), and Savikko Park (a community park). The Juneau Community Garden or Hank Harmon Rifle Range are examples of single use facilities that would be categorized as special use areas.

Mini-Parks: Specialized facilities that serve a local population or a specific user group such as very young children or senior citizens. Mini-parks are small in size (typically less than one acre) and often encompass only a single residential lot. Facilities are typically limited to a small open area, a children's playground, and a bench or picnic table. A nearby school playground, if appropriately designed and available for this type of use, can often substitute for a mini-park facility outside of school hours. Some mini-parks are not children's play areas and are designed as small neighborhood gathering spaces.

Neighborhood Parks: Neighborhood parks are intended to offer experiences for all ages and are designed to provide unstructured play areas. A portion of the parcel may be intensely developed but areas for natural open space should be available. These units are day use only facilities.

Community Parks: a community park is a larger park providing active and structured recreation activities for youth and adults. Generally it is designed for organized activities and sports, although natural areas may be included depending on the suitability of the site. Indoor recreation facilities may

also be appropriate in a community park setting, supporting a wider range of recreation interests. Community parks typically serve a much larger area and offer more facilities than neighborhood parks.

Special Use Areas: public recreation lands being used for a specialized or single-use facility or activity that does not fit into any of the other categories. Examples of Special Use Areas in Juneau are the Community Garden, Hank Harmon Rifle Range, and Homestead Park. The definition and management intent are specific to each area.

Natural Area Parks

Natural Area Parks differ from Recreation Service Parks in their underlying purpose. Natural Area Parks are areas of natural quality designed to serve the entire community by providing open space, access to water, and opportunities for more passive and dispersed recreation activities. There are two types of Natural Area Parks, less programmed Semi-Primitive Areas and programmed and staffed Developed Natural Areas. Outer Point is an example of a semi-primitive area and the Eagle Valley Center, located in Amalga Meadows Park is an example of a Developed Natural Area. A high quality park system offers a diverse set of opportunities. Preferences for these types of opportunities vary from undeveloped areas to developed areas with picnic facilities and highly maintained trails systems. Providing a range of options within this type of park designation will help to further enhance the Juneau Park System and create recreational opportunities for a variety of user types.

Semi-Primitive Areas: an area left predominately in its natural state with minimal to moderate evidence of the sights and sounds of people. Activities are primarily unstructured types of recreation with high potential for interaction with the natural environment. Concentration of users may be low to moderate. These areas vary in size and are meant to serve the entire community. Outer Point is an example of a semi-primitive area.

Developed Natural Areas: a natural setting where evidence of people is obvious but blends in with the natural environment. Uses are primarily passive recreation activities, and areas for group use may be provided. Facilities are for the comfort and convenience of visitors. These areas are intended to serve the entire community. Size may vary by the parcel should be large enough to accommodate group use without compromising the character of the area. The Eagle Valley Center in Amalga Meadows Park is a Developed Natural Area

Conservation Areas: a natural area with recognized environmental qualities of high value, set aside for the protection and management of the natural environment with recreation as a secondary objective. These may be islands, shorelines, stream corridors, greenbelts, or high value wetlands.

Vacant/Other Lands: vacant/other sites are lands that are controlled by Parks & Recreation and classified as Natural Area Parks, but which do not fit the criteria for semi-primitive areas, developed natural areas, or conservation areas. If such sites are within the urban service boundary; contain buildable lands; and do not have a clear public recreation use (i.e. a trail), these sites may be candidates for future reclassification or disposal.

2. Park Distribution

The attached map shows parkland distribution. Distribution by neighborhood is broken down as follows, for instance there are two mini parks per 3,777 residents in West Juneau and Douglas, thus there is one mini-park for every 1,889 residents:

Table 4.9: CBJ Park Type Distribution by Population

Park Type	Standard (park per population)	West Juneau/ Douglas	North Douglas	Downtown	Lemon Creek / Salmon Creek	Mendenhall Valley	Auke Bay/ Back Loop	Out the Road
Mini Park	1,000 -2,000	1,889	1,685	821	2,374	4,214	3,581	0
Neighborhood Park	3,000 – 6,000	3,777	0	3,284	4,748	6,321	0	1,331
Community Park	4,000 – 10,000	3,777	0	3,284	0	4,214	0	1,331

West Juneau/Douglas: West Juneau Rotary Park is a mini park that serves the West Juneau area, while Savikko Park is a community park that serves south Douglas. Savikko Park is a destination for residents throughout the area for beach access, a trail system accessing Treadwell Mine Historic Park, a playground, picnic shelters, ballfields, and the Treadwell Arena. Savikko Park is also the location for special events like Gold Rush Days and 4th of July celebrations. Douglas Mini-Park is a community garden space that contains a fruiting forest and several planter boxes. The Douglas neighborhood is adequately served by these parks and the variety of recreational amenities nearby. Gastineau School playground is also available for use outside of school hours.

North Douglas: North Douglas is geographically linear and home to several natural area parks. While the mini park at Bonnie Brae is appropriately located in one of only two subdivisions in the area, residents have requested additional programming elsewhere, including a picnic shelter, ADA Accessible fishing platform, and more developed trail network at Fish Creek Park. The neighborhood is adequately served for play facilities at its current population.

Downtown: The Downtown neighborhood includes School District managed field space, four mini-parks, a neighborhood park, and a community park. Cope Park has a ballfield that is suitable for tee ball, but is primarily used as a dog park. While Chicken Yard and Capital School parks are in need of major upgrades, the Downtown area is well served with park amenities. Fields at Savikko Park are within a reasonable distance to serve downtown households.

Lemon Creek/Salmon Creek: Lemon Creek has one mini park as well as School District managed fields and covered play area. While Twin Lakes Park is near to the densely populated area of Lemon Creek, access is on a busy industrial road and walking or biking is not feasible for children and families. The Lemon Creek area is also comparatively distant from recreational facilities and amenities downtown and in the Mendenhall Valley, rendering it difficult for residents, particularly youth, to travel to these facilities. More recreation service and natural area park spaces in Lemon Creek are desirable.

Mendenhall Valley: Mendenhall Valley is Juneau's largest population center and contains most of the community park space in the borough. Fields are located at Dimond, Adair Kennedy and Melvin parks and while there are few mini-parks for the population, the disparity is mitigated by neighborhood and community parks with play equipment. There are also three elementary schools in the Mendenhall

Valley, two of which have playing fields and all have playgrounds that can be used when school is not in session.

Auke Bay/Back Loop: The Auke Bay/Back Loop area contains one mini park, which is located in a development that is not central to the neighborhood's population. There is an elementary school in the area, but with the construction of the Pederson Hill development, it will be important to add more recreation service parkland in the area.

Out the Road: The area out the road is sparsely populated and residential distribution is linear. While the area does not contain play equipment, there is not a feasible central location for a mini park. Lena Park is primarily used as a dog park and Ant'iyeik Park includes a disc golf course and 2 rarely used ballfields. There are vast CBJ and State managed natural area parks out the road that see heavy use from residents throughout the borough. Due to the distribution and character of the area, it is adequately served.

3. Parkland Acquisition and Disposal

Parkland acquisition and disposal are important land management considerations with long lasting impacts. Lands are classified as parks because they hold high conservation or recreation value, or are likely to have such values through future development. Lands with the potential for public recreation or requiring environmental protection may be considered for acquisition by Parks & Recreation and/or the CBJ Lands & Resources Department as they become available. Park properties that meet criteria for disposal and may have greater public benefit if used for another purpose may be considered for divestment. All recreation service parks, special use areas, developed natural areas, semi-primitive areas, and conservation areas are considered valuable parkland and generally are not candidates for disposal.

Parkland Acquisition: CBJ may acquire private property or property owned by other government entities consistent with the *CBJ Comprehensive Plan*, a specific Area Plan, or any other CBJ planning document that identifies acquisition of park lands. Reasons for acquiring park land may include:

- Right-of-way alignment to CBJ property suitable for parkland development
- Preservation of a trail corridor
- Public access
- Current or future need for new parks or facilities
- Consolidation of land ownership
- Enhancement or protection of adjacent Parks & Rec property
- Habitat preservation & restoration
- Bequests or donated land

Partial rights may be acquired when fee simple ownership by the CBJ is not necessary to accomplish management objectives. Partial rights may include: easements, leases, covenants, or other agreements. The CBJ will acquire property by means of cash purchase, donation, exchange, or eminent domain. Reasons to acquire parkland may include population growth, increased development, changing trends in recreation, a need to preserve high value conservation areas, or other rationale. Parkland should be acquired when and where it is in the public interest.

Disposal of Parkland in the Public Interest: lands managed by Parks & Rec that do not fall into any of the parkland categories outlined in this document are classified as vacant/other. Parkland may be developable if it falls within the urban service boundary, has reasonable access, does not contain steep slopes or environmentally sensitive areas, is not being actively used for public recreation, and does not otherwise fulfill the goals established by this plan. These lands may be classified as vacant or other. Some of these properties may be developable or desirable to adjoining land owners. The CBJ has identified lands that hold no conservation value and which are unlikely to be developed as future programmed parks. Because land is a finite resource and costly to acquire for public purposes, the future value of public parkland must be weighed against other public benefits when considering a request to dispose of parkland. Proceeds from lands sold by CBJ automatically go into the Lands Fund, unless appropriated by the Assembly for another use. Proceeds of parkland sales should be used to acquire new parkland, and to support the development and maintenance of parks and recreation assets, subject to Assembly appropriation of those funds. In addition to the land disposal process laid out in the CBJ Land Management Plan, an additional level of public involvement is required to dispose of parklands. These steps should be followed regardless of whether the CBJ acts as the developer of the land or if it would be sold directly to a developer. Methods for disposal will follow those set forth in the CBJ Land Management Plan (CBJ§53.09.200). The process will be managed by CBJ Lands & Resources; Parks & Rec will manage the public consultation. Italicized steps are excerpted from the Land Management Plan.

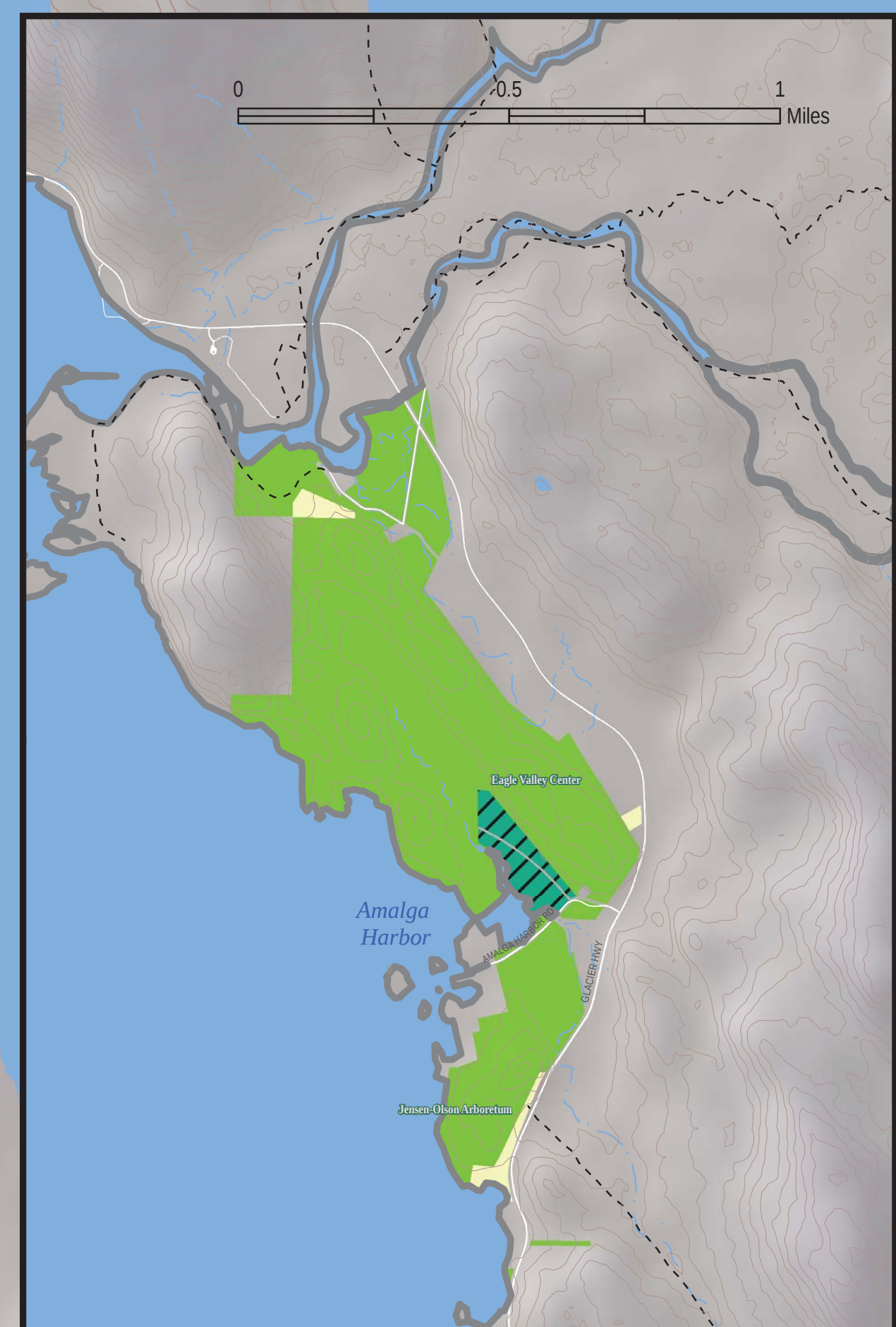
Parkland Disposal Process: the Parks & Recreation Advisory Committee (PRAC) shall consider all proposals to dispose of parkland, and will provide a recommendation to the Assembly regarding all such proposals. Once a parcel is removed from the park system by the PRAC and Assembly, and deemed suitable for development by relevant agencies, it will follow the process defined in the CBJ Land Management Plan. After these actions have been completed the plat can be recorded. At that time the CBJ or developer can sell or develop the lot(s). The Parks & Rec Department should be involved in the Agency Review process. Larger vacant/other parcels identified in the parks inventory include Fish Creek, vacant lands between semi-primitive park area and Bayview neighborhood; Mendenhall Peninsula, residential lots on Fritz Cove and Engineer's Cutoff roads; Mendenhall Peninsula, vacant lands at tip of peninsula; and Tee Harbor, outer edges of north and south peninsulas. These lands are identified in the attached map.

Disposal of Individual Parcels: lot line adjustments and requests for sale of individual parcels will be subject to the following process:

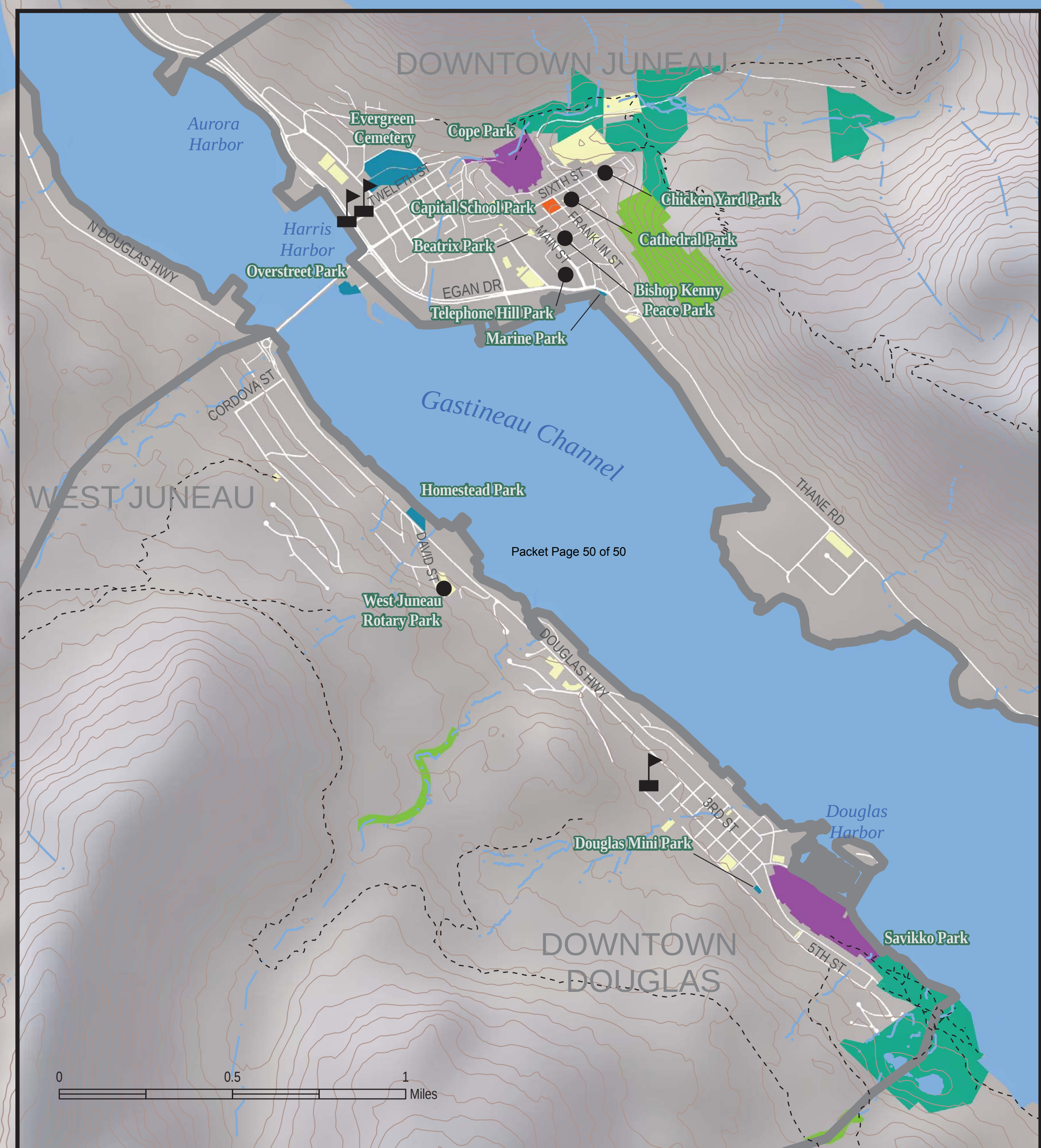
- Proposal reviewed by the PRAC, which will select one of the following public review options:
 - Conduct a public workshop to allow the public to offer comments about the proposed sale. Comments will be compiled and forwarded to PRAC, or
 - Parks & Rec may notify neighbors via fliers or mail-outs and provide a contact and deadline for comments about the proposed sale.
- PRAC will review public feedback and make a recommendation to the CBJ Assembly in support or opposition of the sale.
- The Assembly will determine the method for disposal based on the criteria and options set forth in the CBJ Land Management Plan and the land sale will follow the process of a CBJ parcel not classified as parkland.

After these steps have been completed, the final sale can be recorded.

City & Borough of Juneau Parks & Recreation Parks Map



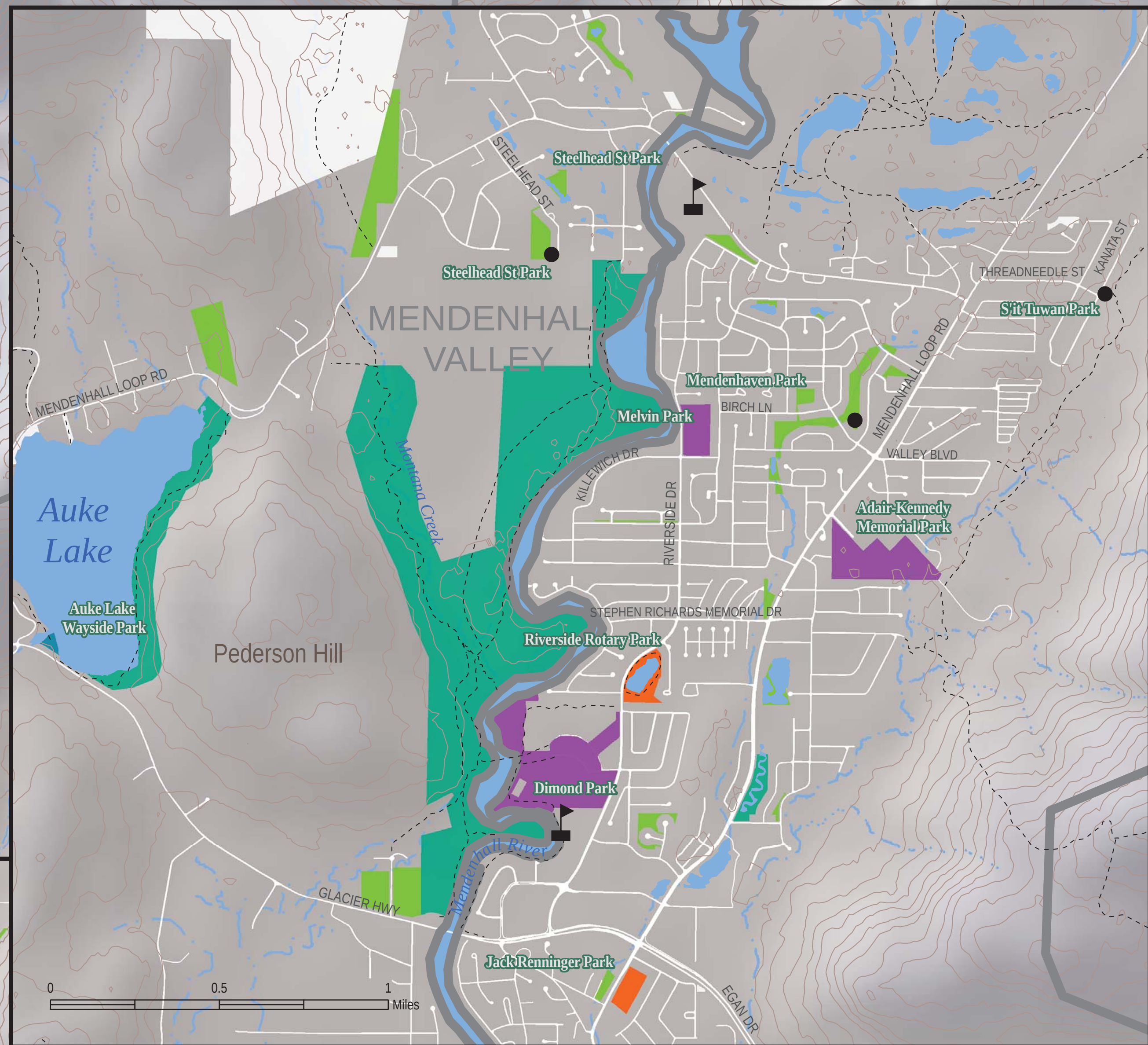
4. AMALGA HARBOR
This location is north of Tee Harbor, outside of the primary map boundary.



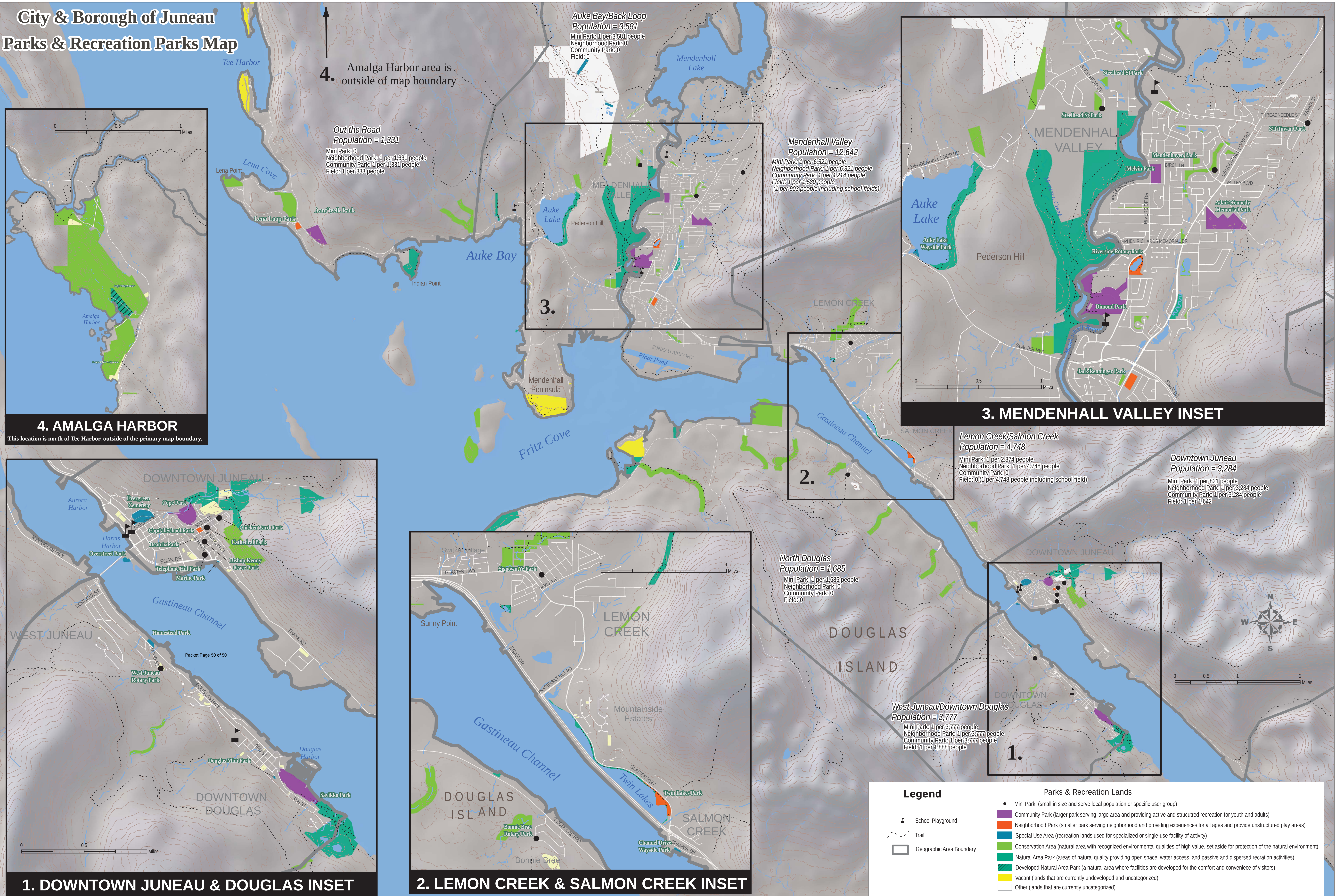
1. DOWNTOWN JUNEAU & DOUGLAS INSET



2. LEMON CREEK & SALMON CREEK INSET



3. MENDENHALL VALLEY INSET



Legend

- School Playground
- Trail
- Geographic Area Boundary

Parks & Recreation Lands

- Mini Park (small in size and serve local population or specific user group)
- Community Park (larger park serving large area and providing active and structured recreation for youth and adults)
- Neighborhood Park (smaller park serving neighborhood and providing experiences for all ages and provide unstructured play areas)
- Special Use Area (recreation lands used for specialized or single-use facility of activity)
- Conservation Area (natural area with recognized environmental qualities of high value, set aside for protection of the natural environment)
- Natural Area Park (areas of natural quality providing open space, water access, and passive and dispersed recreation activities)
- Developed Natural Area Park (a natural area where facilities are developed for the comfort and convenience of visitors)
- Vacant (lands that are currently undeveloped and uncategorized)
- Other (lands that are currently uncategorized)