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November 20, 2020

MEMO

From: Irene Gallion, Senior Planner, Community Development Department
Through: Jill Maclean, AICP, Director, Community Development Department
To: Nathaniel Dye, Chair, Title 49 Committee
RE: October 29, 2020 meeting back-up materials

Mission:

Consider global parking code amendments with the opportunity for the public to comment and ask them to prioritize this issue due to time constraints.

Parking District

In the attached draft ordinance, you will find recommended changes to the parking districts. Currently there are two parking districts, each applying a separate reduction based on a geographic boundary. Staff recommends combining the existing parking districts into one boundary and increasing the parking reduction for all properties within the boundary.

Boundary Options:

- Merge PD1 and PD2 and retain the existing boundary
- Merge the PD1, PD1, and FIL boundaries into one
- Use the Geographic Area of Juneau boundary
- Other?

Percent Reductions:

Why 75 percent for expansion or new building? The PD-1 requirement is down to 60 percent. We thought of expanding that to a larger geographic area. Then we looked at the Archipelago as an example of new construction (with two development scenarios):

Based on VAR19-05	Option A	Option B
Opening position	114	84
PD-2 reduction 30%	80	60

PD-1 reduction 60%	46	34
75% reduction- proposed	29	21
ADA required (no reductions)	4	3

We also looked at a scenario similar to Pier 49. It is a bit more complex because of various parking changes throughout the years, including Rock Dump contracts and changes to uses. For this exercise, their required parking is 16. They are in a PD-2 district.

	Parking Required –16
Opening position with PD-2 reduction (entitled)	11
PD-1 reduction of 60%	6
75% reduction - proposed	4
ADA required (no reductions)	1

While Pier 49 struggles to provide 11, and can't quite provide 6, they can provide 4. This is a dock-based restaurant business that serves tourists, locals who are already downtown for work, or evening locals looking for a night out.

Why 90 percent for residential? As an opening position we looked at the parking aspirations of Eagle Rock Ventures for the lot next to the Baranof. They wanted to provide seven parking spaces. There are three scenarios: Original, modified, and market report.

	Original	Modified	Market Report
# of studio apartments (1 space per)	80	66	50
With PD-1 reduction (entitled)	32	26	20
75% reduction - proposed	20	17	13
90% reduction – residential proposed	8	7	5
ADA required – no reduction	4	3	2

The 90% reduction got them close to what they wanted to provide in all scenarios, and is still more than the ADA spaces required.

Note: There is the hazard that a developer will start with a residential component to get the reduction, then ease into non-residential uses in that space without modifying parking requirements? Is that an acceptable risk? If not, what sort of administrative burden is appropriate to monitor and enforce?

Note: This would relieve the obligation for parking waivers for accessory apartments in the area. One space reduced by 75-90 percent would make the parking requirement zero.

Note: Should residential reductions be prohibited in severe hazard zones? It would not prevent development in these areas, but may make it less attractive.

Note: We considered linking parking reductions to % of Average Median Income to encourage lower-income development. However, pending tax abatement legislation for housing does not include AMI indexing, so why link it to parking?

PROJECT AGNOSTIC

NARROWLY TAILORED

Mission:

Consider global parking code amendments with the opportunity for the public comment and ask them to prioritize this issue due to time constraints.

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

(d) *Exceptions.*

- (1) *Superimposed parking districts.* There is ~~an~~ adopted the parking district map dated [date] ~~June 5, 2006~~, as the same may be amended from time to time by the assembly by ordinance. ~~The off-street parking and loading requirements set forth in subsections (a) and (c)(2) of this section may be reduced by 30 percent in the PD-2 parking district. The requirements shall not apply in the PD-1 parking district except in the case of the expansion of an existing building or the construction of a new building, in which case they may be reduced by 60 percent.~~

(A) In the parking district, the off-street parking and loading requirements set forth in subsections (a) and (c)(2) of this section may be reduced as follows for expansion of an existing building or construction of a new building:

(i) 75 percent for nonresidential uses; or

(ii) 90 percent for residential uses.

(B) In the parking district, the off-street parking and loading requirements set forth in subsections (a) and (c)(2) of this section shall not apply to existing buildings, except in the case of an expansion.

(5) *Fee in lieu of parking spaces. In the parking district:*

- (A) ~~There is adopted the Downtown Fee in Lieu of Parking District Map, dated October 30, 2006, as the same may be amended from time to time by the assembly by ordinance.~~
- (B) Off-street parking for new and existing developments, for any use, may be waived if the requirements of this section are met. The determination of whether these requirements are met shall be made by the Director if the requested waiver is for ~~minor development five or fewer parking spaces~~, or by the Commission if the requested waiver is for major development six or more parking spaces.
- (C) The property seeking a waiver of the parking requirement must ~~be located within the area shown on the Downtown Fee In Lieu of Parking District Map, and~~ be supported by a finding by the Director or Commission as set forth in CBJ 49.40.210(d)(5)(B), above, that it will not have significant adverse impacts on nearby on-street parking and:
- (i) ~~Vacant on the effective date of this ordinance;~~
- (ii) Occupied by a building built within the 50 years prior to the date of adoption of this ordinance; PROVIDE A DATE?, or
- (iii) Occupied by a building built more than 50 years prior to the date of adoption of this ordinance PROVIDE A DATE?, and the Director or Commission, after considering the recommendation of the Historic Resources Advisory Committee, finds that the proposed

development does not affect the historical significance, historical attributes, or otherwise compromise the historic integrity of the structure based on the United States Secretary of the Interior's Standards for Rehabilitation.

- (D) The applicant shall pay a one-time fee to the City and Borough of \$8,500.00 per parking space waived under this section. For residential uses, this fee shall be reduced by 50 percent to \$4,250.00. This fee shall be adjusted annually by the Finance Department to reflect the changes in the Consumer Price Index for Anchorage as calculated by the State of Alaska, Department of Labor; or the United States Department of Labor, Bureau of Labor Statistics.
- (E) Any fee due and not paid within 45 days after the development obtains temporary or permanent occupancy, or, in the case of existing developments, 45 days after the waiver is granted, shall be a lien upon all real property involved and shall be paid in ten equal annual principal payments plus interest. The lien shall be recorded and shall have the same priority as a City and Borough special assessment lien. Except as provided herein, the annual payments shall be paid in the same manner and on the same schedule as provided for special assessments, including penalties and interest on delinquent payments, as provided in CBJ 15.10.220. The annual interest rate on unpaid fees shall be one percent above the Wall Street Journal Prime Rate, or similar published rate, on January 2nd of the calendar year the agreement is entered into, rounded to the nearest full percentage point, as determined by the finance director.
- (6) *Parking waivers.* The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the director in the case of minor development; the commission in the case of major development; and the commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.
 - (A) Any waiver granted under this subsection shall be in writing and shall include the following required findings and any conditions, such as public amenities, imposed by the director or commission that are consistent with the purpose of this title:
 - (1) The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the comprehensive plan;
 - ~~(2) The development is located outside of the PD-1 parking district, PD-2 parking district, and Downtown Fee in Lieu of Parking District Map areas;~~
 - (3) Granting the waiver will not result in adverse impacts to property in the neighboring area; and
 - (4) The waiver will not materially endanger public health, safety, or welfare.
 - (5) The applicant has demonstrated the waiver request is narrowly tailored to meet the projects specific needs.
 - (1) for major development?
 - (i) The developer may provide a parking demand study, conducted by an engineer licensed in the State of Alaska, to demonstrate the actual parking needs of the development
 - (2) for minor development?
 - (i) A parking demand study may be required, at the director's discretion, for minor development.
 - (6) The developer provides one or a mixture of the following, as determined by the director for minor development or planning commission for major development:

(1) Transit pass?

(2) Parking demand study? For what size development? Even "major" development can be pretty small.

(3) Density bonus items? (From 04 CBJAC 025.010)

(4) Covered bike parking? Compact spaces? EV charging station?

(5) improvements to pedestrian access?

(6) Design bonuses (similar to what is proposed in Auke Bay: canopies, first floor transparency, covered patio seating, visual screening of parking areas, landscaping)

(7) Implements a specific implementing action or design guideline from an adopted plan

- (B) Applications for parking waivers shall be on a form specified by the director and shall be accompanied by a one-time fee of \$400. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.
- (C) The director shall mail notice of any complete parking waiver application to the owners of record of all property located within a 250-foot radius of the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications shall be made concurrently in accordance with CBJ 49.15.230.
- (D) Approved parking waivers shall expire upon a change in use.

(Serial No. 87-49, § 2, 1987; Serial No. 89-05, § 4, 1989; Serial No. 89-33, § 5, 1989; Serial No. 92-11, §§ 3, 4, 1992; Serial No. 2006-14(b), § 2, 5-15-2006; Serial No. 2006-15, §§ 11, 12, 6-5-2006; Serial No. 2006-33am, § 2, 10-30-2006, eff. 11-20-2006; Serial No. 2007-18, § 2, 4-23-2007; Serial No. 2009-22(b), § 4, 10-12-2009; Serial No. 2010-22, § 5, 7-19-2010; [Serial No. 2016-14, § 2, 5-2-2016, eff. 6-2-2016](#); [Serial No. 2016-46, § 3, 3-6-2017, eff. 4-4-2017](#); [Serial No. 2018-31, § 3, 6-4-2018, eff. 7-5-2018](#); [Serial No. 2019-37, § 6, 3-16-2020, eff. 4-16-2020](#))

BRAINSTORMING WAIVER CRITERIA

from

DENSITY BONUS STANDARDS AND CRITERIA

Note: This language would need to be modified to be specific to parking waivers. I removed (a) Policy and (b) Earning Points from each below. I'm not too sure about the fire and utility criteria below, but they are included just in case the Committee finds them salient.

Sensitive areas.

- (c) *Standards and criteria.* The sensitive area map, other relevant sources of information or both, shall be utilized to determine sensitive area boundaries. Determination of the total award shall take into consideration the amount of land protected, the percentage of the sensitive area protected, and the percentage of the parcel being set aside.
- (d) *Submittals.* The applicant for bonus points shall submit a site plan or preliminary plat depicting sensitive area boundaries, areas to be protected, and areas to be dedicated or deeded, together with draft covenant or other documents, providing for permanent protection of sensitive areas.
- (e) *Conditions of approval.* Points may be awarded only after approval of all legal documents by the City and Borough attorney, acceptance by the City and Borough of any deeded property, and the recording of an appropriate plat.

Nonvehicular transportation.

- (c) *Standards and criteria.* In order to qualify for bonus points, pedestrian improvements shall comply with construction standards as described in the "Standard Specifications and Standard Details," of the City and Borough engineering department, state department of transportation and public facilities, or other acceptable design standards.
- (d) *Submittals.* The applicant shall submit a site plan depicting improvements or dedications. The source of design standards shall be indicated.
- (e) *Conditions of approval.* The commission may require approval of construction plans by the City and Borough engineering department or appropriate agency; actual completed construction or a suitable construction guarantee; and dedication of public ways.

Alternative transportation.

- (c) *Standards and criteria.* The design of bus pull outs and shelters shall be consistent with the standard design of City and Borough bus shelters and pull outs.
- (d) *Submittals.* The applicant shall submit site plans depicting bus pull out areas and limits of dedication, location and schematics of proposed bus shelters, evidence of preliminary review and acceptance from the City and Borough capital transit division, engineering department, public works department, or other appropriate agencies.
- (e) *Conditions of approval.* The commission may require approval of construction plans, the dedication and construction of proposed improvements, or both.

Traffic mitigation.

- (c) *Standards and criteria.* Levels of service shall be as described in "A Policy on Geometric Design of Highway and Streets," 1984 Edition by the American Association of State Highway and Transportation Officials.
- (d) *Submittals.* The applicant shall submit a traffic analysis which meets the standards outlined in Chapter 40 of Title 49, the Land Use Code, together with details of the improvements being proposed, and evidence of initial review of the analysis by the City and Borough engineering department and state department of transportation and public facilities.
- (e) *Conditions of approval.* The commission may require final approval of the traffic analysis by the appropriate agencies, approval of construction plans by the appropriate agencies, construction of the improvement, or a construction guarantee.

Fire service.

- (c) *Standards and criteria.* In making its determination, the commission shall consider the significance of the reduction in risk of loss of life or property, or the increase in the capacity of the fire department to fight fires. Improvements must be over and above the minimum code requirements.
- (d) *Submittals.* The applicant shall submit a depiction of the proposed improvements, and evidence of review by the City and Borough building and fire departments.
- (e) *Conditions of approval.* The commission may require construction or a construction guarantee for improvements.

04 CBJAC 030.020 - Sewer service.

- (c) *Standards and criteria.* Construction shall meet or exceed public sewer specifications found in the "Standard Specifications and Standard Details" of the City and Borough engineering department.
- (d) *Submittals.* The applicant shall submit a site plan identifying proposed alignment and lineal feet of the sewer line, together with any comments from the City and Borough engineering department on feasibility of sewer line extension.
- (e) *Conditions of approval.* The commission may require submittal and approval of the construction plans, construction, or a construction guarantee.

04 CBJAC 030.030 - Water service.

- (c) *Standards and criteria.* Construction shall comply with public water specifications found in the "Standard Specifications and Standard Details" of the City and Borough of Juneau engineering department.
- (d) *Submittals.* The applicant shall submit a site plan identifying the proposed alignment and lineal feet of water line, together with any comments from the City and Borough engineering department on the feasibility of water line extension.
- (e) *Conditions of approval.* The commission may require submittal and approval of the construction plans, construction, or a construction guarantee.

04 CBJAC 030.040 - Storm drainage.

- (c) *Standards and criteria.* Construction shall be according to storm drainage specifications found in the "Standard Specifications and Standard Details" of the City and Borough engineering department.
- (d) *Submittals.* The applicant shall submit a site plan identifying the proposed alignment and lineal feet of the storm drainage system, together with any comments from the City and Borough engineering department on the feasibility of storm drainage system extension.
- (e) *Conditions of approval.* The commission may require submittal and approval of the construction plans, construction, or a construction guarantee.

04 CBJAC 030.050 - Electrical power.

- (c) *Standards and criteria.* Bonus points may be awarded for appropriate building siting and orientation, solar design, energy efficient equipment, such as heat pumps, dual fuel systems, load control devices, waste heat recovery or heat exchange equipment and on-site generation such as hydro or wind power.

All systems shall use methods approved by energy or mechanical equipment suppliers, trade or professional organizations such as the American Society of Heating, Refrigeration and Air Conditioning Engineers.
- (d) *Submittals.* The applicant shall submit site plans, architectural plans, and architectural and equipment manufacturers' specifications. The type of submittal will be dependent on the nature of the system being proposed. All submittals shall include an energy study which provides an estimate of power reduction, and initial review by the City and Borough engineering and building departments.
- (e) *Conditions of approval.* The commission may require approval of plans by the City and Borough building and engineering departments, construction or a construction guarantee.

Mixed use development.

- (c) *Standards and criteria.* This policy only applies to office or commercial development in the MU, mixed use district which but for the residential units added would be minor nonresidential development.
- (d) *Submittals.* The applicant shall submit a site plan and schematics.
- (e) *Conditions of approval.* The commission may require restrictions on conversions of residential use for a ten-year period, attorney review and approval of appropriate documents.

Chapter 40 - SCENIC VISTAS

04 CBJAC 040.010 - Scenic vistas.

- (c) *Standards and criteria.* Award total will be based on the degree to which primary views, which includes views of Gastineau Channel, Mt. Roberts and Mt. Juneau, Douglas and the mountains of Douglas Island, downtown, Lynn Canal, Mendenhall Glacier, or other areas having particular natural beauty or scenic interest are preserved by alternative development proposals.

Alternative development proposals may include the voluntary placement of utilities underground, consideration given to the location or size of pre-existing buildings which form or block a view, consideration of setbacks, restriction of building height, and the configuration and design of a building.

"Public places" includes street and highway rights-of-way, parks, public buildings, and navigable waters.

- (d) *Submittals.* The applicant shall submit a site plan, building elevations, and a view analysis indicating before and after views. The view analysis may include overlays, retouched photographs and similar illustrative techniques. Design review board recommendations shall be submitted.
- (e) *Conditions of approval.* The commission may require construction or a construction guarantee according to approved plans.

Awnings, marquees, and canopies.

- (c) *Standards and criteria.* Points will be awarded according to the size and extent of the covering and its compatibility with the surrounding environment. The covering shall be placed along principle frontages that connect to adjoining properties. The covering shall be a minimum of nine feet above the sidewalk and a minimum depth of two-thirds of the width of the sidewalk, but [the covering] shall not extend further than the curb. Thickness should not be greater than one foot at the outer edge. Design and construction shall be permanent and complement the character of the surrounding structures.
- (d) *Submittals.* The applicant shall submit site plans, building elevations, and design review board recommendations.
- (e) *Conditions of approval.* The commission may require approval of construction plans, construction or a construction guarantee according to the approved plans.

Vegetative cover.

- (c) *Standards and criteria.* The commission shall consider the quality and extent of existing and proposed vegetation. Areas, including easements, sensitive areas, and open space, retained in natural vegetation or planted and maintained with landscaping, qualify for bonus points pursuant to this policy. For purposes of calculating area, landscaped areas may include rooftop and elevated park areas.
- (d) *Submittals.* The applicant shall submit a site plan indicating areas devoted to vegetation, a calculation of the number of square feet of vegetation on the lot, and proposed methods of maintenance.
- (e) *Conditions of approval.* The commission may require bonding and a maintenance program.

Zoning District	Minimum Required Percent of Lot Devoted to Vegetation	25% Increase Percent Vegetation For 1 Point	50% Increase Percent Vegetation For 2 Points
D1, D3, and D5 residential districts	20	N/A	N/A

D10, D15 and D20, Multifamily residential districts	30	38	45
MU, Mixed use district	5	6	8
LC, Light commercial district	15	19	23
GC, General commercial district	10	13	15
WC, WCO, & WCR, Waterfront commercial district	10	13	15
WCI, Waterfront commercial/industrial districts	5	6	8
I, Industrial district	10	13	15
<u>USE(Supercedes District)</u>			
Public institutional uses	30	38	45
Convenience store, outside of commercial districts	20	25	30

from

ALTERNATIVE RESIDENTIAL SUBDIVISIONS

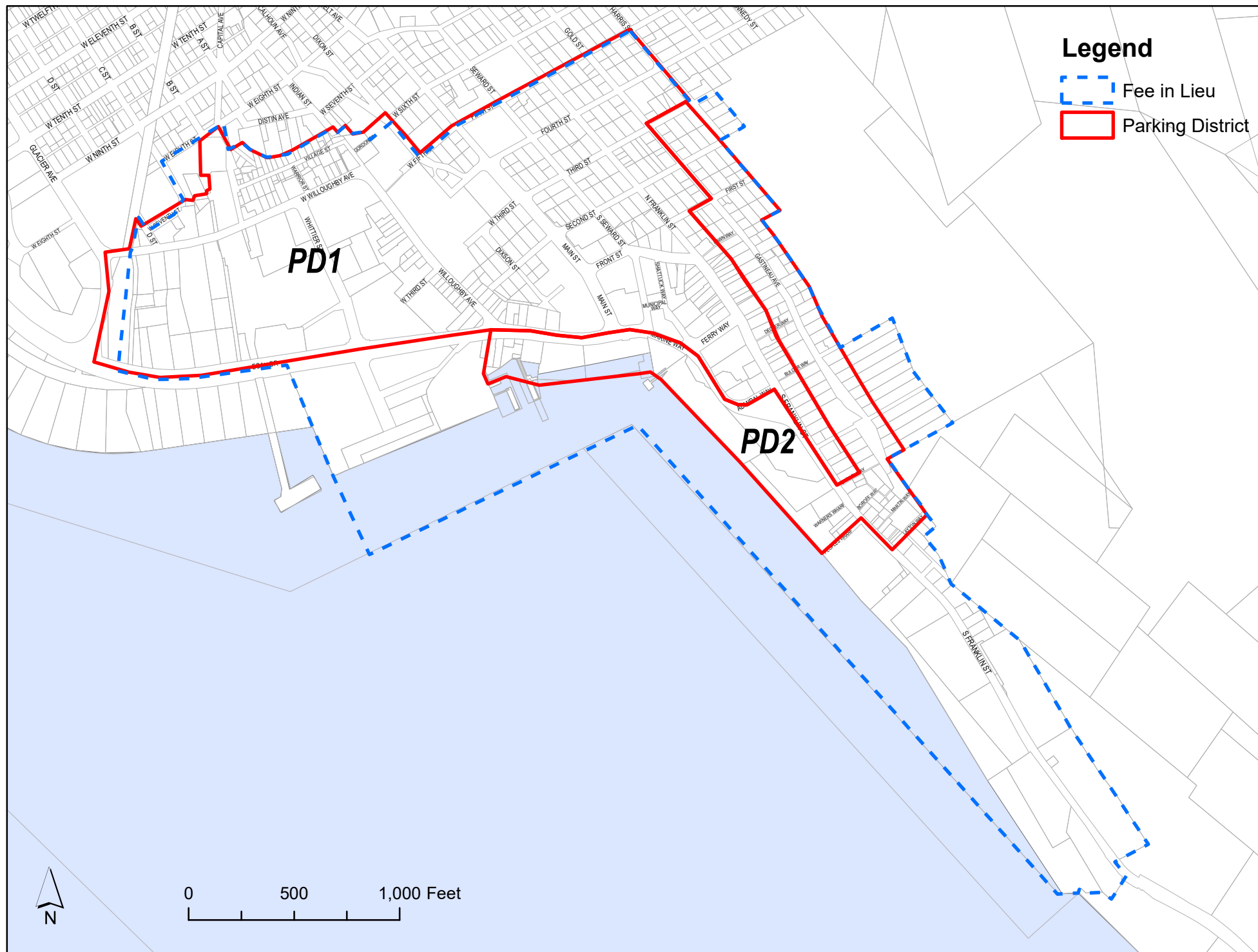
This may provide some waiver criteria ideas, and maybe some examples of how to link criteria to the number of parking spots.

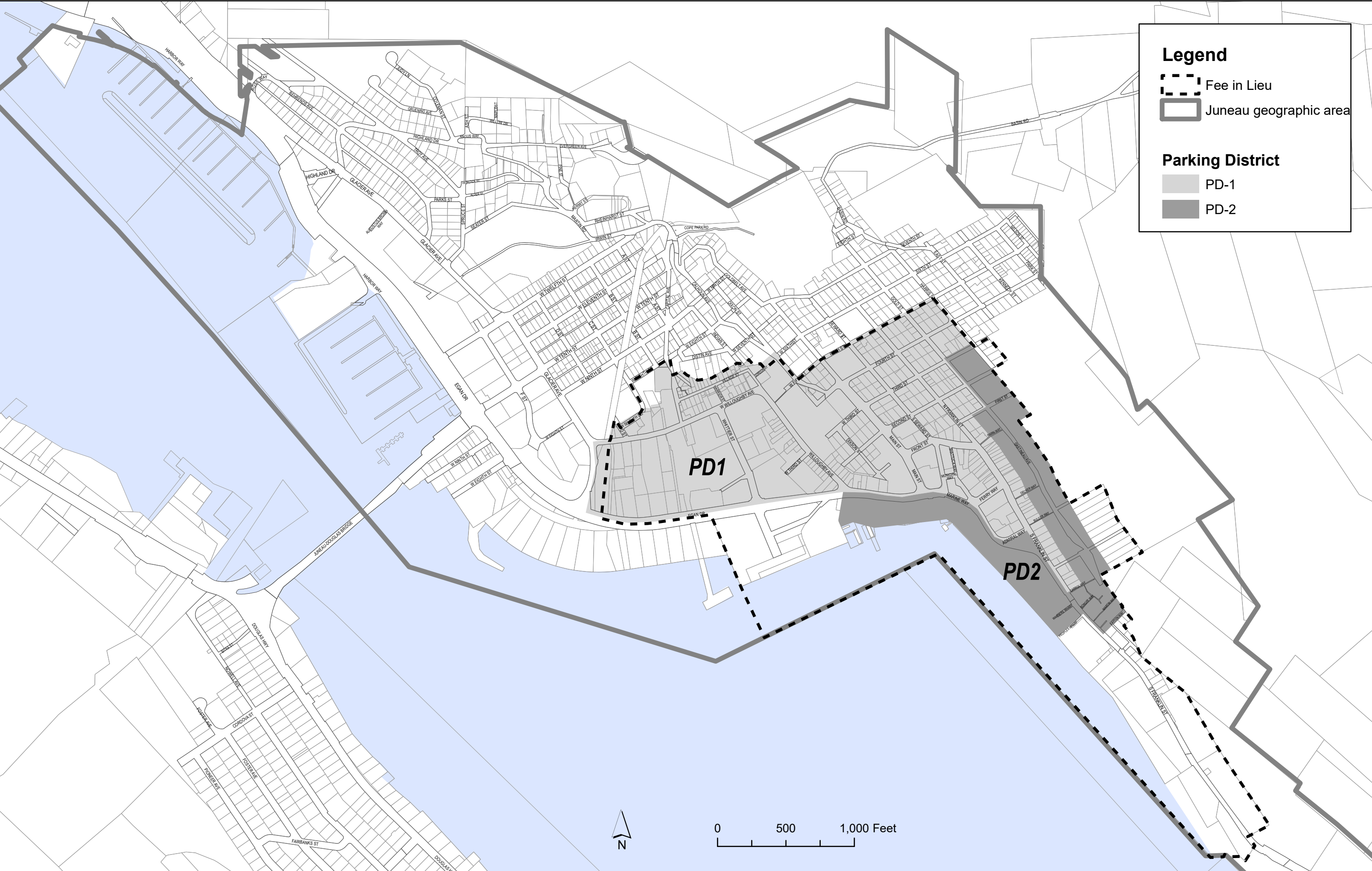
49.15.920 - General provisions.

(e) Density.

- (3) The commission may award a density bonus as an incentive for enhancements to the development. The total bonus shall not exceed 50 percent in the RR, D1, D3, D5, D10 zoning districts, and 25 percent in the D-10SF, D15, D18 and LC zoning districts of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses as follows:

- (A) Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required;
 - (B) Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
 - (C) Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale:
 - (i) In which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or
 - (ii) In which 20 percent of the dwelling units are set aside for workforce households earning no more than 120 percent of the area median income.
 - (D) Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors;
 - (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with chapter 49.35;
 - (F) Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services;
 - (G) Five percent for designing all dwelling structures to a five-star plus energy efficiency rating; ten percent for designing all dwelling structures to a six-star energy efficiency rating; and
 - (H) Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.
- (4) A density bonus may be limited or denied if it will more probably than not:
- (A) Materially endanger public health or safety;
 - (B) Substantially be out of harmony with property in the neighboring area;
 - (C) Lack general conformity with the comprehensive plan or another adopted plan; or
 - (D) Create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.





AGENDA

ASSEMBLY LANDS COMMITTEE

Monday, February 6, 2006 5 PM
Assembly Chambers

- I. Call to Order**
- II. Agenda Changes**
- III. Approval of Minutes**
January 23, 2006
- IV. Public Participation - Non-Agenda Items (10 minutes)**
- V. Action Items**
 - A. Coastal Management Program
 - B. Lot B of Tract C, RCA/Lena Point Subdivision by Sealed Competitive Bid
- VI. New Business**
- VII. Information Items**
 - A. Mendenhall Game Refuge
 - B. Fee in Lieu of Parking
- VIII. Liaison Reports**
- IX. Adjournment**

MINUTES
ASSEMBLY LANDS COMMITTEE
 Monday, January 23, 2006 5:00 p.m.
 Chambers

DRAFT

I. Call to Order

Chair Bush called the meeting to order at 5:00 p.m.

Members Present: Jeff Bush, Johan Dybdahl, Bob Doll

Members & Liaisons Absent: David Stone, Greg Fisk

Liaisons Present: Linda Snow, Joan O'Keefe

Staff: Steve Gilbertson, Cynthia Johnson, Peter Freer, Debbie Meyer

II. Agenda Changes

Will switch order of Action Items C & D. Donation of lot to SAGA will be the 3rd item and The Cottage Housing Ordinance will be fourth.

III. Approval of Minutes

Mr. Dybdahl moved to approve the Land's Committee minutes of December 19, 2005 and asked for unanimous consent.

Hearing no objection, minutes were approved as presented.

IV. Public Participation - Non-Agenda Items (10 minutes)

Geoff Larson, 4540 Thane Road, representing Alaska Brewing Company – Concerned that the remaining industrial zoned area in the gravel pit be made available in the future for industrial users. This area has the last largest parcel in the City and Borough that can be developed for a single industrial user. Because of the impacts of commercial use in this area, the limitation in the Anka – Old Glacier Highway intersection, the DOT has stated that no further use in that area can be accomplished without additional consideration of a new road access in that area. This in effect will cause the few lots available to become unavailable in the near term. Would like to propose there be consideration with specific timeline to open up for industrial users. Hasn't been a discussion about large industrial use of that remaining property. Alaska Brewing is very interested in the largest available industrial lot, as this will help them grow into the future.

V. Action Items

A. Sale of South Lena Subdivision

Cynthia Johnson – The Lands and Resources office seeks to provide a sale process that encourages broad public participation, enables as many people as possible to get lots, brings good prices for the land, and is administratively efficient. We are currently working with the Finance and Law departments to develop general terms and conditions for the land sale that reflect those goals.

The Lands and Resources office recommends that the Lands Committee recommend the Assembly adopt an ordinance authorizing the sale of the 44 lots within the South Lena Subdivision, by sealed competitive bid, to the highest qualified bidder for each lot.

MOTION by Mr. Dybdahl to move the recommendation of the Lands & Resources office, that the Lands Committee recommend the Assembly adopt an ordinance authorizing the sale of the 44 lots within the South Lena Subdivision, by sealed competitive bid, to the highest qualified bidder for each lot, and ask for unanimous consent.

Hearing no objection, motion carried.

B. National Guard Armory – Purchase of Property from Mental Health Trust (MHT)

Steve Gilbertson – Gave brief historical perspective. Comprehensive Plan, Parks & Recreation Plan, and Subport Redevelopment Plan all reinforce the idea of City obtaining that property for the expansion of Centennial Hall, Performing Arts, or some Civic Center type use. The Assembly adopted a resolution for staff to negotiate with MHT for the acquisition of that property. At that time we entered into Memorandum of Agreement with MHT to do a land exchange. In the process MHT lost interest in the pool of land we had available to them. MHT seeks to acquire CBJ land with income generating potential. They do have the option of doing a cash sale and taking the proceeds and make an investment in some property in Anchorage, Fairbanks, Juneau, or wherever. They also have an option of investing in the Permanent Fund and use the proceeds for ongoing expenses of their constituents. MHT is very cooperative in finalizing sale.

Mr. Gilbertson outlined the importance of the property and how it is situated with Centennial Hall. He explained how the Lands Division's funds work. Because of the Lena Subdivision sale and the sale of land to Home Depot, there are significant funds coming into the Land's funds which would be available for this project and future projects.

Staff believes there is sufficient direction from the existing plans that we have and from the most recent resolution that the Assembly passed. We need to have some additional discussion with the new Mental Health Director and also bring this proposal officially to their board and talk about CBJ's interest in purchasing the National Guard Armory site. If the Assembly still would like Staff to pursue the purchase of the property, we will approach the MHT, establish their interest and come back to you as to how we would proceed. Will have to update the appraisal that was done. The appraisal is 3 years old and the property was valued at \$2.5 million at that time. We would then bring that to the Assembly and have an ordinance that authorizing the appropriation of funds for the purchase.

Because of the additional parking spaces that would come along with the purchase of the property there would be additional revenue coming in approximately \$100,000 a year from leasing parking to the State, which they would be willing to do. This would help offset costs.

Mr. Gilbertson outlined the following goals:

Short term goal – Acquire the property

Intermediate goal – Use the armory property for community purposes and lease parking to State.

Long term goal – Whatever the Assembly determines

Wendy Wolf, Chair of Performing Arts Commission - Stated their goal is to help select a location for Performing Arts Center. The Commission likes location of armory. They have gotten a grant to do research. Interested in coming up with creative ways to fund. Their goal is to have endowment to supplement the City funding of project. Support Land's choice.

The will of the Committee is for Staff to move forward with this proposal, with the support of the Assembly and the Committee.

Mr. Gilbertson will be meeting with new MHT director and staff in few weeks. Will report back with what the timelines will be. Noted that we still need the support from the Assembly to move forward.

RAC Long time
Support of
Camp Plan

C. Donation of lot to SAGA

Peter Freer – SAGA is requesting the donation of lot #14 in the S'it'Tuwan Subdivision for the construction of a home under the YABAH (Young Alaskans Building Affordable Housing) program. The Assembly previously donated a lot in the S'it'Tuwan Subdivision to SAGA/YABAH under the authority of Resolution 2304, adopted in April, 2005. The resolution asserted that SAGA must use proceeds from the sale of the house to enable subsequent purchase of another building lot. SAGA is well aware of this requirement, but requests that the proceeds, around \$50,000, be used to acquire a crew van, tools and equipment needed to make the YABAH program more self-sufficient.

Donation of the lot will accomplish an important goal of the homeless coalition as presented to the Assembly on December 5th. It will promote greater self-sufficiency and capacity in the YABAH program and it will provide much needed affordable housing in the community. For these reasons, staff recommends the donation of lot #14 to SAGA.

Mr. Gilbertson said this can be done by a resolution to the non-profit for public purpose. This can be ready for the Assembly meeting on February 13th.

The will of the Committee is to proceed with a resolution to donate Lot #14 of the S'it'Tuwan Subdivision to SAGA and forward it on to the full Assembly.

D. Cottage Housing Ordinance

Peter Freer – This ordinance amends Title 49 by adding a section on cottage housing development. The Planning Commission has reviewed the cottage housing concept and has been supportive of the concept. They recommended Assembly adoption of the ordinance at its December 13, 2005 regular meeting.

After a brief discussion, a motion was made.

MOTION by Mr. Dybdahl to recommend to the Assembly, Ordinance 2005-52 for ^{adoption} ~~introduction~~ on December 30th January 30th

Hearing no objection, motion carried.

VI. New Business
None

VII. Information Items
None

VIII. Liaison Reports

Linda Snow/Planning Commission Liaison – At last Planning Commission meeting they approved the subdivision of the land next to Costco and the development of a Home Depot in that location. Also approved a variance for parking for Home Depot. Also approved a zip-line tour development on private property, past the City and Borough portion of the Treadwell trail

IX. Adjournment
Meeting was adjourned at 5:51 p.m.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 South Seward Street, Juneau, Alaska 99801

TO: Assembly Lands Committee

DATE: February 1, 2006

FROM: Ben Lyman, Planner
Community Development Department



Rorie Watt, Chief CIP Engineer
Engineering Department



RE: Fee In Lieu of Parking

In the many discussions that have taken place regarding the adoption of a Fee In Lieu of Parking ordinance, three issues have been raised again and again. We believe that the issues are resolvable, they are:

- 1) Use of the collected fees;
- 2) Fee per parking space; and
- 3) Area eligible for proposed program.

This memorandum is a brief introduction to these issues.

1. Use of Fees:

The voter approved downtown parking garage and transit facility is an appropriate use of collected fees. We recommend that FILs collected be utilized for this project, or for constructing or improving other parking, or for managing or reducing parking demand. In the past, some have suggested that FILs be tied directly to a specific project. We feel this linking is unnecessary.

Draft Recommendation:

We recommend that the fees be collected and disbursed in a similar fashion as the existing Water Extension Fund.

2. FIL per Space:

The previous draft FIL ordinance called for the FIL for a single parking space to be \$26,000. In our opinion, this amount is excessive for the following reasons:

- A. The FIL only allows the builder to avoid providing parking, no other benefit is provided. Therefore it is not appropriate to charge the full value of a parking space.
- B. The builder (or tenant) who needs parking will have to lease space. This changes parking from a code requirement and development obstacle into a fungible commodity.
- C. CBJ currently over subscribes the Marine Park Parking Garage (300 permits for 204 spaces). Parking spaces that are not dedicated to a single user are of greater benefit.

Assembly Lands Committee
 RE: Fee In Lieu of Parking
 Page 2
 February 1, 2006

Draft Recommendation:

We recommend that the fee be calculated based on a thirty-year lease of a parking space in the municipal garage. Generally, this value would be in the \$10-\$15,000 range. If the FIL is too high, developers will not use the mechanism, a FIL that is too low will be insufficient to fund parking improvements. If housing development incentives are desired, a percentage fee reduction could also be considered.

3. Area Eligible:

We suggest that participation in the Fee In Lieu program be discretionary, contingent on a Planning Commission approval that includes a finding of potential impacts to existing on-street or other public parking. We recommend that geographical and temporal restrictions be placed in the initial ordinance.

Draft Recommendation:

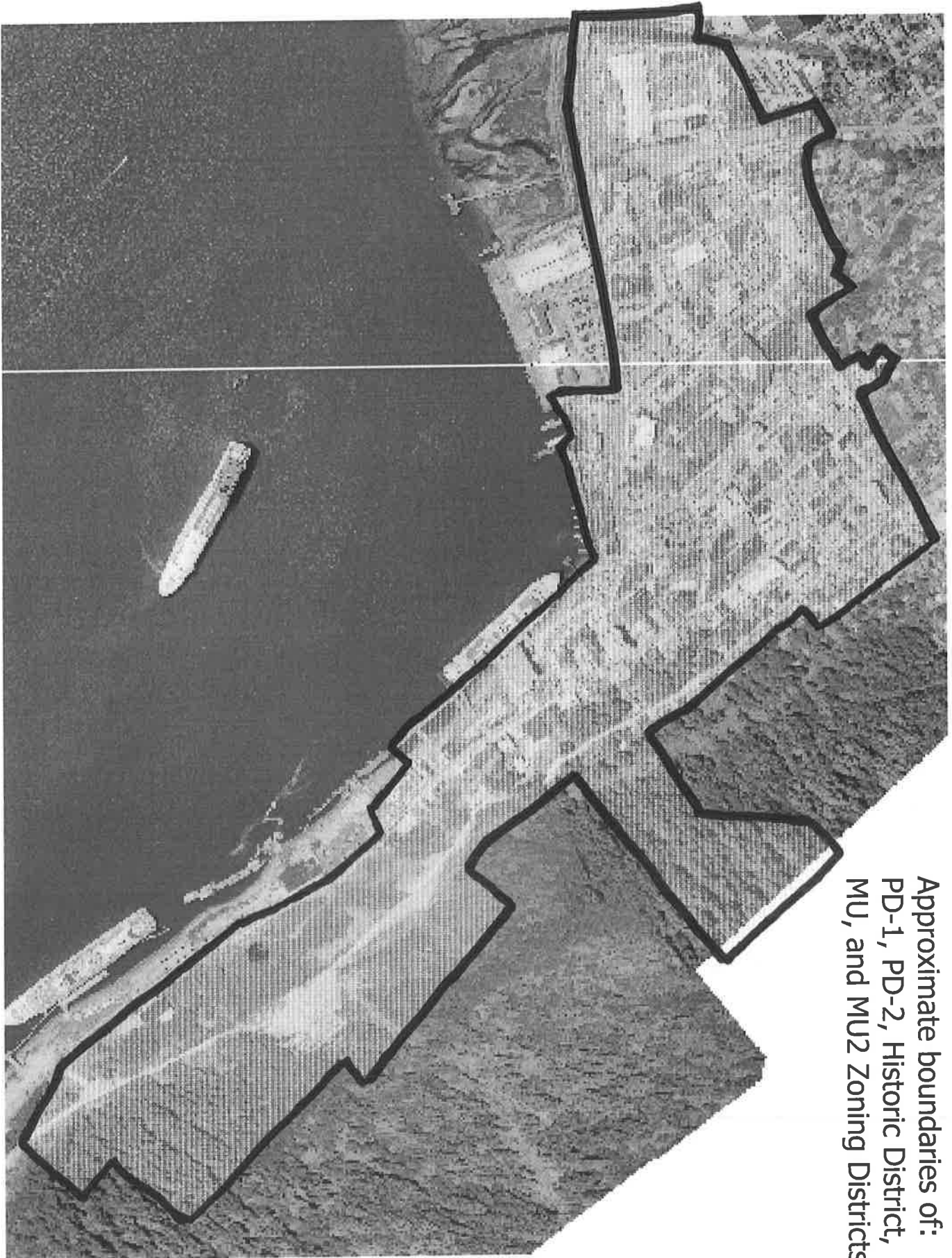
We recommend that the initial FIL ordinance allow eligibility within the historic district, MU and MU2 zoning districts and the PD-1 and PD-2 parking districts (see map), and have a sunset clause after one calendar year. We recommend that the ordinance be adjusted and expanded over time.

Conclusion:

Fee in Lieu is reasonable and within reach. The issue has been discussed and desired by City staff, developers, the Assembly, and the Planning Commission for more than a decade. Implementation may not be perfect, but it is a needed and desired improvement to the existing code. Potential effects of a FIL ordinance include development of housing included with commercial construction and freeing up valuable industrial land on the rock dump that is currently encumbered by parking for recent Franklin Street development. FIL is a tool that should be allowed at the discretion of the Commission, and proposed at the option of the developer.

The Planning Commission has been holding work sessions on this topic. A FIL ordinance contains policy and fiscal impacts of concern to both the Assembly and the PC. We recommend that the Assembly COW hold a joint work session with the commission.

Attachments



Approximate boundaries of:
PD-1, PD-2, Historic District,
MU, and MU2 Zoning Districts

Menu of in-lieu options

- **Fee-in-lieu of off-street parking**--one-time payment per space at time of permitting. Set fee per parking space.
- **Fee-in-lieu financed similarly to LID** with single property owner. Payment is made over time, plus interest. Set fee (plus interest) per parking space.
- **Transit passes-in-lieu of off-street parking**--contract to purchase transit passes for all employees/tenants/occupants annually. Percentage of parking requirement reduction.

Example: A new office development requires 30 parking spaces, but the site is within ¼ mile of a Capital Transit stop served twice every 30 minutes (one bus in each direction every 30 minutes). The developer opts to commit to purchasing an annual bus pass for every employee for the life of the building, or until other parking provisions are made, in return for a 20% reduction in the number of required parking spaces, so 24 spaces now required. This provides:

- Capital Transit with guaranteed income, regardless of actual ridership.
- Employees with the tax-free benefit of free transit passes.
- Developers with reduced up-front development and land costs.
- Property owners with reduced site maintenance costs.

- **Parking tokens (paid parking validation) –in-lieu of off-street parking**—either a one-time purchase of tokens at time of permitting or a contract to purchase a number of tokens annually. Set number of tokens to parking space reduction or percentage of requirement reduction depending on agreement.

Example: A new business downtown cannot accommodate off-street parking on the project site, but the developer does not want to pay a one time fee-in-lieu for required parking spaces. Instead, they want to provide their customers with tokens as a form of validated parking—the customers can use the tokens to pay for parking in any CBJ-managed pay parking lot or structure (Marine Park Parking Garage or Main and Egan Lot, plus any future pay lots) on a future visit to downtown. These tokens would also be accepted at any meters installed in downtown at a future date. The developer (or building owner) would be required to purchase a set value of tokens annually to distribute at their discretion (a shop owner could give the tokens to outstanding employees as a reward, to customers who spend more than a minimum amount, or under a system of their own). This is essentially fee-in-lieu, but the use of the parking space is allocated according to the developer's or owner's desires.

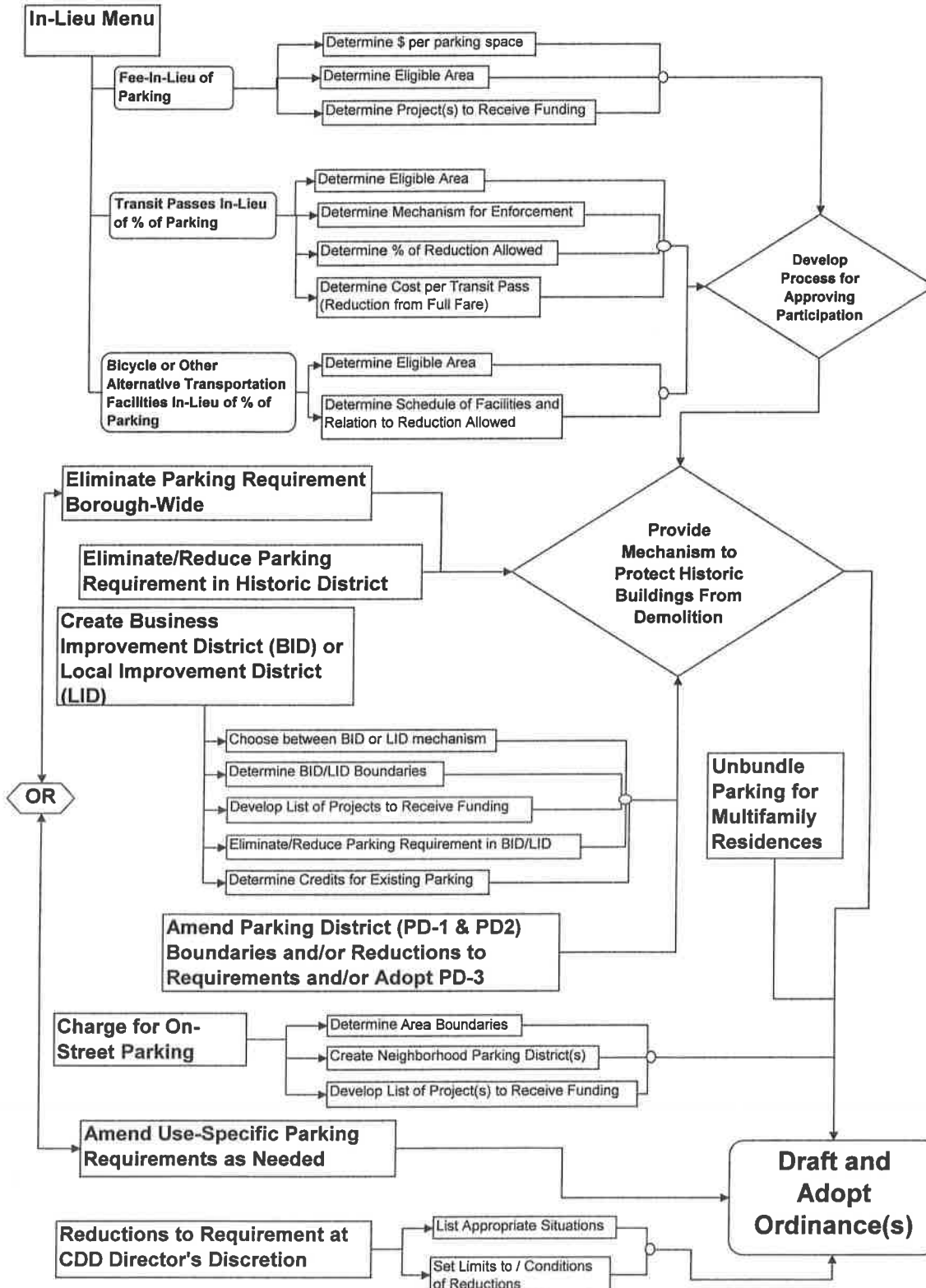
Items on the In-Lieu Menu Require:

- Support of parking management agencies for using/selling tokens.
- Support of Capital Transit for transit passes-in-lieu.
- Changes to CBJ Code beyond the Land Use Code (Title 49).

Flowchart showing parking-related projects and amendments to the Code of the City and Borough of Juneau.

This flowchart is intended as a guide to understand the various projects and amendments that may be pursued to address parking-related issues in downtown and throughout the borough in order to aid discussion. Each project or amendment will require public hearings and stakeholder participation. The various amendments and projects are each at various stages of completion, from simple text amendments to Title 49 that will be presented to the Planning Commission in the near future, to the Fee-In-Lieu of parking amendment that has been discussed for many years but has not yet been adopted, to adoption of a Business Improvement District, to the elimination of all off-street parking requirements borough-wide.

The list of options presented in this flowchart is not exhaustive, and many communities across the United States have adopted other parking-related programs that are not listed here, such as parking cash-out and maximum parking limits.



THE CITY AND BOROUGH OF JUNEAU, ALASKA

April 10, 2006

MEETING NO. 2006-08: The Special meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 5 p.m. by Mayor Bruce Botelho.

I. FLAG SALUTE was led by Mayor Bruce Botelho.

II. ROLL CALL

Assembly Present: Jonathan Anderson, Dan Peterson, Merrill Sanford, David Stone, Randy Wanamaker, Mayor Botelho, Jeff Bush, Johan Dybdahl.

Assembly Absent: Bob Doll

Planning Commission Members Present: Dan Bruce, Marshall Kendziorek, Mark Pusich, Frank Rue, Michael Satre, Linda Snow, Nancy Waterman.

Planning Commission Members Absent: Jaqueline Fowler, Maria Gladziszewski.

Staff Present: Rod Swope, City Manager; Kim Kiefer, Deputy City Manager; Peggy Boggs, Deputy City Attorney; Laurie Sica, Municipal Clerk; Dale Pernula, Community Development Director; Ben Lyman, Planner; Susana Montana, Planner; Rorie Watt, Chief CIP Engineer.

III. NEW BUSINESS

A. Comprehensive Plan Update

Dale Pernula provided an introduction to the Comprehensive Plan Update. Priorities were set for this review by the Planning Commission in 2003. 50 projects were consolidated to create four categories: Environment, Growth-Map Land Use and Zoning Classifications, Transportation and Code Issues/Development Standards.

Mr. Pernula said the wetland mitigation bank creation was underway. Identification and categorization of sensitive habitat areas would be addressed with comprehensive plan review.

Identification of commercial/industrial lands and new growth areas were at the heart of the comprehensive plan review. Lidar mapping would provide a better tool for planning.

Transportation included implementation of a parking plan and a second Gastineau Channel crossing.

Code issues were part of the Title 49 review project. Ben Lyman distributed handouts.

Mr. Sanford asked if the schedule for Title 49 was firm. Mr. Pernula said the schedule outlined expectations for completion of staff work. There could be issues that arose through the law department, Planning Commission, and Assembly review processes. Mr. Sanford said he was willing to support whatever tools that would be needed to complete the work in a timely manner as it was very important.

Mr. Pernula said there had not been a major update on the Comprehensive Plan in 10 years. The time was right to do this work now, as the department was presently fully staffed. A complete plan was accomplished in 1984. There were updates in 1988, 1995, and 2003, however, they were policy updates only.

Mr. Pernula introduced Susana Montana, who was tasked with the Comp Plan update. She distributed a handout. A main focus was a balanced economy, providing land available for industry as well as government and tourism industries. Affordable housing was a second main focus. Those were the areas that had fallen short over the last years. The policies were used to measure applications for changes and they wanted to make sure the policies reflected the community's values. They were planning neighborhood meetings to identify current thinking, and they would be asking citizens what is missing in the community. They would review office, manufacturing, retail, tourist destinations and housing needs. They would identify vacant lands 2 acres or more from current urban service boundary that could be extended sewer. They were identifying current industries – 50 representative businesses, interviewing them on the current operations, future expansion interests, and the needed criteria for their expansion. They would coordinate buildable sites to those identified needs.

Mr. Dybdahl asked about the incorporation of other existing CBJ plans into the Comprehensive Plan by reference, and was concerned that some of those plans may be dated. Ms. Montana said task 9 was identifying all adopted plans and layering them into the land use plan. Whether they were dated would be revealed through investigation and interview with agencies. They did not want to create any conflicts.

Mr. Anderson asked a question about the growth areas and Ms. Montana said the current growth areas identified were not realistic for current needs. The review may find the need to extend the urban growth boundary.

Ms. Montana said they realize there was little buildable land available despite CBJ's 26,000 acres. They had done a first cut of lots 2 acres or more in size that were vacant. They had also looked at underdeveloped land that was 10 acres or more in size. Any sewer extension would need to be justified based on the land use. They were looking at density and how it translated into affordable housing issues, as land was scarce. She showed a power point presentation and reviewed density issues.

Mayor Botelho asked how CDD planned to solicit comments and how the meetings would be run. Ms. Montana displayed public comment sheets that were in the packets, and said that wherever there was a crowd CDD would be at various community events and 6 neighborhood meetings. They would present the information gathered to the Planning Commission COW on May 16.

Mr. Rue said the effort would also solicit information from people with specific knowledge regarding the various policies.

B. Fee-In-Lieu of Parking

Ben Lyman and Rorie Watt had been working on the issue regarding a fee-in-lieu of parking proposal. Mr. Lyman said there had been many meetings in the past regarding this issue, and there were three essential questions for the Assembly that needed to be answered before drafting an ordinance for review:

1. Use of collected fees,
2. Amount of fees for parking space, and
3. The area of town identified to be eligible for the FIL program.

The staff had provided recommendations on these questions in the packet. They suggested the fees be used initially to construct a parking structure previously authorized by the voters in the 1% sales tax initiative for a downtown parking and transit center. A draft Ordinance 2000-53b had set a price per parking space at \$26,000. Mr. Lyman stated that staff thought this cost was excessive and outlined the reasons. He estimated the cost to be in the range of \$10,000 to \$15,000. Staff suggested the initial area for the FIL be the downtown area. They felt with the questions answered, the FIL was a project was reasonable and within reach. He asked for feedback.

Mayor Botelho asked how the transfer of property ownership over time would be address. Mr. Watt said he saw the implementation similar to an LID, which was similar to a lien on the property and was recorded.

The Assembly asked about giving the Planning Commission or Director the discretion for determining the area in which the FIL would be allowed. Mr. Pernula said he preferred a hard boundary be established to which a variance could be allowed.

Mr. Lyman said the FIL funds would be invested, as there was no hard and fast project, and the project would be developed over time, and community could change plans.

Ms. Waterman suggested this program was similar to the waterfront extension fund. Mr. Watt said the idea of a rolling extension program was similar to fee in lieu of parking program. A developer could achieve surface parking but not a multi-level structure on their own. If the city wanted to get away from one level parking it would have to participate in a multi-level parking project.

Mr. Dybdahl asked if existing structures with variances to on-site parking could participate in order to gain retail space. Mr. Lyman said that was the intent from the planning commission staff. They would be looking at minor development through major projects.

Ms. Snow asked if the situation would get worse before it got better through the initial stages of such a program, as people would be paying for parking that did not exist. Mr. Watt said yes, however, a parking facility was approved by the voters. He estimated it would be possible for construction to begin in the summer of 2007, with parking available by the summer of 2008.

Ms. Snow asked about demand for downtown parking and what might develop if more parking was available.

Mr. Lyman said parking downtown was more a problem of management and perceptions. People get frustrated that they can't find a space right in front of the building they want to go to. If people are willing to walk up to six blocks, a space is generally available. Without effective management of on street parking, we will have vacant garages. He favors reinstating parking meters downtown, as one way to solve parking problem, however that is not envisioned in the fee in lieu of parking program.

Ms. Snow asked what would happen if type of parking needs changed due to a change in the nature of the business. Mr. Lyman said each fee would be treated as a parking space for a property and would be kept track of in the records. If the building was developed at one rate, and then changed the use, there could be a credit for spaces, and more added, if needed. The agreement should be recorded at the recorders office and run with the land so the information is available through a title search.

Mr. Sanford said that the Foodland Shopping Center was the only business downtown that had provided sufficient parking, and would it be able to reduce their parking and do a fee in lieu. Mr. Lyman said if they met the criteria developed for participation in the program, yes, however,

parking was such an asset they would probably not want to give it up – this program was mainly for those who did not have sufficient parking. Those with on-site parking find it is such an asset that most would not want to give it up.

Mr. Kendziorek said it had been a big disservice that the FIL program was delayed due to the interest in identifying a specific parking project. Many businesses were developed without participating in this. He suggested something in the \$7,000 - 10,000 range for per space. The area for this did not need to match the PD1 or PD2 area – if there were other areas in the community that this made sense for, it should be considered. He supported the authority for the decisions to reside with the director, with an appeal to the Planning Commission and/or Assembly.

Mr. Pusich asked about the half mile radius shown on the attached map from the proposed parking structure at Egan and Main Streets, and wondered how much more development would be seen that would contribute to the FIL program. Mr. Watt said the FIL would take in new development and redevelopment. The size of the Subway restaurant reconstruction was limited due to parking. In regards to the Gross Building – if the owners weren't concerned about the parking requirements, they might tear it down and make a new building. Staff had heard that if it was not for parking, residences could have been built downtown. Staff suggested an initial implementation with a sunset clause, as they did not know the interest level equal to the cost of the fee, which could vary if it was set too low or too high.

Mr. Pusich asked if properties that had been encumbered in the rock dump area for off-site parking could apply for the FIL, in order to allow full development of those sites. Mr. Watt said the South Franklin property owners with the variance could participate in FIL program in order to unencumber the parking.

Mr. Pusich asked about the status of the subport parking, when those 200 spaces might no longer be available for free public parking. Mr. Swope said he had been in discussion with the owners of the property, the Mental Health Trust (MHT). MHT had asked Fish and Game to vacate the property, but MHT has assured Mr. Swope that the parking would be available in the short term – 2-3 years. They want to develop the sight in the future. The new parking site has room for 160 spaces, and he does not see that space being developed for the State Museum and Archives expansion in the near future, most likely for 6-7 years. The Armory property would be a policy decision for the Assembly and if purchased, had some parking available.

Mr. Rue thought there would be enough activity that parking.

Mr. Dybdahl liked the flexibility of applying FIL to other places in the borough.

Mr. Bruce said the fee should not exceed the cost to developers that had incurred costs on the rock dump and consideration should be given to let those opt out at reduced price to encourage them to participate in the FIL program.

Mr. Lyman said that with the value of downtown property being an average of \$65.00 per square foot, one surface parking space was estimated currently at \$19,500.

Mayor Botelho asked for refocus on the three questions:

1. Use of collected fees,
2. Amount of fees for parking space, and
3. The area of town identified to be eligible for the FIL program.

Mayor Botelho said he sensed consensus that the use of fees should be directed towards parking/transit development in the broad sense. In terms of the dollar amount, there was an issue of payment over time, and a model was discussed – either the water extension approach or the LID approach. Mr. Lyman said they had looked at the fee as a lien on the property similar to the LID, but a revolving fund similar to the water extension service. Mr. Bruce asked staff to talk with members of the development community about their thoughts on this being an up front cost as opposed to a cost passed on so subsequent owners. Mr. Watt said that either option was elective in the LID approach. Mr. Bush suggested financing at a flat payment schedule similar to a mortgage. Mr. Watt said he did not believe the financing method was codified. Mr. Bush said there was also the issue of the city financing the project rather than a bank financing a project. Mayor Botelho suggested staff draft a methodology for review.

Mayor Botelho asked about the suggestion of amount somewhere south of around \$10,000. Mr. Bruce said the price point was critical. Variance does not set precedence but if parking farther away can be done for less, the FIL needs to be equal or less than the alternatives. Waterman said that some of those parking contracts were for 30 years. The life cycle cost of the structure needs to be figured in. She asked if the fee in lieu also invited the participant to rent the space, it would not be dedicated to them. Mr. Lyman said there would not be dedicated parking spaces to participants; they would have to purchase a parking pass. Mayor Botelho summarized by charging staff to identify the alternatives and their costs.

Mr. Lyman said in other similar FIL programs it was not recommended to include O&M of a structure in a fee. Pay parking could defray the O& M costs. Mayor Botelho agreed that O&M should not be a part of cost. Mr. Lyman and Mr. Watt came up with preliminary numbers that indicated that a 300 sq. ft. parking space at \$65.00 per square foot, cost \$19,500 on bare dirt. On the rock dump, one developer recently paid \$52,000 for a five year lease on 12 parking spaces.

Mr. Rue's interest was to capture those that are out there with variances to come into the program.

Mr. Satre said the area of the project needed to be extended. Mr. Lyman asked if a "soft boundary was acceptable, such as "generally within the area defined by the rock dump and gold creek," or tighten it up a bit such as "between the Princess Dock and Gold Creek and not past 8th St..." or leave it open as downtown, at the Planning Commission or Director's discretion.

Mr. Kendziorrek asked why limit it at all, and perhaps give criteria for why you would say no. It could be useful for Douglas or the valley. He suggested limiting it by specific criteria. Mr. Rue said that similar to the mitigation bank, a general instrument could be developed to refer to, and more specific rules could be developed according to the area involved.

Mr. Dybdahl said this could work in industrial area as well and this type of flexibility was needed in the borough.

Ms. Snow said if it was opened up to everywhere in the Borough, there may be some upset that a parking solution was not provided in their area.

Mr. Pusich said he leaned toward flexibility. With all the development in Lemon Creek, there could be real applications of this type of parking solution. He wanted more flexibility than the half mile radius of the map.

Mr. Satre suggested it could be allowed by zoning areas, such as the core commercial and industrial areas.

Mr. Kendziorrek said a rolling program would allow for individual fees to be put in a pot to collect for when a parking solution was feasible.

Mr. Rue said the program could be like forming an LID with a general ordinance with all the rules, then areas were set up work was purposefully defined to pay into their own service areas, rather than solutions not being specific to the area.

Ms. Waterman liked the idea, and transit was an area wide solution to parking, which might be improved to 15 minute service with the input of FIL program funds.

Mr. Bruce said if parking was built too far away it would not be used. Specific geographic areas would encourage use of a parking structure. Where ever density issues existed, this would help.

Mr. Dybdahl said that “village thinking” took away the sense of community and benefits that would be city wide and funds should be used to solve the problem where it is most needed.

Mr. Swope said to make this work, the money needed to go into transit or as part of the comp plan update, if you set up areas for which FIL is directed, city property needed to be set aside now for future parking development. In an area wide sense he did not think property was available in all areas, nor would it be the best use of the property.

Mr. Sanford said Douglas did not have enough high density development to ever pay for a structure or 15 minute bus service. It was far out there to set aside funds for a specific area such as Douglas and think a solution would be provided. The FIL program would not completely fund the parking garage structure and there was no way to pay for the parking spaces needed simply by charging the customer. This needed to be kept as general and as simple as possible.

Mr. Bush agreed and Mr. Rue. He said that this program is not to solve the problems with density in an area and the difficulty of finding parking for the businesses to develop. This is designed to create an alternative parking arrangement or alternative system, but still requires there to be parking of some kind. Unless it is a big enough problem that the city needs to take it on for funding purposes, creating a system that allows us to go down the road when the situation arises is what is necessary.

Mayor Botelho said the direction seemed to be to set an area wide structure and allow the Planning Commission and Assembly to set specific districts.

Mr. Pusich asked what the next step would be. Mayor Botelho suggested that staff would come back with a draft ordinance for the Planning Commission to review.

Pernula said that on most of the Title 49 amendment projects, staff was taking it to the Planning Commission and the Lands Committee or the Public Works Committee at the same time. Mayor Botelho said the Public Works Committee would be the assigned committee for Assembly review of the FIL program.

Mayor Botelho asked for Planning Commission feedback on how CDD staff is doing in terms of reaching out to applicants. He has heard public concerns about some cases in which staff was too rule oriented and not problem solving, and he wanted to hear the Commission’s perspective.

Mr. Pusich said he thought the staff had done a great job tonight with the subjects it presented and overall the staff had improved over the past few years. There had been difficult issues and they had done well with findings and analysis – there are bumps in the road – and problems can often be a communication problem. Sometimes it is the nuance of the interpretation of one word in a

staff report. He felt confident that staff was doing a good job. CDD is a large department, with lots of permits under review all the time.

Mr. Bruce said there was noticeable improvement in communications with staff over the last 18 – 24 months. The changes in Title 49 will improve communications. Some sections are difficult to understand, and the ordinance lends itself to interpretation, which leads to difficulty. The Permit Center had made significant changes. There was no doubt where it is located, the environment is friendly, the paperwork is accessible, and there are pre-application conferences available. It is friendly and less hostile. The staff tries to work with the developers.

Mr. Rue said he had heard a number of comments from applicants that found it was good working through issues with staff.

Mr. Kendziorek said staff had done a great job for a number of years - and there had been improvement. Relative to other communities it was off the chart good. His brother was on a Planning Commission in another community, and was stunned by the level of staff work performed by the department at CBJ.

Ms. Snow said CDD had a hard working staff that provided thorough information. Her business did a survey of community business in many communities and specific to Juneau was the issue of the complexity of the permitting system and length of time it took for development.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

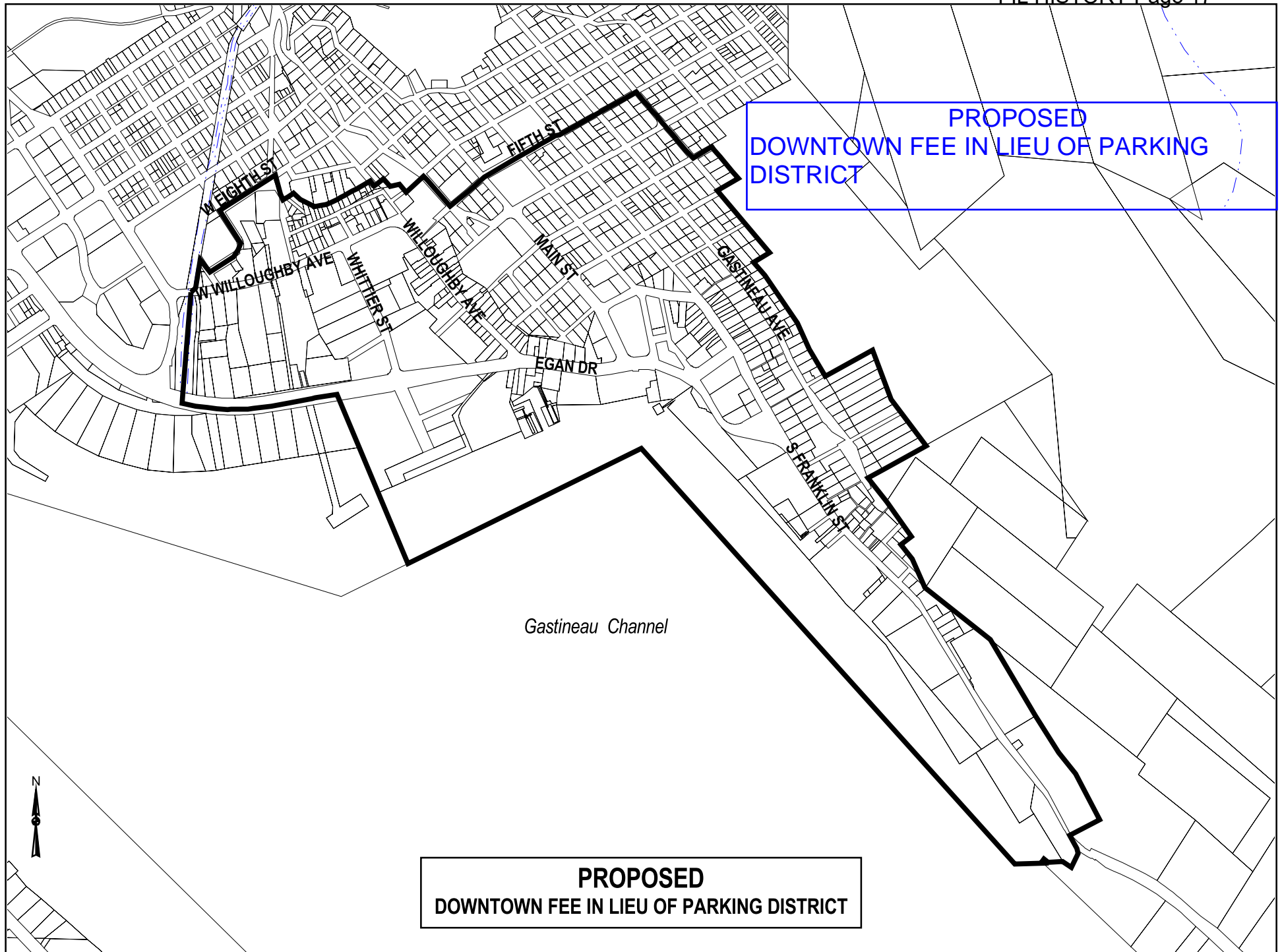
Doug Larson, Gastineau Ave., Juneau, said the Fee-In-Lieu of Parking program was a red herring. There could be late coming developers that paid into it for years and never had anything to show for it. It would be better if it were applied to all businesses in the business district – commercial demand was generating the parking problem, spreading out the base of the parking problem could be a solution to the cost. He suggested applying the cost to the assessed value of the MU district and break it down as a mill rate on their tax assessment, which could pay for a structure and maintenance. As presently directed, it would put money into a fund that may not address the solution. If spread out over bigger base, all would share in the cost of the problem that they are creating.

V. ASSEMBLY COMMENTS AND QUESTIONS

Mr. Dybdahl said the approach on Comprehensive Plan is manageable. The schedule looks aggressive and the timing is critical.

VI. ADJOURNMENT - 7 p.m.

Signed: _____ Signed: _____
 Laurie Sica, Municipal Clerk Bruce Botelho, Mayor



Text for memo to the PWFC - actual memo not retained?

DATE: August 25, 2006

TO: Public Works and Facilities Committee

FROM: Ben Lyman, Planner
Community Development Department

SUBJECT: Fee In Lieu of Parking Program

On April 10, 2006, the Assembly and Planning Commission met in a joint Special Session to discuss the Fee In Lieu of Parking Program (FIL) and provide staff with direction in developing the program. Staff asked for direction on three points at that meeting. Those three points and the direction provided by the Assembly and Planning Commission were:

- 1) Use of the collected fees;

The Assembly and Planning Commission were supportive of using collected fees initially to help fund construction of a new downtown parking structure, and the subsequent use of fees collected under the program to fund provision of additional parking, as well as to fund other programs to reduce the parking demand downtown.

- 2) Amount of fee per parking space;

The Assembly and Planning Commission directed staff to research the costs of various parking alternatives available to developers, and to develop a methodology to determine how much the fee should be based on that data. Staff has reviewed the cost of parking alternatives available to developers, including the leasing of land on the Rock Dump and the provision of parking on-site, and has determined that a fee of \$8,500 per space is an equitable and justifiable amount.

- 3) The area of town identified to be eligible for the FIL program;

The Assembly and Planning Commission were supportive of allowing any property in the borough that met standards for participation, including the provision of public parking or parking demand reduction programs to serve that property by the CBJ with the funds collected. The Assembly and Planning Commission recognized that the logical place to start such a program was in the downtown area, with the intent of expanding the areas eligible for participation as other areas could be served by projects funded under the program.

The Assembly and Planning Commission directed staff to draft an ordinance to create the FIL program and to present that ordinance to the Public Works and Facilities Committee and Planning Commission for review.

The Assembly and Planning Commission also directed staff to write said ordinance so that participation in the program would run with the land, with the agreement regarding FIL participation recorded at the State Recorder's Office, and that the program would be implemented in a manner similar to an LID, with a lien on the property recorded.

Since the April 10, 2006 meeting discussed above, staff have determined that additional protections for historic properties must be adopted, as the FIL program could have negative effects on historic preservation efforts. These concerns are addressed in the draft ordinance accompanying this memorandum. Staff intends to develop additional protections for historic properties during the one-year period the draft ordinance would be effective, so that the historic preservation sections of the FIL ordinance could be removed in a future version of the ordinance.

DRAFT MINUTES
Public Works and Facilities Committee Meeting
Monday – August 28, 2006 – 12:00 p.m.
Assembly Chambers

I. CALL TO ORDER

Members present: Jonathan Anderson, Dan Bruce, Bob Doll, Merrill Sanford, and Randy Wanamaker
Staff members present: John Bohan, Joe Buck, Rich Etheridge, Nancy Gifford, Roger Healy, Kim Kiefer, Ben Lyman, Eric Mohrmann, Deb Purves, Mike Scott, Rob Steedle, John Stone, Rod Swope, and Rorie Watt

II. APPROVAL OF MINUTES

A. July 24, 2006 – Regular Meeting

MOTION by Wanamaker: I move approval of the Minutes of July 24, 2006.

Sanford – On Page 2, under ‘D. JNU Terminal Expansion & Renovation Appropriation of State Earmark.’ there was a question from Mr. Doll about CIP projects, between Mr. Healy’s and Mr. Mello’s remarks.

Gifford – That was inadvertently edited out – I’ll put it back in.

Sanford – Hearing no other objections, the minutes stand approved as corrected.

III. PUBLIC PARTICIPATION

None.

IV. ITEMS FOR ACTION

A. Fee In Lieu of Parking (FIL)

Ben Lyman – Since the April 10, 2006, Special Session of the Assembly and Planning Commission, staff has been working to address the questions and concerns raised at that meeting. This draft ordinance needs last minute polishing but at this point we would like to have this committee review it and approve the dollar figure for the fee. We are asking for your recommendation to forward this to the full Assembly and Planning Commission for final approval.

Doll - What are you going to do with the fees collected? How are you going to track them?

Lyman – Funds would go into a special account set up by Treasury, and would be used to finance construction of public parking areas or other parking demand reduction strategies as the Assembly sees fit.

Sanford – Please brief us on the last meeting of the Historical Preservation Committee, regarding their overall plan for the historical district.

Lyman – In the draft ordinance the intent is that FIL not be used for structures that are historically significant. We’re concerned that FIL could be a disincentive to historic preservation. Our current parking district, the PD1 overlay district, works towards helping to preserve historic buildings, and we’re concerned that combining the two ordinances might be counterproductive. So we’ve put this provision in requiring that we have an extra review of those structures and whether they get to participate in this program. As this is theoretically a short-term ordinance, we would be able to revise our historic district standards over the next year, and incorporate demolition protection in that section of code.

Watt – Paragraph (C) was inadvertently omitted from the FIL Draft Ordinance. It included a sunset clause of 360 days. This as a pilot program would allow time for the historic section of the code to be re-written. Paragraph (C) would essentially sunset this ordinance and bring it back to the Assembly next year for review. It would not provide an incentive for the demolition of important structures. Paragraph (C) would be removed after the 360 day period.

Doll – This would impact street parking. If the public is not kept abreast of this issue, we might hear complaints like 'why was this building constructed or renovated without providing additional parking?'

Lyman – Downtown parking is a very contentious issue and no matter what we do, we're going to continue to hear complaints about it. It is true that many cannot park in front of downtown destinations, but the reality is that there are numerous parking places available in the parking garage every day.

Wanamaker – Even though parking spaces may be available, many women do not feel safe using that facility. Often times, transients loiter there, some under the influence of drugs and/or alcohol, some panhandling. This problem will persist because of the way the parking garage is designed.

Doll – Would this action eliminate any parking spaces?

Lyman – No.

Doll – Whatever problem exists in a given street or neighborhood won't change. What we're eliminating is the requirement to provide additional parking spaces, is that right?

Lyman - On the particular lot where the development is occurring, yes.

Watt – I want to point out that the pressure for the on-street parking deteriorates when we allow off-site parking and shuttles from the Rock Dump. This mechanism would compete with or supplant that method and provide monies to do something useful.

Bruce – Just about every building along South Franklin, constructed within the last ten years, has had to provide off-site parking at the phantom parking lot and the Rock Dump which 1) uses up valuable industrial land; and 2) raises questions as to the efficiency of the program. This gives the developers an alternative that benefits the community by providing parking per demand.

Sanford – This addresses only a small part of the downtown parking problem. It's not the end-all and will not solve all the parking problems.

Wanamaker – I suggest that at least two public hearings be held on this issue, so staff would have the benefit of hearing and addressing comments from the public, before taking this to the Planning Commission and Assembly for adoption. Concerns might include the price per space and how this would apply to residential rental and non-profit organizations.

MOTION by Wanamaker: I move that we direct staff to hold at least two public hearings to address FIL.

Bruce – Given the lengthy time it's taken to get it this far and the fact that the ordinance sunsets in 360 days, I think we have adequate opportunity to gain public review of it when it's in force. I'd like to see it actually get on the books.

Sanford – To speak to the motion, I would like to see us move forward and use this year as a learning curve, and it's time that we move on.

Wanamaker – In light of the comments from committee members, I withdraw the previous motion.

MOTION by Doll: I would move that the committee approve the draft FIL ordinance, including Item (C) – the 360 day sunset clause, as presented by staff and recommended to the Assembly.

Sanford – Please take the roll.

Gifford	Doll Y
	Sanford Y
	Wanamaker N

Sanford – Motion is so ordered.

B. Downtown Sprinklers

Mohrmann – Following the last meeting of this committee, we explored buildings supported by pilings, and found them separated only by chicken wire or plywood. If fire did get down under that area it would consume the entire block. The second item that this committee requested was for us to graphically display the parameters of the historic building district.

Doll – The area outlined in red on your chart - is that the area north of the Red Dog?

Purves – The area encompasses City Hall, George’s Gift Shop, the SERRC building, and the vacant Skinner Building site.

Mohrmann – The third request from the PWFC asked that we delineate locations of existing firewalls located within the area under consideration. For that purpose my staff and I, along with Ms. Purves, went and viewed the area. A classic firewall has a two-hour rating, and a parapet – an 18” high section that extends above the roof line. It’s non-combustible and would prevent heat from a fire on one side of a building from transmitting through and igniting the roof of an adjoining building.

The fourth issue that the committee asked us to address was the development of a proposal for remodels. Most buildings aren’t required to install sprinklers until they reach a 50% change of the building. New buildings, depending upon occupancy, openings, and usage upwards to an area of 12,000 square feet, are not required to install sprinklers. As a result of our findings, we’ve included in your packet a memorandum detailing our recommendations for a downtown sprinkler ordinance.

Purves – We want to allow members of the public to continue with their remodeling projects and plans, so we decided that before permits are issued, we will have an agreement with owners within an 18-month period, that we would have the plans, and would work with them regarding approved sprinkler plans and dates of installation. I marked them on the map as fully sprinkled because they will be eventually and they have a permit to ‘be fully sprinkled.’ From the scope of work, we also removed roof or marquee repairs. Owners might be inclined to avoid repairing roofs or marquees because they’re not willing and/or able to put in sprinklers at the time the work is in progress.

In reference to the adoption of the 2006 code series, Peggy Boggs, Law Department, concurred with me about the implementation of a non-code ordinance that could be superseded with the actual Title 19 permanent ordinance at a later date.

Doll – I understand the difficulty of putting sprinklers into private homes, but from a fire standpoint, don’t those homes represent just as much of a threat to the community as any other structure in the downtown area?

Mohrmann – They certainly do, considering the proximity of them. I think one of the differences is that virtually all commercial structures are multi-storied. And fire loading in a commercial structure, particularly in a mercantile commercial structure, is much higher than in most residential homes. Similar to commercial structures, combustible one and two family residential buildings are closely packed together with very little in the way of fire separation. There are sprinkler systems called '13-D' which can be retrofitted for private homes. The cost of these systems is remarkably less than commercial sprinkler systems, because they're designed primarily for life safety, to protect people long enough to get out of a burning building. They're not designed to completely extinguish a major fire.

Doll – My question is prompted in part by the fact that private homes represent approximately 30% of the area. I think the motivation behind this proposal is twofold: 1) to protect historic structures; and, 2) to prevent the spread of fire to all other homes in and beyond the historic district.

Sanford – When looking at the map of upper streets downtown, many only have structures at the corners. Maybe owners of those corner properties should be required to install sprinkler systems, but I don't think this mandate should include all residential areas and open spaces. During the next few months, I would like to see an implementation of sprinkler systems for all new construction within the Borough.

One of the things requested during our last PWFC meeting, and that I'm reiterating now, is for you to provide us with a sample ordinance. If a more intense sprinkler ordinance is needed, I'd like your department to present that to this committee next time we meet. We can then determine if and when we want to put the new code into effect, instead of waiting another year and a half.

Wanamaker – I understand that the cost of installing sprinkler systems in residential areas may be exorbitant for homeowners. However, we're noticing that some owners are turning residential areas into office space, thus changing ordinance requirements.

Sanford – I would consider the size of the building, not just the building's use, in determining fire hazard levels.

Anderson – Regarding model building codes, what kind of precedence do we want to set in funding sprinkler systems, when in ten years' time all structures will have to be sprinklered? I think it's a difficult question because it's a burden on anyone to install sprinkler systems and yet everyone's going to have to have them. It's also a burden to require certain building codes that buildings are built structurally sound. I'm thinking about cost distribution.

Sanford – I would like us to keep in mind that under the new building codes, we won't ever again build a district like this. All buildings would have some separation and most would be sprinkled. Please provide us with more information on cost. How are we going to get the businesses involved? I want them to be on board during this whole process because they're the ones that are directly affected and we need to incorporate their input as we move forward.

Mohrmann – Regarding meetings with business owners in town, I propose to meet not only with the Downtown Business Association (DBA), but with other business organizations in Juneau.

Purves – Currently, the Gross Building on South Franklin, is under construction. The architect on this project has opted to incorporate a sprinkler system into the upgrades, because it's easier to implement during a major remodel than to go back later to retro fit. I think the building community is aware of upcoming requirements because of these meetings.

Sanford – Perhaps the expense to homeowner could be lessened by using city tax dollars and cruise line passenger fees.

Healy – We could examine funding alternatives with engineering, building, and finance departments, so we could come back with more definitive suggestions.

C. PWFC Meeting Schedule Revisions

Healy – This proposal would allow sufficient time for action items to flow between the PWFC's and Assembly's agendas.

D. Steamship Wharf Off-Season Parking – Red Folder Item

Swope – This issue was brought to my attention by Docks and Harbors. I then conferred with the PWFC Chairman, and he requested that I bring it to the committee for consideration. The two options are: 1) Docks and Harbors could generate revenue if they designed the lot for paid parking and found an agent to manage it; or 2) because of potential liability and management problems, they could close it off for public use. Another factor to consider is that during the winter, parking can at times be difficult downtown, particularly when snow is plowed into berms along Franklin. If the decision were made to allow parking to occur there, any planned community use or special events would still take precedence.

Anderson – Regarding that last clause about special events, I've heard comments in the past over the use of it, and we should make sure the public knows that community use still has priority.

Wanamaker – My preference is that the City Manager work towards paid parking. A potential problem that might impact community use of the area, is oil spills from cars that are not well maintained.

Doll – John, if paid parking went into effect, how would your department draft parking signs for that area? It would require one thing in the summertime, and another for the winter.

J Stone – We would definitely have to have signs in order to enforce parking restrictions, otherwise we'd end up with cars sitting there for indefinite periods of time. I think we would try to place signs in the least intrusive way possible while still making sure people were aware of the time limits for parking.

Anderson – Mr. Stone, you used a phrase that I want to make certain I understand – talking about parking up to the dock face – how much of that open area are you thinking would be involved in use of parking?

J Stone – I think the intent was to open the whole plaza where the summertime buses park. Currently, we put bollards in and then close the lot down for the winter.

***MOTION** by Doll: I move that the staff proposal to expand parking in the steamship wharf area be approved and forwarded to the Assembly. Hearing no objections, the proposal was approved.*

E. De-Appropriation of \$1,000,000 ADEC Loan - Transfer - \$31,434 – Flow Meter Additions to Water Utility Reservoir Repairs

Healy – What this memo proposes is to de-appropriate a \$1,000,000 ADEC loan whose original intent was to do new construction on existing water reservoirs, namely insulation and metal cladding. Once investigations were done however, it was determined that maintenance painting would protect the reservoirs from corrosion, and would result in a more cost effective benefit.

Doll – What impact would this have on a flow meter additions project?

Healy – The impact would be negligible.

Sanford – So there's no way we can use this \$1,000,000 for the expansion of the sewer system?

Healy – This is a loan, not a grant. We can apply for loans to expand the sewer system as well, but that would fall under a separate loan agreement.

MOTION by Wanamaker: I move the staff recommendation of de-appropriation of \$1,000,000 and the transfer of \$31,434. Hearing no objections, staff recommendation was approved.

V. INFORMATION ITEMS

A. Alternative Project Delivery

Sanford/Wanamaker – We will wait until the next meeting to discuss this issue. If you would read though the Alternative Project Delivery System, there are a lot of pro's and con's. It's an option for us that may help us save money in the future.

VI. NON-AGENDA ITEMS

A. Contracts Division Activity

1. July 10 through July 21, 2006
2. July 24 through August 4, 2006
3. August 7 through August 18, 2006

VII. ADJOURNMENT

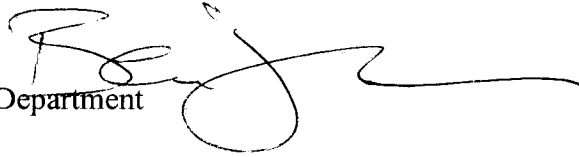
Healy – The next meeting is scheduled for September 25th.

Meeting adjourned at 1:05 p.m.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 South Seward Street, Juneau, Alaska 99801

DATE: September 6, 2006
TO: Planning Commission
FROM: Benjamin Lyman, Planner
Community Development Department



FILE NO.: TXT2006-00006

PROPOSAL: Amendment to create a Fee In Lieu of Parking program

The City and Borough of Juneau Code states in CBJ §49.10.170(d) that the Planning 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.

ATTACHMENTS

Attachment A	Draft Fee-In-Lieu of Parking Ordinance
Attachment B	Proposed Downtown Fee-In-Lieu of Parking District Map

BACKGROUND

A Fee In Lieu of Parking (FIL) program has been discussed by CBJ staff, the Planning Commission, the Assembly, and has been proposed by private consultants for many years, most notably in 2000, when a FIL ordinance was recommended for approval by the Planning Commission, but was tabled indefinitely by the Assembly. Although there was great support for the FIL ordinance in 2000, the Assembly tabled the item because no project had been identified to receive the funds collected under the program.

In the fall of 2005, CBJ voters approved a continuation of a 1% sales tax to fund certain capital improvements in the borough, including a joint transit center and parking garage downtown. Thus, the project that had been lacking in 2000 was identified, and the main barrier to adopting a FIL ordinance removed.

Since the revival of the effort to adopt a FIL ordinance in 2005, Community Development Department (CDD) staff have worked with Engineering Department staff, private developers and property owners, the Planning Commission, the Assembly, Capital Transit staff, the Downtown Business Association, and private consultants to develop a FIL ordinance that is simple, straightforward, and easy to understand and administer while protecting historic resources from potential side effects of a FIL program.

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A short list of some of the recent public meetings with agenda items relating to the FIL program includes:

- February 6, 2006: FIL discussed with Lands Committee, which recommended that a joint Assembly/Planning Commission work session be held on the topic.
- April 10, 2006: Joint Assembly Committee of the Whole and Planning Commission special session to discuss the FIL program and related issues.
- August 25, 2006: Draft FIL ordinance presented to the Public Works and Facilities Committee, recommended for forwarding to the Planning Commission for recommendation to the Assembly

The potential adoption of a FIL ordinance has also been discussed at public meetings regarding Historic District design standards and at multiple hearings on land use permits and parking variances for downtown development in the recent past. The Planning Commission has expressed a desire to facilitate the transition of parking for downtown developments from off-site locations on the rock dump to provision through the FIL program.

The FIL program was also the subject of a front-page story in the Juneau Empire on April 14, 2006, and resulted in a related web “blog” on downtown Juneau parking issues,¹ in which the majority of responses were favorable to creating centralized public parking instead of requiring small, scattered private lots throughout downtown.

Staff research on the FIL program has included attending the 2005 American Planning Association annual conference in San Francisco, CA, where staff attended a seminar led by nationally-recognized author and planner Donald Shoup. Subsequent discussions of Juneau’s unique situation with Mr. Shoup have added insight into the potential effects of a FIL program. Noré Winter, the CDD’s consultant for Historic District Design Standards, has also assisted staff with understanding the relationship between a FIL program and historic preservation.

Other staff research has focused on the actual cost of land and parking in downtown Juneau, and the economic costs and returns of development in the downtown area. This research has involved discussions with developers, property owners, real estate agents, property managers, and the CBJ Assessor, as well as site visits and comparative calculations of land and parking space value. This research has led staff to propose a FIL amount of \$8,500 per parking space, with a fee reduction of 50% for parking spaces required for residential development.

The proposed fee of \$8,500 is the result of balancing several different cost factors, including:

- The average price of land in the downtown area, approximately \$50.00/square foot;
- The average price of land in the rock dump area, where many parking spaces required for downtown development are currently provided, approximately \$15.00/square foot;
- The size of a typical parking space with access aisle, approximately 300 square feet;

¹ <http://juneaublogger.com/voxbox/2006/04/14/how-would-you-improve-downtown-juneaus-parking-situation.html#respond>

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- The length of time CDD requires off-site parking agreements to be for, 30 years (the assumed life of a building);
- The request of the Assembly and Planning Commission to set the FIL fee at an amount which would be attractive financially to developers who currently provide parking on the rock dump;
- A recent five-year lease for parking on the rock dump set the cost of 12 parking spaces at \$50,000, with incremental increases to the cost after that time period. The initial five-year rate is equal to \$833.33/space/year, or \$69.44/space/month;
- The approximate cost of construction for a space in a parking structure, approximately \$36,000;
- The current over-subscription rate for parking permits at the existing CBJ parking garage, approximately 150%;
- The current cost of a monthly parking permit at the existing CBJ parking garage is \$60;
- The fact that the payment of the fee would not provide a private or reserved parking space, but would only absolve the payer of the requirement to provide a parking space. The user of the parking space would be required to pay for its use, either at an hourly rate or through the purchase of a parking permit; and,
- The potential for increased efficiency of shared parking spaces over private parking spaces, including the joint use of a single space for diurnal and nocturnal periods.

These factors can be summarized in the following statements:

- A downtown surface parking space (300 square feet), valued at \$15000 with no improvements (land value only) can only be used by an employee, customer, or tenant of the development for which that parking space was provided. If the parking space is part of a joint-use agreement, it may qualify to be counted as 0.5 parking spaces for a second development under the provisions of CBJ §49.40.200(5). If the \$15000 parking space is utilized to its greatest potential of counting as 1.5 required parking spaces, the value of a single space is \$10000.
 As a private space, however, this parking space will likely remain empty during times when the use for which it is dedicated is not in operation, and the employees, customers, and tenants of adjacent uses will not be able to use this space, so its value to the public at large is less than that of a public space.
- A rock dump surface parking space (300 square feet), valued at \$4500 with no improvements (land value only) can be leased for approximately \$833/year after only minimal improvements have been made to the site. Over a 30-year period, assuming no inflation in lease price, this space will have cost \$25,000 to lease.
- 150% over-subscription rate for permits at the parking garage at \$60/space/month = \$1080/space/year. Over a 30-year period, this is \$32400 per space from user fees only, and does not include the \$8500 FIL amount, which brings the total amount of FIL and

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user fees to \$40900 per space. Since a single parking space can receive FIL funds from both diurnal and nocturnal uses under §49.40.200(5), the total fees can be higher than this base.

Thus, the proposed FIL amount of \$8500 is justifiable in terms of:

- Financing the construction of a structured public parking space;
- Being less than the cost of a space on the rock dump, and therefore a financially attractive alternative to providing parking on the rock dump; and,
- Being an appropriate cost in terms of the relationship between the value and utility of private surface parking spaces as compared to public structured parking spaces.

Research has also led staff to the conclusion that adopting a FIL ordinance will not result in the abolition of most existing small, private parking spaces in the downtown area. There are numerous private parking lots which provide parking that is not required under the provisions of Title 49, the Land Use Code, but which is nevertheless provided by the property owner or manager for reasons of economics and convenience. In one central location, a property owner provides nine parking spaces that are not required by the Land Use Code on property assessed at over \$28,800 per parking space. Clearly, this property owner has found that the provision of on-site parking is more valuable than redeveloping the property for other uses, and the adoption of a FIL ordinance is unlikely to change that situation.

Other properties in the downtown area are currently under-utilized, and due to the small size of the properties, are essentially undevelopable due to parking requirements in Title 49. The owners of these properties are anxiously awaiting the adoption of a FIL ordinance so that redevelopment of their property may commence.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

From the *Preface*:

In order to protect and enhance Juneau's liveability, most agree that it is important to...provide affordable housing...

The proposed FIL ordinance contains a provision allowing for parking spaces required for residential development to be provided through the FIL program at one-half the cost of parking spaces for other uses. This provision recognizes that residents of dense, mixed use areas such as that within the proposed FIL district (see attached FIL district map, Attachment B) have less need for owning an automobile by reducing the cost of providing parking instead of reducing the number of parking spaces required; that parking spaces dedicated for residential uses account for a considerable portion of housing cost; and that housing can be made more affordable by reducing the cost of associated parking. In this regard, the proposed 50% reduction to the FIL amount for parking required for residential uses is a subsidy to assist in the development of more

affordable housing. It should be noted, however, that because of the potential for joint use of a single parking space by nocturnal parkers (for residential uses) and diurnal parkers (for office and retail uses), the residential FIL is actually in addition to the FIL that can be collected for the same parking space from diurnal uses.

Policy 2.2. It is the policy of the CBJ to ensure availability of sufficient land that is suitably located and provided with the appropriate public services and facilities to meet the community's future growth needs. A range of development opportunities in urban and rural areas will be provided to accommodate the various needs and lifestyles of Juneau's residents.

The proposed FIL ordinance provides developers and property owners with an option that is not currently available. The provision of options in how parking is provided for a development creates a range of development opportunities in urban areas, accommodating some of the various needs and lifestyles of Juneau's residents.

From *Urban Development Patterns*:

Compact growth in urban areas is preferable because there the use of land is more efficient...based on extensive studies of the experience of other American cities, compact urban development is preferable to urban sprawl. By concentrating development, the CBJ will limit the number of acres dedicated to urban uses and minimize the per unit costs of extending sewer, water, utility lines and roadways. Significant reductions in travel, energy consumption and pollution will result by encouraging the development of residential uses in relative proximity to shopping, employment, cultural and recreational facilities.

Policy 2.3. It is the policy of the CBJ to promote compact urban development within and adjacent to existing urban areas to insure efficient utilization of land resources and facilitate economic provision of urban facilities and services.

Under the current requirements of the Land Use Code, new developments must provide off-street parking within a certain distance of the development. In many recent developments, developers have sought and been granted variances to extend that distance, often resulting in the provision of parking spaces on the rock dump with private shuttles between the parking spaces and the subject development. This situation ties up large amounts of relatively rare Industrially-zoned land in what are essentially unused parking lots. When parking is provided on-site, or on neighboring lots, the parking is almost always surface parking, which takes up nearly 300 square feet of prime downtown real estate per parking space.

A FIL ordinance would provide funding from private developers to construct a multi-level public parking facility. A parking structure can provide many more parking spaces per acre than a surface lot, resulting in a much more efficient use of land than is currently the case. Rather than having many small, spread out private parking lots that increase the distance between adjacent uses, a few centralized public parking structures allow denser development within the urban area, accomplishing the goals of the above-cited section and Policy of the Comprehensive Plan.

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From Housing Availability and Affordability:

As housing becomes scarcer, prices and rents rise. This impacts low income households which are least able to absorb the increase, especially those who do not own homes. This sector of the market is customarily housed in multifamily development...As housing choice is influence both by lifestyle and income, the CBJ should encourage and facilitate the provision of a variety of housing opportunities—single family detached and attached housing, condominiums, apartments and mobile homes—at reasonable prices. Insuring an adequate supply of rental housing, particularly for low income households, is also an important priority.

Policy 2.8. It is the policy of the CBJ to encourage and facilitate provision of a variety of housing opportunities in sufficient quantities and at affordable prices, to meet the housing needs of its residents. Provision of an adequate supply of housing for low and moderate income families is a top priority.

Implementing Action 2.8.15. Provide an incentive program, such as parking relief or assistance, for conversions of commercial uses back to, or to residential uses in Mixed Use areas.

The proposed FIL ordinance contains a provision reducing the amount of the fee by 50% for parking spaces required for residential uses. This provision facilitates the construction of new residential units within the FIL district, which encompasses nearly all of the Mixed Use and Mixed Use 2 zoning districts.

Residents of units developed without on site parking under the FIL program will be able to rent parking spaces if they can afford and desire both a private automobile and a private parking space, and low income residents will not need to pay for a private parking space that they cannot utilize if they cannot afford an automobile. The cost of housing will be “unbundled” from the cost of parking in such developments, making the payment of an additional cost for a private parking space a choice, and not a requirement of having a residence regardless of cost or need.

From State Capital:

In early 1995, Juneau embarked on a Capital City Visioning Project to define an image of how Juneau could look and how it might function in the future as a Capital City. This effort will be closely tied to the Comprehensive Plan. The Vision, when adopted by the Assembly, will become an addendum to this Plan.

The Capital City Vision Project: Juneau’s 20 / 20 Vision for Downtown was never adopted by the Assembly, so detailed review of the proposed FIL ordinance for compliance with this document is not included in this report. However, as this Vision is referred to in the Comprehensive Plan, it is appropriate to mention it briefly here. The Executive Summary at the beginning of the Vision contains several statements that relate to the proposed FIL ordinance. These statements are quoted below.

Housing. *Juneau has a diverse, yet integrated range of housing types that encourages a broad spectrum of people to live and work downtown...Historic homes and buildings are valued and preserved. Historic neighborhoods are protected for the benefit of both resident and visitor. Seasonal housing is available within walking distance of the capital complex.*

Pedestrian Access and Movement. ...Parking will be placed at the perimeter of the core area to maximize pedestrian access...

Parking. The parking problem that vexed downtown in the 1990's will be largely resolved by 2020...The community will use a combination of solutions, including better land use planning and regulations...[and] development of peripheral parking linked to transit improvements...

The proposed FIL ordinance encourages residential development with the lower fee for parking spaces required for residential uses, and provides a mechanism to ensure that important historic structures are not demolished so that the owner may take advantage of low parking requirements in the PD-1 and PD-2 overlay districts in combination with participation in the FIL program. This historic preservation mechanism is discussed below under *Policy 4.18*.

Whereas parking is now spread around the downtown area and the distant rock dump, the FIL program will allow the consolidation of these scattered, under-utilized parking lots into public parking structures on the periphery of downtown. The addition of a FIL ordinance to the Land Use Code will be a major step forward in improving land use planning and regulatory tools, but will still only be one step towards the goal of resolving the “vexing” parking problem downtown still experiences.

Implementing action 2.10.6. Seek ways and means to encourage or directly develop housing options for legislative personnel.

The proposed reduction in the amount of the FIL amount for residential development by 50% should prove to effectively encourage residential development by reducing the overhead costs of constructing housing downtown. Whether the housing built by taking advantage of the FIL program will be used for legislative personnel, low income families, or other year-round residents of Juneau, any substantial increase to the number of housing units in Juneau will serve to increase housing options, and should also result in lower housing costs in some portions of the housing market.

Implementing action 2.11.4. Facilitate the pedestrian usage of Downtown including:

1. *Encourage development which improves pedestrian facilities.*

Although the connection between where parking is provided and how walkable a neighborhood is may not be evident at first glance, anyone who has walked across the sea of asphalt surrounding a suburban mall or big-box store can attest to the fact that parking lots are not generally designed for pedestrians. Small urban parking lots are no different, in that they break up the “active” uses of offices, restaurants, residences, and stores that make urban areas so diverse, increasing the distance between such uses for pedestrians and making sidewalks less safe as cars enter and exit the lots.

Although numerous international planning “celebrities” have spoken to this issue, including Lewis Mumford and Jane Jacobs, perhaps the most succinct quote on the topic can be found in Juneau’s own 20 /20 Vision, discussed above: “Parking will be placed at

the perimeter of the core area to maximize pedestrian access.” Lewis Mumford’s observation that “the right to have access to every building in the city by private motorcar, in an age when everyone possesses such a vehicle, is actually the right to destroy the city” is a darker vision, but speaks to the same issue. That is, small surface parking lots are a type of development that degrades pedestrian facilities, and centralized public parking structures are developments that facilitate the improvement of pedestrian facilities.

Implementing action 2.12.12. Seek ways and means to encourage or directly develop housing options for moderate income workers who support the tourism industry locally.

As with other Policies and implementing actions of the Comprehensive Plan addressing the need for affordable housing, the proposed FIL ordinance supports this implementing action through a reduced FIL amount for residences.

Policy 2.15. It is the policy of the CBJ to designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program.

Many recent developments in the downtown area have applied for and been granted variances to allow the parking spaces required as part of the development under the provisions of the Land Use Code on the rock dump, an Industrially-zoned area to the south of downtown. The parcels encumbered by these largely vacant parking lots are unavailable to development with industrial uses while they are occupied by “phantom” parking spaces. Adoption of the proposed FIL program would provide an alternative for the developments currently providing parking spaces on the rock dump, with the intent of freeing up industrial land for other development. In this way, additional industrial land could become available without the need to designate any additional land for such uses.

Policy 2.23. It is the policy of the CBJ to maximize the use of local energy resources, and keep energy dollars within the community.

Implementing action 2.23.2. Review transportation options for CBJ fleet and public transit systems, car pooling, and downtown parking.

When parking spaces are provided in scattered private lots, drivers must move their vehicle between stops at various destinations, using additional energy to do so. When parking is provided in central public structures, drivers can park once, and walk, use non-motorized transportation, or use other shuttle services to reach various destinations in the vicinity, reducing the amount of energy required to accomplish the same tasks.

Policy 2.28. It is the policy of the CBJ to encourage the transportation of CBJ residents, visitors, freight, mail, and parcels with renewable energy or on public transportation.

Implementing action 2.28.4. Encourage creation and operation of a renewable energy public or private transportation system in Juneau that is so good and extensive that one can conveniently live without a private auto and that will:

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1. *Move people safely, quickly, and pleasantly, and with minimum fossil fuel use, among destinations within main residential and commercial areas.*
4. *Make available land now committed to parking lots and rights-of-way for other development or for restoration.*

Although the first public project to receive funds collected through the FIL program will likely be a new parking garage and transit center, the funds collected through the FIL program will also be available for use in parking demand reduction programs, such as increased transit service, at the Assembly's discretion.

As is noted in other sections of this memorandum, one of the intents of the FIL ordinance is to allow the development of properties currently encumbered by parking lots.

Policy 3.5. It is the policy of the CBJ to continue educational programs, capital improvement projects, and regulatory measures to protect and improve air quality.

Implementing action 3.5.2. Undertake transportation improvements to reduce congestion and encourage residents to utilize alternative forms of transportation to reduce use of fossil fuels.

The centralization of parking spaces in a public parking structure will help reduce congestion created by vehicles "cruising" for on-street parking spaces or driving between private parking lots. Future parking demand reduction programs that might be funded at least partially by the FIL program could include a downtown shuttle or increased transit service borough-wide, both of which would further reduce congestion and improve air quality.

Policy 4.4. It is the policy of the CBJ to respond to the special transportation needs of each subarea of the borough...

Implementing actions: Downtown 4.4.3. Provide additional parking and alternative transportation opportunities to support downtown office, housing, retail, recreational, and cultural activities. Specifically, the CBJ should establish a partnership with private parties, developers, nearby landowners, federal government and the state to construct a transportation terminal within the CBJ near the downtown area which will consolidate parking and offer a hub for commuter and local shuttle transit vehicles.

The proposed FIL program provides private parties, developers, and landowners with an opportunity to partner with the CBJ in constructing a transportation terminal near the downtown area which will consolidate parking and offer a hub for commuter and local shuttle transit vehicles.

Policy 4.18. It is the policy of the CBJ to identify and protect historic and archeological resources; to educate, encourage and assist the general public in recognizing the value of historic preservation; and to promote heritage tourism...

Implementing action 4.18.1. Identify appropriate regulatory measures to protect identified historic resources. These may include special review of proposed changes, development standards, tax concessions and other measures.

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Although it is not explicitly designed to do so, the existing PD-1 overlay district at CBJ §49.40.210(d)(1), in which existing structures may be re-used without having to provide any parking, has the effect of encouraging the preservation of historic structures, as the financial cost of providing new parking spaces outweighs the cost of rehabilitating historic structures in some instances.

FIL programs adopted in municipalities without provisions such as those provided in the PD-1 overlay district often function as historic preservation tools as well, since a FIL program allows a developer to reuse a historic structure without knocking down the adjacent structure to make way for a parking lot.

In Juneau, however, where the PD-1 overlay district also allows for a 60% reduction to the standard parking requirement for new development, a FIL program could have unintended consequences, as it would be very easy for a property owner to demolish a historic structure and build a new structure on the site, with only 40% of the standard parking requirement being provided, and that through payment of FIL. Nore Winter, the CBJ's private consultant on Historic District design guidelines, has spoken to the Planning Commission, the Historic Resources Advisory Committee, CDD staff, and members of the Assembly on this issue. Although Mr. Winter and CDD staff are in agreement that the best way to protect historic structures is with a provision for demolition protection in the Land Use Code, no such protection currently exists, and it will take many months at a minimum to draft and adopt an ordinance providing demolition protection. In the meantime, the downtown parking problem would remain, and redevelopment of phantom parking lots on the rock dump and underutilized properties in downtown would be postponed for another building season or longer.

The proposed FIL ordinance contains limitations on eligibility in the FIL program which were carefully crafted by CDD staff in conjunction with Mr. Winter's comments in order to address this issue. As demolition protection should ultimately reside in the Historic District section of the Land Use Code, and not in the FIL ordinance, staff recommends that the initial FIL ordinance sunset after a trial period of one calendar year, with a provision allowing the Assembly to extend this sunset period if demolition protection has not been provided elsewhere in the Land Use Code by the time that the FIL ordinance expires.

The section of the proposed FIL ordinance addressing historic preservation is quoted and discussed subsection by subsection below.

(B) The property seeking a waiver of the parking requirement must be located within the area shown on the Fee In Lieu of Parking District Map, and:

This section sets the limits of the geographic area in which properties are eligible to participate in the FIL program to the boundaries shown in the FIL Parking District Map, Attachment B.

(i) Was vacant or occupied by a building built within the last 50 years on the date of adoption of this ordinance; or

The standard established by the National Park Service for when a structure is considered historic is whether the building is 50 or more years old. This subsection allows any vacant lot or lot occupied by a non-historic structure to be developed with participation in the FIL program, but prevents an historic structure from being demolished prior to the filing of a request to participate in the FIL program so that it is considered a “vacant” lot, as the lot must have been vacant on the date of adoption of this ordinance.

(ii) For structures located within the Downtown Historic District on the date of adoption of this ordinance, said structure is not listed as a contributing member of the Historic District in the corresponding National Register nomination; or

This subsection prevents any contributing member of the Historic District from being demolished and replaced by a new development participating in the FIL program.

(iii) For structures outside the Downtown Historic District built more than 50 years ago and existing on the date of adoption of this ordinance, the Director and/or Commission finds, in consultation with the Historic Resources Advisory Committee, that the proposed development does not affect the historical significance, historical attributes, or otherwise compromise the historic integrity of the structure based on the United States Secretary of Interior’s Standards for Rehabilitation; or

This subsection allows additions to and conversions of use within historic structures outside the Historic District to provide required parking spaces through the FIL program only after review of the historical appropriateness of the proposed modification.

(iv) For structures or parcels precluded from participation in the Fee In Lieu of Parking program under the provisions of subsections (i)-(iii) of this section and damaged by any involuntary change, including fire, flood, landslide, avalanche, or earthquake, so that the cost of renewal of the damaged parts exceeds 75 percent of the cost of the replacement of the entire building, exclusive of foundations, using new materials. The determination of whether a building is destroyed to the extent described shall be made by the building official.

This subsection addresses the possibility that a building or parcel prevented from participating in the FIL program by other subsections of the FIL ordinance could be damaged by catastrophic fire or other involuntary changes. Such properties could utilize the FIL program to provide parking spaces required for their redevelopment under the provisions of this subsection.

Subarea 6: Juneau (Map 6A & 6B)

Guidelines and Considerations for Subarea 6 Map:

2. *Provide additional parking and alternative transportation opportunities.*
3. *Promote mixed uses downtown. Encourage small retail residential services and increased multifamily development within the urban center.*
7. *Provide for redevelopment of downtown residential areas to accommodate higher residential densities in combination with retail and office uses. However, maintain existing densities in the single family neighborhoods of Star Hill, the highlands and the vicinity of the federal building.*
12. *Parking areas in the downtown remain insufficient despite a parking garage constructed some [twenty] years ago. Given the scarcity of downtown land and the cost of parking structures, it appears that Juneau has reached the point where serious effort is needed to address commuter transportation by alternative means. Therefore:*

Consider the development of a convenient transportation terminal near downtown which would help to relieve traffic congestion in the downtown core, provide additional parking, and encourage the use of alternative transportation modes. The transportation terminal would feature shared longer term parking for residential and office uses while providing shorter term parking for retail, cultural, and recreational users.

The terminal would provide a hub for mass transit where commuter busses, and possibly a light rail system would connect to shuttle busses for localized distribution. Commuters could park their automobiles at the terminal, and catch a shuttle to the downtown core. The feasibility of the transportation terminal depends on finding a suitable site. A planning effort should be undertaken to study the transportation terminal concept. Two sites for consideration are the Bill Ray Center/Goldbelt area or the Federal Building/Old Tank Farm area.

13. *A "fee-in-lieu-of" parking requirement should be considered to increase downtown development while encouraging alternatives to automobiles. The funds generated would be used to develop alternative transportation options for the downtown area. Under such a program, a developer may pay a one-time fee based on the number of parking spaces needed. The fee would be put in an account and used to fund a downtown shuttle bus. Or, a developer may be required to pay an annual "fee-in-lieu-of" in an amount based on the number of spaces needed. This tax would be put toward operational expenses of a downtown shuttle bus. A "fee-in-lieu-of" system could enhance downtown development, therefore:*

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Establish a "fee-in-lieu-of" parking requirement for the downtown area for non-residential development, and implement following firm CBJ financial commitment to an alternative transportation option.

14. *The lack of parking downtown is one of the primary impediments to additional growth in the downtown area, and may in fact contribute to the decline of the area. The Downtown Parking Advisory Committee recommends considering the construction of a 400 to 500 car parking facility at "Telephone Hill" to address the parking shortage. Therefore:*

Consider construction of a 400-500 car parking facility at the Egan and Main area ("Telephone Hill") to serve the downtown and future Capital Hill development. Such a facility should be designed so as not to interfere with the future use of the top of the hill for a new capitol building and related structure. An analysis of the current projected parking need should precede project design.

15. *Other methods suggested to ease the parking problem downtown include...development of high-density mixed use areas which would provide the opportunity for people to live near their work, shopping and recreation needs, thereby significantly reducing or eliminating the need for a private vehicle altogether.*
16. *Another suggestion related to parking is to eliminate the parking requirement for multifamily housing in the downtown core area. The intent is to move toward the mixed use concept, generating more downtown housing which would in turn create more demand for resident service businesses downtown. This concept may not work for all residential units developed, thus a "fee-in-lieu-of" or "tax-in-lieu-of" as described above may be more beneficial, especially for larger projects.*
17. *The Land Use Code requires that parking be provided for most new development. Downtown, the land area often does not exist to provide both the parking and the new development, therefore:*

Re-examine the parking requirements for development of residential units and for tourist-related services in the downtown area.

Amend the Land Use Code to provide an alternative for developers whose proposals do not meet on-site parking requirements. Provisions should be added to accommodate use of parking structures, shuttles, and other means to meet the parking need.

20. *Gastineau Avenue offers a location close to the downtown core, but development should only occur in concert with roadway improvements. Parking opportunities are scarce. Therefore:*

Consider mechanisms to encourage and allow carless development on Gastineau Avenue.

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The ten subarea guidelines quoted above range from the general endorsement of creating options for how developers provide required parking and reducing the parking requirement for multifamily residential uses to the specific call for adoption of a FIL program. Statements in this section of the Comprehensive Plan that differ from the proposed FIL ordinance, such as the suggestion in Guideline 13 that the FIL program not be available for residential development, are balanced by other suggestions such as that in Guideline 16, where FIL is specifically proposed as a way to provide parking for residential development.

Discussion

The proposed FIL program has been discussed for many years, which has allowed the concept to be thoroughly vetted by CBJ staff, members of the public, Planning Commissioners, and members of the Assembly. During this period of discussion, other municipalities have adopted FIL ordinances, providing the CBJ with multiple models of how FIL programs work, and why they on occasion fail. The proposed FIL ordinance draws upon the decade of work done by CBJ staff on this topic, and is modeled on successful ordinances from elsewhere in the country, rather than attempting to “reinvent the wheel.”

Findings

As discussed above, the proposed FIL ordinance is in compliance with all applicable Policies, implementing actions, Subarea Guidelines, and other applicable sections of the Comprehensive Plan.

COMPLIANCE WITH CBJ LAND USE CODE

Title 49 Contents

The following sections of Title 49 have been examined to determine whether or not the proposed ordinance is in compliance with the Code:

§49.40.210(d)(5) *Fee in lieu of parking spaces.* (Reserved)

§49.70 Article V. *Historic District*

Discussion

The fact that a section of the Land Use Code is reserved for the proposed ordinance speaks to the intent of including a FIL ordinance in the Land Use Code.

The proposed FIL ordinance has been painstakingly drafted and edited in order to ensure compliance with the intent of §49.70 Article V *Historic District*.

Findings

The proposed changes to the *Access, Parking and Traffic* section are in compliance with the Land Use Code, Title 49.

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COMPARISON WITH OTHER MUNICIPALITIES

The proposed ordinance has been developed after reviewing FIL ordinances adopted in other municipalities. The proposed ordinance is most similar to the ordinance adopted by San Francisco, California, as it is simple and straightforward, while other ordinances are often complicated and confusing. A Community Development Department staff member who has worked in San Francisco and in Santa Cruz, California, both of which have FIL programs, has attested to the utility of the San Francisco ordinance.

RECOMMENDATION

CDD staff recommends that the Planning Commission recommend that the Assembly adopt changes to Title 49, the Land Use Code, to create a Fee-In-Lieu of Parking (FIL) ordinance, a draft of which is attached to this memorandum. The draft FIL ordinance contains a FIL district map showing the area eligible for participation in the FIL program.

The proposed FIL ordinance would expire one year after becoming effective, providing an opportunity for any required revisions to be made to the ordinance after its initial trial period.

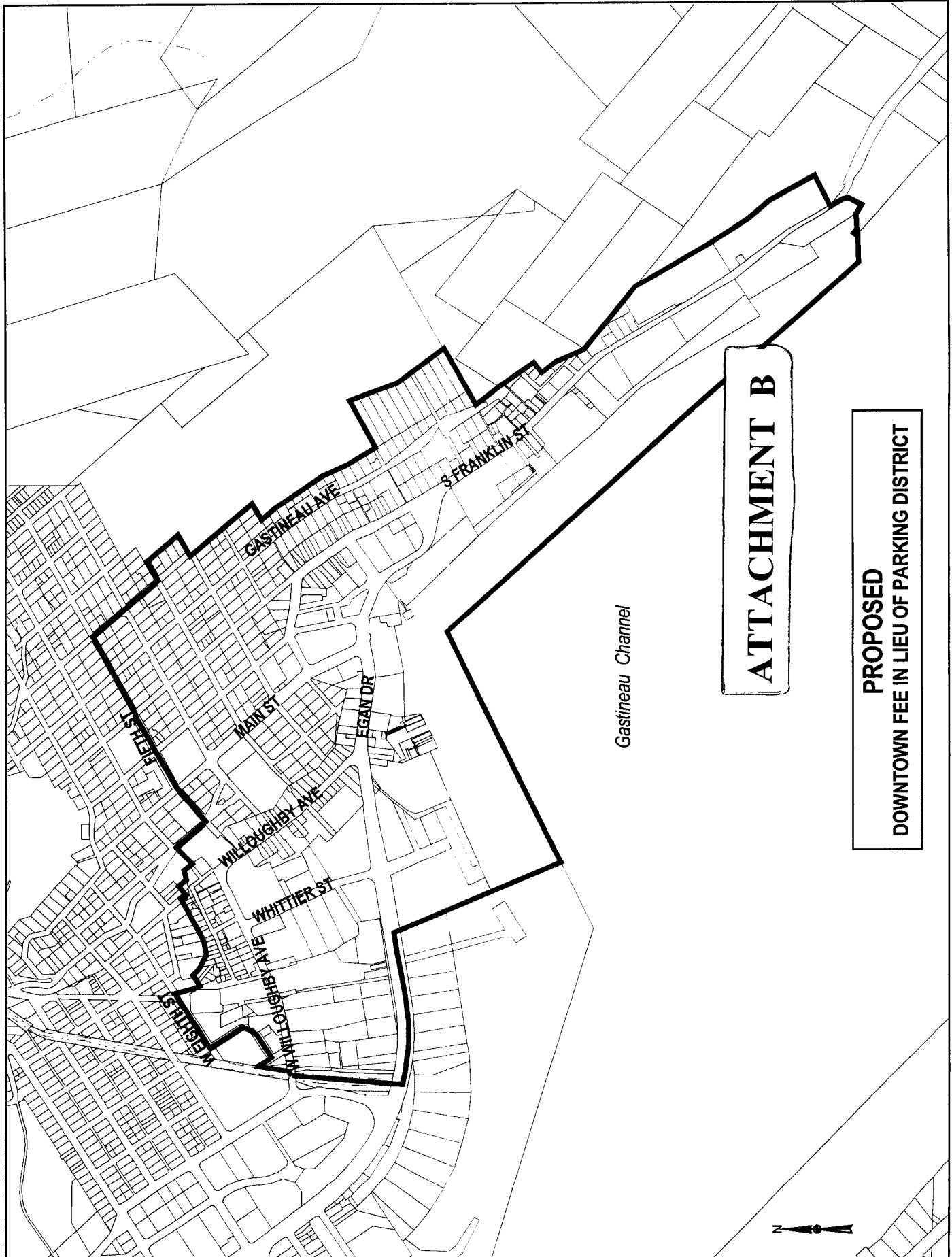
Draft Fee In Lieu of Parking Ordinance

49.40.210(d)(5) *Fee in lieu of parking spaces.*

ATTACHMENT A

- (A) Required off-street parking for new and existing developments, for any use, may be waived if the requirements of this section are met. The determination of whether these requirements are met shall be made by the Director if the requested waiver is for five or fewer parking spaces, and by the Commission if the requested waiver is for six or more parking spaces.
- (B) The property seeking a waiver of the parking requirement must be located within the area shown on the Fee In Lieu of Parking District Map, and:
- (i) Was vacant or occupied by a building built within the last 50 years on the date of adoption of this ordinance; or
 - (ii) For structures located within the Downtown Historic District on the date of adoption of this ordinance, said structure is not listed as a contributing member of the Historic District in the corresponding National Register nomination; or
 - (iii) For structures outside the Downtown Historic District built more than 50 years ago and existing on the date of adoption of this ordinance, the Director and/or Commission finds, in consultation with the Historic Resources Advisory Committee, that the proposed development does not affect the historical significance, historical attributes, or otherwise compromise the historic integrity of the structure based on the United States Secretary of Interior's Standards for Rehabilitation; or
 - (iv) For structures or parcels precluded from participation in the Fee In Lieu of Parking program under the provisions of subsections (i)-(iii) of this section and damaged by any involuntary change, including fire, flood, landslide, avalanche, or earthquake, so that the cost of renewal of the damaged parts exceeds 75 percent of the cost of the replacement of the entire building, exclusive of foundations, using new materials. The determination of whether a building is destroyed to the extent described shall be made by the building official.
- (C) The waiver will not have significant adverse impacts on nearby on-street parking.
- (D) The applicant shall pay a one-time fee to the City and Borough of \$8,500 per parking space waived under this section. For residential uses, this fee shall be reduced by 50% to \$4,250.
- (E) Any fee due and not paid within 45 days after the development obtains Temporary or Permanent occupancy, or, in the case of existing developments, 45 days after the waiver is granted, shall be a lien upon all real property involved in the same manner and with the same priority as special assessments hereunder and shall be subject to penalty and interest as provided for special assessments.

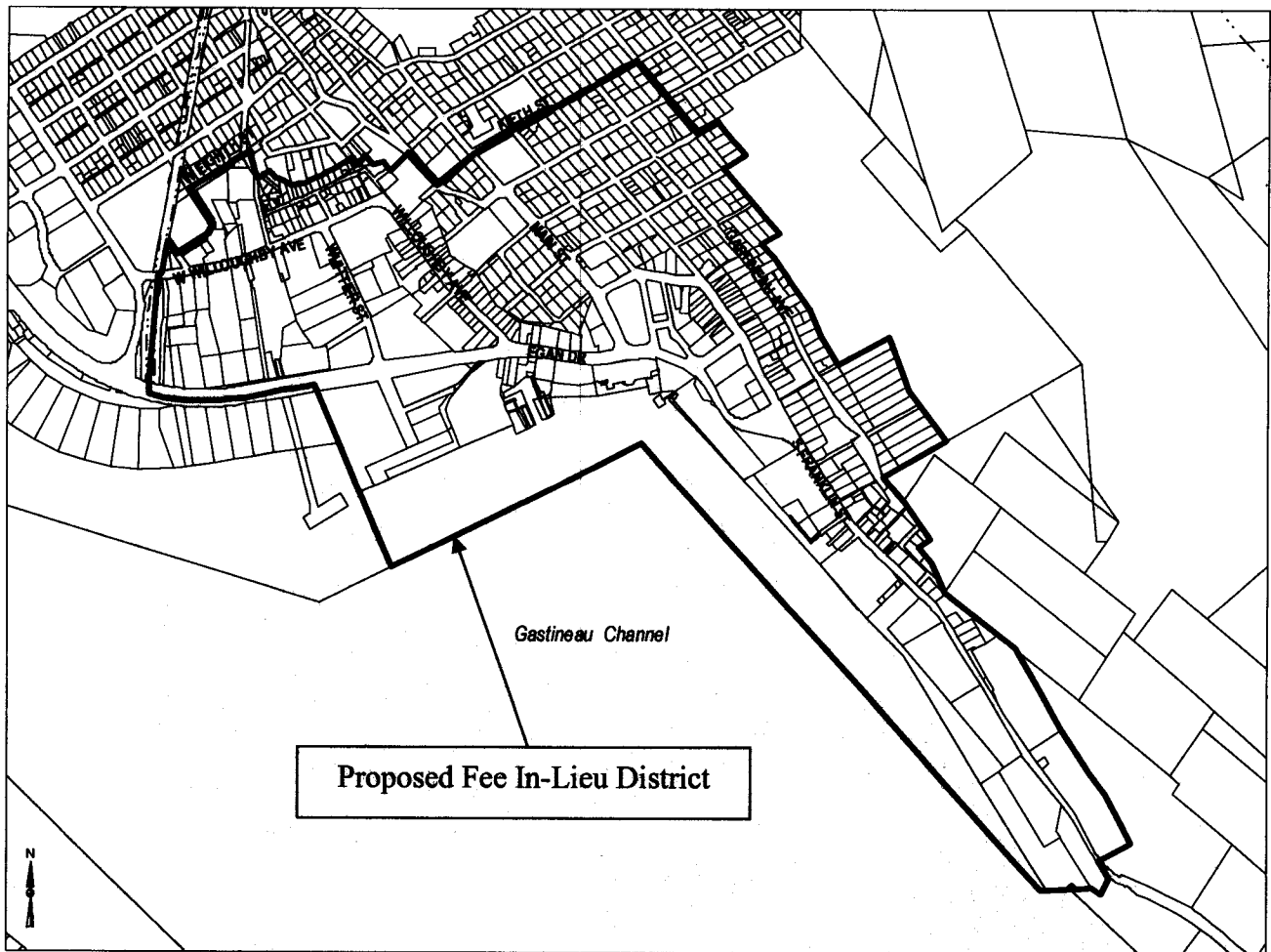
This ordinance shall expire 365 days after it becomes effective.



NOTICE OF PUBLIC HEARING

FIL HISTORY Page 43

file copy



PROPOSAL: TXT2006-00006: To create a Fee In Lieu of Parking program, wherein eligible participants would be able to provide funds for provision of public parking spaces and parking demand reduction programs in lieu of providing on-site parking.

File No: TXT2006-00006

Hearing Date: September 12, 2006

Place: Assembly Chambers
Municipal Bldg.
155 South Seward St.
Juneau, Alaska 99801

Hearing Time: 7:00 P.M.

Please contact Ben Lyman at 586-0758, or via email at: Benjamin_Lyman@ci.juneau.ak.us with any comments or questions you have on this proposal.

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department no later than 8:30 A.M. on the Wednesday preceding the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a few days before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

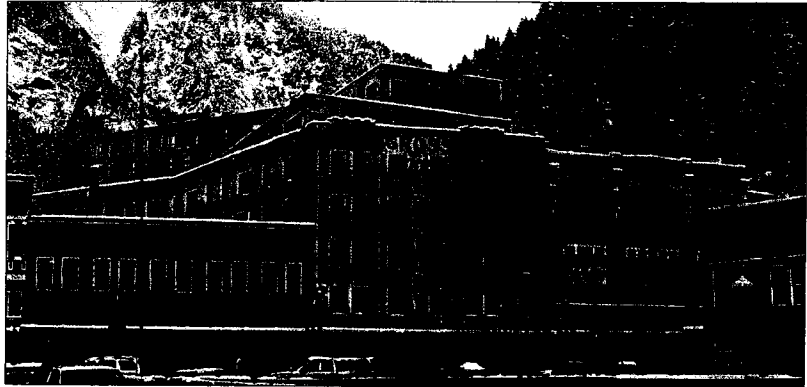
From: Design Review Evaluation: Juneau Downtown
Historic District, Sept. 1, 2006

Evaluation of Existing Design Review Tools

Juneau has a number of design review tools in place including a historic preservation ordinance, design guidelines, and a CDD staff review process for projects within the Downtown Historic District. The existing tools for design review in Juneau are missing, however, a number of key elements necessary to support a successful preservation program.

The Historic Preservation Ordinance

A historic preservation ordinance establishes the legal framework for preservation and design review within a particular jurisdiction. The City and Borough of Juneau has incomplete components of a historic preservation ordinance within Article 49.70 of the land use code as well as other relevant legal tools within the building code and site plan approval process. A complete historic preservation ordinance has the following components:



An effective Historic Preservation Ordinance is needed to provide the legal framework for preservation in the Downtown Historic District.

Certificate of Appropriateness Process

Certificate of Appropriateness (CA) processes are commonly outlined in preservation ordinances as a way to protect properties that are subject to review. This section of an ordinance describes who must obtain a CA, where to obtain an application, the basis for approval or denial and the basic criteria for review.

Recommendations

The current code simply requires approval of Site Plan Review which is roughly equivalent to a CA process. Inclusion of a CA process would make it easier to link other ordinance provisions.

Demolition Protection

Without effective oversight regarding the demolition of buildings, a historic Preservation Program cannot effectively manage the integrity of a historic district. If demolition is not regulated or if enforcement is ineffective, economic or regulatory changes could suddenly threaten the historic fabric of Downtown Juneau.

If an in lieu program were adopted and there remained no demolition protection for historic properties, then many small historic buildings would be threatened.

Recommendations

An in lieu parking program should not be adopted within the Downtown Historic District until demolition protection has been strengthened in one of the following ways:

Parking "in lieu" Program

The City and Borough of Juneau is currently considering a system by which a property owner may pay into a fund for constructing public parking facilities "in lieu" of providing on site. This technique is used in many communities to encourage more intense use of individual parcels and promote coordinated parking facilities that are shared by many. However, there is a potential negative effect that could occur with respect to historic preservation.

1. A demolition protection section should be added to the preservation section of the code, which would limit demolition of a contributing building to a hardship case only. This is the best approach, because it addresses the threat directly. With a demolition provision in place, it would even be appropriate to waive, or reduce, the parking requirements for contributing properties. This is often offered as a benefit for preservation in commercial districts.

2. The "in lieu" program should not be available as an option for the owner of a contributing property, effectively relieving pressure to demolish.

Design Review Evaluation

Downtown Historic District

Apart from the parking in lieu issue, the City and Borough of Juneau's Historic Preservation Ordinance should require a Certificate of Appropriateness prior to demolition of any contributing structure. This is a typical component of a preservation ordinance. Special criteria for review and exceptions for economic hardship also should be included. Proper consideration of the results of regulatory changes, such as the "parking in lieu" program discussed above, are needed to ensure that demolition of contributing structures is not inadvertently incentivised.

Dangerous and Immediately Dangerous Structures

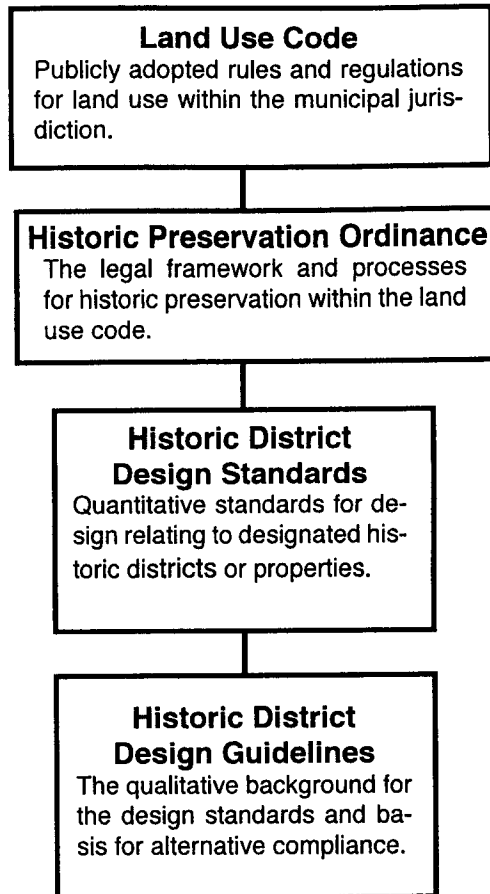
This section of a historic preservation ordinance provides a framework for the immediate demolition of landmark structures that have been damaged and are in an emergency situation—often a public health and safety issue—and outlines procedures for staff and/or a subcommittee of the reviewing body/ Historic Preservation Commission (HPC) to go into the field to make immediate determination of the structure's fate.

Recommendations

The City and Borough of Juneau's Land Use Code "Site Development Plan Approval" section states that site plan approval is required for work in a historic district. Functionally, the current site plan approval process may be a sufficient substitute for a more standard CA process, it may lead to some confusion as the information required for review goes beyond a typical site plan review process.

Regardless of whether a CA process is mandated, it is important that a section stipulating a general demolition permit process and a demolition procedure for immediately dangerous structures be included in the ordinance.

Juneau, AK



A historic Preservation Ordinance provides the legal basis for preservation efforts in the community including Historic District Design Standards and Guidelines.

Minimum Maintenance Requirements

These requirements provide for the "minimum maintenance" of a structure to prevent the loss of historic material and detail. They do not allow structures to reach a point of hazard where they might be condemned and razed for health and safety violations.

Recommendation

Minimum maintenance requirements should be part of a revised historic preservation ordinance.

General Development Principles

General development principles provide overriding principles for

work within a local historic district. The City and Borough of Juneau's historic preservation ordinance currently includes general development principles that provide a firm legal basis for the adoption and enforcement of design guidelines, but others principles are scattered throughout the code.

Approval Required

An approval requirement typically states that no other city permits may be issued for a property involving a landmark until a CA has been received. This helps to establish priorities within the various city departments that are not always in communication.

USE2006-00036

A Conditional Use permit for a 600 square foot Accessory Apartment above a detached garage.

Location: 1845 Alaska Ave.

Applicant: Ann Lockhart

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of an Accessory Apartment above a detached garage at 1845 Alaska Avenue.

USE2006-00050

An Allowable Use permit for a proposed 3,400 s.f. addition to a medical clinic.

Location: 3220 Hospital Dr.

Applicant: Tony Houtz

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Allowable Use permit. The permit would allow the development of a 3,400 square foot addition to the existing medical clinic on the subject property, as well as associated redesign of the site and building interior. The permit would be subject to the following condition:

Advisory:

A site lighting plan and lighting fixture cut sheets showing that the requirements of CBJ §49.40.230(d) and 04 CBJAC 050.020(b) are met must be reviewed and approved by CDD staff as part of the building permit application for the proposed addition.

VAR2006-00040

Variance request for approval to allow continuation of back out parking onto Irwin St.

Location: 1420 Glacier Ave.

Applicant: Paul Voelckers

Staff recommendation: that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2006-00040. The Variance permit would allow the existing parking spaces on the subject property to continue to be in a back out configuration for new residential development on the subject property.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

TXT2006-00006

Ordinance to create a Fee In Lieu of Parking program.

Location: Boroughwide

Applicant: CBJ-Community Development

Mr. Lyman provided a PowerPoint presentation and staff report. He said the amendment proposed by staff to create a Fee-In-Lieu (FIL) of Parking program. He said CBJ §49.10.170(d) stated that the PC shall make recommendations to the Assembly on proposed amendments to the title, zonings and rezonings, indicating compliance with the provisions of the Title 49 and the Comprehensive Plan (Comp Plan). The proposed FIL ordinance would expire 365 days after it became effective, which was largely due to the historic district preservation section because of the redrafting of the design standards. Staff's theory was within the next year, when the new historic district preservation standards were revised, that was the best method to protect historic structures with the provision for demolition protection in the Land Use Code, and staff would then revisit the FIL of parking ordinance for necessary revisions.

Mr. Lyman stated that the CBJ Law Department (CLD) recently requested that staff split CBJ §49.40.210(B)(i) into two separate sections. The draft FIL of parking area, Attachment B, was for the first 365 days and depicted which properties were eligible to participate in the program. Regarding the parking spaces that were not needed, as was the case with some of the tourist-related developments where no customers or employees were driving to/from the site, staff believed it was best to have those areas located offsite, and to alternatively build those parking spaces in the parking garages. At the end of the first year, the PC and the Assembly expressed interest in possibly branching out to allow the parking program to be utilized in other sections of the borough, which might include more of a performance-based standard, rather than via geographic mapping.

Mr. Lyman said a few questions arose regarding the allocation of funds collected through the FIL. In other state municipalities and countries, he said it was common practice to have a parking ordinance where funds that were derived under the parking program were allocated within a certain distance from the property that they were collected from, with those parking spaces being built within 10 years or their money would be refunded, however, under Alaska State law, CBJ was not allowed to dedicate funds. He noted that the CBJ FIL funds were a small portion of the funding that would be utilized to build parking garages and improve transit services. Ms. Waterman said in 2002 the Assembly hesitated implementing FIL because there was no outline of a specific project, although the City had federal funds on hold for quite some time for the downtown transit center, and asked how staff moved the parking garage/transit center projects forward knowing those fees would be utilized to support those projects, albeit the FIL funds would be a small portion of the overall funding sources. Mr. Lyman said the CLD and CBJ Engineering Department (CED) stated that CBJ was building the parking garage, while they could not expressly dedicate in the ordinance that the FIL funds dollar-for-dollar would be spent on the parking garage, however, CBJ was in the preliminary design phase of the parking garage with a 1% sales tax to fund certain Capital Improvement Projects (CIPs) in the borough that included a joint transit center and parking garage downtown. Thus, he said the project that was lacking in 2000 was identified, and the main barrier of adopting a FIL ordinance was removed, with the intent that the FIL funds would be utilized for those projects.

Mr. Rue asked if staff considered having the historic district included in the ordinance within the year in Section B (1 - 4). Mr. Pernula said that was the primary reason staff recommended that the initial FIL ordinance sunset after a trial period of one calendar year, and then calculate the amount of that fee, which might prove to be higher or lower for the purposes they were attempting to achieve, however there were other provisions that would remain intact.

Ms. Snow asked if the FIL was located in the residential development area. Mr. Lyman said if the residents owned vehicles and wished to park downtown, they would have to lease a parking space. It was typical in other cities to essentially unbundle those residential sections of the FIL rent, which assisted in achieving parking spaces for affordable-housing residents. Ms. Snow said if a resident owned a vehicle, they would have to pay for a parking space, and in addition the housing would cost more because the person that developed that housing had to also pay a parking fee, which would in effect increase their overall housing costs. Mr. Lyman did not believe that to be the case if those residents could locate a parking space in downtown that they could outright purchase for \$4,500, which he believed was a great deal. The 50% reduction in the residential fee was based directly from numbers that the developer and the real estate agent provided staff independently, which turned out to be closely correlated costs. He said there would be apartments that did not have parking, and residents that did not own vehicles. Mr. Pernula noted that was an added option to the FIL that was not currently available. Mr. Bruce asked what

assurances the PC had that the FIL ordinance would truly sunset in one calendar year. Mr. Lyman provided verbal assurance that he would bring the FIL ordinance back to the Commission for review after one year.

Mr. Kendziorrek asked if the City was considering a neighborhood parking permit system. Mr. Lyman said yes. Mr. Kendziorrek encouraged staff to follow that up as close on the heels of the FIL as possible to provide relief to parking impacts to the residential neighborhoods. Mr. Pusich stated that was a short-term goal that was part of the parking plan, and the Commission already held several meetings on the Residential Parking Zones (RPZs), which he felt were directly related.

Mr. Satre asked what the preliminary perception was in regards to the proposed \$8,500 FIL, as opposed to either developing or leasing parking spaces elsewhere. Mr. Lyman said there were a couple of developments waiting for the FIL to be initiated because there was no current method in which they could provide parking on their property, and they wished to redevelop under-utilized property because aside from the Rock Dump there was no prospect to provide for parking.

Ms. Waterman referred to the FIL ordinance, section (E), and was frustrated by the non-development of required offsite parking at the Rock Dump for some of the recent development that the Commission permitted for that type of parking, therefore she was concerned that the City might be building in an enforcement issue where a FIL was due and payable within 45 days after the development obtained the temporary or permanent occupancy. Mr. Lyman discussed with the CBJ Chief CIP Engineer, Rorie Watt, about the possibility of allowing developers to finance the FIL in a manner that was similar to an Local Improvement District (LID) that was over a 10-year period if they were required to build a certain number of parking spaces that would increase the development costs upfront and allow the developer to pay those costs over a period of time as a special assessment on their property, which provided the developer the option of either paying for the FIL up front as part of their construction loan, or instead having a lien on their property that they or any future owners of the property would continue to pay automatically with their property taxes.

Public testimony

Doug Larson, 137 Gastineau Avenue, said FIL was a small portion of building an entire parking structure, as with downtown being largely built out, and at some point, he felt the City would need to rebuild existing occupied space. The FIL was a good deal for the developers, however the existing and new residents would need to purchase parking, whereas they now had parking auxiliary to their own property. He said without some type of residential-permit parking that existing downtown residents would be pushed out by the developers because as the density rose, the competition for on-street parking would rise with no guarantee that the residents would be required to rent parking spaces that were located some distance from their homes.

To address the issue of the cost of the FIL, Mr. Larson said the CBJ Engineer's estimate was \$36,000 for each parking space, and over the years the CED determined the range was \$20,000 to \$50,000, which meant the developers were subsidized for their parking spaces. He was concerned with who was subsidizing the developers to build parking so he completed research over the past year that determined the Mixed-Use District had an assessed value of \$267 million, and coincidentally generated an excess parking demand. He felt that residential neighborhood on-street parking would support every home on those streets. If there was a 1% surtax on \$267 million per year, he believed the existing \$20 million 15-year payback school bond would cost the City \$2 million per year, which equated to a 10% per year payback that could pay for the \$2.5 million parking garage. If the City matched what the developers

contributed on sales tax income, he believed the City could build a \$5 million parking garage paid for by the people that generated the parking demand. The City could then dedicate the surtax as an LID to only build parking, as the FIL was going to disappear. If the parking garage was held up for whatever reason, the City could obtain the development with increased parking demand, however there was not necessarily parking to accompany that. He stated that the City might make parking issues in downtown worse.

Public testimony was closed.

Staff recommendation: that the Planning Commission recommend that the Assembly adopt changes to Title 49, the Land Use Code, to create a Fee-In-Lieu of Parking (FIL) ordinance, a draft of which is attached to this memorandum. The draft FIL ordinance contains a FIL district map showing the area eligible for participation in the FIL program. The proposed FIL ordinance would expire one year after becoming effective, providing an opportunity for any required revisions to be made to the ordinance after its initial trial period.

Commission action

Mr. Kendziorrek supported 1% surtax on the Mixed-Use District, although the Commission had to keep in mind they were not allowed to dedicate funds in the State of Alaska.

Ms. Waterman asked if there was concern voiced from the residents and business owners that that the FIL was competing for the existing demand of residential on-street parking. Mr. Lyman said yes.

Mr. Bruce supported the FIL ordinance stating that the Commission heard plenty of testimony in evidence when the parking plan was in front of the PC a number of years ago regarding the importance of parking to be accessible, to be reasonably located, and convenient for a vital and successful downtown, which has been an issue in the past pertaining to the number of people not traveling downtown due of the lack of parking. He said at the recent CBJ Public Works & Facilities Committee meeting that they heard a presentation from the Fire Marshall regarding the risks downtown Juneau was exposed to in the event of a catastrophic fire, therefore, he felt that in the next couple of years there could be an ordinance instituted that required business owner's in the Mixed-Use District to sprinkle their buildings, with the exception of the merchants that were in the golden triangle in front of the cruise ship docks, and he did not know how they could institute a 1% surtax on those merchants for parking and also institute an additional sprinkler requirement that could potentially drive them out of business. He said the City needed to implement more than just the FIL portion of the parking plan as soon as possible.

Mr. Rue supported the FIL ordinance, and said the Assembly was free to determine if imposing surtax might be required for the Mixed-Use District zone. He added that the City had a method to pay for the garage, and the FIL would assist towards that endeavor, with other options available in the future if they were needed. He asked if residents paid a fee to park on public streets that were currently plowed by the City. Mr. Pusich responded by stating that current residential parking was free, which included with free plowing that was provided within the service boundary area.

Ms. Snow spoke in favor of the FIL ordinance, and agreed with the one-year sunset time period. She asked when the parking garage construction might begin. Mr. Lyman said staff was contemplating groundbreaking to begin in 2007 or 2008. Ms. Snow said she was uncomfortable that they were selling the rights to have parking elsewhere when the parking was not yet available. Mr. Lyman stated that many other cities place a 10-year period on their FIL ordinances, and within the period of time those funds were collected that the parking had to be built within 10 years, which was different for CBJ, as they were looking at a couple of years, rather than a 10-year time frame.

MOTION: - by Mr. Kendziorrek, that the Planning Commission recommend that the Assembly adopt changes to Title 49, the Land Use Code, to create a Fee-In-Lieu of Parking (FIL) ordinance, with a positive recommendation. The proposed FIL ordinance would expire one year after becoming effective, providing an opportunity for any required revisions to be made to the ordinance after its initial trial period.

There being no objection, it was so ordered.

Mr. Rue complimented Mr. Lyman regarding his hard and good work on the project.

Ms. Waterman requested that staff forward both the Commission and public comments tonight to the Assembly to provide them the nuances of the parking concerns raised.

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

USE2006-00045

A Conditional Use permit for a 9,000 square foot, 9-unit storage condo building.

Location: Glacier Hwy.

Applicant: Worden Homes Inc.

Mr. Lyman provided a brief staff report. He said the applicant requested a Conditional Use permit (CUP) to develop a 9,000 square foot, nine-unit storage condominium building on a rectangular lot that was in the Commercial Zone District. He said the Notice of Public Hearing depicted a Right-of-Way (ROW) from Glacier Highway that ran to the east was an error in the GIS system that has since been corrected, and noted that Attachment A now reflected that access and the location of First Street correctly. The lot was landlocked without access to a ROW, and instead was accessed via two easements that ran across the lot that was occupied by Valley Paint, which was directly north of Bright Beginnings Day Care.

Public testimony

Janet Thrower, 9416 Berners Avenue, said there was standing water on the subject lot, and asked what was going to happen when the lot was raised, and if there was a drainage plan because she was concerned the water might drain off onto neighboring yards. Mr. Kendziorrek clarified that the PC did not require that a condition be added to the CUP because the drainage that was described was required, and the applicant could not let the standing water drain onto the neighborhood's yards. Mr. Lyman agreed. Mr. Pusich said there was the drainage plan reflected in Attachment C that would need to be approved by the CED. Mr. Lyman agreed, and added that the drainage was required to flow into an approved drainage.

Staff recommendation: that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a 9,000 square-foot storage facility with or without a single-family residence. The approval is subject to the following conditions:

Advisory Conditions:

1. A Certificate of Elevation showing that the lowest floor of the proposed structure is elevated to or above the level of the base flood elevation, or otherwise meeting the requirements of CBJ §49.70.400(e), will be required as a condition of the building permit for the proposed structure.
2. A lighting plan meeting the requirements of CBJ §49.40.230(d) and 04 CBJAC 050.020(b) must be submitted prior to approval of the building permit for the subject structure.

VIII. PUBLIC HEARING

A. Ordinance 2006-33

An Ordinance Creating A Fee In Lieu Of Parking Program.

Administrative Report: Attached. The manager recommended Ordinance 2006-33 be adopted.

Public Comment:

Bradley Fleutsch, 5730 North Douglas Hwy., said he had done some calculations on the value of parking spaces. CBJ charged \$60 per month for a space in the parking garage, and on a 30 year life, at a 7.5 % discount rate, the present value of a parking space in the garage was \$8503. Sealaska did a parking cost survey in 2006. For an exterior parking space, it would range from 40 – 60 per month, for a covered, interior space it would cost \$80 – 125 per month. The low end space would cost in this basis \$5,669, and high end would be \$17, 750. He figured the cost of the city parking lots at \$.50 an hour for full day parking was \$12,282. He said that at the airport, a space there was \$51,729. The current figure of \$8500 was far too low. This issue is open ended. If you need 100 spaces, only sell 100 exemptions, otherwise, there was no guarantee that there would be any parking spaces created with the fees. There has to be an actual parking space created with the fees or there will be problems for taxpayers in the future.

Assembly Action:

MOTION, by Dybdahl, to adopt Ordinance 2006-33.

Mr. Swope said the current ordinance did not have a CPI adjustor in it, and since the sunset clause was removed, he recommended an amendment to provide for an annual CPI adjustment.

MOTION, by Bush, to amend Ordinance 2006-33 to add, “The parking requirements per space shall be adjusted annually by the consumer price index for Anchorage as calculated by the State of Alaska Department of Labor.”

Hearing no objection, the ordinance was amended.

Mayor Botelho asked what assumptions were made in terms of overall cost per parking spot at \$8500.

Mr. Watt said that the \$8500 was not intended to represent the value of a parking space, it was a number a developer could pay for a code reduction. The value of a parking space could be calculated in a number of different ways. The cost of constructing a parking space in a parking garage could be \$40,000 or more. It is a code relaxation. Many existing buildings in the area encompassed by the code have no parking, never paid for any, and only have street use parking. All owners have had different opportunities over time for their requirements of parking. Mr. Fleutsch’s example was good, we used similar logic, and took the net present value of a stream of payments of renting parking spaces at the rock dump, which is a current practice proposed by developers in a variance to parking and the cost to those developers is about \$8500. We propose a similar number. If number in code is not competitive with alternatives available to developers, it will not be an attractive option. A person who gains variance from parking and buys space on the rock dump is not contributing anything useful for parking downtown. The fees could be used for a variety of parking options. A surface parking space downtown was about 300 square feet, with space and circulation room. An uptown land rate is about \$50 per square foot. So a value of gravel parking space is about \$15,000 – so the fee is about half of a gravel space. For residential reduction, there seems to be a desire for more affordable housing which could be rental

apartments. Contractors in town say cost of land and construction prohibit construction of apartments, and this is an incentive for second floor housing above retail buildings. The cost of parking is prohibiting further construction of housing downtown. This was the rationale we used in proposing these numbers.

Mr. Doll asked if it was true that the spaces on the rock dump were rarely used. The users parked elsewhere downtown. Mr. Watt said that was their observation and that took away the property from other commercial/industrial uses.

Mr. Sanford said he was on the Planning Commission when this was discussed, the topic was not new, and it was needed. If we find the fee is not high enough, we can change it in a year.

Hearing no objection, Ordinance 2006-33 was adopted as amended.

B. Ordinance 2006-11(K)

An Ordinance Appropriating To The Manager The Sum Of \$348,855 For The Three Homeland Security Grants For Equipment, Training, And Exercises, Funding Provided By The Alaska Department Of Military And Veteran's Affairs.

Administrative Report: Attached. The manager recommended Ordinance 2006-11(K) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Anderson, to adopt Ordinance 2006-11(K), and he asked for unanimous consent. Hearing no objection, Ordinance 2006-11(K) was adopted.

C. Ordinance 2006-11(L)

An Ordinance Appropriating To The Manager The Sum Of \$10,131 As Funding For Historic Buildings At The Alaska Juneau Gold Mining Company In Last Chance Basin, Funding Provided By The Alaska Department Of Natural Resources.

Administrative Report: Attached. The manager recommended Ordinance 2006-11(L) be adopted.

Public Comment: None.

Assembly Action:

MOTION, by Stone, to adopt Ordinance 2006-11(L), and he asked for unanimous consent.

Mr. Doll said he was told that these funds were only scratching the surface. He suggested to the manager that this might be an appropriate use of passenger fee funds.

Hearing no objection, Ordinance 2006-11(L) was adopted.

D. Ordinance 2006-11(M)

An Ordinance Transferring The Sum Of \$15,000 To The Juneau International Airport To Fund A Marketing Study, Funding Provided By The General Fund.

Administrative Report: Attached. The manager recommended Ordinance 2006-11(M) be adopted.

Public Comment: None.

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

Tuesday, November 24, 2020
Community Development Department
Virtual & Telephonic Meeting

Members Present: Nathaniel Dye, Erik Pedersen, Joshua Winchell, Travis Arndt, Weston Eiler

Members Absent:

Commissioners Present: Paul Voelckers, Ken Alper

Staff Present: Jill Maclean (CDD Director), Alexandra Pierce (CDD Planning Manager), Irene Gallion (CDD Senior Planner), Laurel Christian (CDD Planner), Joseph Meyers (CDD Planner)

I. Call to Order

The meeting was called to order at 12:02 P.M.

II. Approval of Agenda

MOTION: *Mr. Arndt moved to approve the agenda.*

The motion passed with no objection

III. Approval of Minutes

A. Draft Minutes October 29, 2020 Title 49 Committee Meeting

MOTION: *by Mr. Arndt to approve the October 29, 2020 minutes with minor edits made by staff.*

The motion passed with no objection.

IV. Agenda Topics

A. Parking

Ms. Gallion summarized the information provided to the Committee in the memorandum.

Mr. Dye asked if the information was on NOVUS. Ms. Gallion confirmed all information emailed to the Committee was also posted online on NOVUS.

Ms. Gallion explained the opening position of a 75% reduction for commercial development and 90% reduction for residential development within a combined parking district. The goal is to encourage residential development within the downtown geographic area. Ms. Gallion stated that with these reductions there would be no parking waivers for accessory apartments. She further stated a concern is that a developer might initially build as residential to get the reduction, then eventually transition to commercial development. Ms. Gallion

then presented the maps provided, which recommend an expansion to the boundary of the current parking districts. She also discussed parking waivers, noting recommendation is to allow waivers in the parking districts and Fee-in-lieu (FIL) areas. Ms. Gallion pointed to existing bonuses in code that may be criteria for approving a waiver.

Mr. Arndt agreed parking reductions of 90% would encourage residential development, but thought the number might be too high. He questioned how to encourage people to park in the parking garages, because they are over-sold, but not usually full. He asked where the extra cars would go and if staff anticipates people utilizing public transportation. He noted that downtown streets are not typically empty. Mr. Arndt is in favor of a high reduction, but does not think that will work well for the public when there is nowhere to park. He asked for staff's reasoning in proposing the high reductions.

Ms. Gallion replied that yes, 90% is a large reduction. Staff looked at a recent proposed development to see what their parking numbers would look like and asked how they could get to that number. The goal was to have at least the required ADA parking. There was also the idea that downtown residents may not be as interested in having cars.

Mr. Dye asked what the market report is referencing on the eagle rock numbers.

Ms. Gallion replied that the market report was an economic analysis showing what should be built based on the housing market.

Mr. Dye asked what the three categories reflected.

Ms. Gallion stated that the three categories represented the number of dwelling units they were proposing, parking requirements came from code.

Ms. Maclean added that existing buildings don't have parking requirements. The reductions would only apply to new buildings or expansions of existing buildings. She stated there is not a lot of empty land downtown that could be developed, so the high reductions may only apply to select land.

Mr. Dye asked if there was a total square footage buildout number.

Ms. Maclean replied that staff hadn't looked at the exact number of lots that could be built. She noted that there may also be other constraints, like hazard zones and zoning, that may restrict density.

Mr. Voelckers agreed with Mr. Arndt's concerns. Any reductions in parking requirements will incentivize development, but there may be a backlash from their neighborhoods who perceive a parking problem. He added that he doesn't think the parking reduction percentages need to be increased, but parking waivers that provide more flexibility should be considered. Mr. Voelckers feels the needed parking reductions may be based on the housing type, condos versus something like housing first might have very different needs. He added that an analysis of on-street parking availability may also be needed.

Ms. Pierce asked the Committee to keep in mind that these numbers are an opening position for discussion. Staff brainstormed waiver criteria, but didn't add availability of on-street parking, but could. If the reduction percentages are not favorable, staff can look at the waiver criteria in more depth. Staff's two opening points were that parking reduction percentages should be increased and parking waiver criteria needed to be adjusted.

Mr. Arndt liked the idea of using one parking district for the existing PD1, PD2, and FIL. He also liked the inclusion of waivers and distinguishing between minor and major development. Mr. Arndt felt the percentage reductions should be left closer to what they are now; the waiver process may be enough flexibility. The percentage reduction is automatic, so it's certain, but the existing on-street parking demand is a concern.

Mr. Arndt asked if staff could look at the capacity of the parking garages now. If there is capacity, the percentage reductions may be able to be increased. If not, staff may want to leave the percentages as they are.

Mr. Winchell agreed that 90% is too aggressive, if it is automatic. He wondered what percentage other commissioners would be comfortable with.

Mr. Dye agreed that the percentages seemed high. He asked if the parking downtown will be automatically reduced this much, and how that works with other areas of the borough. He asked if all of the numbers out of whack.

Mr. Voelckers added that in the MU district, there is very high development potential; this could be problematic. He thought an automatic percentage reduction downtown would work at a lower number. He likes the idea of waivers for special circumstances. He thought that 75% reduction for residential development may be comfortable and 60% reduction for commercial. Mr. Voelckers questioned number (5) in the ordinance on FIL. He wanted FIL to stay as a separate option.

Ms. Maclean replied that FIL is still a separate option.

Ms. Gallion also clarified that staff did not include items that were not being changed in the ordinance.

Mr. Dye asked if waivers and FIL would be simultaneous.

Ms. Pierce responded that the idea would be someone gets a parking waiver to reduce the number of spaces. The applicant could then pay FIL for their parking requirement. This is currently allowed in code.

Mr. Dye asked what the criteria are for FIL.

Ms. Maclean stated that in the existing ordinance, the Director approves FIL for 5 or less spaces and the Commission approves anything more. The proposed revisions would allow the Director to approve minor development and the Commission to approve major development, rather than the number of spaces.

Ms. Pierce stated that the proposal was for major versus minor, and tools could be used to supplement each other.

Mr. Winchell stated that major development would be reviewed by the Planning Commission. He wondered if the review criteria were enough.

Ms. Maclean added that the processes should be simplified for applicants. Minor development can be decided on without Planning Commission review, and major development can be decided on with Planning Commission review. She clarified that FIL would only be allowed downtown, no geographic changes are being proposed for the FIL boundary. She added that the only MU district is downtown, so that's the only area with no height restriction. There are not many areas with a great height allowed, so it may not be a concern.

Mr. Winchell stated that for minor development, a 90% reduction would be too high. He wondered if a higher reduction in other areas, where land is more plentiful, could be reviewed.

Mr. Voelckers added that 90% reduction borough wide is too high for major or minor development.

Mr. Dye expressed support for the flexibility of the new parking waiver language.

Mr. Pedersen commented on the way the FIL and waivers are set up in the proposal. In the proposed language, for Section for FIL he recommended to remove "waive/waived" from FIL section to be clear that is not waiver. He suggested revising the language to say "requirements could be met via FIL".

Mr. Voelckers agreed with Mr. Pedersen and asked staff to clean up the waiver section. He noted that Item D in the FIL section should be cleaned up, as well, to reflect the process.

Mr. Dye asked if there is a way someone can get a parking waiver and then pay to get the rest via FIL. He added that there is a review criterion for no impact to on-street parking in both sections.

Ms. Maclean replied that there is a high bar to impact public health, safety, and welfare. She's not sure that parking reductions would endanger the public. There are things like sidewalks, crosswalks, public transit, and parking management that can address those issues. Ms. Maclean does not think that the parking in the downtown historic core is the highest and best use of the land downtown.

Mr. Dye responded that recent reconstruction of roads downtown required a reduction of parking for fire apparatus turns. He added that FIL and waivers should be on parallel tracts for review. He asked if someone could get a parking waiver and come back later to get the FIL.

Ms. Maclean added that they should run concurrently. She imagined an applicant coming in with a study showing the spaces needed and then the applicant could pay FIL for what they can't accommodate on-site. This would all be reviewed together.

Ms. Pierce responded that for any land use permit with parking requirements, the applicant must describe how they plan to meet the parking requirement. The applicant must explain their plan to the Commission, so it's not likely to be an after the fact thing.

Mr. Arndt added that major development FIL must go to the Planning Commission. He wondered if the Commission needed to review FIL at all. He said the number of spaces required could go to the Commission, but how someone would meet those numbers (FIL versus on-site) could be an automatic review.

Mr. Voelckers stated FIL is an alternative mechanism in order to meet a parking requirement. However, he asked if it is more complicated than that, and if everyone understood it. He also asked if there are criteria that need to be met, and if it is based on location.

Ms. Maclean replied that she thought FIL would be an incremental approach. At one point, it was brand new and needed a higher bar with a public process. Over time, that can change and evolve. She agreed that an appropriate approach would be one parking district, waivers borough wide, the Commission decides what the appropriate number is, and then you have a set option to pay FIL that does not need to be reviewed by the Planning Commission again.

Mr. Arndt stated that he wanted waivers borough wide with the new language. Automatic percentage reductions would remain downtown within the parking district. He asked if that was the intent.

Ms. Maclean replied that that is the intent; the new criteria would be borough wide.

Mr. Dye asked if staff could add compact parking spaces to the code, and what the dimensions could be. He thought this could help reduce the footprint requirement for parking spaces. He also expressed support for the new direction of waivers. He noted that in the development examples, the percentage reductions couldn't be used, so why have them.

Mr. Voelckers discussed the new parking boundary, stating that he thought the boundary should include MU district and maybe not D18 zones.

Ms. Maclean added the percentage reductions should be kept to recognize that downtown Juneau is historic and pre-dates the automobile. The reductions have value for downtown and they are automatically guaranteed to developers within the parking district. She added that staff wanted to consider expanding to the geographic area of Juneau.

Mr. Arndt agreed with leaving the percentages downtown. He agreed with Ms. Maclean that FIL took an incremental approach and wondered if FIL could be allowed within the entire Borough.

Ms. Maclean replied that FIL works in a downtown core that is walkable. It may not work for other parts of the Borough, but it may work for downtown Douglas. However, FIL is not for automobile-centric areas. Downtown areas are ideal because of on-street parking and parking garages along with the walkable core.

Ms. Pierce added that another consideration for downtown is that the developments have a customer base that is tourism traffic. So, often employee parking needs are the only ones that need to be considered.

Mr. Dye said that there are other tourist attractions outside of downtown, where companies will bus tourists, too. He asked about the geographic area of Juneau and stated that it does not work if the automatic reduction and FIL is only for pre-automobile development.

Ms. Pierce added that bus service oriented businesses could get parking waivers.

Mr. Voelckers agreed that FIL is appropriate downtown, but not in other places; FIL is economically appropriate downtown. Mr. Voelckers believes there are specific economics to building parking downtown that don't apply borough wide.

Mr. Dye asked what more information was needed from the Committee

Ms. Gallion asked if the Committee wanted the 2019 vacancy information for the parking garages.

Mr. Dye replied that the Committee would like to see that information.

Ms. Gallion asked if the Committee had a reduction percentage they thought would work.

Mr. Dye summarized that 90% and 75% reductions are too high. A 60% reduction is adequate unless staff wants to provide additional arguments for the increase. If we go higher than a 60% reduction, then the parking table borough wide should be considered.

Mr. Voelckers supported a 60% parking reduction in a combined district. He said that housing could be reduced additionally, but that may need more conversations. Developers could use parking waivers to get lower requirements.

Ms. Gallion replied that she would rewrite with a 60% reduction.

Mr. Arndt said the vacancy rate could be considered and then the numbers could be reviewed. If there is high vacancy in the parking garages, it might make sense to increase the parking reduction percentage.

Ms. Maclean replied that staff would put this into an ordinance with all of the pieces for review at the next meeting. She asked the Committee to look at what the items could be provided to get a parking waiver.

Ms. Gallion asked if it would be a point system or a list the Commission could consider.

Mr. Arndt stated that a parking study is ideal, because it's based on numbers. He said he wasn't sure that developers should provide bonus point development items to get no parking requirements.

Ms. Gallion replied that a parking study would be favorable to large developments. A small development may not want to make the investment.

Mr. Voelckers spoke in favor of having something that is discretionary, not point based. He agreed that a parking study is useful, and regardless of the size, the applicant should make a case for how many parking spaces they need. He suggested a subjective analysis of the parking requirement.

Mr. Eiler added that the bonus items need further review. He felt some criteria is important, so there is no subjectivity. He wanted to look at the criteria again at the next meeting, and doesn't want the items in code to be management issues.

Ms. Pierce responded that the intent of the criteria was to present a range of options that a developer could provide in order to get a parking waiver. This allows staff to look at different options for justification of a waiver. She added that the subjectivity should be removed to the greatest extent possible. Ms. Pierce asked the Committee if this is what they wanted.

Mr. Dye added that he thought the information should be easy for a small applicant to come up with, and there could be some flexibility. A large traffic study may be required, but in other cases, a property owner could show some kind of data.

Ms. Maclean asked the Committee to look for some criteria language they liked and bring it to the next meeting. She added that parking is difficult and most historic downtowns have no parking requirements.

Mr. Voelckers responded that he agreed with Mr. Dye and that there should be some flexibility that allows the applicant to make a case. He added that the boundary line should follow the zoning districts, MU specifically.

Ms. Gallion asked for written feedback from Committee members by December 11.

Mr. Dye asked if the Committee was in favor of the list of 7 items.

Mr. Arndt was opposed to the items on the list.

Mr. Pedersen was not in favor of most items on the list, because it overcomplicates things, but he is open to the idea.

Mr. Winchell was opposed to item 6, but could come up with alternative options.

Mr. Voelckers and Mr. Dye supported the list as options to make parking reductions more favorable.

V. Committee Member Comments and Questions

The next meeting is set for December 17 at noon

VI. Adjournment

The meeting adjourned at 1:33 P.M.