ARTICLE II. - PARKING AND LOADING

49.40.200 - General applicability.

Off-street parking spaces for automobiles shall be provided in accordance with the requirements set forth in this section at the time any building or structure is erected, enlarged, or expanded or when there is a change in the principal use thereof.

(1) *Enlargement or change in use.* In cases of enlargement of a building or a change in the type or intensity of use existing on the effective date of the ordinance codified in this chapter, the number of additional off-street parking spaces required shall be based only on the gross floor area added or subject to the increase in intensity or change of use except as noted in subsection 49.40.210(d).

(2) *Mixed occupancy.* In the case of two or more uses on the same lot, the total requirement for off-street parking facilities shall be the sum of the requirements for the several uses computed separately.

(3) *Uses not specified.* In the case of uses not listed, the requirements for off-street parking shall be based on the requirements for the most comparable use specified.

(4) *Location.* Off-street parking facilities shall be located as hereinafter specified; if a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building it is required to serve. Parking:

(A) For single-family and two-family dwellings shall be on the same zoning lot as the building served;

(B) For multifamily dwellings shall not be more than 100 feet distant;

(C) For hospitals and institutions shall be not more than 300 feet distant; and

(D) For uses other than those specified above shall be not more than 500 feet distant.

~~(5) *Joint use.* The commission may authorize the joint use of parking facilities for the following uses or activities under conditions specified:~~

~~(A) Up to 50 percent of the parking facilities required by this chapter for primarily nocturnal uses including theaters, bowling alleys, bars, restaurants, and related uses may be supplied by other types of buildings or daytime uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses;~~

~~(B) Up to 50 percent of the parking facilities required by this chapter for primarily daytime uses may be supplied by primarily nighttime uses;~~

~~(C) Up to 100 percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking facilities provided for primarily diurnal uses;~~

~~(D) Conditions required for joint use. Any building or use sharing the off-street parking facilities of another building or use shall be located within 500 feet of such parking facilities. In addition:~~

~~(i) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or users for which joint use of off-street parking facilities is proposed; and~~

~~(ii) The applicant shall present to the director a written instrument, executed by the parties concerned, providing for joint use of off-street parking facilities, and approved as to form by the City and Borough attorney. Upon approval by the director, such instrument shall be filed with the department and the building official.~~

Commented [IG1]: Moved to "Reductions and Modifications," below.

(56) *Reconfiguration of parking lots.* In cases of reconfiguration of all or a portion of an existing parking lot, all parking and loading requirements set forth in this chapter are applicable to that portion of the lot which is to be reconfigured. In cases where conformance with these requirements would result in a net loss of the number of parking spaces, the original number and dimensions of the parking spaces may be retained.

(Serial No. 87-49, § 2, 1987; Serial No. 92-11, § 2, 1992; Serial No. 97-49, § 4, 1998)

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

NO CHANGE PROPOSED TO 49.40.210
(a), Table of Minimum Parking Standards
(b), Parking Space Dimensions, and
(c), Off Street Loading Areas.
Eliminated from this draft.

(d) ~~*Exceptions.*~~*Reductions and Modifications*

~~(1) *Superimposed parking districts.* There is adopted the parking district map dated June 5, 2006, as the same may be amended from time to time by the assembly by~~ Clarifying sentence that these are not mutually exclusive 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.~~

~~(2) *Off-street parking requirements.* Off-street parking requirements do not apply to lots if they are accessible only by air or water and are used for single-family and two-family residential and remote commercial recreational uses. If the director determines that public access by automobile to the property has become physically available, the owner of the property shall be given notice and within one year thereof shall provide the required off-street parking.~~

(13) *Enlargement or expansion.* No additional parking spaces are required for an enlargement or expansion if the additional spaces would amount to less than ten percent of the total required for the whole development and amount to less than three spaces. Phased expansion shall be regarded as a whole.

(24) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming structures in residential districts shall be governed by chapter 49.30.

(3) *Joint use.* The director for minor development, and the commission for major development, may authorize the joint use of parking facilities for the following structures or uses ~~or activities~~ under conditions specified:

(A) ~~Up to 50 percent of the parking facilities required by this chapter for primarily nighttime (after 5pm) uses may be supplied by primarily daytime uses; nocturnal uses including theaters, bowling alleys, bars, restaurants, and related uses may be supplied by other~~

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Commented [IG2]: Renumber? Ask law

Commented [IG3]: Clarifying sentence that these are not mutually exclusive, avail for all put HCP and loading zones

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Commented [IG4]: Comment per Jill – how to craft language that looks at weekday vs weekend uses and how that sharing happens

~~types of buildings or daytime uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses;~~

~~(B) Up to 50 percent of the parking facilities required by this chapter for primarily daytime uses may be supplied by primarily nighttime (after 5pm) uses;~~

~~(C) Up to 100 percent of the parking facilities required by this section for a church house of worship or for an auditorium incidental to a public or parochial schoolanother use, may be supplied by the off-street parking facilities provided for primarily diurnaldaytime uses (before 5pm);~~

(D) Conditions required for joint use. Any ~~building~~ structure or use sharing the off-street parking facilities of another ~~building~~ structure or use shall be located within 500 feet of such parking facilities. In addition:

(i) The applicant ~~shall show~~demonstrates that there is no substantial conflict in the principal operating hours of the ~~two buildings~~ structures or users for which joint use of off-street parking facilities is proposed; and

(ii) The applicant ~~shall present~~provides to the director a written instrument, executed by the parties concerned, providing for joint use of off-street parking facilities, and approved as to form by the City and Borough attorney. Upon approval by the director, such instrument shall be filed with the department ~~and the building official~~.

~~(5) *Fee in lieu of parking spaces.*~~

~~(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 five or fewer parking spaces, or by the Commission if the requested waiver is for 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; or~~

~~(iii) Occupied by a building built more than 50 years prior to the date of adoption of this ordinance, 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~~

Commented [JM5]: Lists complicate matters

Commented [AP6]: Shouldn't we specify school here? I'm thinking that a theater or concert hall would fit into section A if they wanted to share parking, not section C.

Commented [IG7]: Needs clearer language

Commented [IG8]: Provide an option for existing entities to develop an agreement, incl waiver(?) Di, ii remain the same. Main part of D in a new A. if 500 feet keep with director, if minor over 500 or major development.

Commented [JM9]: Match shared parking agreement form / process

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~~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.~~

(~~4~~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 neighboring area and 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~~

(24) The waiver will not materially endanger public health, safety, or welfare.

(B) In making their determination, the Director or Commission will consider a parking study or data provided by the applicant that documents use. The following information may be relevant to the review, such as:

(1) Provision for alternative transportation: Transit improvements, such as pull-outs and shelters, must be vetted through CBJ Capital Transit.

(2) Traffic mitigation measures, supported by industry standards.

(3) Accommodations for emergency services: Must be vetted by Capital City Fire and Rescue, and the Juneau Police Department.

(4) Bike and pedestrian amenities: Can include restrooms, covered pathways or sidewalks, covered bike racks, or bike lockers.

(5) Measures to transition from fossil fuels to renewable energy for transportation.

(C) 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.

(D~~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.

(E~~D~~) Approved parking waivers shall expire upon a change in use.

(5) *Town Center parking districts.* There is an adopted the parking district map dated DATE, as the same may be amended from time to time by the assembly by ordinance. In this parking district:

A. The off-street parking requirements set forth in subsections (a) and (c)(2) of this section may be reduced by 60 percent for expansion of an existing building or the construction of a new building.

Commented [IG11]: In the minutes is significant discussion of adding the word… "significant." Please review draft notes and let us know if this meets comfort levels and intents.

Commented [AP12R11]: I like this way around "significant"

Commented [IG13]: Reverence nonconforming for consistency in heading

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Commented [AP14]: Do we want a list here? What if someone puts a bike repair station or a lighted walkway in a typically dark area, or similar?

Commented [IG15]: Compact parking removed, HRAC removed

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Commented [IG16]: Codify, make sure applies to entire regulation. Need law department to weigh in on this. Want to protect CBJ from a civil issue. May instead of shall? Extinguish rather than expire?

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B. *Off-street parking requirements.* Off-street parking requirements do not apply to lots if they are accessible only by air or water and are used for single-family and two-family residential and remote commercial recreational uses. If the director determines that public access by automobile to the property has become physically available, the owner of the property shall be given notice and within one year thereof shall provide the required off-street parking.

(6) *Fee in lieu of parking spaces.* In the Town Center parking district:

A. Off-street parking for new and existing developments, for any use, may met by parking a fee in lieu of space construction if the requirements of this section are met.

B. The applicant shall pay a one-time fee to the City and Borough of $8,500.00 per parking space under this section. 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.

C. 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 fee in lieu of construction 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.

(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)

Commented [IG17]: Move to higher level in code – applies outside of TC? Consider properties accessed by stairs

Commented [IG18]: Include language on neighborhood harmony NOPE make it a right

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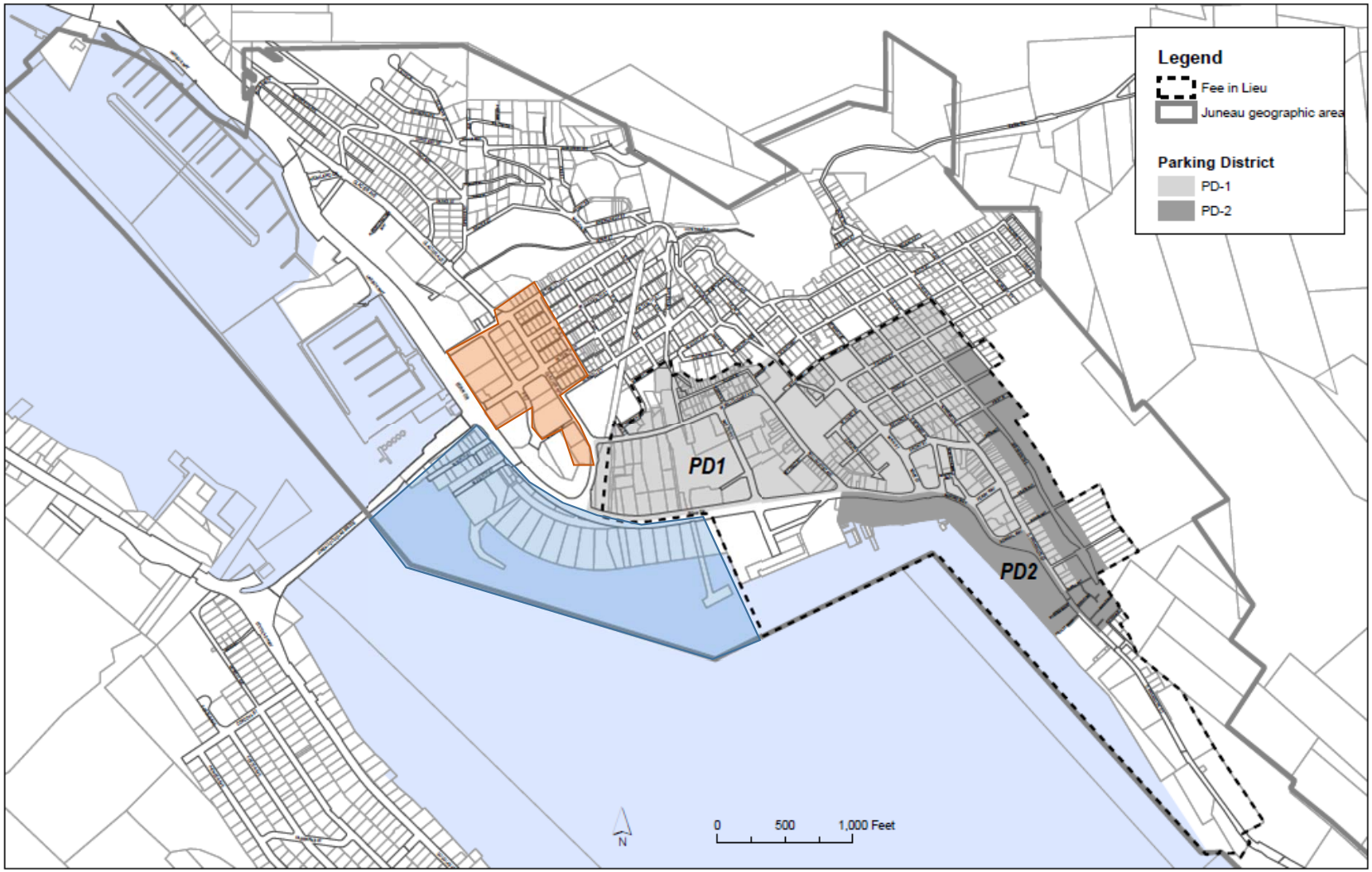
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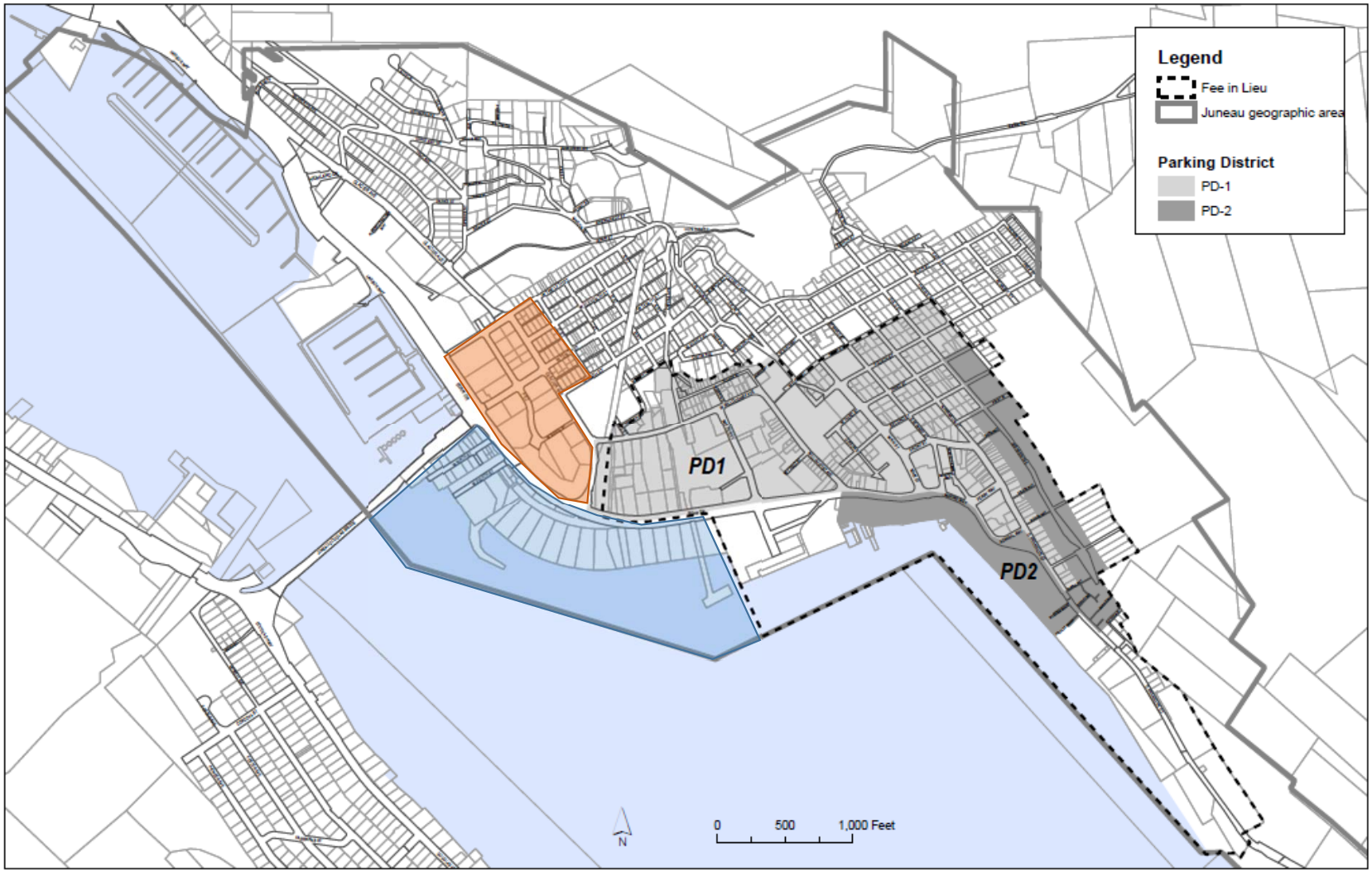
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Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Thursday, January 28, 2021
Community Development Department
Virtual & Telephonic Meeting, 12:00 pm

Members Present: Nathaniel Dye, Travis Arndt, Mandy Cole

Members Absent: Erik Pedersen, Joshua Winchell

Commissioners Present: Paul Voelckers

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

I. Call to Order

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

II. Approval of Agenda

MOTION: *by Ms. Cole to approve the agenda.*

The motion passed with no objections.

III. Approval of Minutes

A. December 17, 2020 Draft Minutes, Title 49 Committee

MOTION: *by Mr. Arndt to approve the December 17, 2020 minutes.*

The motion passed with no objections.

IV. Agenda Topics

A. Parking

Mr. Dye gave a brief overview of the Title 49 parking changes; discussing specific code changes including fee-in-lieu, and potential changes to the parking districts.

Mr. Voelckers asked questions about documents sent and tracked-changes, as well as technology.

Ms. Cole asked about the stated intentions of this revision.

Ms. Maclean stated that multiple developments in the downtown area have failed because of parking related issues. It was intended for downtown, but staff have decided it is more equitable to open it up borough wide.

Mr. Dye stated that it is a “thorn” in development.

Ms. Gallion said that it was done in the context of a specific project; consider global parking. Staff want this narrowly tailored and project agnostic. The Assembly gave direction only to modify code.

Ms. Pierce stated there is an existing parking management plan. Any code modification will have management implications. Staff will need to change parking management in coordination with Parks and Recreation, and other departments.

Ms. Gallion indicated that section 49.40.210 item D is where the discussion should start and started the discussion with joint use parking, suggesting that the Committee and staff go line by line through the code.

Ms. Maclean stated that staff proposed some changes when they were asked to look at the joint use parking regulations. Staff suggests separating joint use by minor and major development; day time and nighttime bifurcation is another way to approach parking code. Joint use will be similar to a shared parking agreement. Staff also suggests adding sections that differentiate weekday from weekend uses, and changing “church” to “house of worship” to be more inclusive.

Mr. Voelckers stated that the changes seemed very rational and would like to look at everything in black and white, final.

Mr. Dye wondered if items A, B, and C were needed, of if they could be removed. He felt that it seems like an arbitrary line is being drawn at 5 P.M, and item D(i) encompasses the desired change.

Mr. Arndt agreed item D(i) should stay and the rest could be removed.

Mr. Arndt asked Ms. Maclean if she foresaw any issues with emphasizing item D(i).

Ms. Maclean stated that she liked the flexibility of it.

Mr. Dye asked whether this should be a standalone process since it is similar to a parking waiver.

Mr. Arndt stated that it sounded similar to a parking waiver and joint use parking feels like a subset of the waiver.

Mr. Dye stated that he does not see it as a subset of the waiver and it helps monetize parking in the right direction.

Ms. Maclean stated that it’s a distinct tool and could be combined with a parking waiver.

Mr. Dye described the flexibility of the tool.

Mr. Voelckers felt that this should have its own process and it is distinct from the waiver process.

Mr. Dye asked if there was anything else on joint use that needed to be discussed at this meeting.

Ms. Gallion reiterated that items A, B, and C would be removed, and language would be cleaned up.

Mr. Arndt asked if staff planned to remove the main heading in item D.

Mr. Dye asked about the breakdown of item D and where it becomes a major vs. minor development.

Ms. Maclean suggested taking information from item D(i) and making a new item A. In response to how major vs. minor development would be determined, she noted that 500 feet is quite a distance and a large radius. It's a minor development, if we have 500 feet as maximum. If more than 500 feet, it should go to the Commission.

Ms. Pierce noted that the 500-foot number was put in place to avoid some of the parking agreements of the past. She suggested putting parameters on the radius.

Mr. Dye noted that the discussion had moved onto the next section.

Ms. Gallion stated that section B brings about the issue of lists; it was meant to be beneficial for applicants, but it would be best to be consistent.

Mr. Arndt expressed support for removing the list, suggesting that it be on a flyer, not in the code book.

Mr. Dye stated that he had issues with some items on the list, Including item 3 fire code and item 5.

Ms. Gallion stated that items 3 and 5 could be removed.

Mr. Dye suggested discussing item 6.

In response to item 6, Mr. Arndt stated that creating compact spaces should not impact the number of spaces provided.

Mr. Voelckers stated that there should be one space size and no differentiation. He suggested letting CDD management tell the Committee what they know about compact parking.

Ms. Maclean stated that compact parking is not in CDD's purview. Item B could simply be used to match the nonconforming language.

Mr. Dye stated that items C and D are fine, but item E should be included everywhere in parking to make sure it's codified.

Mr. Voelckers expressed support for having Item E language in there.

Ms. Cole asked if there is an issue in attaching that language.

Ms. Maclean stated that a joint use agreement is a civil tool that CDD does not enforce.

Ms. Pierce expressed concern about the enforcement mechanism, as well. The mechanics of enforcement would need to be decided; what are the distinctions and are they arbitrary.

Ms. Cole stated that using the language "shall expire" and "may expire" could limit some of the capriciousness of the language.

Ms. Gallion proposed fee-in-lieu be reduced to 60%.

Mr. Dye suggested discussing the text of the document and asked why item 5B was in this section.

Ms. Gallion stated that she would look at moving item 5B to a higher level.

Ms. Maclean asked about item 5B. Until the final boundaries are decided on, there may be some properties only accessible by stairs, so that should be kept in mind.

Mr. Arndt stated if it were in section 200, it would apply to town centers.

Mr. Voelckers recalled that the Committee had discussed linking fee-in-lieu to the Consumer Price Index (CPI), and was surprised to see that the language is still included.

Ms. Gallion stated that this tool would help to keep fees in tandem with the CPI.

Mr. Dye asked if language could be added to re-determine fees every two years.

Mr. Arndt stated that the Committee had discussed setting a number now and adjusting it later. He asked what year the current number was set.

Ms. Maclean stated that fee-in-lieu was around $10,000 per space and has gone up around $2,000 over the past few years.

Mr. Voelckers stated that this topic is tricky and arbitrary. One parking space is one fifth the cost of a building. He suggested setting these numbers and allowing them to be changed at another point in the future.

Ms. Cole asked what the requirements are for fee-in-lieu and if it is a one-time payment, or not.

Ms. Maclean said that a developer might need 20 spaces, and they can either provide parking, or pay a fee-in-lieu, or a mixture of both, to get the required number of spaces.

Ms. Cole suggested that developers either get by-right fee-in-lieu or need a determination based on meeting criteria. She believes requirements need to be included in code.

Ms. Maclean asked whether requirements should be added back to this section.

Ms. Cole suggested not adding the requirements to this section, stating that this would help clarify fee-in-lieu as a right.

Mr. Dye stated that item 6A should be one sentence, item B should be $10,000, and item C should not include fee-in-lieu, so no Temporary Certificate of Occupancy.

Ms. Pierce asked fee-in-lieu should be treated almost as a right; if developers want to pay for 100% of their parking spaces, they should be able to do that, *or* they can combine tools that need to be evaluated by the Director and the Commission.

Ms. Maclean stated item 6A would be revised and just makes sure they are paying fee-in-lieu.

Mr. Dye felt that loading zones should not be eligible for fee-in-lieu. He stated that reductions and waivers are only for standard parking spaces and not for loading zones or ADA spaces. Mr. Dye asked if item D should be its own section in the numbering scheme.

Ms. Maclean stated that the Law Department would make decisions on this and staff would flag it for them.

Mr. Dye initiated a brief discussion about the map boundaries.

Ms. Maclean asked if more feedback on the map could be provided before the meeting ended.

Mr. Dye took a poll and determined that the Committee preferred a broader map encompassing areas of downtown.

V. Committee Member Comments and Questions

The next meeting was set for February 18, 2021, at 12 P.M.

VI. Adjournment

The meeting adjourned at 1:33 P.M.