



**PLANNING COMMISSION STAFF REPORT
TEXT AMENDMENT AME2021 0003
HEARING DATE: MAY 25, 2021**

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DATE: May 18, 2021
TO: Michael LeVine, Chair, Planning Commission
BY: Irene Gallion, Senior Planner
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Parking code revision, which includes: Reorganization, establishing a “town center” parking standard, revised parking district boundaries, and allowing parking waivers downtown.

KEY CONSIDERATIONS FOR REVIEW:

- Establishes a Town Center Parking District, modifies boundaries;
- Repeals Parking Districts 1 and 2 (PD1 and PD2);
- 60 percent parking reduction in the Town Center Parking District;
- Waivers available borough-wide, including Town Center Parking District;
- Fee-in-lieu may be used in combination with a waiver.

GENERAL INFORMATION

Applicant	City & Borough of Juneau
Initiated By	CBJ Assembly
Property Affected	Borough-wide

LAND USE CODE AMENDED

49.41 Article II	Parking and Loading
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WORK SESSION DATES

Title 49 Committee	See “Background,” below
Committee of the Whole	See “Background,” below
Public Meeting	See “Background,” below

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission’s recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.10.170(d)
 - 49.80

The Commission shall hear and decide the case per 49.10.170(d) Planning Commission Duties. The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.

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DISCUSSION

The Assembly requested that the Planning Commission receive public comment on any parking proposal developed. Since the Committee of the Whole does not usually accept public comment, this proposed regulation rewrite is scheduled for review and public testimony at the Regular Planning Commission meeting.

While working through scenarios staff found some areas that merit clarification. For each question, current practice allows it, and drafted language disallows.

- Does the Commission intend that off-street loading spaces can be addressed with fee-in-lieu?
- Does the Commission intend that off-street loading spaces could be waived?
- Does the Commission intend that the parking district reduction apply to a parking variance?

Other questions:

- How does the Commission want the Town Center Parking District (TCPD) to interact with the Traditional Town Center designation in the Comprehensive Plan?

Staff requests:

- The Commission provide direction on necessary modifications in light of public comment and Commission review.
- The Commission direct Staff to submit the draft to Law OR bring a corrected draft back before the Commission, either at a Committee of the Whole or a Regular meeting.

The Title 49 Committee (T49) reviewed existing plans, data on variance and waivers, and current parking overlay district maps. The meeting schedule and topics are covered below, with a link to meeting materials. In the interest of efficiency, those meeting materials are not reproduced in this staff report.

Tools provided to the Commission include:

Item	Description
Attachment A	Table of Contents for the proposed ordinance – in order to understand the new organization.
Attachment B	A clean, numbered version of the proposed ordinance.
Attachment C	Proposed ordinance 49.40.200-225, showing where different elements were pulled from previous code. This facilitates comparison of the proposed and existing code.
Attachment D	Proposed ordinance 49.40.230-240 regarding site circulation review and standards. Edits for consistent terminology, clean-up of hierarchy inconsistencies, and revised section numbering. Revisions are easily viewed in “track changes.”
Attachment E	Scenarios for application of proposed ordinance.

The discussions and review of proposed code changes have been detailed, iterative, and compiled from multiple sources of information. This report is Staff’s best attempt at providing enough detail to be meaningful without overwhelming the Commission with iterative versions.

Three versions of code are discussed:

- Current code;
- Modified code, proposed at the last T49 meeting;
- Further staff modifications, proposed in this document;

BACKGROUND – Meeting materials and minutes for the meetings referenced below can be found here:
<https://juneau.org/assembly/assembly-minutes-and-agendas>

Date	Event summary
January 28, 2020	Regular Planning Commission meeting to hear VAR2019 0005, to reduce parking requirements to zero. Meeting continued.
February 4, 2020	VAR2019 0005 denied, findings recognize pushing parking to neighborhoods is a detriment.
February 18, 2020	Applicant writes letter to the Assembly
February 24, 2020	Assemblyman requests discussion of the letter at a future Committee of the Whole
March 2, 2020	Assembly Committee of the Whole: Direction to Planning Commission
March 19, 2020	CBJ in lock down due to COVID pandemic
April 14, 2020	Regular Planning Commission meetings resume
September 10, 2020	First post-lockdown T49 Meeting, no quorum. Initial meeting to review parking code, fee-in-lieu maps, Downtown Parking Management Plan (2010), Planning Commission minutes, and Assembly minutes.
October 8, 2020	T49 review of options: no change, modification to parking districts, development of new standards, modify or eliminate fee-in-lieu, or eliminating parking minimums for a geographic area. Reviewed Downtown Parking Management Plan actions for applicability.
October 29, 2020	T49, review of information requested at the previous meeting: fee-in-lieu data, existing mapped areas, parking variance and parking waiver data.
November 24, 2020	T49, first draft of modifications to code. Included parking district boundary review, various reductions by-right, and criteria for further reductions.
December 17, 2020	T49, draft ordinance review in light of research on the intent of parking districts and fee-in-lieu, and review of response to previous comments. Parks and Recreation Department provided empty space counts for city garages and lots in 2019 and partial information for 2020.
January 28, 2021	T49 review of draft code and parking district boundaries.
February 3, 2021	T49 review of draft code.
February 28, 2021	T49 review of draft code and parking district boundaries.
April 1, 2021	T49 final review before sending to the Commission.

CBJ's parking requirement impacts came to a head at the January 28, 2020 Planning Commission meeting, when Tiland-Schmidt Architects P.C. submitted a variance to reduce the parking requirement to zero for a two-story mixed-use structure at 365 South Franklin Street, colloquially called the "Archipelago Project." At the continuation of the meeting on February 4, 2020, the Commission discussed the possibility of reducing parking, then addressing the remaining parking required with fee-in-lieu. The applicant stated that they could not make any fee-in-lieu option work. Multiple Commissioners asked for an off-street parking waiver number more than zero that would work for the applicant. The applicant stated that the variance to zero was needed. The Commission unanimously denied the variance, and modified findings to recognize that zero parking would be a detriment to public health, safety, and welfare by pushing parking demand into surrounding neighborhoods.

On February 18, 2020, the applicant sent a letter to the Assembly expressing concerns with the decision. The letter was discussed at the March 2, 2020 Committee of the Whole meeting. At that meeting the Assembly voted:

...for the Planning Commission to consider global parking code amendments with the opportunity for public comment and ask them to prioritize the issue due to time constraints, including the following recommendations from the Manager:

- 1. Forward consideration of parking code amendments to the Planning Commission.**
- 2. Direct CDD and Planning Commission to only work on the issue globally, for all of downtown, not specific to the Archipelago Project.**
- 3. Ask the Planning Commission to invite code amendment comments from the public.**

It was 17 days later that the pandemic rumblings throughout the nation resulted in a lock-down and adoption of social distancing protocols in Juneau. Questions arose about who was considered a critical worker and what was critical work. Technology deployments were adapted, including CBJ Virtual Private Networks and Remote Desktop technology, and virtual public meetings via Zoom. The Commission held their first post-lockdown regular meeting on April 14, 2020. After catching up on back-log, the Commission resumed T49 meetings with the parking issue on September 10, 2020.

T49 work included:

- Review of applicable materials, including studies, meeting minutes, and applicable data on current use.
- Consideration and revision of the parking district boundaries.
- Review of current tools including the PD-1 and PD-2 parking districts, fee-in-lieu, and waivers.
- Considerations of incentives for reduced parking.
- Reorganization of the code to reduce redundancies and present code elements in the order a developer would consider them.

All meetings were open to the public. When forwarded to the Planning Commission, T49 proposed the draft ordinance for a Regular Planning Commission meeting so that the public could provide comments.

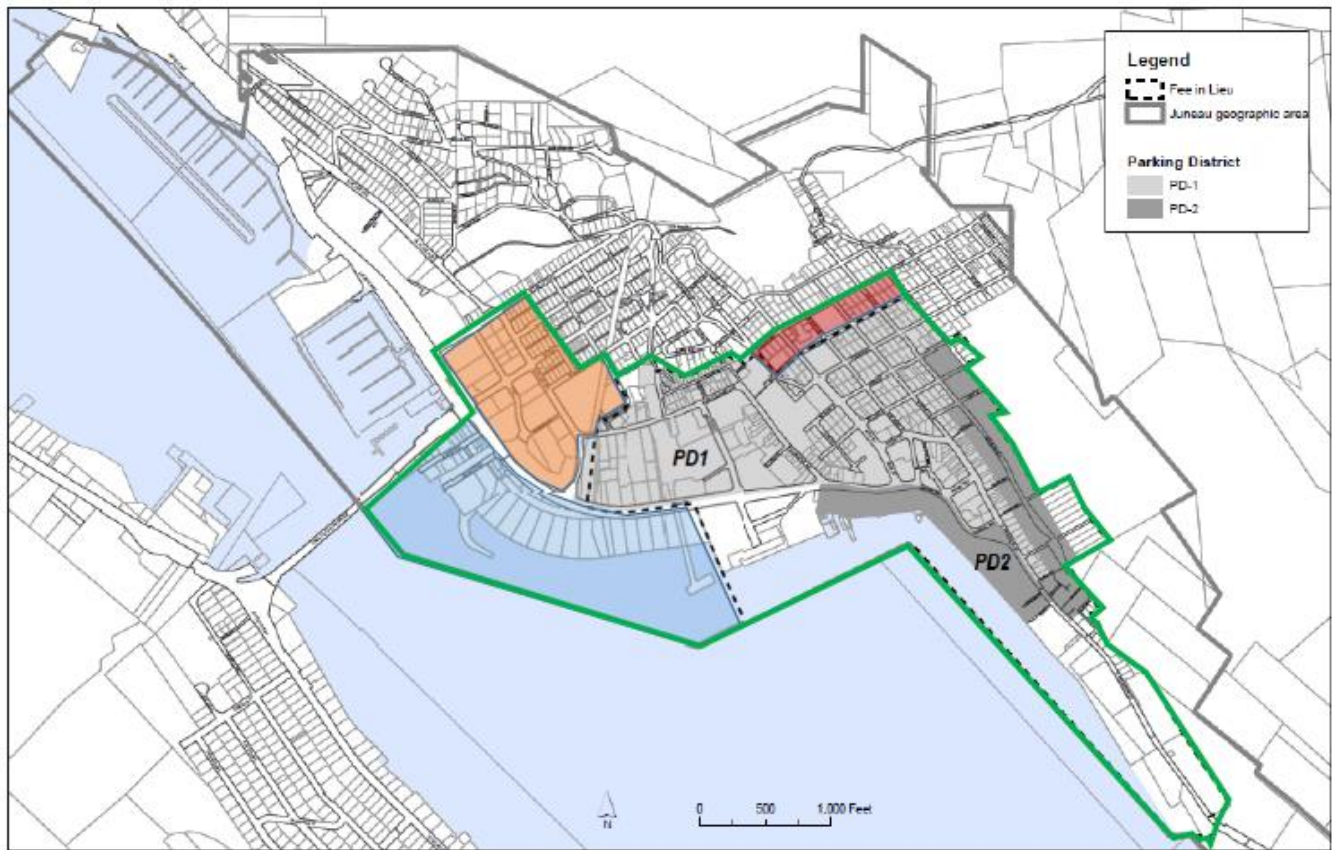
The current draft includes reorganization of the ordinance to reduce redundancies and present the parking regulations in the order they would be considered during development:

- General Applicability
- Number of Off-Street Parking Spaces Required
- Modifications
- Reductions
- Parking Space Dimensions

PROPERTY AFFECTED – The proposed ordinance would be applicable to all properties in the Borough. Additionally, a new parking district overlay is created that combines current PD-1, PD-2, and fee-in-lieu parking districts. Current downtown parking district boundaries expanded (green boundary) to include:

- One block uphill from the current boundary on 5th Street (red shading).
- The waterfront from the AJ dock to the 10th Street Bridge (blue shading).
- The Flats area that includes the Federal Building, Parkshore Condominiums, and Mountainview Apartments (orange shading).

T49 discussed that extension of parking modifications to the entirety of the Juneau Geographic Area (thick grey line, below) was too extensive at this time.



SECTIONS AMENDED - GENERAL

Notable features of the code rewrite include:

- **Creation of a Town Center Parking District (TCPD).** Reductions of 60 percent would apply to the mapped area. This change aligns the proposed parking regulations eventually to correspond to areas mapped in the revised Comprehensive Plan as a “Town Center.”
- **Allowing parking waivers downtown.** Until this revision, properties in the parking districts were ineligible to apply for parking waivers.
- **Fee-in-lieu of constructed parking.** After reductions have been applied, a TCPD developer can pay a fee rather than construct required off-street parking spaces, excluding ADA spaces.
- **“Town Center Parking District” map revision.** Reviewed above under “Property Affected.”
- **Consistency with federal law on ADA accommodations.** Contrary to federal regulations, CBJ’s current code allows the number of ADA spaces to be based on reduced parking requirements, or be addressed with fee-in-lieu. Revisions bring code in alignment with federal regulations.

Modifications to 49.40.200 include substantive changes, reorganization, and renumbering. Below is a summary of the changes by newly-proposed section.

The modifications to 49.40.220-230 are edits for consistent terminology, clean-up of hierarchy inconsistencies, and revised section numbering. Those changes can be found in **Attachment C**.

General Applicability

This revised section creates consistency, clarifying Director authority over minor development determinations and Commission authority over major development determinations. In current code, Director or Commission authority over waivers is based on the number of off-street parking spaces being waived. The waiver section is inconsistent with other sections.

This revised section also clarifies the developer and owner/occupant responsibility in meeting and maintaining parking requirements. In existing code, this clarification was limited to off-street loading spaces.

Spaces required

Tables of requirements remain the same.

Off-street ADA parking and loading spaces are treated differently between existing code and proposed code. The changed approach to ADA is mandated by federal law. It is unclear if the difference for loading spaces is intentional. To summarize:

Feature	ADA		Loading	
	Current	Proposed	Current	Proposed
Are subject to Parking District reductions	Yes	No	Yes	No
Reduction – waiver	No	No	Yes	No
Reduction- fee-in-lieu	Yes	No	Yes	No
Modification – alternative off-site	Yes	Yes	Yes	Yes
Modification – joint use agreement	Yes	Yes	Yes	Yes

Staff recommends:

Off-street loading spaces can be reduced in the TCPD, waived, or addressed with fee-in-lieu. This will provide the Commission with the discretion to determine loading space requirements based on how space is used rather than the area used. Modify proposed regulation to read:

49.40.220 Reductions. Developer may apply for multiple reductions. Accessible parking spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(b). ~~Loading spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(c).~~

Reductions and variances. This is an introduction to a complex topic.

When parking was varied in the past, the Commission determined how many off-street parking spaces were appropriate for a development. Further reductions after the fact remove the Commission from their role in determining detriment to health, safety, and welfare, therefore, code indicates Commission involvement is required before TCPD reductions are applied to varied parking requirements.

Admittedly, this is inconsistent with how we treat variances in other parts of code. For instance, if a lot had a setback variance from 10 feet to five feet, the developer would still be able to take advantage of the setback exceptions of 49.25.430(4) for unenclosed walkways and staircases, or architectural features. In some situations, the 60% reduction requires a property owner to provide fewer spaces than an existing variance.

Another concern might be stacking a waiver on top of a variance.

Staff recommends that reductions and variances not be allowed in combination with each other. If a development meets the grounds for granting a variance, then there should not be a need for a waiver. If an applicant fails to prove hardship, the applicant could then apply for a waiver reduction and fee-in-lieu.

Staff proposes that this be a topic of discussion at the Planning Commission meeting, given the complexities of antecedents and Commission intent.

Modifications

This section includes provisions for off-site ADA parking and loading spaces, and joint use provisions.

The revised ADA code provision of off-site spaces specifies private spaces. Currently, public spaces may be used. An example might be a downtown business with an ADA street space nearby, or a common loading zone. At least one Douglas business shares an off-street ADA space with the library.

In the revised code only joint use spaces require a written agreement between parties.

Staff recommends:

Off-site ADA parking or loading spaces may be public street spaces. Higher density TCPD development provides amenities that provide access to public on-street spaces. With space at a premium, shared use may be advantageous, and may be evaluated by the Director. Modify proposed regulation to read:

49.40.215 Modifications...

(a) Accessible parking spaces off-site: For parking areas calculated to require a total of 25 off-street parking spaces or less, the accessible space requirement may be met by a private off-site accessible parking space, or a public on-street or off-street space, if the alternate space is determined by the Director to be of adequate capacity and proximity...

(b) Loading spaces off-site. The loading space required may be met by an alternative private off-site loading parking space, or a public on-street or off-street space, if the alternate space is determined by the Director to be of adequate capacity and proximity....

Require a written and recorded agreement for any use of private space under this section. Recording the agreement keeps the off-street parking spaces viable when property changes hands. Modify proposed regulation to move subsection (c)(3) to the introduction, and add the requirement for recording:

49.40.215 Modifications

Developer may apply for multiple modifications. Modifications may be combined with allowable reductions. The developer 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 recorded.

(c) Joint use...

~~(3) The developer 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.~~

Remove reference to federal regulations. Any incorporation by reference would require reference to a specific iteration of that code, creating problems when updated. Staff has determined that CBJ code provisions regarding the number, dimension, and distance of off-street ADA spaces provides the Director adequate parameters for evaluating the provision of off-street ADA spaces, and that reference to federal regulation is unnecessary. Modify proposed regulations to read:

49.40.215 (a) Accessible parking spaces off-site: For parking areas calculated to require a total of 25 off-street parking spaces or less, the accessible space requirement may be met by a private off-site accessible parking space if the alternate space is determined by the Director to be of adequate capacity and proximity. ~~The Director will consider U.S. Department of Justice accessibility guidelines when determining adequate capacity.~~ In no case will the distance exceed standards established in 49.40.200(i).

Reductions

The reductions were modified to provide:

- Waiver availability borough-wide. Currently development within parking districts are ineligible for waivers.
- Creation of a TCPD. This move simplifies and consolidates existing parking districts, while providing borough-wide provision for similar parking regulations in other Town Center areas.
- Retention of fee-in-lieu in the TCPD.

Parking waivers downtown. Currently, downtown properties in the PD-1, PD-2, or fee-in-lieu parking districts are ineligible for parking waivers. This leaves downtown developers pursuing variances for parking. Variance standards are limited to unusual features of the site that constrain development. A downtown location alone is not considered an unusual feature.

T49 reasoned that downtown properties and other TCPD developments qualify for reduced parking due to compact development and transportation options, and could be considered for parking waivers. The modified code would allow parking waivers to be considered anywhere in the Borough.

Superimposed parking districts. Current code provides a 60 percent by-right parking reduction in the PD-1 parking district, and a 30 percent by-right reduction in the PD-2 parking district. The fee-in-lieu district encompasses both parking districts, and additional area down Thane Road and along the Downtown waterfront.

T49 combined mapped parking districts into one TCPD, with a 60 percent by-right reduction, and qualification to use fee-in-lieu or parking waivers. The boundaries expanded:

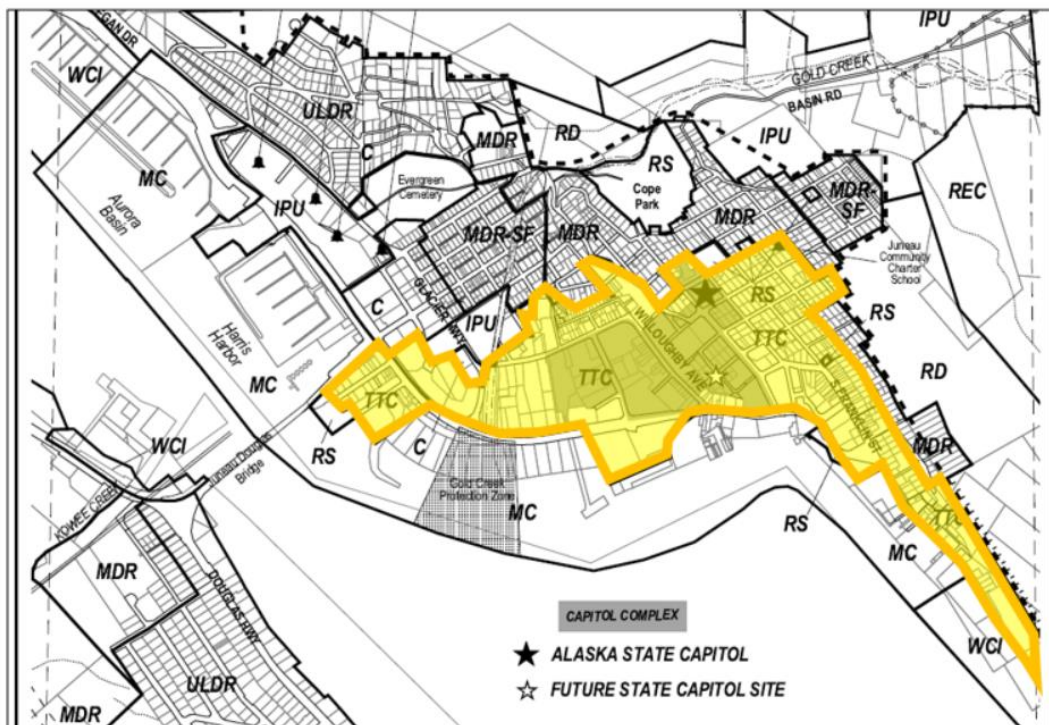
- Uphill of 5th Street to encompass the Catholic Church (416 5th Street), the Russian Orthodox Church (326 5th Street), and the Legislature's Terry Miller structure (126 6th Street).
- Along the Downtown Juneau waterfront, including the Subport area and land Norwegian Cruise Lines recently purchased, and waterfront lots along Egan Drive.
- Denser, more commercially-oriented areas of the flats, including the Federal Building.

Consolidating three districts simplifies parking regulations. The three district boundaries differ from each other, Comprehensive Plan land use designations, or zoning. T49 considered using the Juneau geographic boundary, which extends past Amalga Harbor and includes the Behrends neighborhood. The change was considered too extensive at this time.

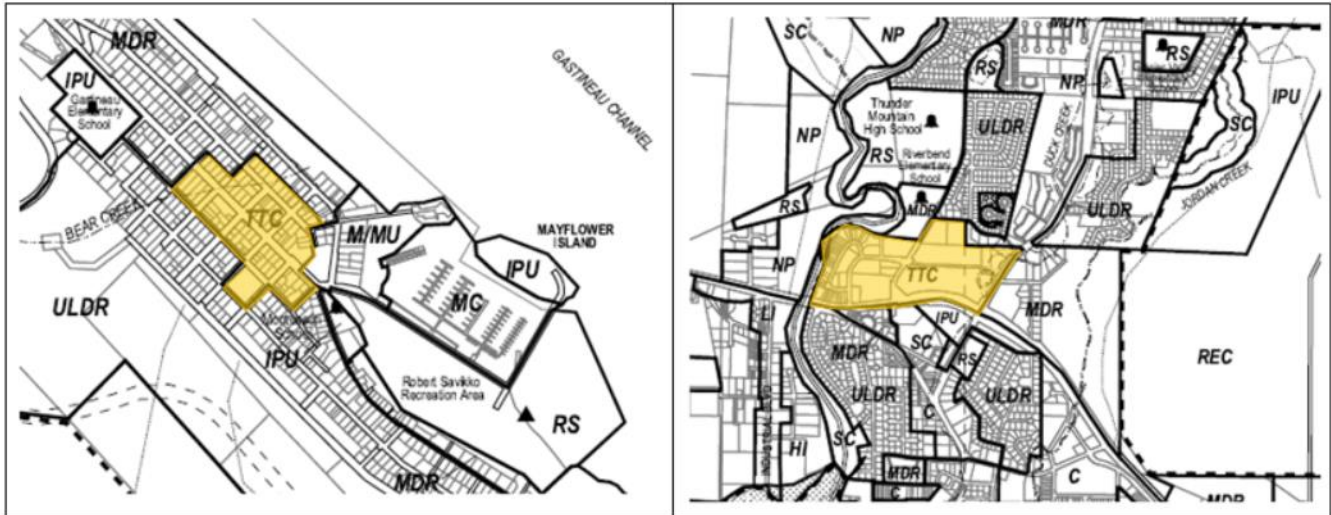
The intent to coordinate the TCPD with Comprehensive Plan land use designations. T49 intends that the eventual Comprehensive Plan rewrite could use the “Town Center” terminology to establish consistent parking regulations in similar areas (downtown Douglas and the Vintage Park/Mendenhall Mall area) with recognized similar development standards. This would improve coordination between the plans and the regulations enacting them, and reduce complexity for developers.

The proposed TCPD boundaries differ than the downtown Traditional Town Center land use mapping in the Comprehensive Plan. Note that the boundaries proposed vary from the 2013 Comprehensive Plan map for Traditional Town Center for downtown, shown below highlighted in yellow. The proposed TCPD boundary that lies outside of the 2013 Comprehensive Plan Traditional Town Center includes:

- The Federal Building (Institutional and Public Use)
- The waterfront between the Franklin Dock and the Cycle Alaska structure (Commercial, and Marine Commercial)
- The area of The Flats between Egan and D Street (Commercial)



CBJ has two other Traditional Town Centers mapped in the Comprehensive Plan. The intent of creating a TCPD was to stage the same regulations for similar uses. Other Traditional Town Centers include downtown Douglas (left), and the Vintage Park/Mendenhall Mall area of the Mendenhall Valley (right).



Proposed TCPD regulations would NOT apply to mapped Traditional Town Center areas at this time. However, the intent is that they could after the Comprehensive Plan rewrite.

The complexities of comprehensive planning will determine if this coordination is viable. Establishing a TCPD facilitates that exploration and possible future coordination.

Fee-in-lieu. Current code allows downtown developers in the fee-in-lieu district to pay a fee rather than construct off-street parking spaces. The fee established in code has a provision for annual increases based on the Consumer Price Index in Anchorage. The CBJ Finance Department provides updated fees when requested. The 2020 estimate was \$10,805. Current code reduces the fee-in-lieu for residential development by 50 percent.

Proposed code maintains the ability for TCPD developers to pay fee-in-lieu of developing off-street parking spaces, and eliminates the residential reduction.

When fee-in-lieu was developed, the intent was for revenue to be used to support transportation alternatives like pedestrian and bike accommodations, and transit. T49 reasoned that residential developments could have the same impact on the need for transportation alternatives as a non-residential endeavor. With the waiver process proposed to be available in the TCPD, residential developers may pursue an overall reduction when appropriate, while still participating in the improvements that serve their clients.

Subsequent sections

The proposed regulation combines parking space and signage requirements for the various kinds of parking into one code reference. Since the developer determines how many off-street parking spaces are required, what modifications are possible, and what reductions are possible, they may use the dimensional information with space available to develop their parking plan.

The parking area circulation and standards reviews were edited for clarity and consistency. Changes are easily viewed in “track changes” (**Attachment D**).

Putting it All Together

Recall the questions posed at the beginning of this report. For each question, current practice allows it, but drafted language disallows.

- **Does the Commission intend that off-street loading spaces can be addressed with fee-in-lieu?**
 - Staff recommends that this practice be maintained.
- **Does the Commission intend that off-street loading spaces could be waived?**
 - Staff recommends that this practice be maintained.
- **Does the Commission intend that the parking district reduction apply to a parking variance?**
 - Concept introduced.

COMPLIANCE WITH TITLE 49

49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

(1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;

(2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;

(3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;

(4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;

(5) To provide adequate open space for light and air; and

(6) To recognize the economic value of land and encourage its proper and beneficial use.

COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
5	48	Narrative	New development should address parking.

2013 COMPREHENSIVE PLAN The proposed text amendment is in compliance with the 2013 Comprehensive Plan.			
5	49	5.5-IA2	Model short-term parking to support businesses and government.
5	49	5.5-IA3(F)	Consider reducing or eliminating parking requirement for residences.
5	58	Policy 5.11 and SOP1	To encourage local year-round businesses, develop parking policies that support these businesses.
8	111	8.5-IA6	Reduce land demand for parking with driving disincentives.
8	117	Narrative	Encourage shared use of parking downtown
10	140	10.13-SOP1	Provision of transit justifies reduced parking minimums.
11	186	Subarea 6, 13B	Establish a parking policy to guide planners.

The 2016 Housing Action Plan recognizes the need to manage parking, and suggests leveraging residential development to provide public parking, but does not address modifications to minimums.

2015 Economic Development Plan The proposed text amendment complies with the 2016 Housing Action Plan			
Chapter	Page No.	Item	Summary
	AP-6	1	<i>Downtown generates the highest property tax return per acre. The average MU zoning district with no height restriction and reduced parking generates 17 times the tax of D1 lot, and 13 times D18.</i>

AGENCY REVIEW

This draft ordinance has not had agency review at this time. Representatives from the Parks and Recreation Department, as managers of Juneau's public parking, have attended meetings to get context.

PUBLIC COMMENTS

At this time the extent of public notice has been notices for T49 and Planning Commission meetings. No public comments have been received.

FINDINGS

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment is generally consistent with the overall vision of the 2013 Comprehensive Plan.

Finding: Yes. The proposed text amendment complies with the 2013 Comprehensive Plan and the 2015 Economic Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If approved, drafted code will be consistent with the above purposes.

Finding: Yes, The proposed development complies with the purpose and intent of Title 49. Additionally, the proposed amendments do not create any inconsistencies within the code.

RECOMMENDATION

This is an iterative product and Staff does not have a recommendation for approval or denial at this time.

Staff recommends the following modifications to the draft proposed code:

Off-street loading spaces can be reduced in the TCPD, waived, or addressed with fee-in-lieu. Modify proposed regulation to read:

49.40.220 Reductions. Developer may apply for multiple reductions. Accessible parking spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(b). ~~Loading spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(c).~~

Off-site ADA parking or loading spaces can be public street spaces. Modify proposed regulation to read:

49.40.215 Modifications...

(a) Accessible parking spaces off-site: For parking areas calculated to require a total of 25 off-street parking spaces or less, the accessible space requirement may be met by a private off-site accessible parking space, or a public on-street or off-street space, if the alternate space is determined by the Director to be of adequate capacity and proximity...

(b) Loading spaces off-site. The loading space required may be met by an alternative private off-site loading parking space, or a public on-street or off-street space, if the alternate space is determined by the Director to be of adequate capacity and proximity...

Require a written and recorded agreement for any use of private space under this section. Modify proposed regulation to move subsection (c)(3) to the introduction, and add the requirement for recording:

49.40.215 Modifications

Developer may apply for multiple modifications. Modifications can be combined with allowable reductions. The developer 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 recorded.

(c) Joint use...

~~(3) The developer 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.~~

Remove reference to federal regulations. Modify proposed regulations to read:

49.40.215 (a) Accessible parking spaces off-site: For parking areas calculated to require a total of 25 off-street parking spaces or less, the accessible space requirement may be met by a private off-site accessible parking space if the alternate space is determined by the Director to be of adequate capacity and proximity. ~~The Director will consider U.S. Department of Justice accessibility guidelines when determining adequate capacity.~~ In no case will the distance exceed standards established in 49.40.200(i).

Staff requests:

- Guidance on the relationship between the TCPD and the update to the Comprehensive Plan.
- The Commission provide direction on necessary modifications in light of public comment or Commission review.
- The Commission direct staff to submit the draft to Law OR bring a corrected draft back before the Commission, either at a Committee of the Whole or a regular meeting. Staff recommends another meeting.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Table of Contents for the proposed ordinance
Attachment B	A clean, numbered version of the proposed ordinance
Attachment C	Proposed ordinance 49.40.200-225, with sources
Attachment D	Proposed ordinance 49.40.230-240 and fees, track changes
Attachment E	Scenarios for application of proposed ordinance

Reorganization Table of Contents

49.40.200 General Applicability

- (a) Developer responsibility
- (b) Owner/occupant responsibility
- (c) Determination
- (d) Expansion
- (e) Change in use
- (f) Replacement and reconstruction of certain nonconforming structures
- (g) Mixed occupancy
- (h) Uses not specified
- (i) Location
- (j) Off-street parking requirements

49.40.210 Number of Off-Street Parking Spaces Required

- (a) General
- (b) Accessible parking spaces
- (c) Facility loading spaces

49.40.215 Modifications

- (a) Accessible parking spaces off-site
- (b) Loading spaces off-site
- (c) Joint use

49.40.220 Reductions

- (a) Parking waivers
- (b) Town Center Parking District
 - (1) *Standard Reduction*
 - (2) *Fee in lieu of off-street parking spaces*

49.40.225 Dimensions and signage for Required Off-Street Parking Spaces

- (a) Standard spaces
- (b) Accessible spaces
- (c) Facility loading spaces

Reorganization Table of Contents, continued

49.40.230 – Parking area and site circulation review procedures

- (a) Purpose
- (b) Plan submittal
- (c) Review procedure
- (d) Public improvements required

49.40.240 - Parking and circulation standards

- (a) Purpose
- (b) Off-street parking and loading spaces; design standards
- (c) Drainage
- (d) Lighting
- (e) Markings and access
- (f) General circulation and parking design

1 **ARTICLE II: PARKING AND LOADING**

2 **49.40.200 General Applicability**

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

6 (a) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable
7 parking code requirements have been met, in conformance with this chapter.

8 (b) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading
9 spaces required in this chapter is a continuing obligation and joint responsibility of the owner and
10 occupants.

11 (c) *Determination.* The determination of whether these requirements are met, with or without
12 conditions, and deemed necessary for consistency with this title, shall be made by the Director in the
13 case of minor development; the Commission in the case of major development; and the Commission
14 if the application relates to a series of applications for minor developments that, taken together,
15 constitute major development, as determined by the Director.

16 (d) *Expansion.* In cases of expansion of a building on or after the effective date of the ordinance
17 codified in this chapter,

18 (1) The number of additional off-street parking spaces required shall be based only on the gross
19 floor area added.

20 (2) No additional parking spaces are required if the additional spaces would amount to less than
21 ten percent of the total required for the development and amount to less than three spaces.

22 (3) For phased expansion, the required off-street parking spaces is the amount required for the
23 completed development.

24 (e) *Change in use.* In cases of a change in use on or after the effective date of the ordinance codified
25 in this chapter, the number of spaces required will be based on 49.40.210.

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

29 (g) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210 share
30 the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum
31 of the requirements for the several uses computed separately.

32 (h) *Uses not specified.* In the case of uses not listed, the requirements for off-street parking are based
33 on the requirements for the most comparable use specified.

34 (i) *Location.* Off-street parking facilities are located as hereinafter specified; if a distance is specified,
35 such distance is the walking distance measured from the nearest point of the parking facility to the
36 nearest point of the building it is required to serve. Off-street parking facilities for:

37 (1) Single-family dwellings and duplexes, must be on the same lot as the building served;

38 (2) Multifamily dwellings, may not be more than 100 feet distant, unless subject to section
39 49.40.215; and

(3) Uses other than those specified above, may be not more than 500 feet distant, unless subject to section 49.40.215.

(j) *Off-street parking requirements.* Off-street parking requirements do not apply to lots if they are accessible only by air or water. 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 shall provide the required off-street parking.

49.40.210 Number of Off-Street Parking Spaces Required

(a) *General.* The minimum number of off-street parking spaces required shall be as set forth in the following table. The number of spaces shall be calculated to the nearest whole number:

Use	Spaces Required
Single-family and duplex	2 per each dwelling unit
Multifamily dwellings	Geographic area Juneau or Douglas
	1.0 per one bedroom
	1.5 per two bedrooms
	2.0 per three or four bedrooms
	All other geographic areas
	1.5 per one bedroom
	1.75 per two bedrooms
	2.25 per three or four bedrooms
Rooming houses, boardinghouses, single-room occupancies with shared facilities, bed and breakfasts, halfway houses, and group homes	Geographic area Juneau or Douglas
	1 per 2 bedrooms
	All other geographic areas
	1 per bedroom
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities
Accessory apartments	1
Motels	1 per each unit in the motel
Hotels	1 per each four units
Hospitals and nursing homes	2 per bed or one per 400 square feet of gross floor area

Senior housing	0.6 parking spaces per dwelling unit, plus 1 guest parking space for each 10 units, plus 1 parking space per employee
Assisted living facility	0.4 parking spaces per maximum number of residents
Sobering centers	1 parking space per 6 beds, plus 1 visitor parking space
Theaters	1 for each four seats
Churches, auditoriums, and similar enclosed places of assembly	1 for each four seats in the auditorium
Bowling alleys	3 per alley
Banks and offices	1 per 300 square feet of gross floor area
Medical or dental clinics	1 per 200 square feet of gross floor area
Mortuaries	1 per six seats based on maximum seating capacity in main auditorium
Warehouses, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area
Restaurants and alcoholic beverage dispensaries	1 per 200 square feet of gross floor area
Swimming pools serving general public	1 per four persons based on pool capacity
Retail commercial	1 per 300 square feet of gross floor area
Shopping centers and malls	1 per 300 square feet of gross leasable floor area
Convenience stores	1 per 250 square feet of gross floor areas or as provided at 49.65.540(b)
Pleasure craft moorages	1 per three moorage stalls
Manufacturing uses; research, testing and processing, assembling, all industries	1 per 1,000 square feet gross floor area except that office space shall provide parking as required for offices
Libraries and museums	1 per 600 square feet gross floor area
Schools, elementary	2 per classroom
Middle school or junior high	1.5 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom
College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general

	assembly area is available, one per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60% of the required parking spaces may be in a stacked parking configuration
Post office	1 per 200 square feet gross floor area

50

51 (b) *Accessible parking spaces.* Except for residential parking lots of fewer than ten spaces, accessible
52 parking spaces shall be required according to the following table:

Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 over

53

54 (c) *Facility loading spaces.* Space requirements shall be as set forth in the following table:

Use	Gross Floor Area in Square Feet	Spaces
Motels and hotels	5,000—29,000	One
	30,000—59,999	Two
	Each additional 30,000	One

Commercial	5,000—24,999	One
	25,000—50,000	Two
	Each additional 30,000	One
Industrial, manufacturing, warehousing, storage, and processing	5,000—24,999	One
	25,000—50,000	Two
	Each additional 30,000	One
Hospitals	5,000—39,999	One
	Each additional 40,000	One
	Other Criteria	
Schools	For every two school buses	One
Homes for the aged, convalescent homes, correctional institutions	More than 25 beds	One

55

56 **49.40.215 Modifications**

57 Developer may apply for multiple modifications. Modifications can be combined with allowable
58 reductions.

59 (a) *Accessible parking spaces off-site.* For parking areas calculated to require a total of 25 off-street
60 parking spaces or less, the accessible space requirement may be met by a private off-site accessible
61 parking space if the alternate space is determined by the Director to be of adequate capacity and
62 proximity. The Director will consider U.S. Department of Justice accessibility guidelines when
63 determining adequate capacity. In no case will the distance exceed standards established in
64 **49.40.200(i).**

65 (b) *Loading spaces off-site.* The loading space required may be met by an alternative private off-site
66 loading parking space if the alternate space is determined by the Director to be of adequate capacity
67 and proximity. In no case will the distance exceed standards established in **49.40.200(i).**

68 (c) *Joint use.* Joint use is when the same off-street parking space is used to meet the parking
69 requirement of different users. Joint use of off-street parking spaces may be authorized providing
70 the developer demonstrates that there is no substantial conflict in the principal operating hours of
71 the structures and uses involved.

72 (1) Any structure or use sharing the off-street parking facilities of another structure or use shall
73 be located within 500 feet of such parking facilities, unless a lesser radius is identified in this
74 chapter. A developer may apply to provide off-street parking in an area greater than 500 feet
75 distant, if approved by the Commission.

(2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed; and

(3) The developer 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.

49.40.220 Reductions

Developer may apply for multiple reductions. Accessible parking spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(c).

(a) *Parking waivers.* The required number of parking spaces required by this section may be reduced if the requirements of this subsection are met.

(1) *Standards.* 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:

(A) 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; and

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

(2) *Relevant information.* The following information may be relevant for the Director or Commission's review:

(A) Analysis or data relevant to the intended use and related parking.

(B) Provision for alternative transportation or transit improvements vetted through CBJ Capital Transit.

(C) Traffic mitigation measures supported by industry standards.

(D) Bicycle and pedestrian amenities.

(3) *Applications.* Applications for parking waivers shall be on a form specified by the Director and shall be accompanied by a one-time fee as cited in 49.85. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.

(4) *Public notice.* The Director shall mail notice of any complete parking waiver application to the owners of record of 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.

(5) *Expiration.* Approved parking waivers expire upon a change in use.

(b) *Town Center Parking District*. The parking district map was adopted **DATE**. The parking district map may be amended by the assembly through ordinance.

(1) *Standard Reduction*. Off-street parking spaces required in 49.40.210(a) are reduced by 60 percent for expansion of an existing building, change of use, or the construction of a new building.

(2) *Fee in lieu of off-street parking spaces*. In the Town Center parking district, a developer may pay a one-time fee in lieu of off-street parking spaces in order to meet the minimum parking requirements of this chapter. Fee in lieu can be used in any combination with other parking provisions of this chapter. Fees are cited in 49.85.

(A) *Payment*.

(i) In the case of new development, any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

(ii) In the case of expansions or changes of use, 45 days after the fee in lieu of construction is granted, the fee must be paid in full, or a lien shall be placed upon 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.

49.40.225 Dimensions and signage for Required Off-Street Parking Spaces

(a) *Standard spaces*.

(1) Subject to subsections (b)(2) and (3) of this section, each standard parking space shall consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

(2) Spaces parallel to the curb shall be no less than 22 feet by 6½ feet.

(b) *Accessible spaces*.

(1) Each accessible parking space shall consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least five feet by 17 feet. Two accessible parking spaces may share a common access aisle.

(2) One in every eight accessible parking spaces, but not less than one, shall be served by an access aisle with a width of at least eight feet and shall be designated "van-accessible."

(3) Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. "Van-accessible" parking spaces shall have an additional sign designating the parking space as "van-accessible" mounted below the symbol of accessibility. The signs shall be located so they cannot be obscured by a vehicle parked in the space.

(4) Access aisles for accessible parking spaces shall be located on the shortest accessible route of travel from parking to an accessible entrance.

(c) Facility loading spaces.

(1) Each off-street loading space shall be not less than 30 feet by 12 feet, shall have an unobstructed height of 14 feet 6 inches, and shall be permanently available for loading.

49.40.230 – Parking area and site circulation review procedures

(a) *Purpose.* The purpose of these review procedures is to ensure that proposed parking and related site access areas provide for adequate vehicular and pedestrian access and circulation; that parking spaces are usable and are safely and conveniently arranged; that sufficient consideration has been given to off-street loading and unloading; that the parking area will be properly drained, lighted and landscaped; and that such areas will not be unsightly.

(b) *Plan submittal.* Development applications shall include plans for parking and loading spaces. Major development applications for commercial uses and for residential development of ten units or more must include plans prepared by a professional engineer or architect. These plans may be part of a plan submission prepared in conjunction with the required review of another aspect of the proposed development.

(1) *Contents.* The plans shall contain the following information:

(A) Parking and loading space plans drawn to scale and adequate to show clearly the circulation pattern and parking area function;

(B) Existing and proposed parking and loading spaces with dimensions, traffic patterns, access aisles, and curb radii;

(C) Improvements including roads, curbs, bumpers and sidewalks indicated with cross sections, designs, details, and dimensions;

(D) A parking schedule indicating the number of parking spaces required, the number provided, and how such calculations were determined;

(E) Topography showing existing and proposed contour intervals; and

(F) Landscaping, lighting and sign details, if not provided in conjunction with the required review of another aspect of the proposed development.

(2) *Waiver of information.* The department may waive submission of any required exhibits.

(c) *Review procedure.* Plans shall be reviewed and approved according to the procedures of this chapter and chapter 49.15.

(d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the city attorney for the purpose of ensuring the installation of off-site public improvements. As a condition of plan approval, the applicant shall be required to pay the pro rata share of the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.

49.40.240 - Parking and circulation standards.

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site shall address layout of parking areas, off-street loading and unloading needs, and the movement of people, goods, and vehicles from access roads, within the site, and between buildings and vehicles. Parking areas shall be landscaped and shall feature safely-arranged parking spaces.

(b) *Off-street parking and loading spaces; design standards.*

(1) Access. There shall be adequate ingress and egress from parking spaces. The required width of access drives for driveways shall be determined as part of plan review depending on use, topography and similar considerations.

(2) Size of aisles. The width of aisles providing direct access to individual parking stalls shall be in accordance with the following table. Logical interpolation to other angles may be approved by the Director:

Aisle width	Parking Angle				
	0°	30°	45°	60°	90°
One-way traffic	13	11	13	18	24
Two-way traffic	19	20	21	23	24

(3) Location in different zones. No access drive, driveway or other means of ingress or egress shall be located in any residential zone if it provides access to uses other than those permitted in such residential zone.

(4) Sidewalks and curbing. Sidewalks shall be provided with a minimum width of four feet of passable area and shall be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.

(5) Stacked parking. Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

(6) Back-out parking. Parking space aisles must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. If the Director or the

217 Commission, when the Commission has authority, determines back-out parking would not
218 unreasonably interfere with the public health and safety of the parking space aisles and adjacent
219 right-of-way traffic, back-out parking is allowed in the following circumstance:

220 (A) In the case of single-family dwellings and duplexes with or without accessory uses
221 located in residential and rural reserve zoning districts;

222 (B) Where the right-of-way is an alley; or

223 (C) In the case of a child care home in a residential district.

224 (c) *Drainage.*

225 (1) Parking areas shall be suitably drained.

226 (2) Off-site drainage facilities and structures requiring expansion, modification, or reconstruction
227 in part or in whole as the result of the proposed development shall be subject to off-site
228 improvement requirements and standards as established by the city.

229 (d) *Lighting.* Parking areas shall be suitably lighted. Lighting fixtures shall be "full cutoff" styles that
230 direct light only onto the subject parcel.

231 (e) *Markings and access.* Parking stalls, driveways, aisles and emergency access areas and routes
232 shall be clearly marked.

233 (f) *General circulation and parking design.*

234 (1) *Parking space allocations shall be oriented to specific buildings. Parking areas shall be linked*
235 *by walkways to the buildings they serve.*

236 (2) *Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks*
237 *shall be clearly designated by pavement markings or signs. Crosswalk surfaces shall be raised*
238 *slightly to designate them to drivers, unless drainage problems would result.*

239

Note: Different colored font is used to distinguish which comment citation goes with which section of text.

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 or expanded, or when there is a change in the principal use thereof.

Commented [IG1]: 49.40.200

(a) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable parking code requirements have been met, in conformance with this chapter.

(b) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading spaces required in this chapter is a continuing obligation and joint responsibility of the owner and occupants.

Commented [IG2]: 49.40.210(c), modified

(c) *Determination.* The determination of whether these requirements are met, with or without conditions, and 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.

Commented [IG3]: 49.40.210(d), in part

(d) *Expansion.* In cases of expansion of a building on or after the effective date of the ordinance codified in this chapter,

(1) The number of additional off-street parking spaces required shall be based only on the gross floor area added.

Commented [IG4]: 49.40.200(1)

(2) No additional parking spaces are required if the additional spaces would amount to less than ten percent of the total required for the development and amount to less than three spaces.

(3) For phased expansion, the required off-street parking spaces is the amount required for the completed development.

Commented [IG5]: 49.40.210(d)(3)

(e) *Change in use.* In cases of a change in use on or after the effective date of the ordinance codified in this chapter, the number of spaces required will be based on 49.40.210.

(f) *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.

Commented [IG6]: 49.40.210(d)(4)

(g) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210 share the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum of the requirements for the several uses computed separately.

Commented [IG7]: 49.40.200(2)

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

Commented [IG8]: 49.40.200(3)

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

(1) Single-family dwellings and duplexes, must be on the same lot as the building served;

(2) Multifamily dwellings, may not be more than 100 feet distant, unless subject to section 49.40.215; and

Note: Different colored font is used to distinguish which comment citation goes with which section of text.

(3) Uses other than those specified above, may be not more than 500 feet distant, unless subject to section 49.40.215.

Commented [IG9]: 49.40.200(4)

(j) Off-street parking requirements. Off-street parking requirements do not apply to lots if they are accessible only by air or water. 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 shall provide the required off-street parking.

Commented [IG10]: 49.40.210(d)(2)

49.40.210 Number of Off-Street Parking Spaces Required

(a) General. The minimum number of off-street parking spaces required shall be as set forth in the following table. The number of spaces shall be calculated to the nearest whole number:

Commented [IG11]: 49.40.210(a)

Use	Spaces Required
Single-family and duplex	2 per each dwelling unit
Multifamily dwellings	Geographic area Juneau or Douglas
	1.0 per one bedroom
	1.5 per two bedrooms
	2.0 per three or four bedrooms
	All other geographic areas
	1.5 per one bedroom
	1.75 per two bedrooms
	2.25 per three or four bedrooms
Rooming houses, boardinghouses, single-room occupancies with shared facilities, bed and breakfasts, halfway houses, and group homes	Geographic area Juneau or Douglas
	1 per 2 bedrooms
	All other geographic areas
	1 per bedroom
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities
Accessory apartments	1
Motels	1 per each unit in the motel
Hotels	1 per each four units
Hospitals and nursing homes	2 per bed or one per 400 square feet of gross floor area

Note: Different colored font is used to distinguish which comment citation goes with which section of text.

Senior housing	0.6 parking spaces per dwelling unit, plus 1 guest parking space for each 10 units, plus 1 parking space per employee
Assisted living facility	0.4 parking spaces per maximum number of residents
Sobering centers	1 parking space per 6 beds, plus 1 visitor parking space
Theaters	1 for each four seats
Churches, auditoriums, and similar enclosed places of assembly	1 for each four seats in the auditorium
Bowling alleys	3 per alley
Banks and offices	1 per 300 square feet of gross floor area
Medical or dental clinics	1 per 200 square feet of gross floor area
Mortuaries	1 per six seats based on maximum seating capacity in main auditorium
Warehouses, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area
Restaurants and alcoholic beverage dispensaries	1 per 200 square feet of gross floor area
Swimming pools serving general public	1 per four persons based on pool capacity
Retail commercial	1 per 300 square feet of gross floor area
Shopping centers and malls	1 per 300 square feet of gross leasable floor area
Convenience stores	1 per 250 square feet of gross floor areas or as provided at 49.65.540(b)
Pleasure craft moorages	1 per three moorage stalls
Manufacturing uses; research, testing and processing, assembling, all industries	1 per 1,000 square feet gross floor area except that office space shall provide parking as required for offices
Libraries and museums	1 per 600 square feet gross floor area
Schools, elementary	2 per classroom
Middle school or junior high	1.5 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom
College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general

Note: Different colored font is used to distinguish which comment citation goes with which section of text.

	assembly area is available, one per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60% of the required parking spaces may be in a stacked parking configuration
Post office	1 per 200 square feet gross floor area

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51 (b) Accessible parking spaces. Except for residential parking lots of fewer than ten spaces, accessible
52 parking spaces shall be required according to the following table:

Commented [IG12]: 49.40.210(b)(3)(A)

Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 over

53

54 (c) Facility loading spaces. Space requirements shall be as set forth in the following table:

Commented [IG13]: 49.40.210(c)(2)

Use	Gross Floor Area in Square Feet	Spaces
Motels and hotels	5,000—29,000	One
	30,000—59,999	Two
	Each additional 30,000	One

Note: Different colored font is used to distinguish which comment citation goes with which section of text.

Commercial	5,000—24,999	One
	25,000—50,000	Two
	Each additional 30,000	One
Industrial, manufacturing, warehousing, storage, and processing	5,000—24,999	One
	25,000—50,000	Two
	Each additional 30,000	One
Hospitals	5,000—39,999	One
	Each additional 40,000	One
	Other Criteria	
Schools	For every two school buses	One
Homes for the aged, convalescent homes, correctional institutions	More than 25 beds	One

49.40.215 Modifications

Developer may apply for multiple modifications. Modifications can be combined with allowable reductions.

Commented [IG14]: 49.40.210(d), in part and modified

(a) Accessible parking spaces off-site. For parking areas calculated to require a total of 25 off-street parking spaces or less, the accessible space requirement may be met by a private off-site accessible parking space if the alternate space is determined by the Director to be of adequate capacity and proximity. The Director will consider U.S. Department of Justice accessibility guidelines when determining adequate capacity. In no case will the distance exceed standards established in 49.40.200(i).

Commented [IG15]: 49.40.210(b)(3)(B)

(b) Loading spaces off-site. The loading space required may be met by an alternative private off-site loading parking space if the alternate space is determined by the Director to be of adequate capacity and proximity. In no case will the distance exceed standards established in 49.40.200(i).

(c) Joint use. Joint use is when the same off-street parking space is used to meet the parking requirement of different users. Joint use of off-street parking spaces may be authorized providing the developer demonstrates that there is no substantial conflict in the principal operating hours of the structures and uses involved.

(1) Any structure or use sharing the off-street parking facilities of another structure or use shall be located within 500 feet of such parking facilities, unless a lesser radius is identified in this chapter. A developer may apply to provide off-street parking in an area greater than 500 feet distant, if approved by the Commission.

Note: Different colored font is used to distinguish which comment citation goes with which section of text.

(2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed; and

(3) The developer 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.

Commented [IG16]: 49.40.200(5), modified

49.40.220 Reductions

Developer may apply for multiple reductions. Accessible parking spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(c).

Commented [IG17]: 49.40.210(d), in part and modified

(a) *Parking waivers.* The required number of parking spaces required by this section may be reduced if the requirements of this subsection are met.

(1) *Standards.* 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:

(A) 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; and

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

(2) *Relevant information.* The following information may be relevant for the Director or Commission's review:

(A) Analysis or data relevant to the intended use and related parking.

(B) Provision for alternative transportation or transit improvements vetted through CBJ Capital Transit.

(C) Traffic mitigation measures supported by industry standards.

(D) Bicycle and pedestrian amenities.

(3) *Applications.* Applications for parking waivers shall be on a form specified by the Director and shall be accompanied by a one-time fee as cited in 49.85. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.

(4) *Public notice.* The Director shall mail notice of any complete parking waiver application to the owners of record of 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.

(5) *Expiration.* Approved parking waivers expire upon a change in use.

Commented [IG18]: 49.40.210(d)(6)

Note: Different colored font is used to distinguish which comment citation goes with which section of text.

(b) *Town Center Parking District.* The parking district map was adopted DATE. The parking district map may be amended by the assembly through ordinance.

(1) *Standard Reduction.* Off-street parking spaces required in 49.40.210(a) are reduced by 60 percent for expansion of an existing building, change of use, or the construction of a new building.

Commented [IG19]: 49.40.210(d)(1)

(2) *Fee in lieu of off-street parking spaces.* In the Town Center parking district, a developer may pay a one-time fee in lieu of off-street parking spaces in order to meet the minimum parking requirements of this chapter. Fee in lieu can be used in any combination with other parking provisions of this chapter. Fees are cited in 49.85.

(A) *Payment.*

(i) In the case of new development, any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

(ii) In the case of expansions or changes of use, 45 days after the fee in lieu of construction is granted, the fee must be paid in full, or a lien shall be placed upon 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.

Commented [IG20]: 49.40.210(d)(5)

49.40.225 Dimensions and signage for Required Off-Street Parking Spaces

(a) *Standard spaces.*

(1) Subject to subsections (a)(2) and (b) of this section, each standard parking space shall consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

(2) Spaces parallel to the curb shall be no less than 22 feet by 6½ feet.

Commented [IG21]: 49.40.210(a)(1-2)

(b) *Accessible spaces.*

(1) Each accessible parking space shall consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least five feet by 17 feet. Two accessible parking spaces may share a common access aisle.

Note: Different colored font is used to distinguish which comment citation goes with which section of text.

147 (2) One in every eight accessible parking spaces, but not less than one, shall be served by an
148 access aisle with a width of at least eight feet and shall be designated "van-accessible."

149 (3) Accessible parking spaces shall be designated as reserved by a sign showing the symbol of
150 accessibility. "Van-accessible" parking spaces shall have an additional sign designating the
151 parking space as "van-accessible" mounted below the symbol of accessibility. The signs shall be
152 located so they cannot be obscured by a vehicle parked in the space.

153 (4) Access aisles for accessible parking spaces shall be located on the shortest accessible route of
154 travel from parking to an accessible entrance.

Commented [IG22]: 49.40.210(b)(3)(C-F)

155 (c) Facility loading spaces.

156 (1) Each off-street loading space shall be not less than 30 feet by 12 feet, shall have an
157 unobstructed height of 14 feet 6 inches, and shall be permanently available for loading.

Commented [IG23]: 49.40.210(c)(1)

49.40.220-230 - Parking area and site circulation review procedures.

(a) *Purpose.* The purpose of these review procedures is to ensure that ~~all~~ proposed parking and related site access areas provide for adequate vehicular and pedestrian access and circulation; that ~~all~~ parking spaces are usable and are safely and conveniently arranged; that sufficient consideration has been given to off-street loading and unloading; that the parking area will be properly drained, lighted and landscaped; and that such areas will not be unsightly.

(b) *Plan submittal.* ~~All~~ development applications shall include plans for parking and loading ~~areas~~ spaces. Major development applications for commercial uses and for residential development of ten units or more must include plans prepared by a professional engineer or architect. These plans may be part of a plan submission prepared in conjunction with the required review of another aspect of the proposed development.

(1) *Contents.* The plans shall contain the following information:

(A) Parking and loading ~~area~~ space plans drawn to scale and adequate to show clearly the circulation pattern and parking area function;

(B) Existing and proposed parking and loading ~~areas~~ spaces with dimensions, traffic patterns, access aisles, and curb radii;

(C) Improvements including roads, curbs, bumpers and sidewalks indicated with cross sections, designs, details, and dimensions;

(D) A parking schedule indicating the number of parking spaces required, the number provided, and how such calculations were determined;

(E) Topography showing existing and proposed contour intervals; and

(F) Landscaping, lighting and sign details, if not provided in conjunction with the required review of another aspect of the proposed development.

(2) *Waiver of information.* The department may waive submission of any required exhibits.

(c) *Review procedure.* Plans shall be reviewed and approved according to the procedures of this chapter and chapter 49.15.

(d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the city attorney for the purpose of ensuring the installation of ~~on~~ off-site public improvements. As a condition of plan approval, the applicant shall be required to pay the pro rata share of the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.

(Serial No. 87-49, § 2, 1987)

49.40.230-240 - Parking and circulation standards.

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site shall address layout of parking areas, off-street loading and unloading needs, and the movement of people, goods, and vehicles from access roads, within the site, and between buildings and vehicles. Parking areas shall be ~~attractively~~ landscaped and shall feature safely ~~and conveniently~~ arranged parking spaces.

(b) *Off-street parking and loading ~~spaces~~ areas; design standards.*

(1) *Access.* There shall be adequate ingress and egress from ~~all~~ parking spaces. The required width of access drives for driveways shall be determined as part of plan review depending on use, topography and similar considerations.

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- (2) *Size of aisles.* The width of ~~all~~ aisles providing direct access to individual parking stalls shall be in accordance with the following table. Logical interpolation to other angles may be approved by the Director:

Aisle width	Parking Angle				
	0°	30°	45°	60°	90°
One-way traffic	13	11	13	18	24
Two-way traffic	19	20	21	23	24

~~(3) *General location.* All parking shall be located in bays generally perpendicular to driveways or roads.~~

(34) *Location in different zones.* No access drive, driveway or other means of ingress or egress shall be located in any residential zone if it provides access to uses other than those permitted in such residential zone.

(45) *Sidewalks and curbing.* Sidewalks shall be provided with a minimum width of four feet of passable area and shall be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.

(56) *Stacked parking.* Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

(67) *Back-out parking.* Parking ~~areas-space aisles~~ must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. If the director or the commission, when the commission has authority, determines back-out parking would not unreasonably interfere with the public health and safety of the area-parking space aisles and adjacent right-of-way traffic, back-out parking is allowed in the following circumstance:

- (A) In the case of single-family dwellings and duplexes with or without accessory uses located in residential and rural reserve zoning districts;
- (B) Where the right-of-way is an alley; or
- (C) In the case of a child care home in a residential district.

(c) ~~Landscaping and d~~Drainage.

(1) Parking areas shall be suitably drained ~~and shall be landscaped in accordance with design review standards.~~

(2) Off-site drainage facilities and structures requiring ~~enlargement~~expansion, modification, or reconstruction in part or in whole as the result of the proposed development shall be subject to off-site improvement requirements and standards as established by the city.

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- 79 (d) *Lighting.* ~~All~~Parking areas shall be suitably lighted. ~~All~~Lighting fixtures shall be "full cutoff" styles
80 that direct light only onto the subject parcel.
- 81 (e) *Markings and access.* Parking stalls, driveways, aisles and emergency access areas and routes
82 shall be clearly marked.
- 83 (f) *General circulation and parking design.*
- 84 (1) Parking space allocations shall be oriented to specific buildings. Parking areas shall be linked
85 by walkways to the buildings they serve.
- 86 (2) Where pedestrians must cross service roads or access roads to reach parking areas,
87 crosswalks shall be clearly designated by pavement markings or signs. Crosswalk surfaces
88 shall be raised slightly to designate them to drivers, unless drainage problems would result.
- 89 (Serial No. 87-49, § 2, 1987; Serial No. 2006-14(b), §§ 3—5, 5-15-2006; [Serial No. 2015-](#)
90 [07\(b\)\(am\), § 6, 2-23-2015, eff. 3-26-2015](#); [Serial No. 2015-32, § 6, 8-10-2015, eff. 9-10-2015](#))

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93 Chapter 49.85 - FEES FOR LAND USE ACTIONS

94 49.85.100 - Generally.

95 (21) Parking waiver, \$400.00; if the application is filed in conjunction with a major development permit,
96 the fee shall be reduced by 20 percent.

97 (22) Fee in lieu, \$10,000.00 per required off-street parking space ~~required~~not constructed.

98 49.85.110 - Amendment of rates.

99 ~~Processing fees are established for each development, platting and other land use action in accordance~~
100 ~~with the following schedule. The fee schedule will be increased annually by 3%, with a zero year of 2021.~~

101 The manager may adjust the rates in this chapter from time to time to reflect changes in the cost of
102 providing municipal services generally.

103 (Serial No. 87-49, § 2, 1987)

104 49.85.130 - Payment of fees.

105 No application, petition, request or appeal for which a fee is established under this title shall be complete
106 unless accompanied by the required fee, unless payment provisions are otherwise cited in this Title. and
107 Application, petitions, and requests for appeal shall be returned unless accompanied by such fee or
108 payment provision. ~~All f~~ees shall be nonrefundable except, if the appellant prevails in an appeal to the
109 assembly or if the appeal is withdrawn prior to commencement of the hearing, the appeal fee shall be
110 refunded less \$25.00 and hearing officer expenses incurred to withdrawal.

111 (Serial No. 87-49, § 2, 1987)

112 49.85.140 - Development, work, or use commencing before permit application or issuance.

113 (a) Any development, work, or use for which a permit is required under this title, but for which no permit
114 is applied for and issued prior to the commencement of the development, work, or use requiring the
115 permit, shall be subject to processing fees in an amount double that specified in 49.85.100 for the permit.

116 (b) The director may waive processing fees in excess of those listed in 49.85.100 upon a finding that
117 processing the permit application will not require staff time and/or materials in excess of what would have
118 been required to process the permit application if it had been applied for prior to commencing the
119 development, work, or use.

120 (Serial No. 2009-04, § 2, 6-8-2009)

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In these examples, three versions of code are discussed:

- Current code (“current”)
- Modified code, proposed at the last T49 (“proposed”)
- Further modifications, proposed in the staff report (“staff mods”)

EXAMPLE 1: An existing, historic structure is adding 800 square feet of retail. The parking requirement will only apply to the 800 square foot addition. Required parking is 3 off-street spaces. With the 60 percent reduction, required parking is 1 off-street spaces.

ADA spaces required:

Feature	Current	Proposed
Parking District reduction?	Yes	No
<i>ADA spaces required</i>	1	1
Address with off-site?	Yes	Yes
Address with joint use?	Yes	Yes
Address with fee-in-lieu?	Yes	No
Address with waiver?	No	No

Off-street loading space required: There is no loading space requirement since the additional space is less than 5,000 square feet.

EXAMPLE 2: A new 32,000 square foot structure is being constructed, and includes:

USE	Square Feet	Parking Requirement	Parking Required
Retail	22,000	1 per 300	73
Restaurant	7,000	1 per 200	23
Office	2,000	1 per 300	7
Storage	1,000	1 per 1000	1
Total parking spaces required before reduction			104
60% reduction			41

This project would be required to have 41 parking spaces. Assume the space primarily served tourists, and the Commission waived required parking down to 20 off-street spaces to accommodate staff. Regular off-street parking spaces (not ADA or loading) could be addressed with off-site, joint use, or fee-in-lieu.

ADA spaces required:

Feature	Current	Proposed	Staff Mods
Parking District reduction?	Yes	No	Proposed ordinance is consistent with federal law.
<i>ADA spaces required</i>	2	5	
Address with off-site?	Yes	Yes	
Address with joint use?	Yes	Yes	
Address with fee-in-lieu?	Yes	No	
Address with waiver?	No	No	

Off-street loading space required: Based on 32,000 square feet of commercial use, two off-street loading spaces are required.

Feature	Current	Proposed	Staff Mods
Address with off-site?	Yes	Yes	Yes
Address with joint use?	Yes	Yes	Yes
Address with fee-in-lieu?	Yes	No	Yes
Address with waiver?	Yes	No	Yes

EXAMPLE 3: This example illustrates the difference between applying the parking reduction to a variance versus the original parking requirement.

An existing facility required 27 off-street spaces, but has a 2004 variance for 15 spaces, with a condition that 11 could be leased more than 500 feet away. The owner leased seven spaces at the Rock Dump, pays fee-in-lieu for four spaces, and provides four spaces on the dock behind the establishment. The property changes hands, and the requirement is not communicated. The new owner does not continue to lease the 11 spaces. They erect a restaurant on the dock, and modify uses, but create the need for one additional parking space while eliminating all on-site parking.

	ORIGINAL	VARIANCE
Required spaces	27	15
60% reduction	11	6
ADA required	2	2

Note that the 60 percent reduction for the parking requires 11 spaces. If the Commission decides not to allow the TCPD to apply to varied parking, the developer would benefit from going with the revised regulations rather than with the variance. The mechanism of this is in question.

Regular off-street parking spaces (not ADA or loading) could be addressed with off-site, joint use, or fee-in-lieu.

ADA spaces required:

Feature	Current	Proposed	Staff Report Mods
Parking District reduction?	No	No	Proposed ordinance is consistent with federal law.
<i>ADA spaces required</i>	2	2	
Address with off-site?	Yes	Yes	
Address with joint use?	Yes	Yes	
Address with fee-in-lieu?	Yes	No	
Address with waiver?	No	No	

Note that the PD reduction would not apply to ADA spaces under proposed regulation. While the variance has reduced off-street parking to 15 spaces, the developer must retain two ADA spaces required before the reduction.

Off-street loading space required: Assuming this project is over 5,000 square feet of commercial use, one off-street loading spaces is required.

Feature	Current	Proposed	Staff Mods
Address with off-site?	Yes	Yes	Yes
Address with joint use?	Yes	Yes	Yes
Address with fee-in-lieu?	Yes	No	Yes
Address with waiver?	Yes	No	Yes

EXAMPLE 4: This example illustrates how Joint Use might work.

A new office building is required to have 15 spaces, with one ADA space. They are only able to provide two spaces on their lot. Offices will be most heavily used during regular work hours.

A nearby church has parking lot capacity during the week, even with their weekday employees using the lot.

The office building developer agrees to pay the church for use of 14 parking spaces during the week. The office building developer then builds one off-street ADA parking on his site. The parties sign an agreement which is acceptable to the Community Development Director, and the agreement is recorded. That way, if either property changes hands, the agreement for parking remains in place until revised.

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
May 25, 2021

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:05 p.m.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Erik Pedersen

Commissioners absent: Josh Winchell (joined Zoom at 8:30 p.m.) brought in as participating member at 9:18 p.m.)

Staff present: Jill Maclean, CDD Director, Alix Pierce, CDD Planning Manager; Irene Gallion, CDD Planner; Laurel Christian, CDD Planner; Sherri Layne, LAW;

Assembly members: Loren Jones

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. Draft Minutes April 27, 2021 Planning Commission Committee of the Whole

MOTION: *by Mr. Voelckers to approve the Planning Commission Committee of the Whole April 27, 2021 minutes.*

B. Draft Minutes April 27, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the Planning Commission Regular Meeting April 27, 2021 minutes.*

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Chairman LeVine briefly explained the rules for conducting the meeting via Zoom.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

VI. ITEMS FOR RECONSIDERATION – None

VII. CONSENT AGENDA

~~USE2021 0005: A Conditional Use Permit for marijuana retail, cultivation, and on-site consumption~~

~~Applicant: Alaska On Point Properties, LLC~~

~~Location: 10011 Glacier Highway~~

USE2021 0005 was moved to the Regular Agenda by request of Commissioner Dye.

~~PWP2021 0002: Parking Waiver for a proposed assisted living and memory care facility (USE2021 0006)~~

~~Applicant: TPD Riverview, LLC~~

~~Location: 3041 Clinton Drive~~

PWP2021 0002 was moved to the Regular Agenda by request of Commissioner Arndt.

VIII. UNFINISHED BUSINESS – None

IX. REGULAR AGENDA

USE2021 0005: A Conditional Use Permit for marijuana retail, cultivation, and on-site consumption

Applicant: Alaska On Point Properties, LLC

Location: 10011 Glacier Highway

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Special Use Permit. The permit would allow the development of marijuana retail, cultivation, and on-site consumption at 10011 Glacier Highway in an Industrial Zone.

The approval is subject to the following conditions:

Condition #1: Before issuance of a Building Permit, the applicant will provide CBJ Public Works' Utilities Engineer with information on anticipated wastewater flows, including quantity and quality. Written approval of the project from the Utilities Engineer is required.

Condition #2: Prior to issuance of a Temporary Certificate of Occupancy, wheel stops shall be placed in the parking lot to define the location of parking spaces.

Condition #3: Prior to issuance of a Temporary Certificate of Occupancy, CBJ-approved signage shall be posted for the accessible parking space prior to commencement of the proposed use.

Condition #4: Prior to issuance of a Temporary Certificate of Occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan, shall be applied to the parking and circulation area as shown on the site plan in a medium designed for such purposes.

Condition #5: Before issuance of a Temporary Certificate of Occupancy, required signage includes:

- “Smoking in Designated Areas Only” at the entrance to the facility.
 - “No Smoking” signs in the retail and cultivation areas.
 - “Designated Smoking Area Entrance” on the entrance to the consumption area.
 - “Exiting Designated Smoking Area” on exits from the consumption area.
- Signage will be clear and legible.

Condition #6: Prior to the operation of the on-site consumption operations the applicant must receive the required state on-site endorsement. By approval of this Special Use Permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the endorsement, including if the facility is housed in a freestanding building. (added on Amendment)

STAFF PRESENTATION by Ms. Gallion.

COMMISSIONER QUESTIONS FOR STAFF

Mr. Dye asked the distance from the patio to the property line and asked if there are other uses besides the grow operation and retail area. Ms. Gallion confirmed there was also an apartment to be used as caretaker housing. Ms. Maclean said the required setback in the area is zero but the setback planned for this project is four point seven (4.7) feet.

Mr. Voelckers asked about the regulations allowing on-site consumption stating concerns regarding the state versus local laws regarding odors from the business. Ms. Gallion explained the area is zoned as industrial and smells can be allowed. Other allowable industrial uses include vehicle repair, crematorium, stables, among others which all have their own distinct odors. Ms. Gallion explained the Assembly had considered the issue of on-site consumption and based on the Assembly and Committee of the Whole actions as recently as July 8 2020, the Assembly has indicated a desire to accommodate this kind of use but they had not specifically laid it out in Code yet. Mr. LeVine followed up with a question for Ms. Layne asking

if the PC can actually ‘disregard’ Code based on a belief that the Assembly meant to change it but did not. Ms. Layne answered that the PC was not being told to disregard the Code. Rather, she reminded them there is a code on the books that can be enforced if there are complaints.

Ms. Maclean added that they are not asking the PC to disregard code. Rather, she explained that the applicant is aware of what the Code is and it is up to them to comply. They may have fans or other technological solutions to the smells that CDD is currently unaware of and she felt the applicant should be given the chance to try and not just told “no”.

Mr. Dye asked CDD how the enforcement would work and how hard it would be. Ms. Maclean answered it depends on the situation and the applicants.

APPLICANT PRESENTATION

James Bibb, Northwind Architects, spoke for the applicant.

QUESTIONS FOR APPLICANT

Mr. Voelckers asked about the pet area in the plans. Mr. Bibb answered it is planned as an amenity provided for guests as an alternative to leaving them in the car.

Ms. Cole asked for a description of the security of the building. Mr. Bibb explained there is a single point of entry that will be monitored by staff. To access the consumption area, clients must present ID and will all have to go through a single point of entry.

Greg Smith spoke on behalf of the owner to address Ms. Cole’s and other commissioners’ questions explaining the state regulations require several levels of security to include rules regarding odor, tracking, record keeping, video surveillance, alarms, ID checks, and more.

Mr. Voelckers asked if the operator has any responsibility to ensure clients do not drive after consumption. Mr. Smith said the applicable regulations pertain to over-consumption. He said it is not that someone could not consume and drive, instead they cannot *over-consume* and then drive. As for liability, Mr. Smith said that, as with alcohol, if someone does over-consume and drive and there is an accident, the business could be subject to civil liability. He added there are restrictions on products and on the amounts of those products that can be purchased for on-site consumption.

Mr. Voelckers asked whether the liability for overconsumption would fall to the facility, to the CBJ for allowing it, or to the State and how it would be enforced. Ms. Layne compared it to bars’ liability for overserving patrons.

DISCUSSION WITH STAFF

Mr. Voelckers expressed his concern regarding the liability of such an establishment and explained it is important to get it right as this is the first one. Ms. Layne said the CBJ does not have any liability.

MOTION: by Mr. Dye to accept staff's findings, analysis and recommendations and approve **USE2021 0005** for retail and cultivation with no on-site consumption.

Mr. Dye spoke to his motion citing 49.65.460 ODOR as the reason for removing the on-site consumption.

Mr. Arndt spoke to say he would prefer to allow the applicant the opportunity to TRY to comply rather than just say NO from the outset. Mr. Voelckers agreed with Mr. Arndt saying he understood Mr. Dye's concerns but the applicant should be allowed to try.

ROLL CALL VOTE

YES: Dye; Pedersen; LeVine

NO: Alper; Hickok; Cole; Arndt; Voelckers

Motion failed 3-5

MOTION: by Mr. Dye to accept staff's findings, analysis and recommendations and approve **USE2021 0005** for retail and cultivation with on-site consumption of edibles only changing Condition 5 to reflect consumption of edibles rather than smoking and adding a new Condition 6 to read: "Prior to the operation of the on-site consumption operations the applicant must receive the required state on-site endorsement. By approval of this Special Use Permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the endorsement, including if the facility is housed in a freestanding building.

Mr. Dye spoke to the motion saying the new Condition 6 is the same as a condition the PC has applied to another on-site consumption application. He stated he has reservations with the caretaker's apartment in the building and wanted to make very clear to the State the PC is not judging that criterion.

ROLL CALL VOTE

YES: Dye; Pedersen; LeVine

NO: Alper; Hickok; Arndt; Cole; Voelckers

Motion failed 3-5

MOTION: by Mr. Pedersen to accept staff's findings, analysis and recommendations and approve **USE2021 0005**.

MOTION TO AMEND: by Mr. Dye to add a Condition 6 to read: “Prior to the operation of the on-site consumption operations the applicant must receive the required state on-site endorsement. By approval of this Special Use Permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the endorsement, including if the facility is housed in a freestanding building.”

Mr. Alper asked why Mr. Dye felt the amendment was necessary. Mr. Dye explained it is to be sure the State is aware the PC is not making the decision, but the decision is up to the State to make.

ROLL CALL VOTE to Amend

YES: Dye; Pedersen; Cole; Arndt; Voelckers; LeVine

NO: Alper; Hickok;

Motion to amend passed 6-2

ROLL CALL VOTE on Amended Motion

YES: Pedersen; Hickok; Alper; Cole; Arndt; Voelckers

NO: Dye; LeVine

Amended Motion passed 6-2

USE2021 0006:	A Conditional Use Permit for a 98-bed assisted living and memory care facility
Applicant:	TPD Riverview, LLC
Location:	3041 Clinton Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of a 98-bed assisted living and memory care facility.

The approval is subject to the following conditions:

1. Prior to issuance of a building permit, the applicant must submit documentation to demonstrate that all applicable parking code requirements have been met, in conformity with CBJ 49.40.200.
2. Prior to issuance of a temporary certificate of occupancy, wheel stops or striping shall be placed in the parking lot to define the location of parking spaces, and all necessary ADA striping and signage will be installed.
3. Prior to the issuance of a temporary certificate of occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the

project site plan, shall be applied to the parking and circulation area shown on the site plan in a medium designed for such purposes.

4. The Mendenhall River walking/bike path must remain open to the public at all times during the construction phase for this project.
5. Prior to the issuance of a temporary certificate of occupancy, maintenance agreement shall be submitted to the Community Development Department. The agreement shall address the on-going maintenance of the Mendenhall River walking/bike path **on the subject lot**. (added on amendment). Maintenance ~~includes~~ **including** snow removal from the path **may include provisions to work with Vintage Park Association**. (added on amendment).
6. Prior to the issuance of a temporary certificate of occupancy, a 5-foot-wide paved sidewalk must be installed providing safe public access from the Clinton Drive sidewalk to the Mendenhall River walking/bike path, per CBJ **49.35.620** (added on amendment) and 49.35.630. The maintenance agreement must address the ongoing maintenance of the sidewalk, including snow removal.
7. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department, according to the requirements of CBJ 49.40.230(d).
8. Prior to the issuance of a building permit, the applicant shall submit a revised site plan that shows compliance with habitat provisions of 49.70.310.
9. The developer shall design the drainage system to channel water towards the Mendenhall River. Alternatively, the developer may submit to the department a drainage report that shows the existing CBJ system can accommodate the significant increase in storm water volume; if the CBJ system cannot accommodate the additional volume, the developer shall provide upgrades to the CBJ storm water system to allow for the increase. The drainage report shall be signed and stamped by an Alaska Licensed Engineer.
10. Prior to issuance of a building permit, the developer shall submit to the CBJ Engineering Department, a detailed drainage plan which includes provisions for managing stormwater run-off during construction and which details the drainage facilities to be included as part of the development. No building permit shall be issued until such plans are deemed adequate and approved by the CBJ Engineering Department. The drainage plan shall be signed and stamped by an Alaska Licensed Engineer.
11. The developer shall utilize Best Management Practices as designed by a State of Alaska Licensed Engineer to treat or reduce any harmful particulates that may arise from the development.
12. Prior to the issuance of a building permit, the applicant shall submit to the department a revised site plan showing snow storage areas.
13. **Requirement for four (4) covered bike spaces**. (added on amendment)

PWP2021 0002: Parking Waiver for a proposed assisted living and memory care facility (USE2021 0006)
Applicant: TPD Riverview, LLC
Location: 3041 Clinton Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Parking Waiver. The permit would waive ~~five (5)~~ **six (6)** (changed on amendment) parking spaces for a proposed assisted living and memory care facility.

STAFF PRESENTATION Ms. Christian presented PWP2021 0002 & USE2021 0006 together.

QUESTIONS FOR STAFF

Mr. Voelckers said he was confused as to why some of the conditions were so technical and others seemed vague. Specifically, Conditions 9 and 10 are very precise but structural or electrical engineering issues were not emphasized. Ms. Christian answered this was in response to concerns expressed by Engineering and Public Works department.

Mr. Alper asked if the recommendations were in compliance with the Watershed Council recommendations. Ms. Christian answered that the council recommendations state that there should be some sort of filtration before storm water reaches the river and there are several options for filtration types and they have been allowed for in the conditions.

APPLICANT PRESENTATION

Matthew Parks spoke on behalf of the applicant and spoke to Condition #6 regarding the walking path and crosswalk on the property and asked that it be removed citing site constraints. He explained he has concerns that if they have the condition in place, members of the public would likely use the parking lot to access the walking paths and there is already limited parking on the property.

QUESTIONS FOR APPLICANT

Ms. Cole understood the sidewalk was intended for people parking on Clinton Drive to have access to the trail and asked how it would impact the parking lot. Mr. Parks answered there was a concern that people would see the access and be encouraged to use the parking lot.

Mr. Voelckers asked Mr. Parks to speak to how he envisions the parking lot being used. Mr. Parks said the industry is commonly one parking stall for every three beds in the facility. Typically, residents are not driving and rely on other forms of transportation. The parking spaces would be for staff and visitors.

Mr. Alper asked if signage would be installed stating 'Parking for Residents and Guests Only'

or something similar. Mr. Parks said they could but would prefer to not unless there is a problem with public use of the parking area.

Mr. Alper asked what would be the applicant's preferred drainage system. His understanding was that the applicant preferred to drain into the Clinton Drive storm water system rather than going towards the river. Mark Pusich, project engineer, spoke to the drainage questions saying they have created a storm water system that will discharge to the east side of the property into the river, above the Fish and Game ordinary high-water mark so they will not need a permit from them. Mr. Pusich added they have reviewed the CBJ storm water manual and have a biofiltration system in addition to an oil/water separator.

Mr. Pusich spoke to the sidewalk requirements saying he felt this was a safety hazard. As he sees it, the sidewalk encourages pedestrians to walk through an uncontrolled parking lot.

Mr. Dye asked if there was any covered bicycle parking in the plans. Mr. Parks answered there is no plan for that.

DISCUSSION WITH STAFF

Mr. Voelckers asked Staff for their take on the Condition #6. Ms. Christian answered she included the condition based on PC discussion and recommendations on a previous project on Clinton Drive.

Mr. Pedersen had concerns that this would be considered a taking for which the applicant is not being reimbursed. Ms. Cole spoke in agreement with Mr. Pedersen's concern. Mr. Alper asked if this has been litigated and settled yet. Ms. Layne confirmed it has been litigated and it would not be a taking.

Ms. Maclean spoke to direct the PC to 49.35.620 and .630 saying this is consistent with previous recent decisions. Mr. Arndt spoke in support of including Condition #6 based on recent decisions.

Mr. Dye asked why the non-motorized plan and covered bike parking was not considered in this project. Ms. Christian answered she did not include it based on the clientele of the facility but it would make sense to include it for staff and visitors.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve USE2021 0006. Adding verbiage to Conditions 5 and 6 and adding a Condition 13 requiring four covered bike parking spaces.*

ROLL CALL VOTE

YES: *Dye; Arndt; Cole; Pedersen; Hickok; Alper; Voelckers; LeVine;*

NO: *(none)*

Motion passed unanimously

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve PWP2021 0002 with an amendment to waive six parking spaces rather than five.*

ROLL CALL VOTE

YES: *Dye; Arndt; Pedersen; Alper; Hickok; Cole; Voelckers; LeVine*

NO: *(none)*

Motion passed unanimously

At Ease 9:05 to 9:18.

Mr. Winchell joined the meeting.

AME2021 0003: Parking code revision, which includes reorganization, establishing a "town center" parking standard, revised parking district boundaries, and allowing parking waivers downtown

Applicant: City & Borough of Juneau

Location: Borough-wide

Staff Recommendation

This is an iterative product and Staff does not have a recommendation for approval or denial at this time.

Staff recommends the following modifications to the draft proposed code:

Off-street loading spaces can be reduced in the TCPD, waived, or addressed with fee-in-lieu.

Modify proposed regulation to read:

49.40.220 Reductions. Developer may apply for multiple reductions. Accessible parking spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(b). ~~Loading spaces shall not be reduced and must be provided in accordance with subsection 49.40.210(c).~~

Off-site ADA parking or loading spaces can be public street spaces. Modify proposed regulation to read:

49.40.215 Modifications...

(a) Accessible parking spaces off-site: For parking areas calculated to require a total of 25 off-street parking spaces or less, the accessible space requirement may be met by a private off-site accessible parking space, or a public on-street or off-street space, if the alternate space is determined by the Director to be of adequate capacity and proximity...

(b) Loading spaces off-site. The loading space required may be met by an alternative private off-site loading parking space, or a public on-street or off-street space, if the alternate space is determined by the Director to be of adequate capacity and proximity...

Require a written and recorded agreement for any use of private space under this section.

Modify proposed regulation to move subsection (c)(3) to the introduction, and add the requirement for recording:

49.40.215 Modifications

Developer may apply for multiple modifications. Modifications can be combined with allowable reductions. The developer 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 recorded.

(c) Joint use...

~~(3) The developer 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.~~

Remove reference to federal regulations. Modify proposed regulations to read:

49.40.215 (a) Accessible parking spaces off-site: For parking areas calculated to require a total of 25 off-street parking spaces or less, the accessible space requirement may be met by a private off-site accessible parking space if the alternate space is determined by the Director to be of adequate capacity and proximity. ~~The Director will consider U.S. Department of Justice accessibility guidelines when determining adequate capacity.~~ In no case will the distance exceed standards established in 49.40.200(i).

Staff requests:

- Guidance on the relationship between the TCPD and the update to the Comprehensive Plan.
- The Commission provide direction on necessary modifications in light of public comment or Commission review.

- The Commission direct staff to submit the draft to Law OR bring a corrected draft back before the Commission, either at a Committee of the Whole or a regular meeting. Staff recommends another meeting.

STAFF PRESENTATION by Ms. Gallion.

QUESTIONS FOR STAFF

Mr. Voelckers expressed concern regarding apparent inflexibility with ADA space requirements. If there are only one or two spots in an area and one or both of those are required to be ADA, that can cause a situation where parking becomes nearly impossible and a barrier to development.

Mr. Hickok asked if there is a way to do away with Fee in Lieu. Mr. Dye explained the intent is to give options and allow flexibility for developers.

Mr. Voelckers noticed there were several references to variances and how they will be interpreted going forward and asked if there are a lot of variances or why this came up. Mr. Dye explained that besides setbacks, parking seems to be the next common type of variance downtown.

Mr. LeVine asked how they came to 60% reduction number. Mr. Dye said it came about because 60% was already in place for PD1 and it was equitable to use that.

PUBLIC TESTIMONY

STEVE SOENKSEN – spoke saying the parking code has been a barrier to development of housing downtown.

NORTON GREGORY – Douglas resident, said current parking requirements drive the housing and building costs up and suggested easing of parking requirements.

QUESTIONS FOR STAFF/COMMISSIONER DISCUSSION

Mr. Arndt expressed concerns with the reduction in required loading spaces as well as the addition of public on-street ADA spaces.

Ms. Cole commented that based on public comment, the changes being proposed are good but wondered if they should go farther. Mr. Voelckers commented that it depends on the audience as to whether these changes go far enough or if they go too far.

Mr. LeVine suggested the process is at a point to go back to Title 49, then to LAW, to a

COW for edits and then to the PC.

X. BOARD OF ADJUSTMENT – None

XI. OTHER BUSINESS – None

XII. STAFF REPORTS

Ms. Maclean reported:

- Title 49 meets this Thursday at Noon
- Large ordinance discussions could profit from Special meetings rather than at the end of Regular meetings

Mr. Voelckers asked for an update on Auke Bay. Ms. Maclean said Auke Bay will be presented on the June 8 meeting agenda.

XIII. COMMITTEE REPORTS

Mr. Dye reported Title 49 meets this week. Blueprint was cancelled due to lack of quorum

XIV. LIAISON REPORTS

Mr. Jones had nothing new to report but offered to answer questions.

Mr. Voelckers asked how the hybrid in-person/online Assembly meeting this week worked. Mr. Jones said overall it went well but there were technology issues.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. LeVine summarized his discussion with the Assembly regarding returning to in person meetings. He said the PC has expressed a desire to return to normal but there are concerns as not all members have been vaccinated and some members are not comfortable with expanding their social bubbles at this time.

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 10:34 P.M.