MEMORANDUM

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

DATE: August 23, 2012

TO: Planning Commission

FROM: Laura A. Boyce, AICP, Planner
Community Development Department

FILE NO.: INQ2012 0006

PROPOSAL: Inquiry into whether a homeowner's association is needed to oversee maintenance for shared driveways for a proposed subdivision.

GENERAL INFORMATION

Applicant:	Murray Walsh for Grant Creek Homes
Property Owner:	Grant Creek Homes LLC
Parcel Code Number:	6D0601110020
Site Size:	8.78 acres (382,457 sf)
Comprehensive Plan Future Land Use Designation:	ULDR and MDR (Urban Low Density Residential & Medium Density Residential)
Zoning:	D-18
Utilities:	Public Water & Public Sewer
Access:	Douglas Highway
Existing Land Use:	Vacant Multi-family

ATTACHMENTS

Attachment A Vicinity Map
Attachment B Applicant's Submittals

CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROJECT DESCRIPTION

The applicant is asking for direction from the Planning Commission regarding the most appropriate vehicle to ensure continued maintenance of shared driveways in a proposed subdivision on North Douglas Highway.

BACKGROUND

This is a proposed subdivision located on North Douglas Highway, on 8.78 acres. The subdivision is proposed to be built and platted in stages. The lots will conform to D-18 zoning requirements and will be configured so that each of the four lots shares a common driveway, as shown on the sketch plat on Page 4 of Attachment B.

ANALYSIS

Staff solicited comments regarding the inquiry for in-house agency review. The following responses were received:

- FIRE: (Sven Pearson, Deputy Fire Marshall) Our main concern would be clear winter time access and who will be responsible for maintaining the common vehicle roadways in the future. Relying on four individual home owners to agree on a solution for consistent maintenance may be a challenge. Although it may be easy to have an agreement at this point that addresses these concerns, we need to look at what the reality is for consistent wintertime maintenance. All roadways would need to be completely cleared for fire apparatus access. We are seriously concerned of who will take on the responsibility of keeping all access roads free of snow during wintertime. In addition, vehicle parking along the access road would also limit fire apparatus access.
  This concern needs to be addressed not just to satisfy the time period while the developer completes the project, but be ongoing for the life of the development. A possible solution may be the formation of a home owner association to take on this responsibility.

- POLICE: (Greg Browning, JPD) Nothing from the Police Department.

- STREETS: (Ed Foster, Streets Division, Public Works) Require the street to be built to Standard 102A, paved with curb and gutter. Separating the street and sidewalk with drainage is going to place the sole responsibility of clearing snow from sidewalk on the adjacent property owner. With the sidewalk on back side of curb we can help keep clear of snow when plowing. Considering the slope, any open ditch drainage should require rock check dams built to Standard 312. NOTHING allowed to be constructed in the 60' ROW, with the exception of sidewalk, drainage and utilities. NO STAIRS. Stairs to private residence to remain on the private property.
  My recommendation is that the city DOES NOT accept responsibility of this street, or

recognize it as a street, until it is complete with cul-de-sac built to Standard 107, or a 120' hammer head at the end. It would be very difficult to plow snow from this street without adequate turn around. Backing into driveways to turn around is not an acceptable option. It opens the CBJ up to damage claims and often CBJ is plowing streets before residents have cleared their driveways. Turning around in a driveway before it has been plowed will make it very difficult for the property owner to clear the snow, thus creating another claim that CBJ has to make good on. I recommend the developer be responsible for snow removal of the street and driveways until such time a complete street has been constructed with compliant cul-de-sac.
Would want to see the entire subdivision drainage plan before permitting. Also this street will require a "Stop" sign at N. Douglas Hwy. installed in accordance with MUTCD standards.

- ENGINEERING: (Ron King, General Engineering) Interesting concept; definitely each common driveway cluster will require an easement to be delineated on the plat with a recorded joint use agreement. Conceptually I think the plan would work but the developer must agree to the improvements required by Public Works & CCFR such as:
  Typical road section needs to be addressed; application shows offset sidewalk with open drainage.
  Domestic water and sanitary sewer designed for maximum density.
  Drainage report for the final subdivision shall be submitted verifying down stream culverts, crossings and all drainage below Douglas Hwy will carry the additional drainage.
  Fire apparatus access will require NO PARKING FIRE LANE signs.
  Require snow storage area beyond the end of pavement utilizing BMPs.
  Roadway must extend beyond the 8 lots to a point that a full size hammerhead or cul-de-sac may be built. I would suggest that the hammerhead be placed at the driveway location for the next set of lots.
  Will the street be plowed by ADOT? If so, we will need ADOT input.
  If they build the road to CBJ Standards with a hammerhead beyond this phase of the subdivision (next proposed DW) then CBJ would maintain the main road, therefore individual homeowners would be fine.
  If no dedicated turn around the homeowners will have to maintain the road & driveways therefore a homeowner's agreement is required.

When this project was originally proposed to CDD staff during previous discussions with the developer's representative, this subdivision was a planned unit development, incorporating common open space areas and an owner's association to oversee the maintenance and operation of the commonly owned spaces. With the developer's current subdivision design, a planned unit development is no longer proposed. There is more leniency regarding lot design with the Planned Unit Development standards, but the current subdivision's lot design, while not traditional, can be approved by the Director under CBJ 49.15.460(4)(A)(i). This section states that the Director may approve other lot configurations, such as those proposed with this subdivision design, as follows:

> *Subdivision lots shall meet the minimum dimensional standards established by chapter 49.25, article IV, provided that in cases of difficult topography or other circumstances rendering compliance impracticable, the director may approve other configurations if the lot:*
> *(a) Meets the minimum lot size requirement;*
> *(b) As drawn, is capable of containing a rectangle having two sides equal in length to the minimum lot width requirement and two sides equal in length to the minimum lot depth requirement;*
> *(c) Has direct and practical access to a street maintained by an agency of government; and*
> *(d) Has at least one practical building location.*

In each set of four homes, the rear two lots appear to be small panhandle lots that have at least 30 feet of frontage on the proposed new road. This lot design could be approved by the Director under the section of Title 49 stated above; however, staff has concerns about the continued maintenance of the shared driveway and access to these rear two lots.

The developer is proposing that each set of four homeowners agree upon a method to ensure continued maintenance of the shared common driveway. However, staff has concerns about this approach because safety access is of paramount importance during an emergency. In the event an agreement is not able to be reached amongst the four homeowners or if it falls apart, access to the rear two homes becomes jeopardized. For these reasons, staff supports an owners' association to oversee maintenance of all the shared common driveways in the subdivision to ensure continued access.

Homeowner's association is defined in Title 49 as the following:

> *Homeowners' association means a community association, other than a condominium association, which is organized in a development in which individual owners share common interests in, and responsibility for open space, facilities or both.*

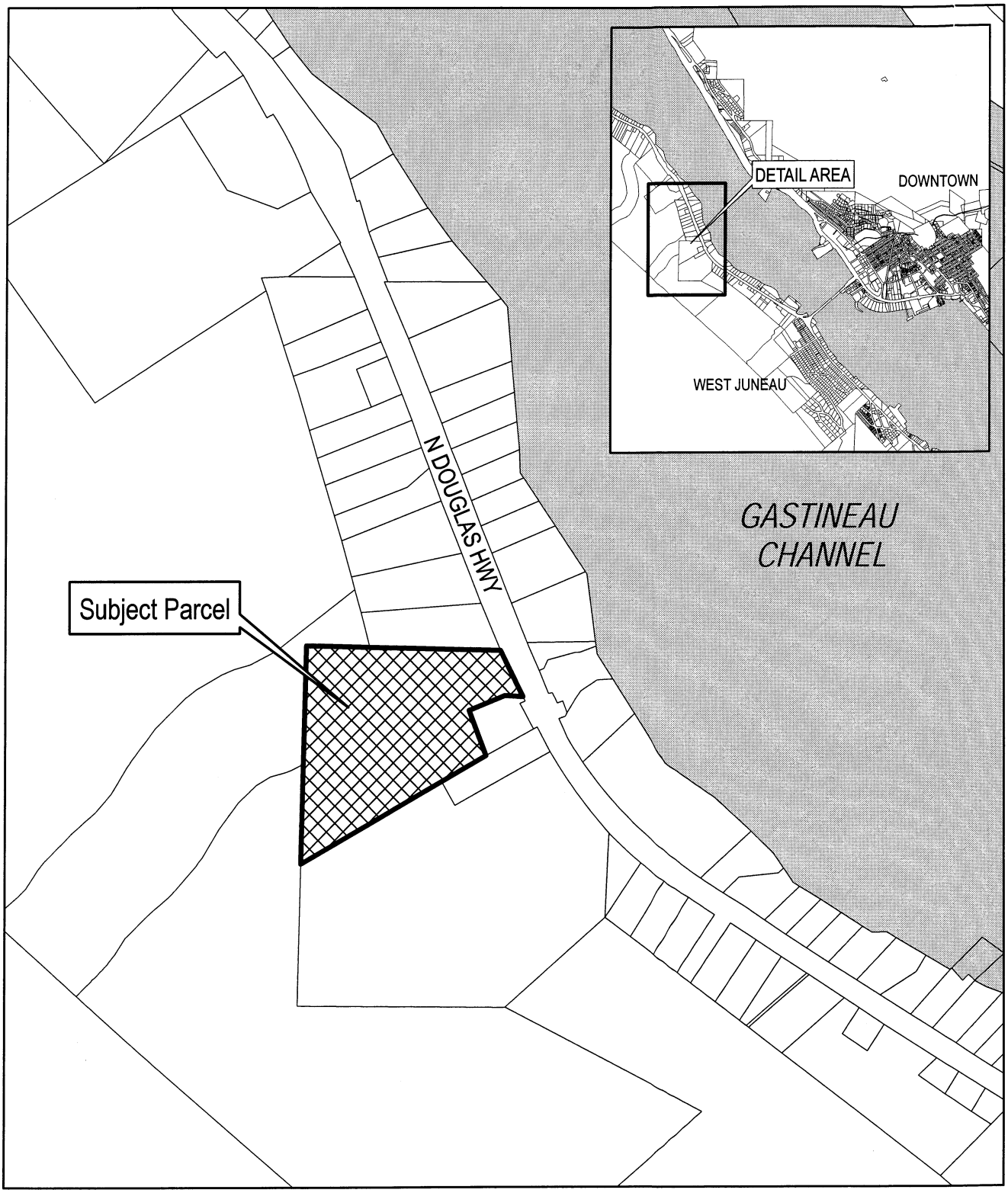
Homeowner's associations are required for Planned Unit Developments (PUDs) (CBJ 49.15.640). With PUDs, the association documents specify how common facilities will be operated and maintained. These documents are recorded with the State Recorder's office at the time of final plat. Owner's associations are also required for Cottage Housing development (CBJ 49.15.740) and for Mobile Home subdivisions (CBJ 49.65.320) where property is owned and/or maintained commonly by the owners. For Allowable Use and Conditional Use permits, the Planning Commission may condition the use permit to include an owners' association. Specifically, the Commission may condition, "*the formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.*" While this project doesn't require a Use permit, nor is it a PUD, cottage development, or a mobile home subdivision, CDD staff is of the opinion that a homeowner's association would best handle the specific safety issues presented by this proposed shared driveway design rather than the piecemeal approach as proposed by the developer.

When subdivision lot layouts do not meet the requirements for subdivision design, such as in this case, CBJ 49.15.460(4)(A)(i) allows the Director some flexibility to approve alternative lot layouts, but only if the Director determines that the proposal is appropriate and safe. The Director in this case has allowed a single road instead of a loop road which would reduce road construction costs significantly. Furthermore, by allowing shared driveways, required lot frontage is reduced considerably. Therefore, this subdivision as proposed would contribute toward the goal of providing fee-simple, single-family detached affordable housing. Additionally, by providing an overall homeowner's association to oversee the maintenance of the shared driveways, efficiencies of scale may reduce costs to homeowners. While it may be more difficult for the developer to provide a homeowner's association, the continued assurance of driveway maintenance provided by an overall association is of paramount importance for safety and emergency access to these future lots.

Regarding the additional issues brought up by other City departments, staff will continue to work with the applicant regarding design of the hammerhead turnarounds, design of the street, and eventual street dedication to CBJ.

RECOMMENDATION

It is recommended that the Planning Commission consider these issues proposed by staff and the applicant and provide guidance as how to proceed with this development.



USS 2135 TR 1 TR A
VICINITY

-NOT A SURVEY-
Property lines are approximate

0 125 250 500 750 Feet

N

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

ATTACHMENT A

Walsh Planning & Development Services

MURRAY R. WALSH [redacted]

July 22, 2012

Mr. Greg Chaney
CBJ Community Development Department
155 South Seward Street
Juneau, AK 99801

RE: Grant Creek Homes

Dear Mr. Chaney:

You suggested that we ask for direction from the Planning Commission with regard to whether a Homeowners Association is needed to effect maintenance for the proposed subdivision. Attached is a letter from the developer and a couple of drawings to help facilitate the discussion.

To repeat your offer, you proposed that we address the matter to the Commission and I hope this is sufficient material to do so. Please let me know when the matter will come before them. As you may know, I have taken a "day job" that makes meeting during normal business hours a matter of some difficulty so I hope we can communicate asynchronously via e-mail. Please reach back if you have questions. Otherwise, I look forward to presenting this matter to the Commission. Thank you for your attention and consideration.

Sincerely,

Murray R. Walsh, WPDS
For Grant Creek Homes

Attachments: Two Drawings

2974 Foster Avenue • Juneau, Alaska 99801 • Voice 907-586-4083 • [redacted]

ATTACHMENT B

Grant Creek Homes, LLC

18908 Lassen Street
Northridge, CA 91324
(818) 701-0070

July 10, 2012

Mr. Mike Satre, Chair, CBJ Planning Commission
c/o CBJ Community Development Dept.
155 South Seward Street
Juneau, Alaska 99801

RE: Proposed Residential Subdivision, 0.8 Mile, North Douglas Highway

Dear Mr. Satre and Members of the Planning Commission:

We seek your direction on a particular aspect of a subdivision we are planning. First, some background: You will recall that in 2010 we asked for a rezone, in company with other landowners, for a large area on the uphill side of North Douglas Highway. The rezone, to D-18, was granted and we have been working on concepts for affordable housing since then. We have arrived at a plan that is shown on the attached drawing. It has some interesting features:

1. A "double tier" lot layout that essentially doubles the number of houses that can be serviced by a standard city street.
2. Each group of four lots, two on the street and two behind, will share a single driveway. This results in lower cost and less impermeable ground area.
3. A series of temporary fire apparatus turnarounds using the shared driveways in pairs. This will enable build-out in up to six seasons.

These will be small modular houses on small lots which will enable us to sell them for well under $300,000. They can be sold with conventional mortgages and are legally no different from any other single-family home on its own lot. The street will be a city street.

Now to the issue: CDD staff have concurred with every other aspect of this layout but there is one matter for which there is no guidance in the code. This is assurance of the maintenance of the shared driveways. We think that it is clearly in the interest of the property owners to make sure that snow is cleared from those driveways so that they can

be used by the owners themselves as well as the fire service. CDD staffers have expressed concern that a higher level of certainty might be appropriate, so as to assure that the driveway pairs will be available for use as turnarounds for fire trucks. We see two options:

1. Make no special provision. Each set of four lot owners would be expected to sign a mutual cooperation agreement over how to maintain the driveway and no follow-on burden would apply to the developer or the city.

2. Require the developer to maintain the driveways – for snow removal – until the end of the project when a permanent cul-de-sac would be in place. This assures that the driveways will be cleared of snow in case of need by the Fire Dept. but does not address other maintenance.

We would prefer option 1 and we think it is obvious that it is clearly in the interest of the homeowners to keep the driveways clear. CDD appears to lean toward option 2. This is the issue over which we seek guidance and we look forward to proceeding with this project to the Preliminary Plat stage after receiving direction. I will be represented by Murray Walsh in this matter and he may be reached at 586-1106. Thank you for your attention and consideration.

Sincerely,

Gary Tigar, Member
Grant Creek Homes, LLC

Attachment: Subdivision Map.

LEGEND

BOUNDARY LINE
UNSURVEYED
CENTERLINE

LOT 14
USS 2305

(N84°03'00"E 448.34')
N84°02'18"E 448.49'

LOT 3
6,752 S.F.

LOT 7
12,013 S.F.

LOT 1
4,775 S.F.

LOT 5
4,855 S.F.

LOT 2
4,000 S.F.

LOT 6
4,743 S.F.

LOT 8
5,796 S.F.

LOT 4
11,459 S.F.

PROPOSED ONE STORY FRAMED DWELLING
PROPOSED ONE STORY FRAMED DWELLING
PROPOSED ONE STORY FRAMED DWELLING
PROPOSED ONE STORY FRAMED DWELLING
PROPOSED ONE STORY FRAMED DWELLING
PROPOSED ONE STORY FRAMED DWELLING
2 STORY FRAMED DWELLING

PORCH
GARAGE
PORCH
GARAGE
PORCH
GARAGE
PORCH
GARAGE
PORCH
GARAGE
PORCH
GARAGE
PORCH

27.9'
23.8'
100'
5.0'
11.6'
S23°26'00"E 187.90
5.0'
SEPTIC LID
8.0'
DECK
7.2'
13.1'
41.7'
5.0'
10.0'
7.0'
11.6'
13.8'
480.88
EAST - 758.00 (757.88)
BASIS OF BEARING
30'
30'
9.9'
7.5'
9.1'
6.5'
4.6'
11.4'
12.3'
7.5'
6.5'
9.9'
21.5'
25.0'
37.6'
20.0'
N87°00'00"E - 198.16
5.0'
N66°30'00"E - 64.14 (64.12)
N23°27'54"W - 160.25'
(N23°30'00"W - 160.00')

DOUGLAS HIGHWAY

EDGE OF ASPHALT
SATELLITE DISH
5.0'
LANDING
2ND STORY DECK
WOOD WALKWAY
OIL TANK
OIL FILL
OIL VENT
STAIRS
SIDEWALK
GRAVEL PARKING
18" CMP
KEOF 438
SIDEWALK
18" CMP
24" CMP
DRIVEWAY
EXISTING DRAINAGE

LOT 2
USS 2305

FR TR 1
USS 2135

TR B FR TR 1 USS 2135
BOOK 144 PAGE 694

VICINITY MAP
SOURCE: C.B.J. BASEMAP SERIES - SCALE: 1" = 400'

RECEIVED
JUL 27 2012
PERMIT CENTER

20' 0 40'
Scale in feet
SCALE: 1"=40'

PLAT OF
LOTS 1 THRU 7

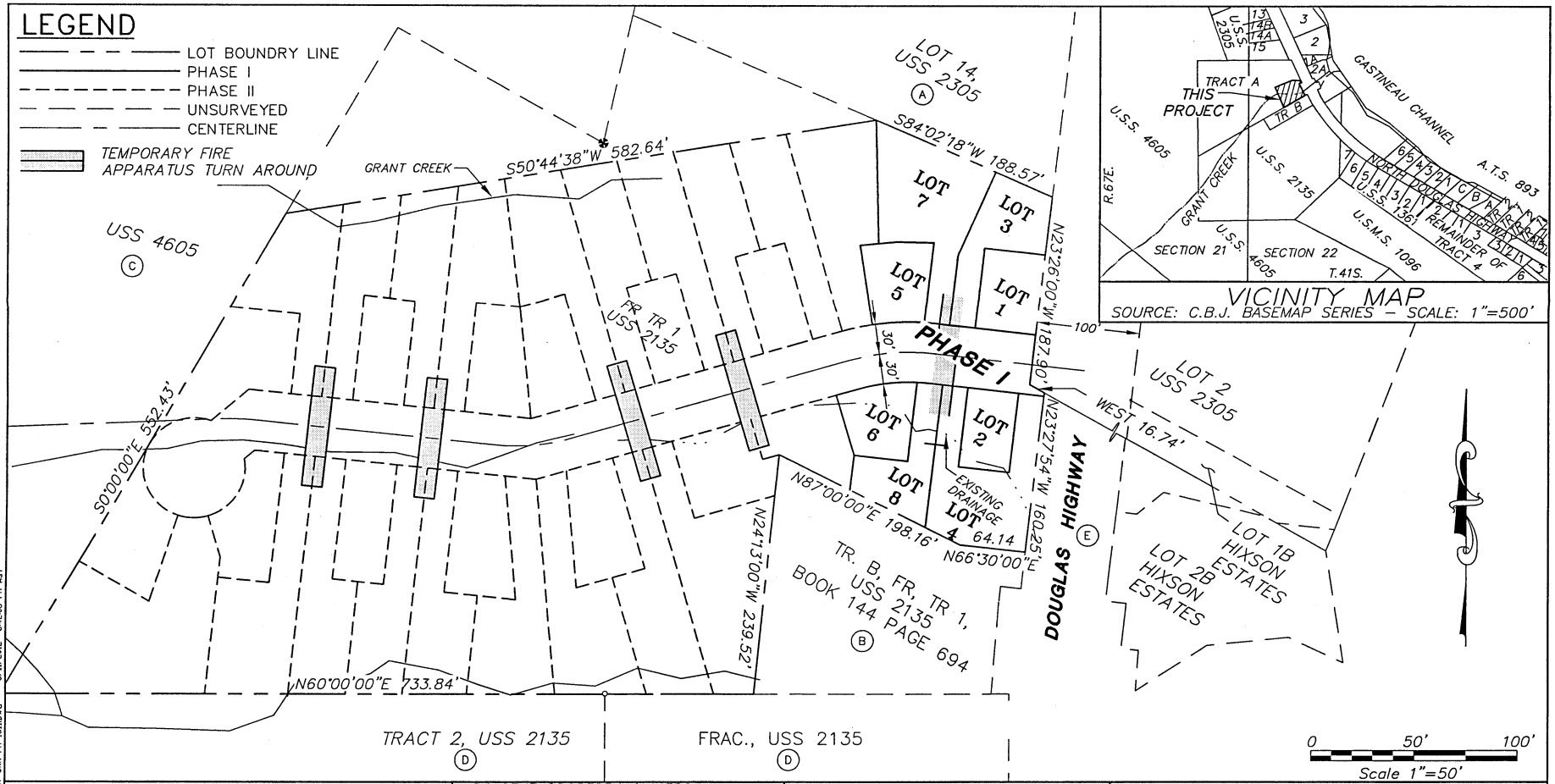
SHEET 1 OF 1
SCALE: 1"=40' DATE: 2-29-20125

G:\WALSH\GRANT K\GRANT CRK PH-1.DWG 2/29/2012 10:34:08 AM AST CDM Graphics (907) 798

RECEIVED

JUL 2 7 2012

PERMIT CENTER/CDD



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PURPOSE:

TO CREATE AFFORDABLE SINGLE FAMILY HOMES ON SMALL LOTS THAT ABUT A DEDICATED CITY STREET.

ADJACENT PROPERTY OWNERS:

A) TION AND SALLY KASNICK
B) KIRK AND HEATHER HARDCASTLE
C) CITY AND BOROUGH OF JUNEAU
D) CORP OF CATHOLIC BISHOP
E) STATE OF ALASKA

APPLICANT:
GRANT CREEK HOMES
PO BOX
JUNEAU, ALASKA 99801

AGENT:
WALSH PLANNING & DEVELOPMENT SERVICES
2974 FOSTER AVENUE
JUNEAU, ALASKA 99801

A PLAN OF
CONCEPT LAYOUT OF
GRANT CREEK HOMES
PHASE I & II
JUNEAU, ALASKA

JUNE 2012 | **SHEET 1 OF 1**