

Agenda

**Planning Commission - Title 49 Committee
City and Borough of Juneau
Nicole Grewe, Chairman**

November 13, 2015
Marine View Buidling 230 S. Franklin Street, 4th Floor Conference Room
11:30 AM

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. APPROVAL OF MINUTES**
 - A.** August 21, 2015 Title 49 Committee Worksession Minutes
- IV. AGENDA TOPICS**
 - A.** Rezone near rock dump area
- V. COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- VI. ADJOURNMENT**

TITLE 49 COMMITTEE

PLANNING COMMISSION, CITY AND BOROUGH OF JUNEAU

AUGUST 21, 2015 MEETING, 11:30 AM – 1:00 PM

COMMUNITY DEVELOPMENT DEPARTMENT (CDD) CONFERENCE ROOM

DRAFT MEETING MINUTES



Committee Members Present:

Nicole Grewe (Chair), Paul Voelckers, Bill Peters, Mike LeVine

Committee Members Absent:

None

Staff Present:

Laura Boyce, Senior Planner, Community Development Department (CDD)

Chrissy McNally, Planner, Community Development Department (CDD)

Rob Palmer, Attorney, Department of Law (DOL)

Public or Other Present:

Larry Woodall, Citizen

Reading of Agenda

- Motion by Peters: To approve the agenda for the August 21, 2015 meeting.
- Vote: Motion carried.
- Resolved: Agenda for the meeting of August 21, 2015 approved without modification.

Approval of Minutes

- Motion by Peters: To approve the minutes for June 12, 2015 meeting as developed by CDD staff with any technical corrections presented by planning commissioners or CDD staff.
- Vote: Motion carried.
- Resolved: Minutes for June 12, 2015 meeting approved as developed by CDD staff with any technical corrections presented by planning commissioners or CDD staff.

Agenda Topic – Marijuana

- McNally provided brief overview of CBJ Marijuana Committee activities and outcomes thus far. Special note was made regarding the relationship between state and local regulations. In particular, the State of Alaska is still working on statewide regulations, which will influence local regulations. While CBJ continues to work on local regulations, attention also needs to be paid to statewide regulations and corresponding local impacts. Notably, the CBJ Marijuana Committee has postponed the issue of marijuana clubs – or, places to legally consume product until a later date. The purpose for today's T49 is to focus attention on marijuana cultivation, processing, testing, and selling.
- McNally also noted that significant research was conducted in municipalities in Colorado and Washington regarding marijuana local land use code. Common themes, noted across municipalities included concern regarding marijuana activities in residential districts, unanticipated fast growth of industry.

- Committee discussion focused on documents submitted by CDD staff prior to meeting including:
 1. August 10, 2015 Memorandum to T49 Committee regarding allowable areas for marijuana establishments. Draft Title 49 amendments to the Table of Permissible Uses including Sections 2.300 (retail), 3.500 (testing), 4.220 (processing), 14.000 (cultivating), and 19.200 (nurseries).
 2. Attachment 1 – Proposed Buffer Maps
 3. Attachment 2 – Zoning Maps
 4. Attachment 3 – Draft Ordinance
 5. Attachment 4 – Current Table of Permissible Uses (distributed at meeting)
- Committee deliberations generally moved in chronological order from cultivating to processing to testing to selling. Committee deliberations briefly considered nurseries and generally treated similarly to cultivating.

Cultivation Discussion [Section 14.240]

1. McNally reported D1, outside the urban service boundary is the only residential district where cultivation would be allowed . Committee members studied zoning maps noting D1, outside the urban service area, generally included North Douglas beyond Bonnie Brae, Out-the-Road beyond Auke Bay, and Thane.
2. Peters noted that Marijuana Committee Member Satre added D1 , in addition to RR, LC, GC, and I, indicating the low-density character of the neighborhoods.
3. Motion by Grewe: Remove D1 from Section 14.240 (marijuana cultivation). Rationale included: 1) unequal treatment of residential districts. While D1 is considered low-density, it is a residential district – not to be treated equally with RR; 2) preference to protect all residential districts while CBJ moves into an unknown activity; 3) ease of adding zones at a later date versus the challenge of dealing with “grandfathering”; and 4) general preference for adopting more restrictive regulations and liberalizing at a later date, after CBJ has ventured into marijuana. LeVine expressed general concern, but favored leaving ordinance as crafted and adding conditions later.
4. Vote: Motion failed. Grewe (Y), Peters (N), LeVine (N), Voelckers (did not vote)
5. Motion by Peters: Approve 14.240 as crafted by CDD.
6. Resolved: Motion passed. Grewe (N), Peters (Y), LeVine (Y), and Voelckers (did not vote)
7. Grewe, LeVine, and Peters concurred 19.200 (nurseries, commercial greenhouses) to be treated equally with 14.240

Processing Discussion [Section 4.220]

1. Discussion occurred regarding appropriateness of processing in LC and RR.
2. Motion by Voelckers: Add 3s (by CUP) to RR and LC. Rationale included treating similarly to light or medium manufacturing. Grewe supported noting the RR also includes gravel extraction and other heavy uses anyway. Also noted was the preference to consolidate marijuana activities in borough’s rural areas rather than neighborhoods.
3. Resolved: Motion passed by unanimous consent with all committee members voting.

Testing Facility Discussion [Section 3.500]

1. Discussion occurred regarding adding to RR.
2. Motion by LeVine: Add 3 (by CUP) to RR. Grewe supported regarding supporting the full suite of marijuana activities in rural reserve – growing, processing, testing, and selling.
3. Resolved: Motion passed by unanimous consent with all committee members voting.

Retail Discussion [Section 2.300]

1. Discussion occurred regarding the appropriateness in WC and WI zone – issues noted cruise visitation, current alcohol package stores downtown, and impacts to other waterfront areas including Auke Bay and Tee Harbor. Commissioner Levine was concerned about the decision to allow retail in WC and WI solely based on cruise ship tourists. He thought this should be revisited if or when clubs are legal.
2. Motion by LeVine: Remove 3s (by CUP) from WC and WI.

3. Motion opposed by Grewe citing impacts for other waterfront areas.
4. Resolved: Motion passed. Levine (Y), Peters (Y), Grewe (N), Voelckers (did not vote).

Committee Member Comments and Questions

- None

CDD Staff Discussion

- Staff asked if the committee would like to allow marijuana retail in the Convenience Store Overlay. No commissioners supported allowing marijuana retail in the overlay district.

Meeting adjourned at 1:00 PM



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907) 586-0715 Phone • (907) 586-4529 Fax

DATE: April 3, 2015

TO: Planning Commission

FROM: Beth McKibben, Planning Manager
Community Development Department

FILE NO.: AME2015 0002

PROPOSAL: Rezone request to change 4.5 acres from Waterfront Industrial to Industrial.

Applicant: City and Borough of Juneau Engineering Department

Property Owner: City and Borough of Juneau

Property Address: 1540 Thane Road

Legal Description: ATS 556 Tract A

Parcel Code No.: 1-C11-0-K00-004-0

Site Size: 4.5 Acres (affected area)

Zoning: Waterfront Industrial

Utilities: CBJ Water and Sewer

Access: Thane Road

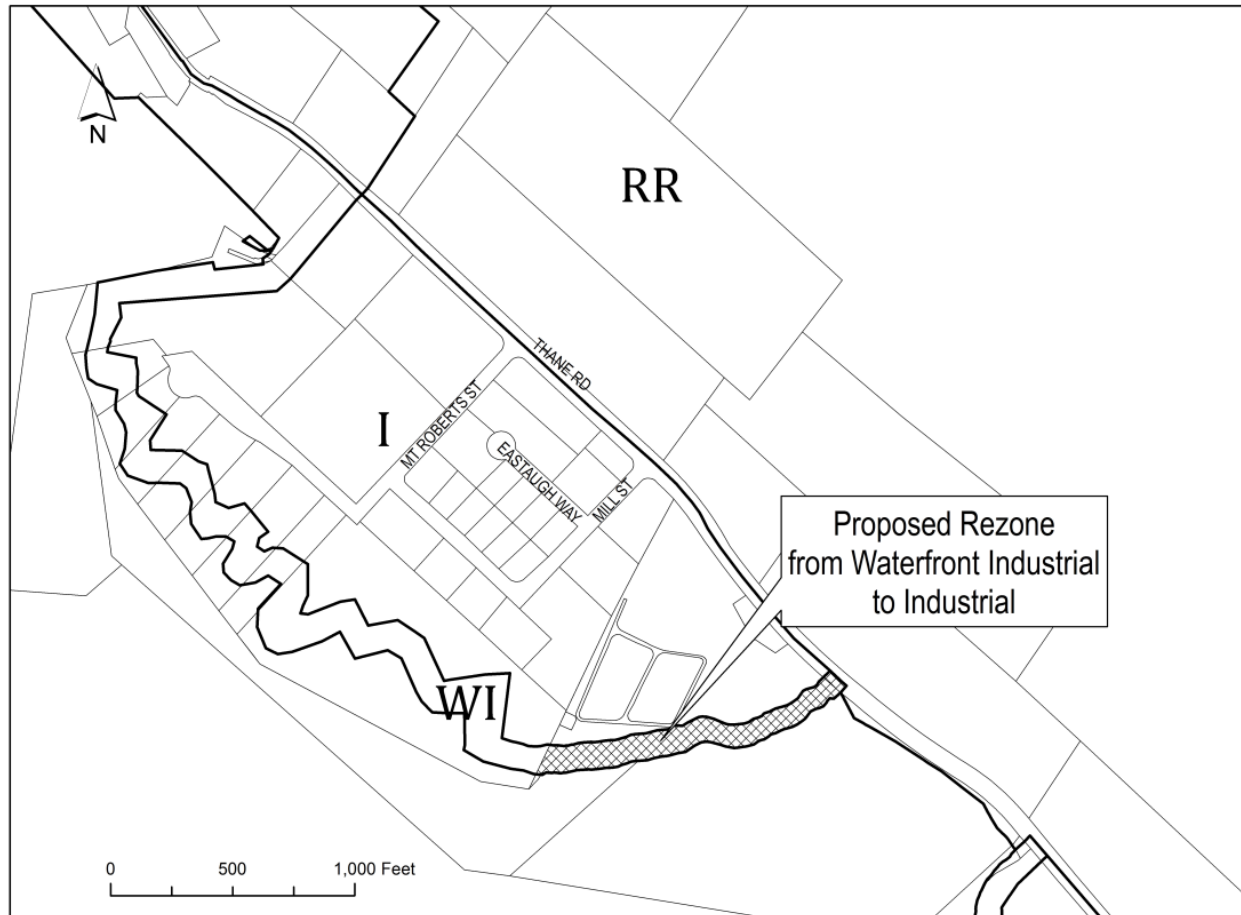
Existing Land Use: CBJ Wastewater Treatment Plant

Surrounding Land Use:

North –	Rural Reserve; Campground across Thane Road
South –	Gastineau Channel
East –	Rural Reserve; Campground across Thane Road
West –	Industrial; AK Litho Building, Commercial Mix with garage; Storage Units with caretaker unit; Princess Tours Bus shop and parking; Alaska Marine Lines loading facility and dock

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Vicinity Map



ATTACHMENTS

Attachment 1	Development Permit Application
Attachment 2	Zone Change Application
Attachment 3	Project Site Map
Attachment 4	CBJ Engineering Comments 1/31/15
Attachment 5	CBJ Assessor Comments 2/4/15
Attachment 6	ADEC Comments 2/27/15
Attachment 7	Neighborhood Meeting
Attachment 8	Zoning Map
Attachment 9	Map N of the 2013 Comprehensive Plan
Attachment 10	Notice of Public Hearing
Attachment 11	Table of Permissible Uses – CBJ 49.25.300

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

PROPOSAL

The CBJ Engineering and Public Works Department requests a zone change at the CBJ Rock Dump Wastewater Treatment Plant from Waterfront Industrial to Industrial. The zone change would affect a narrow strip, approximately 100 feet wide, along the waterfront edge of the city property.

CBJ Engineering believes future public works uses for the land are limited by the split zoning on this property, and consequently, that the zone change is necessary. For example, support services for the street snow storage and treatment site such as a gravel or salt storage building could not be built in the Waterfront Industrial zoning district. CBJ Engineering also notes that Industrial land is in short supply in the Borough, and if the Waterfront Industrial zoning district restricts development on the property, CBJ may have challenges finding other appropriately zoned sites for needed expansions (Attachment 4).

PUBLIC INPUT

A neighborhood meeting was held on March 18, 2015 from 6pm to 7:30pm in the large conference room at the Downtown Juneau Public Library regarding both AME2015 0001 and AME2015 0002. Three members of the public, including the applicant of AME2015 0001, and five CBJ employees were in attendance at the neighborhood meeting. Three representatives from the Community Development Department were present; Beth McKibben and Jonathan Lange presented the rezone process, and CDD Director, Hal Hart, was in attendance. Michele Elfers, CBJ Engineering Department, was representing the applicant for AME2015 0002, along with Samantha Stoughtenger, Wastewater Superintendent. The letter of invitation, agenda and sign in sheet from this meeting are found in Attachment 7.

Staff solicited agency review comments for the proposed development from January 27 through February 6, 2015. Comments were received from the CBJ Assessors Office and CBJ Engineering. These comments will be addressed in the Discussion section of this report.

ANALYSIS

REZONE PROCEDURE

The Land Use Code establishes the following process for rezones:

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CBJ 49.75.110 - Initiation.

A rezoning may be initiated by the director, the commission, or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

The rezone proposal was filed on January 15, 2015. Public notices were mailed to property owners within 500 feet of the subject properties on March 13, 2015 and appeared in the newspaper on April 3, 2015 and April 13, 2015.

CBJ 49.75.120 - Restrictions on rezonings.

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

The parcel proposed for rezone is 4.5 acres and zoned Waterfront Industrial (Attachment 8). Substantial conformance with the land use maps of the Comprehensive Plan will be discussed further in the report.

ZONING DISTRICTS

Title 49 Land Use Code definitions of the Industrial (I), Waterfront Commercial (WC), and Waterfront Industrial (WI) zoning districts are provided below:

49.25.240 I, Industrial district.

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

49.25.250 Waterfront districts.

The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

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- (a) The WC, waterfront commercial district, is intended to provide both land and water space for uses which are directly related to or dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented. Residential development is allowed in mixed- and single-use developments in the waterfront commercial district.
- (b) The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline location. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the WI, waterfront industrial district. Residential uses are limited to caretaker residences in the waterfront industrial district.

The CBJ zoning district definition above only requires that the use in a Waterfront Commercial zoning district be dependent or directly related to the water, per 49.25.240. For Waterfront Industrial, the standard is “industrial and port uses which need or substantially benefit from a shoreline location.”

The Juneau Wastewater Treatment Plant is located in a Waterfront Industrial zoning district, which has an interesting difference from Waterfront Commercial. The code says that “The Waterfront Industrial district is intended for industrial and port uses which need or **substantially benefit from** [emphasis added] a shoreline location.” It does not have the stricter standard of Waterfront Commercial which requires a direct relation or dependence on the marine environment, or, alternatively, must meet the definition of water-dependent or water-related. Waterfront Industrial has a much broader standard.

However, note N in the Table of Permissible Uses 49.25.300 states “Use must be water dependent, water-related, or water-oriented.” Note N is included within most uses in the Waterfront Commercial and Waterfront Industrial zoning districts.

2004 LONG RANGE WATERFRONT PLAN

The area proposed to be rezoned is located within the planning area of the 2004 Long Range Waterfront Plan, specifically in Subarea E. This Plan calls for the subject area to continue on as an important economic engine and logistics point for the community of Juneau by preserving and encouraging a continuation of waterfront dependent and industrial uses. It states that with a high level of investment in industrial, public works and marine facilities, this area is envisioned to remain similar to present levels of activity and character.

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The Waterfront Plan envisions that vacant parcels in the area could be developed to meet additional market demand for industrial space over time. Further, it encourages the strengthening of land regulations in this subarea primarily to allow only industrial and non-cruise related maritime activities stating that tourist related retail should be removed as a permissible use in this area, with the exception of such uses that are necessary to and located on the same lot as the cruise ship docks.

The Plan also calls for continued utilization of a part of this area for the operation of the CBJ Waste Water Treatment Plant, and further recommends buffering this use through vegetative cover or other means to improve the possibility of development eastward.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

As discussed above, the proposed zoning district and the uses allowed therein must be found to be in substantial conformance with the land use maps of the 2013 Comprehensive Plan.

“Substantial” is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

2013 Comprehensive Plan

In Chapter 11, the Comprehensive Plan land use maps offer the following guidance in regard to rezoning:

In considering re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration: in some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

In Chapter 1, the Comprehensive Plan further supports the flexibility of the plan. However, it emphasizes that said flexibility should be used when considering community growth, along with other current information.

In Chapter 18, Implementation and Administration, additional guidance is provided as follows:

The Comprehensive Plan as a Guiding Planning Document

“The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires

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that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process.”

“The Plan contains 123 Policies, each of which may have an associated “Standard Operating Procedure,” “Development Guideline,” and/or “Implementing Action,” which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs.” (emphasis added)

When considering this request, it is important to understand what the Comprehensive Plan intends when describing land use designations. The Plan states the categories are intended to describe the overall character of development for each land use category and are not intended to be firm or restrictive definitions, such as with zoning district permitted and Conditional Uses. The land use categories are to be used to guide the formation of zoning regulations, and their allowed uses reflect cultural values and economic and societal needs. Over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances.

Existing site 4.5 acres	Industrial (1 caretaker unit/parcel)	WI (1 caretaker unit/parcel)
Number Units	1	1
Maximum Height Limit	No Max	45 feet
Maximum Lot Coverage	No Max	No Max
Vegetative Cover	5%	5%

The subject parcel is located in Subarea 6 of the Comprehensive Plan on Map N of the Land Use Maps (Attachment 9).

The following is listed under Guidelines and Considerations for Subarea 6:

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15. Consider establishment of an alternative local roadway from Egan Drive in downtown Juneau to the industrial barge terminal and Thane Road that by-passes the South Franklin/Cruise Ship Terminal area.

A portion of the proposed rezone is designated as Waterfront Commercial Industrial (WCI) on Map N of the Comprehensive Plan. WCI is defined in the plan as:

“land to be used for water-dependent heavy commercial and industrial uses such as marine transportation terminals, large or small boat marinas, boat repair, shipyards, marine freight handling areas, fish buying and processing plants, ice plants, marine hatcheries, and marine parks.”

The majority of the proposed rezone is identified as Institutional and Public Use (IPU) which is defined as:

“Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, State and Federal government uses; and for such public facilities as community gardens, schools, libraries, fire stations, treatment plants, and public sanitary landfills. Included are potential sites for future boat harbors, schools, parks, farmers markets, publicly supported arts events, permitted arts or food-service kiosks or sales activities, parking facilities may also be accommodated within Transit Corridors. Transit Corridors can be expected to support Affordable Housing, and Transit Oriented Development overlay districts.

The public use of these lands will vary widely, so IPU designated lands can be under any zoning district, with the uses thereon appropriate for that zone as regulated in the Table of Permissible Uses (CBJ 49.25.300); the zone of any particular public use should be the same zoning district as the surrounding or abutting lands.”

In Chapter 5, Economic Development, the Comprehensive Plan discusses Commercial and Industrial Development. The following Comprehensive Plan policies are related to the subject rezone proposal:

“Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy. As part of the 2008 Update of this Plan, CBJ staff conducted a survey of all business types and found that following, which are still relevant and accurate in 2013:

1. A need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares.

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2. Industrially-zoned areas in Lemon Creek (near Costco) and near the airport have been encroached upon by non-industrial uses that have generated traffic congestion, higher land prices and lease rates, and commercial neighbors who are intolerant of the noise, odors, glare, dust, and other impacts of industry.
3. For industry to grow, including food processing and heavy material handling or manufacturing, a new industry-only zoning district category with parcels ranging in size from 5 to 20 acres each, is needed at a location near utilities and heavy load-carrying capacity roads, but distant from residential and general commercial uses.

POLICY 5.10. TO DESIGNATE SUFFICIENT AND SUITABLE LAND FOR ANTICIPATED COMMERCIAL AND INDUSTRIAL DEVELOPMENT AS PART OF ITS OVERALL ECONOMIC DEVELOPMENT PROGRAM.

5.10 – SOP (Standard Operating Procedures) 2 Follow the specific land use policies of this Plan that establish criteria for designation of commercial and industrial lands, including those cited in Chapters 3, Community Form and 10, Land Use.

POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

5.11 – DG1 When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau's economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses. An industrial lands inventory and needs assessment may be required as part of such a rezoning application. Lands designated for Heavy Industrial (HI) Use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public purpose, as deemed by the Planning Commission and Assembly, warrants such conversion.

POLICY 10.12. TO DESIGNATE AND RESERVE WATERFRONT LAND WITH ADEQUATE SERVICES AND IN APPROPRIATE LOCATIONS FOR WATER-DEPENDENT RECREATION, PUBLIC ACCESS AND COMMERCIAL/INDUSTRIAL ACTIVITIES WHILE PROMOTING IMPORTANT FISH AND WILDLIFE HABITAT AND OTHER COASTAL RESOURCES.

10.12 – DG1 Deep water ports and navigable waters are valued assets and are critical to the sustainability of our economy and the livability of Juneau. New development along the shoreline should ensure that deep water navigable lanes for barges, the Coast Guard, commercial fishing vessels, research vessels and other marine vessels critical to

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the local economy are protected from encroachment from incompatible lands uses or physical obstructions.”

The above policies of the Comprehensive Plan outline the need to maintain “sufficient and suitable land” for industrial uses.

Additionally, Policy 10.7 concerns land designated Industrial on the Comprehensive Plan maps. One of the criteria to be considered is “distance from sensitive receptors, such as homes, schools, and hospitals, to potential off-site impacts generated by industry including noise, dust, fumes, odors and nighttime light glare”.

COMPLIANCE WITH CBJ TITLE 49 LAND USE CODE

The Table of Dimensional Standards and the Table of Permissible Uses of the Title 49 Land Use Code establish the permitted standards and uses in zoning districts (Attachment 11).

Below is a list of several dimensional standards and uses allowed for Industrial and Waterfront Industrial zoning districts.

Table of Permissible Uses	I	WI
Single-family dwelling	1A	1A
Bowling Alley	3	
Theatres seating from 201 to 1,000	3	
Automobile, motorcycle racing tracks	3	
Parking garages or lots not related to a principle use on the lot	1	
Kennel	1,3	
Stabling of farm animals	1,3	
Crematorium	1,3	
Hotels, motels		3N
Floating structures supporting seasonal, commercial recreation		3
KEY NOTES: 1 – Department Approval Only 3 – Conditional Use Permit required Blank box – Not Allowed A – A single family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone. N – Use must be water-dependent, water-related, or water-oriented		

The Industrial zoning district allows for more uses as the use is not required to be water-dependent, water-related, or water-oriented.

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DISCUSSION

The CBJ Assessors Office has no taxation concerns with the proposal since CBJ is exempt. However the Assessor's Office raised several questions (Attachment 5), including:

- Have there been studies and consideration given to any other zoning on the waterfront in other areas of CBJ?
- What impact will this change make on how the waterfront portion is used and/or developed in the future?
- How can this impact other businesses or contracts the CBJ may have with entities working in the Channel or on either side of the area?

There is no other commercial waterfront or industrial waterfront property in the Borough that is zoned only Light or General Commercial, or only Industrial. All waterfront commercial and industrial properties have been zoned Waterfront Commercial or Waterfront Industrial.

The Comprehensive Plan does not give significant guidance when considering the zoning of waterfront lands. In this particular instance, Map N provides some guidance by identifying the majority of the area as Institutional and Public Use (IPU). IPU lands are intended to support a variety of public uses and should be zoned the same as the surrounding or abutting land. In this case, both WI and I zoning districts are abutting the requested rezone. The applicant indicates the purpose of the rezone is to support or expand public uses that may be permitted in the Industrial zoning district but not in the Waterfront Industrial zoning district. Further, the applicant intends to eliminate permitting confusion created by the current split lot zoning (a lot with more than one zoning district).

HABITAT

Not applicable. The proposed rezone does not relate to any policies under CBJ 49.70.900, the Juneau Coastal Management Program.

ZONE CHANGE INITIATION

CBJ 49.75.110. INITIATION. A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

3. Was the proposed zone change initiated by the property owner during the appropriate time frame?

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Yes. The application for the subject zone change was made on January 15, 2015.

4. Has the director provided adequate public notice through newspaper advertising, property owner mailings and requiring a public notice sign to be posted on-site.

Yes. As previously noted, the public was notified through newspaper advertising published on April 3, 2015, and April 13, 2015, mailings to owners of all properties within 500 feet of the subject property on March 13, 2015, and a public notice sign posted on-site for two weeks prior to the Planning Commission hearing on the rezone request. In addition, Staff held a neighborhood meeting on March 18th, 2015, for the proposed rezone.

SUMMARY

CBJ 49.75.120 states that a rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the Land Use Maps of the Comprehensive Plan. The 2013 Comprehensive Plan maps classify the site as IPU and Waterfront Commercial/Industrial (WCI).

The requested rezone from Waterfront Industrial to Industrial does substantially conform with the 2013 Comprehensive Plan as the site would continue to support public facilities.

FINDINGS

After review of the application materials, the CBJ Title 49 Land Use Code and the CBJ 2013 Comprehensive Plan, the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Title 49 Land Use Code.
2. Industrial zoning does not violate the policies and guidelines of the 2013 Comprehensive Plan and substantially conforms to the Land Use maps of the Comprehensive Plan and is consistent with Map N.
3. The rezoning constitutes an area greater than two acres.

RECOMMENDATION

Based upon the proposed project (Attachments 1-3) and the findings and conclusions stated above, staff recommends the Planning Commission adopt the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for the rezone of the subject 4.5 acres of the parcel from Waterfront Industrial to Industrial.

DEVELOPMENT PERMIT APPLICATION

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Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Rezone request for the Juneau Douglas Wastewater Treatment Plant property. Most of the property is zoned Industrial. However, a 100' strip is designated as Waterfront Industrial from MHW into the property. This request is to change the WI to I to be consistent with the rest of the property.		
	PROPERTY LOCATION		
	Street Address Thane Road	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) ATS 556 Tr A		
	Assessor's Parcel Number(s) 1C110K000040		
	LANDOWNER/ LESSEE		
	Property Owner's Name City and Borough of Juneau	Contact Person: Michele Elfers	Work Phone: 586-0931
	Mailing Address 155 S. Seward Street	Home Phone:	Fax Number:
	E-mail Address Michele.Elfers@juneau.org	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		<u>Michele Elfers</u> Landowner/Lessee Signature	<u>11/15/15</u> Date
X		 Landowner/Lessee Signature	 Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name same		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address		Other Contact Phone Number(s):	
X		 Applicant's Signature	 Date of Application

-----OFFICE USE ONLY BELOW THIS LINE-----					
STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	X Zone Change Application		<u>11/15/15</u>	<u>AME 15-002</u>	
	Other (Describe)				
***Public Notice Sign Form filled out and in the file.					
Comments:				Permit Intake Initials <u>CM</u>	

ZONE CHANGE APPLICATION

Packet Page 18 of 123

Project Number	Project Name (15 characters)	Case Number AME 201502	Date Received 11/15/15
-----------------------	-------------------------------------	----------------------------------	----------------------------------

LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:
Juneau Douglas Wastewater Treatment Plant, ATS 556 Tr A, Parcel Number 1C110K000040

IS THIS AN EXPANSION OF AN EXISTING ZONE? ☒ Yes ☐ No

Total Land Area of Proposed Change 4.8 4.5 acres Comp Plan Designation IPU

Current Zone(s) WI Comp Plan Map N

New Zone Requested Industrial

TYPE OF ZONE CHANGE REQUESTED:
☒ Regular ☐ Transition

HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?
☐ Yes ☒ No

UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site

PURPOSE OF THE REQUESTED ZONE CHANGE:
The existing WI zone may preclude certain public utility based projects on the site. There is very limited flat, industrial, CBJ owned land in the downtown and Douglas area, it is very valuable to the city for facilities to support public utilities.

IS THERE A PROPOSED USE OF THE LAND? ☒ Yes ☐ No

PROPOSED BUFFERS TO ADJACENT ZONES? ☐ Yes ☒ No

DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):
The land has been used for a snow storage and treatment facility, it has also been evaluated for a pea rock storage facility in the past, it is currently being evaluated for expansion of the wastewater facility for biosolids treatment.

DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:

STREETS: Allow for potential future facilities

WATER: Allow for potential future facilities

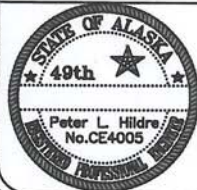
SEWER: Allow for potential future facilities

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ZONE CHANGE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>600</u>			
	Admin. of Guarantee	\$ _____			
	Adjustment	\$ _____			
	Pub. Not. Sign Fee	\$ <u>50</u>			
	Pub. Not. Sign Deposit	\$ <u>100</u>			
	Total Fee	\$ <u>750</u>	<u>PAC</u>		<u>11/15/15</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



i:\Elfers\Snow Management\DOWNTOWN JD Treatment Plant\Survey\April 2012 additional survey of 20.8 line.dwg
2012-11-15 09:15:38



DOWL HKM
Consulting Engineers • Land Surveyors • Construction Administration

5368 Commercial Blvd.
Juneau, Alaska 99801
(907) 780-3533 Office
(907) 780-3535 Fax

Peter L. Hildre
No. CE4005

JOB NO. J70429 DRAWN BY: STAFF DESIGNED BY: P. HILDRE CHECKED BY: STAFF DATE: FEB. 2012

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

DEPARTMENT OF ENGINEERING

DOWNTOWN SNOW STORAGE FACILITY
CONTRACT NO. E12-166

SITE PLAN

SHEET NO.
11
of
13



Engineering & Public Works Department
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

DATE: 1/31/15

TO: Teri Camery, Senior Planner, Community Development Department

FROM: Rorie Watt, P.E., Director

A handwritten signature in black ink, appearing to read 'Rorie Watt', written over the printed name.

SUBJECT: Rock Dump Rezone Application

Recently, our staff has applied to change the current zoning for lands at the rock dump from Waterfront Industrial to Industrial.

We make this request for the following reasons:

1. Short of a remarkable sequence of incredibly unlikely events, there will always be a wastewater treatment plant on the rock dump. As the community grows, the existing infrastructure ages and as regulations inexorably become more stringent, land at the site becomes increasingly scarce and critically necessary.
2. Wastewater plant expansions and renovations generally do not fit within the WI zoning district. Other than the existing outfalls from the wastewater plant and snow storage site, the current CBJ uses are not "dependent on or directly related to the water."
3. Industrially zoned land in the borough is in short supply. Both the Commission and the Assembly recognize this problem and seek solutions, this proposal is harmonious with that goal.
4. Retaining the WI zoning essentially ensures that no development will take place in those lands, eventually WWTP needs will be redirected to other Industrially zoned lands in the borough.

To ensure economical and efficient municipal operations, we need the ability to go through the Conditional Use process to be able to attempt to use the lands that are currently designated WI.

Alternately, a solution may be found by amending the TPU to allow WWTP applications in the WI district (expand 15.700 – Public Works Facility to be allowed with a CU in WI).

Thank you for your consideration.

49.25.240 - I, industrial district.

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

49.25.250 - Waterfront districts.

The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

(b)

The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline location. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the WI, waterfront industrial district. Residential uses are limited to caretaker residences in the waterfront industrial district.

Teri Camery

From: Robin Potter
Sent: Wednesday, February 04, 2015 3:36 PM
To: Teri Camery
Subject: RE: Agency Review of proposed re-zone at the Juneau Wastewater Treatment Plant

Teri,

I have reviewed the application and find there will be no impact on a change where assessment processes are concerned due to the CBJ being exempt, but I do question the reason for making the zoning consistent with the rest of the property in the area.

Water frontage on any property affects the value of that property. There is an obvious waterfront buffer zone. The only difference in the zoning use seems to be a restriction of building height and making the code change from WI to I. Otherwise it is not unusual for commercial/industrial type of property to encompass more than one zoning depending on frontage, depth and location. I found this very often while working in Maricopa County Az.

Have there been studies and consideration given to any other zoning on the waterfront in other areas of CBJ? What impact will this change may make on how the waterfront portion is used and/or developed in the future?

How can this impact other businesses or contracts the CBJ may have with entities working in the Channel or on either side of the area?

We had a visitor into the office last week who typically stops in several times a year for information. This person was discussing this very zoning change and how it would impact his business which is operating a clean-up project in the Gastineau Channel for the soil contamination in the subject area.

Thanks,

Robin

Robin Potter
Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333
http://www.juneau.org/financeftp/assessor_main.php

Note new email address: Robin.Potter@juneau.org

Beth McKibben

From: Teri Camery
Sent: Thursday, February 19, 2015 9:52 AM
To: Beth McKibben; Jonathan Lange
Subject: AME2015 0002 DEC Comments

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801
(907) 586-0755

Please consider the environment before printing this email. .

From: Pikul, Gretchen M (DEC) [<mailto:gretchen.pikul@alaska.gov>]
Sent: Thursday, January 29, 2015 1:08 PM
To: Teri Camery; Ron King; Michele Elfers; Ed Foster; Robin Potter; Charlie Ford; Dan Jager; Good, Sheila D (DOT)
Subject: RE: Agency Review of proposed re-zone at the Juneau Wastewater Treatment Plant

Thank you for the review opportunity.

The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the rezone application.

This application has been forwarded to DEC's Solid Waste and Stormwater sections.

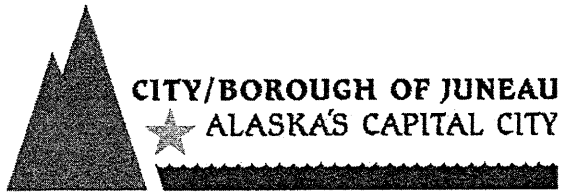
Gretchen Pikul, Environmental Program Specialist
Alaska Department of Environmental Conservation
Division of Water, Non-Point Source Section

(907) 465-5023, <http://www.dec.alaska.gov/water/wqsar/index.htm>

From: Teri Camery [<mailto:Teri.Camery@juneau.org>]
Sent: Tuesday, January 27, 2015 3:41 PM
To: Ron King; Michele Elfers; Ed Foster; Robin Potter; Charlie Ford; Dan Jager; Pikul, Gretchen M (DEC); Good, Sheila D (DOT)
Subject: Agency Review of proposed re-zone at the Juneau Wastewater Treatment Plant

Hello,

We have received a re-zone application for a zone change from Waterfront Industrial to Industrial at the Juneau Wastewater Treatment Plant. Most of the property is zoned Industrial. The applicant, CBJ Engineering, seeks to change the 100 foot strip that is zoned Waterfront Industrial to Industrial, to be consistent with the rest of the property.



NOTICE OF NEIGHBORHOOD MEETING FOR REZONE REQUEST

Downtown Library Large Conference Room
Wednesday, March 18, 2015, 6:00-7:30 p.m.

March 4, 2015

Dear Resident,

The CBJ Community Development Department received two Zone Change Applications:

- AME2015 0001: Rezone request to change 5.13 acres from Industrial to Mixed Use
- AME2015 0002: Rezone request to from Industrial to Waterfront Industrial at the CBJ Waste Water Treatment Plant.

You are receiving this letter because you are an adjacent property owner.

The CBJ Community Development Department is hosting a neighborhood meeting to explain the details and the CBJ rezone process. This meeting will be held on Wednesday, March 18, 2015, in the Downtown Library Large Conference Room from 6:00pm- 7:30pm.

The purpose of the March 18th meeting is to provide information, respond to questions, and to get a sense of the concerns that the neighborhood might have, so issues may be addressed in advance of the formal public hearing with the CBJ Planning Commission. The project has been scheduled for review by the Planning Commission at the April 14th Regular Meeting. Prior to the meeting all landowners within approximately 1,000 feet of the proposed rezones will receive a separate notice with details on how and where to submit comments or testify on the proposals.

If you have questions or would like more information, please contact Beth McKibben at 586-0465 or by email at beth.mckibben@juneau.org.

cc: File number AME2015 0001 & AME2015 0002

Neighborhood Meeting - Downtown Juneau Library
March 18, 2015 6:00pm-8:00pm

[illegible]

AGENDA

Neighborhood Meeting For Two Proposed Rezones at the Rock Dump In the Industrial and Waterfront Industrial Zoning Districts

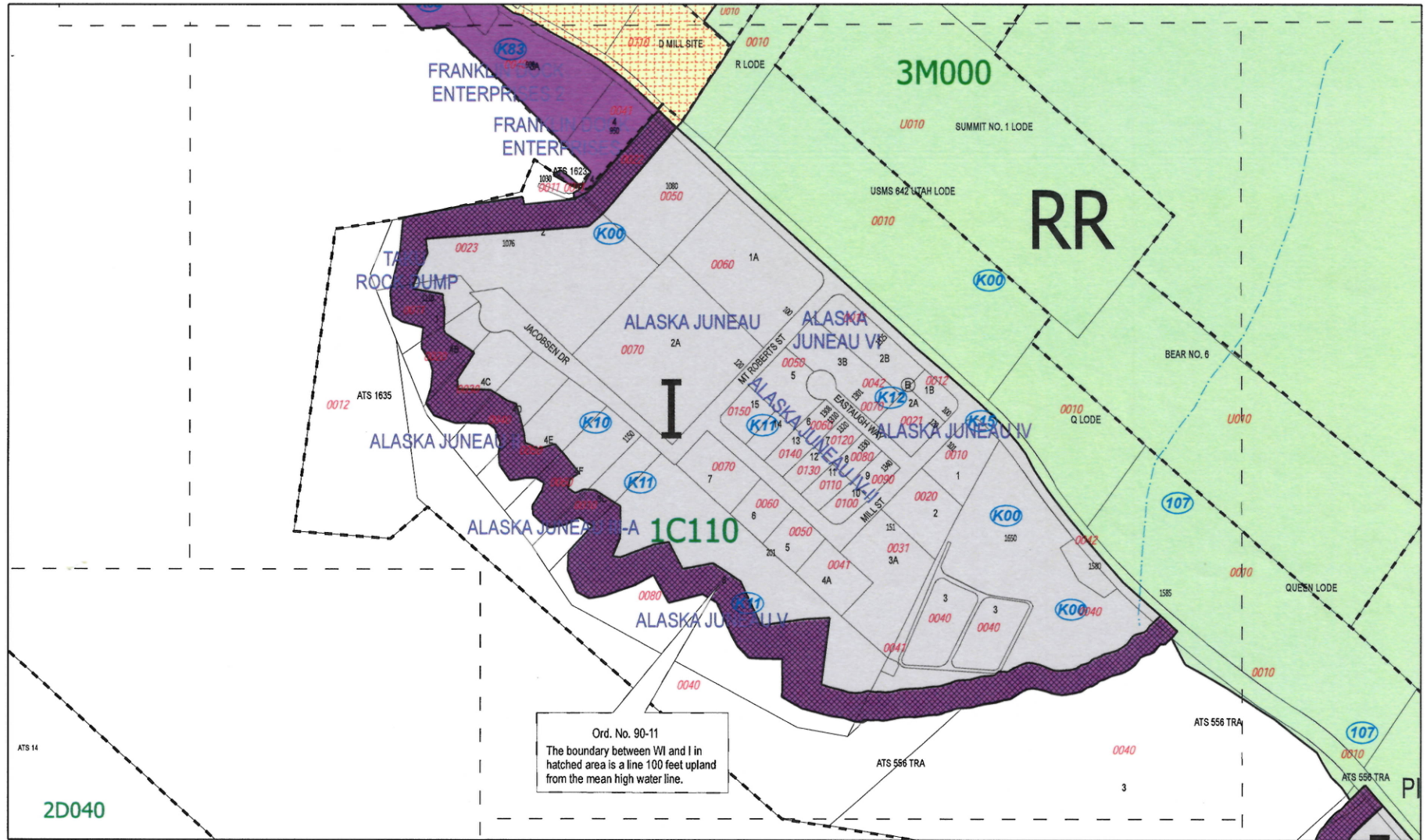
March 18, 2015

Downtown Juneau Public Library Large Conference Room

6 pm – 7:30 pm

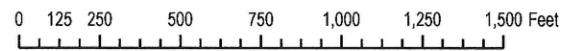
- Welcome – Introductions
- Why we are here? – Application and Rezone Process
- Proposed Projects –
 - Applicants
- What happens next? –
 - Staff Report – Please have comments in by Noon on March 27th or as soon as possible:

To: Beth McKibben 155 S. Seward St. Juneau, AK 99801 Ph: (907)586-0465 Fax: (907)586-4529 beth.mckibben@juneau.org	or Jonathan Lange 586-0218 jonathan.lange@juneau.org
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 - April 14th at 7pm, Planning Commission Meeting –
City Hall, Assembly Chambers
 - Public Testimony
 - May 18th/ June 8th at 7pm, Regular Assembly Meeting –
City Hall, Assembly Chambers
 - Public Testimony
- Questions, Comments, and Concerns -



Continued on page 102

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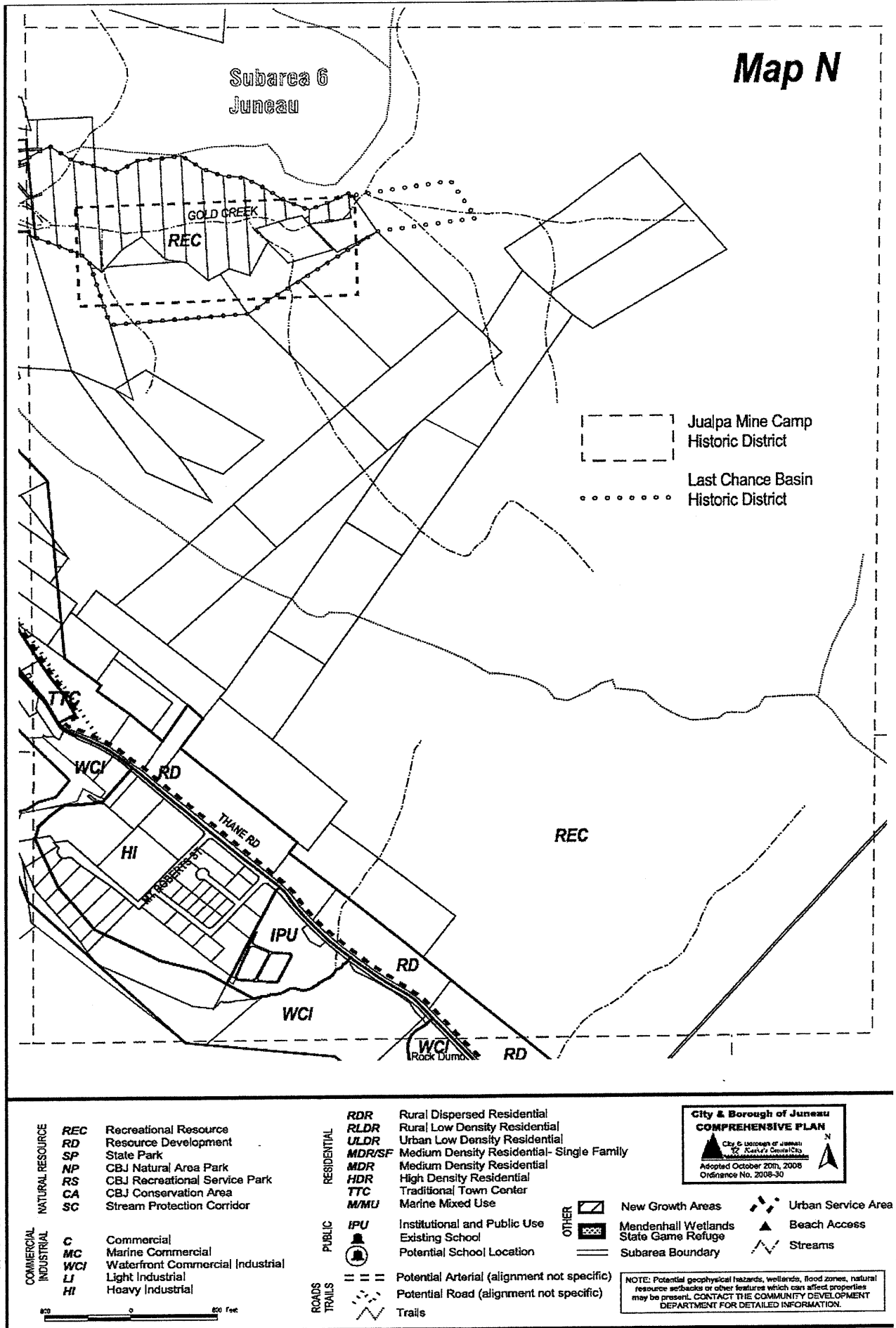
Property Information

155 Address Number
(B) Block
7 Lot
EAST VALLEY Subdivision

Assessor Tax Code

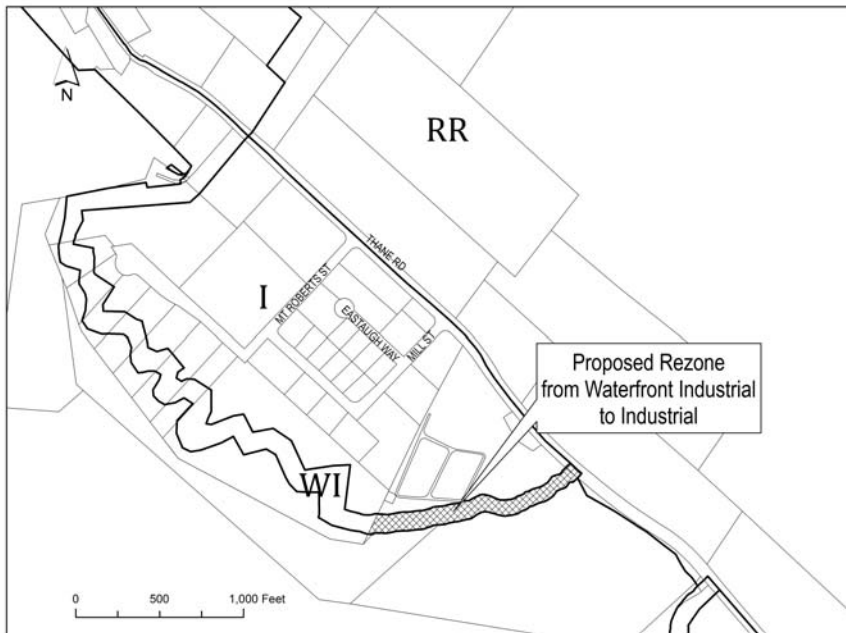
6D090 102 0030
Parcel Code Prefix Block Number Lot Number







NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Rezoning request to change 4.5 acres from Waterfront Industrial to Industrial

File No:	AME2015 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K00-004-0
Hearing Date:	April 14, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	4.5 Acres
Place:	Assembly Chambers	Zoned:	WI - Waterfront Industrial
	Municipal Building	Site Address:	Juneau Douglas Wastewater Treatment Plant on Thane Road
	155 South Seward Street	Accessed Via:	Thane Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Beth McKibben at Beth.McKibben@juneau.org or 586-0465.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

ATTACHMENT 10

Date notice was printed: March 11, 2015

49.25.300

PART II: CODE OF ORDINANCES

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.000	RESIDENTIAL															
1.100	Single-family dwellings															
	1.110 Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A	1 ^A
	1.120 Single-family detached, two dwellings per lot	1	1	1												
	1.130 Single-family detached, accessory apartments	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X		
	1.135 Two single-family detached, one or two accessory apartments		3	3												
1.200	Duplex	1	1	1	1		1	1	1	1	1	1	1	1		
1.300	Multifamily dwellings						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.400	Group homes	1	1	1	1	1	1	1	1	1	1	1	1	1		
1.450	Halfway houses	3								3	3	3	3			
1.500	Day care homes															
	1.510 Child; 8 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1			
	1.520 Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3			
	1.530 Adult; 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1			
	1.540 Adult; 9 to 12, people 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3			
1.550	Child care residence, 6 to 9 children under 18 years of age		3	3	3	3	3	3	3	3	3	3	3			
1.600	Miscellaneous, rooms for rent situations															
	1.610 Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	3 ^N		
	1.620 Hotels, motels	3								1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	
	1.630 Single room occupancies with private facilities						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
1.700	Home occupations	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800	Mobile homes															
	1.810 Residential mobile homes on individual lots ^E	3	3	3												
	1.815 Caretakers mobile homes on individual lots ^E	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	1.820 Mobile home parks ^E					3	3	3	3	3	3					
	1.830 Mobile home subdivision ^E				3	3	3	3	3	3	3					
	1.840 Recreational vehicle parks ^F	3 ^F	3 ^F	3 ^F												

Supp. No. 61

CBJ 49.25:6

ATTACHMENT 11

ZONING DISTRICTS

49.25.300

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.900	Common wall development															
	1.910 Two dwelling units				1	1	1	1	1							
	1.911 Accessory apartments	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X	1 ^X , 3 ^X		
	1.920 Three or more dwelling units					3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
	1.930 Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3			3			
2.000	SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT ^G															
2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods															
	2.110 <i>Reserved</i>															
	2.120 Miscellaneous									1	1	1	1	3 ^N	3 ^N	3
	2.130 Marine merchandise and equipment	3 ^T								1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods									1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	3
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES ^G															
3.050	Offices of not more than 1,000 square feet		3	3	3	3	3	3	3	1	1	1	1	1 ^N		
3.100	Offices greater than 1,000 but not more than 2,500 square feet						3	3	3	1	1	1	1	3 ^N		
3.200	<i>Reserved</i>															
3.300	Research, laboratory uses	3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
3.400	Offices greater than 2,500 square feet									1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N		3 ^S
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS ^G															
4.050	Light manufacturing	3 ^T						3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
4.070	Medium manufacturing	3 ^T									3	3	3	3 ^N	1 ^N , 3 ^N	1, 3
4.100	Heavy manufacturing	3 ^T	3 ^Q												3 ^N	3
4.150	Rock crusher	3 ^T	1 ^Q	1 ^Q											3 ^N	3
4.200	Storage of explosives and ammunition	3													3 ^N	3
4.210	Seafood processing	3 ^T												3	1, 3	1, 3
5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES															
5.100	Schools															
	5.110 Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3			
	5.120 Trade, vocational schools, commercial schools	3 ^T								3	3	3	3	3 ^N	3 ^N	3
	5.130 Colleges, universities	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3
5.200	Churches, synagogues, temples	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3
5.300	Libraries, museums, art galleries	3 ^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3 ^N		
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs	3 ^T								1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3

Supp. No. 42

CBJ 49.25:7

49.25.300

PART II: CODE OF ORDINANCES

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT															
6.100	Indoor activity conducted entirely within building or substantial structure															
	6.110 Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3			3
	6.120 Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3
	6.130 Theaters seating for 200 or fewer	3 ^T						3	3	1	1	1	1	3 ^N		3
	6.135 Theaters seating from 201 to 1,000									3	1	1	1	3 ^N		3
	6.140 Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people										3	3	3	3 ^N		
	6.150 Indoor shooting range	1, 3									3					3
6.200	Outdoor activity conducted outside enclosed buildings or structures															
	6.210 Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3	3	3	3	3	3	3	1, 3			3 ^N		3
	6.220 Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3	3	3	3	3	3	3	1, 3	3	3	3 ^N		3
	6.240 Automobile, motorcycle racing tracks; off-highway vehicle parks	3									3					3
	6.250 <i>Reserved</i>															
	6.260 Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	6.262 Parks with improved facilities, not approved in conjunction with a major subdivision															
	6.264 Capacity for up to 20 people ^W	1 ^T	1	1	1	1	1	1	1	1	1	1	1	1	3 ^N	
	6.266 Capacity for more than 20 people ^W	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	
	6.270 Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3
	6.280 Shooting ranges	3														3
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES															
7.100	Hospital									3	3	3	3			
7.150	Health care clinics, other medical treatment facilities providing out-patient care							3	3	1, 3	1, 3	1, 3	1, 3			

Supp. No. 42

CBJ 49.25:8

ZONING DISTRICTS

49.25.300

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
7.200	Nursing care, assisted living, sheltered care		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3			
7.300	Day care centers for children and adults						3	3	3	1, 3	1, 3	1, 3	1, 3			
7.400	Halfway houses									3	3	3	3			
7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3			3
8.000	RESTAURANTS, BARS, NIGHTCLUBS															
8.050	Small restaurants, less than 1,000 ft ² without drive through service	3 ^T					3	3	3	1	1	1	1	1 ^N		3
8.100	Restaurants, bars without drive through service	3 ^T								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	3
8.200	Restaurants, coffee stands with drive through service									1, 3	1		3	1 ^N , 3 ^N	3 ^N	3
8.300	Seasonal open air food service without drive through	3								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	
9.000	BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS															
9.050	Motor vehicle, mobile home sale or rental									1, 3	1, 3	3	3			1, 3
9.100	Motor vehicle repair and maintenance, including body work										3					1
9.200	Automotive fuel station	3 ^T								3	1					1
9.300	Car wash									3	1					1
9.400	Boat sales or rental	3 ^T								3	1			1	1	1
9.450	Boat repairs and maintenance	3 ^T									3			1	1	1
9.500	Marine fuel, water sanitation	3 ^T												1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												3	3	
10.000	STORAGE, PARKING, MOORAGE															
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3			1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored															
	10.210 All storage within completely enclosed structures	1, 3	3							3	1	1 ^U , 3 ^U	1 ^U , 3 ^U	1 ^N , 3 ^N	1 ^N	1
	10.220 General storage inside or outside enclosed structures	1, 3	3								1, 3			1 ^N , 3 ^N	1 ^N	1
	10.230 Snow storage basin															
	10.232 Neighborhood, less than ½ acre	3	3	3 ^Z	3 ^Z	3 ^Z	3 ^Z	3 ^Z	3 ^Z	3 ^Z	1			3 ^Z	1	1
	10.235 Regional, ½ to 1 acre	3	3	3 ^Z						3 ^Z	3			3 ^Z	1	1
	10.237 Area wide, over 1 acre	3	3 ^Z	3 ^Z							3 ^Z				3	3
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3								1, 3			1 ^N , 3 ^N	1 ^N , 3 ^N	1

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CBJ 49.25:9

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 ^N	1
10.500	Moorage															
	10.510 Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3
	10.520 Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation	3	3	3										3	3	
11.000	MATERIALS SALVAGE YARDS, WASTE MANAGEMENT															
11.100	Recycling operations															
	11.110 Enclosed collection structures ⁰ of less than 80 square feet total and less than six feet in height	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1	1	1 ^P	1 ^P	1	1	1
	11.120 Enclosed structures for recyclable materials collection	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3 ^P	1 ^P , 3 ^P	3	3	1	1	1 ^P
	11.130 Sorting, storage, preparation for shipment occurring outside an enclosed structure														1 ^N	1
11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3
11.300	Sanitary landfill	3														3
12.000	SERVICES AND ENTERPRISES RELATED TO ANIMALS															
12.100	Veterinary clinic	3	3	3						3	1, 3	3	3	1 ^N , 3 ^N	1 ^N , 3 ^N	1
12.200	Kennel	3	3							3	3					1, 3
12.250	Day animal services, grooming, walking, day care	3	3	3	3	3				3	3	3	3			1, 3
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	3							3	3		3	3 ^N		3
12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 ^N		3
12.400	Horseback riding stables, dog team yards	3	3							3	3					3
13.000	EMERGENCY SERVICES															
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	1, 3
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING															
14.100	Aquaculture	3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations															
	14.210 Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3
	14.220 Including farm animals ^M	1, 3	3													1, 3
	14.230 Stabling of farm animals ^M	3	3	3	3					3	3					1, 3
14.250	Personal use agriculture															
	14.253 Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1
14.300	Silviculture and timber harvesting ^J	3	3													3
14.400	Mining operations	2, 3 ^K	3	3										3 ^N	3 ^N	2

ZONING DISTRICTS

49.25.300

	Use Description	Zones														
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
14.500	Sand and gravel operations ¹	3	3	3						3	3			3 ^N	3 ^N	3
14.800	Spring water bottling	3	3			3	3	3	3	3	3					1, 3
15.000	MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES															
15.100	Post office	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3
15.200	Airport	3														1, 3
15.400	Military reserve, National Guard centers	3	3	3						3	3			3 ^N	3 ^N	3
15.500	Heliports, helipads	3									3			3 ^N	3 ^N	3
15.600	Transit facilities															
	15.610 Transit center			3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3
	15.620 Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1
	15.630 Park and ride not associated with transit station	3	3	3	3	3	3	3	3	1	1	3	3			1
15.700	Public works facility	3	3	3	3					3	3					1, 3
16.000	DRY CLEANER, LAUNDROMAT															
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process								1, 3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
16.200	Full service onsite laundry and/or dry cleaning									3	1, 3	3	3	3 ^N	1 ^N , 3 ^N	1, 3
17.000	UTILITY FACILITIES															
17.100	Minor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17.150	Intermediate	3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1
17.200	Major	3	3	3	3	3	3	3	3	3	3			3	3	3
17.300	Driveways and private roads															

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CBJ 49.25:11

49.25.300

PART II: CODE OF ORDINANCES

		Zones															
	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	17.310	Access drive-ways on public rights-of-way adjoining one to four existing lots	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	17.320	Access drive-ways on public rights-of-way adjoining five or more existing lots	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
18.000	TOWERS AND RELATED STRUCTURES																
18.100 ^{AA}	Towers and antennas 35 feet or less	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.200 ^{AA}	Towers and antennas 35 to 50 feet	1	3	3	3	3	3	3	3	3	1	1	1	1	1	1	1
18.300 ^{AA}	Towers and antennas more than 50 feet in height	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
18.400	Amateur (ham) radio towers and antennas more than 35 feet in height ^R	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.500	Wireless Communication Facilities	See CBJ 49.65, Wireless Communication Facilities															
19.000	OPEN AIR MARKETS, NURSERIES, GREENHOUSES																
19.100	Open air markets (farm, craft, flea, and produce)	1, 3	1, 3								1, 3	1	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3

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CBJ 49.25.12

	Use Description	Zones														
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
19.200	Nurseries, commercial green-houses															
	19.210 Retail sales	3	3	3	3	3	3	3	3	1, 3	1	1 ^V	1 ^V			1
	19.220 Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1 ^V	1 ^V			1
20.000	CEMETERY, CREMATORIUM, MORTUARY															
20.100	Cemetery	1, 3	3	3	3	3	3	3	3	3	3					
20.200	Crematorium	3														1, 3
20.300	Funeral home	3	3	3	3	3	3			1, 3	1	3	3			
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES															
21.100	Resort, lodge	3	3													
21.200	Campgrounds	1, 3	3													
21.300	Visitor, cultural facilities related to features of the site	3	3							3	3	3	3	3 ^N		
22.000	TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION															
22.100	Temporary structures used in connection with construction	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

Key:

1. Department approval requires the department of community development approval only.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.
- 2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

- A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
- B. *Reserved.*
- C. *Reserved.*
- D. *Reserved.*
- E. See special use regulations for mobile homes, chapter 49.65, article III.
- F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.
- G. All uses subject to additional performance standards, chapter 49.65, article VIII.
- H. *Reserved.*
- I. *Reserved.*

49.25.300

PART II: CODE OF ORDINANCES

- J. Applies to over 2 acres of harvest area.
 - K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
 - L. See special use regulations, chapter 49.65.200, article II.
 - M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
 - N. Use must be water-dependent, water-related, or water-oriented.
 - O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
 - P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.
 - Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
 - R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.
 - S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
 - T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.
 - U. No storage permitted on the first floor of a building.
 - V. Primarily intended for rooftop locations in urban areas.
 - W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
 - X. Special requirements apply to accessory apartment applications. See CBJ§49.25.510(d)(2).
 - Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.
 - AA. Does not apply to wireless communication facilities.
- (Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010; 2014-32(e)am, §§ 6—8, 9-29-2014, eff. 10-29-2014)

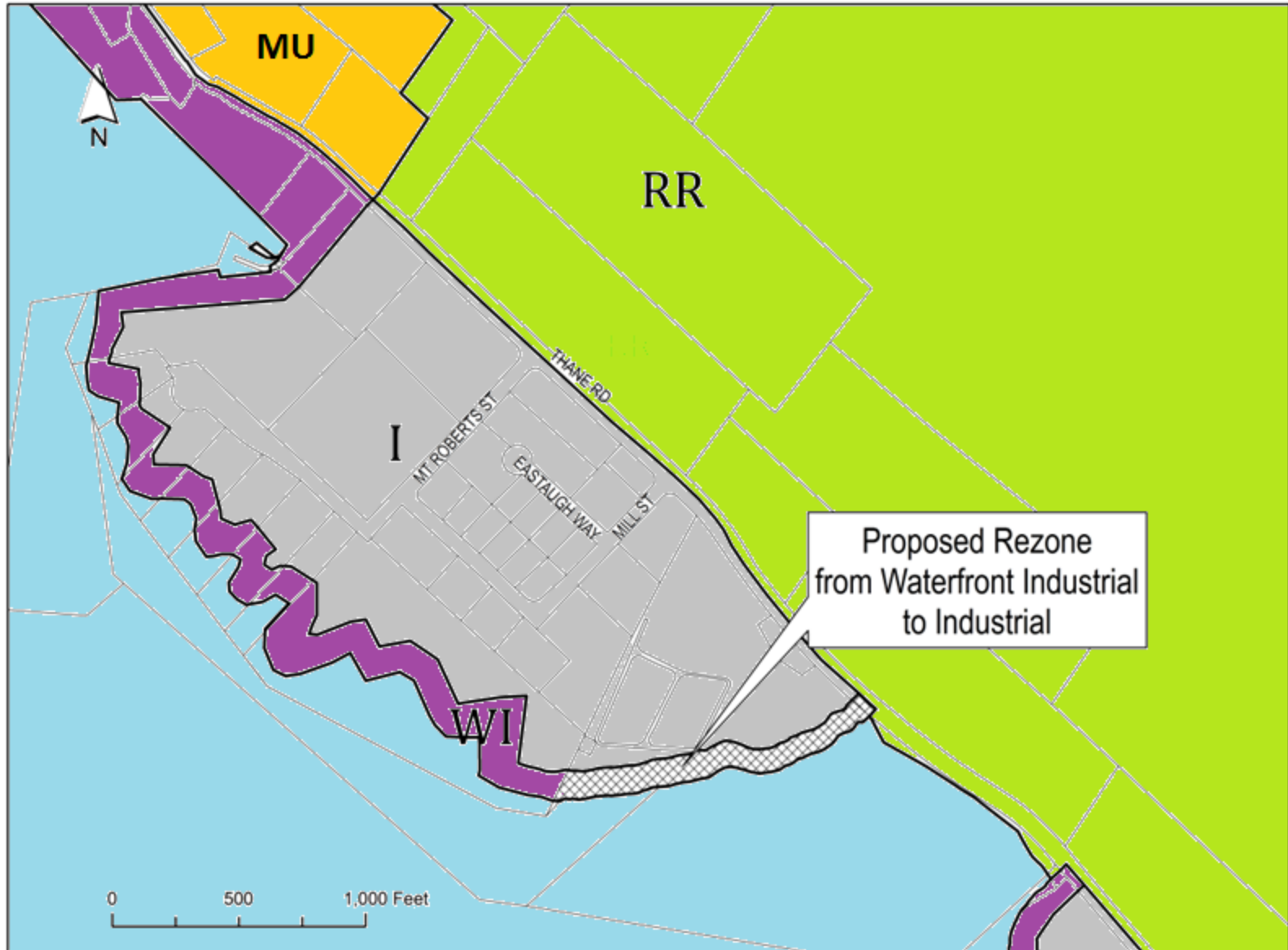
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CBJ 49.25:14

AME2015 0002

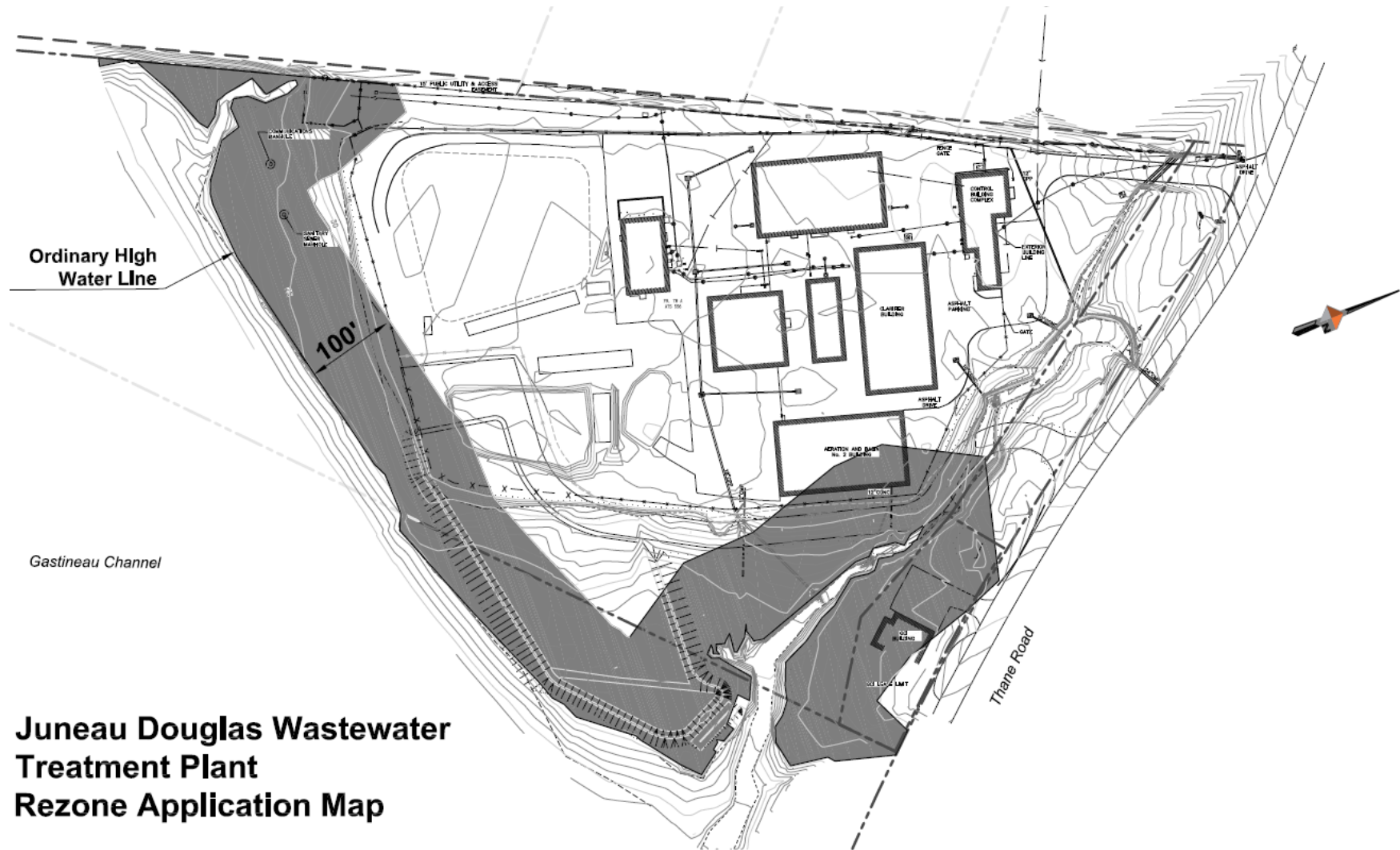
A Rezone request to change 4.5 acres from
Waterfront Industrial to Industrial

Planning Commission Meeting
April 14, 2015









CBJ 49.75.110 *Initiation*

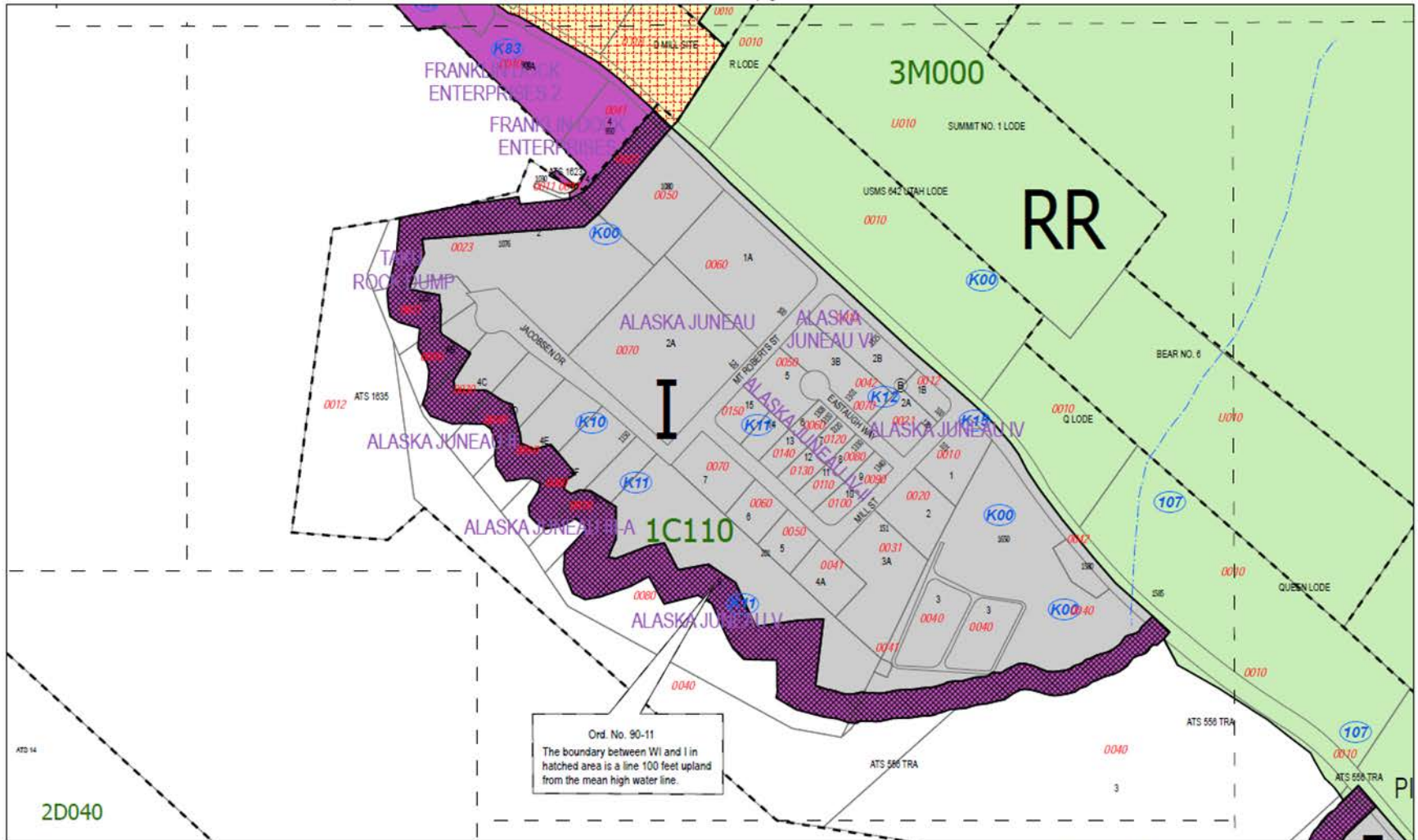
“...A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.”

CBJ 49.75.120 Restrictions on rezonings.

- *If request is less than two acres it shall not be considered, unless it is an expansion of an existing zone.*
- *Similar rezone requests rejected within the last 12 months shall not be considered.*
- *Rezone must substantially conform to the land use maps of the comprehensive plan.*

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CBJ 49.75.120 Restrictions on rezonings.

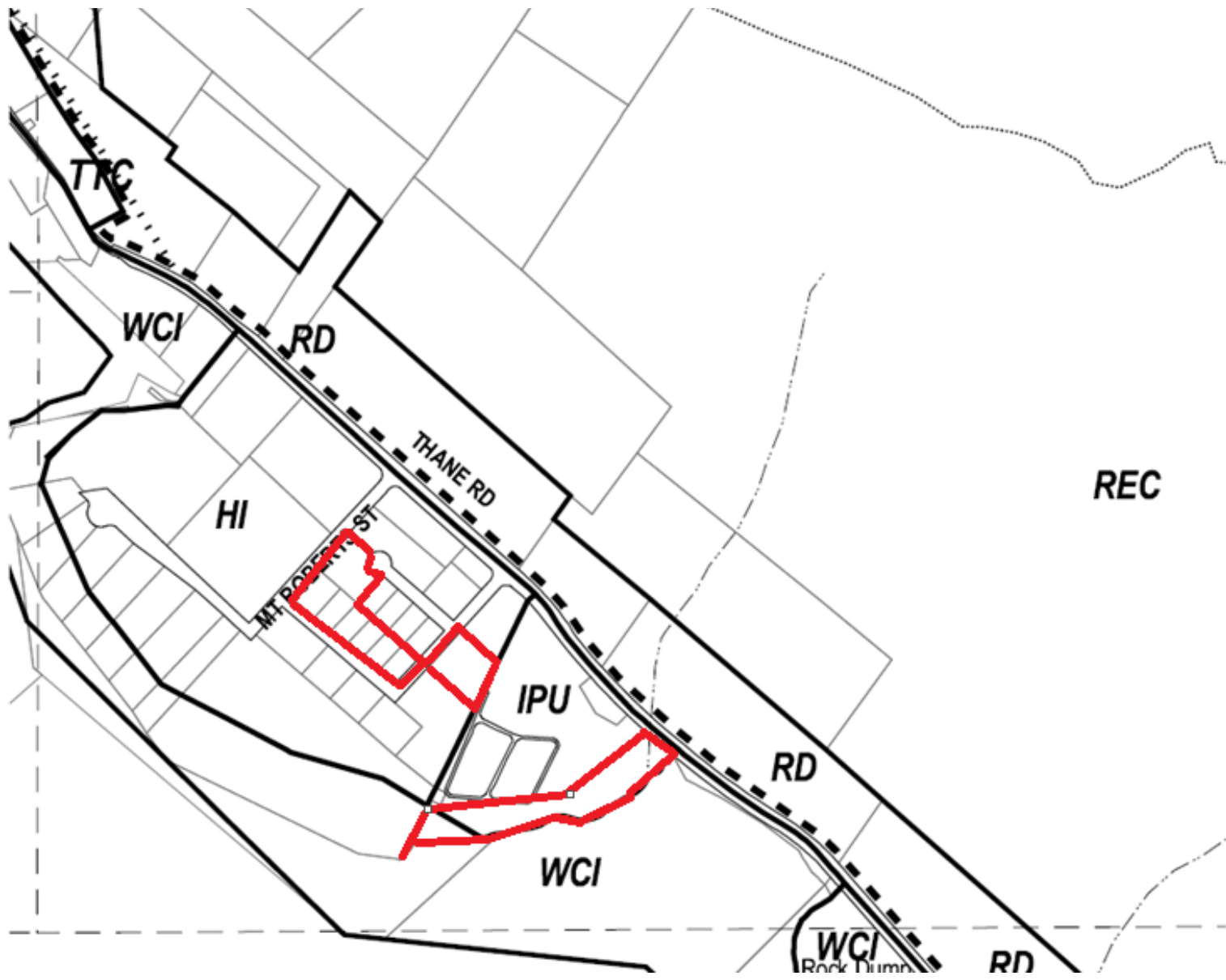
•If request is less than two acres it shall not be considered, unless it is an expansion of an existing zone.

Area is greater than 2 acres and AME2015 0002 is an expansion of an existing zone.

CBJ 49.75.120 Restrictions on rezonings.

- *Similar rezone requests rejected within the last 12 months shall not be considered.*

There have been no similar rezone requests in the last 12 months.



CBJ 49.75.120 Restrictions on rezonings.

- *Rezone must substantially conform to the land use maps of the comprehensive plan.*

IPU – Institutional and Public Use:

Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, state and federal government uses; and for such public facilities as community gardens, schools, libraries, fire stations, treatment plants, and public sanitary landfills.....

The public use of these lands will vary widely, so IPU-designated lands can be under any zoning district, with uses thereon appropriate for the zone as regulated in the Table of Permissible Uses (CBJ 49.25.300); the zone of any particular public use should be the same district as the surrounding or abutting lands.

CBJ 49.75.120 Restrictions on rezonings.

- *Rezone must substantially conform to the land use maps of the comprehensive plan.*

WCI – Waterfront Commercial/Industrial:

Land to be used for water-dependent heavy commercial and industrial uses such as marine transportation terminals, large or small boat marinas, boat repair, shipyards, marine freight handling areas, fish buying and processing plants, ice plants, marine hatcheries, and marine parks. Residential uses would not be allowed in Waterfront Commercial/Industrial Districts, with the exception of caretaker units.

Chapter 5

POLICY 5.10. TO DESIGNATE SUFFICIENT AND SUITABLE LAND FOR ANTICIPATED COMMERCIAL AND INDUSTRIAL DEVELOPMENT AS PART OF ITS OVERALL ECONOMIC DEVELOPMENT PROGRAM

POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

5.11 – DG1 When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau's economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses. An industrial lands inventory and needs assessment may be required as part of such a rezoning application. Lands designated for Heavy Industrial (HI) Use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public purpose, as deemed by the Planning Commission and Assembly, warrants such conversion.

Chapter 10

POLICY 10.12. TO DESIGNATE AND RESERVE WATERFRONT LAND WITH ADEQUATE SERVICES AND IN APPROPRIATE LOCATIONS FOR WATER-DEPENDENT RECREATION, PUBLIC ACCESS AND COMMERCIAL/INDUSTRIAL ACTIVITIES WHILE PROMOTING IMPORTANT FISH AND WILDLIFE HABITAT AND OTHER COASTAL RESOURCES.

10.12 – DG1 Deep water ports and navigable waters are valued assets and are critical to the sustainability of our economy and the livability of Juneau. New development along the shoreline should ensure that deep water navigable lanes for barges, the Coast Guard, commercial fishing vessels, research vessels and other marine vessels critical to the local economy are protected from encroachment from incompatible lands uses or physical obstructions.”

Waterfront Plan summary

Subarea E of the planning area of the 2004 Long Range Waterfront Plan.

- important economic engine and logistics point for the community
- preserving and encouraging a continuation of waterfront dependent and industrial uses.
- with a high level of investment in industrial, public works and marine facilities this area is envisioned to remain similar to present levels of activity and character
- encourages the strengthening of land regulations in this subarea primarily to allow only industrial and non-cruise related maritime activities
- tourist related retail should be removed as a permissible use in this area, with the exception of such uses that are necessary to and located on the same lot as the cruise ship docks
- for continued utilization of a part of this area for the operation of the CBJ Wastewater Treatment Plant

Compliance with Title 49 Land Use Code

Table of Dimensional Standards

	I	WI	MU
Min. lot size	2,000	2,000	4,000
Min. lot width	20	20	50
Min. lot depth	60	60	80
Front setback	10	10	0
Rear setback	10	10	0
Side setback	10	10	0
Density per Acre	1Caretaker Unit	1 Caretaker Unit	No Max Density

Table of Permissible Uses

	I	WI	MU
Multifamily Dwellings			1,3
Day Care Homes			1,3
Hotels			1,3
Heavy Manufacturing	3	3N	
Sand and gravel operations	3	3N	

- '1' requires departmental approval
- '3' requires Conditional Use Permit
- Blank means the use is not allowed
- N = Use must be water-dependent, water related, water oriented

Assessor's Office raised several questions (Attachment 5), including:

- Have there been studies and consideration given to any other zoning on the waterfront in other areas of CBJ?
- What impact will this change make on how the waterfront portion is used and/or developed in the future?
- How can this impact other businesses or contracts the CBJ may have with entities working in the Channel or on either side of the area?

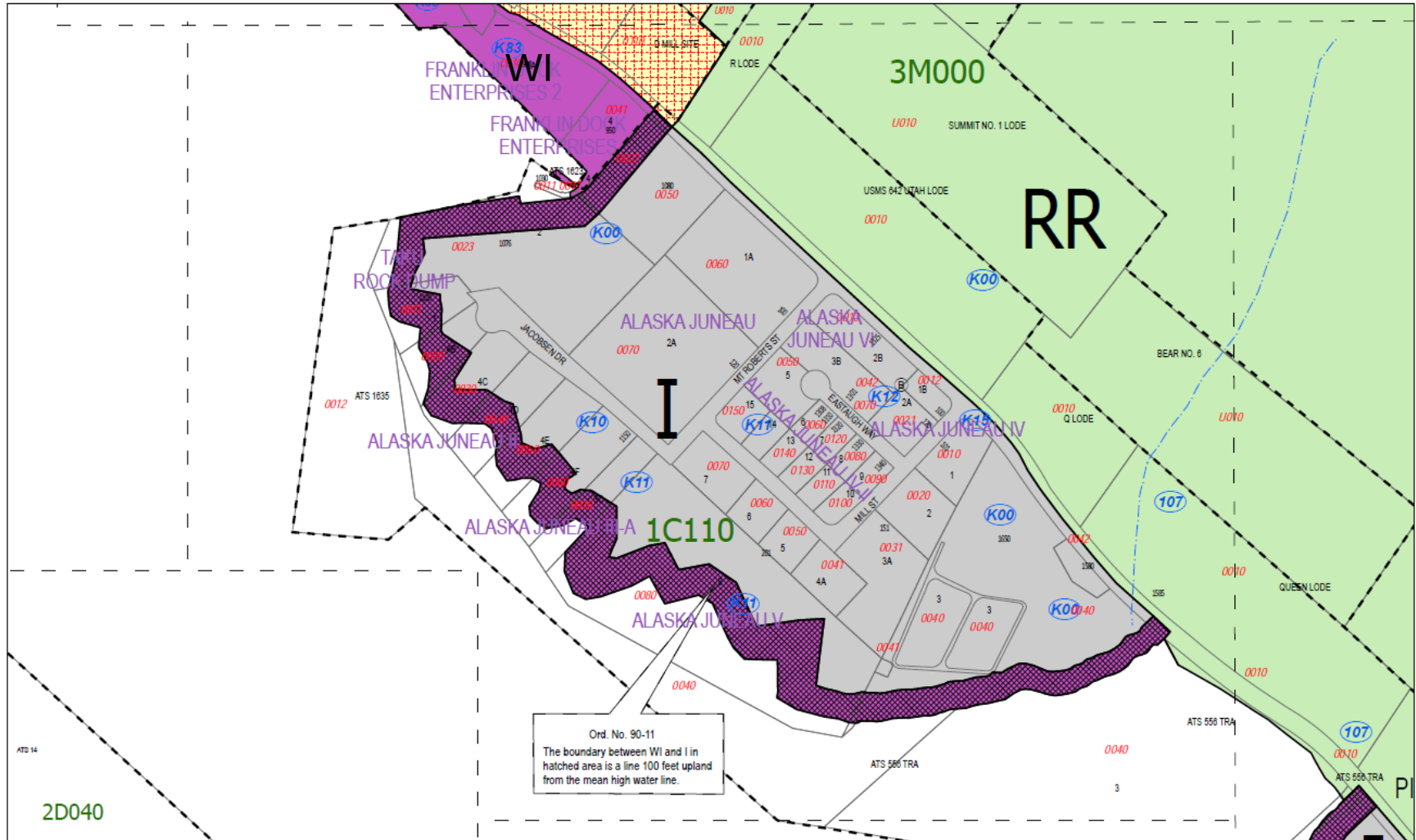
- No public comments at the time of the writing of the staff report.
- Blue folder item – in opposition to the requested rezone

Staff recommends that the Planning Commission **recommend approval** to the Assembly for the rezone request to change 4.5 acres from Waterfront Industrial to Industrial.

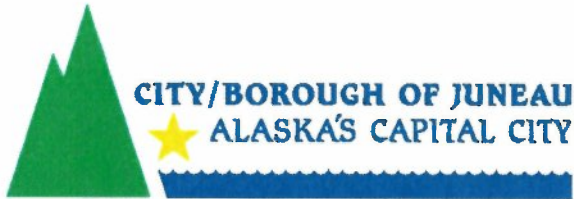
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Continued on page 102



**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: April 20, 2015

File No.: AME2015 0002

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Application For: Planning Commission recommendation to the City and Borough Assembly regarding the request to rezone to change 4.5 acres from Waterfront Industrial to Industrial.

Legal Description: ATS 556 TR A

Property Address: 1540 Thane Road

Hearing Date: April 14, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 3, 2015, and recommended denial of the request to rezone change 4.5 acres from Waterfront Industrial to Industrial near CBJ Rock Dump Wastewater Treatment Plan. The Commission adopted the findings below to support their decision:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Title 49 Land Use Code.
2. Waterfront Industrial zoning does not violate the policies and guidelines of the 2013 Comprehensive Plan and substantially conforms to the Land Use maps of the Comprehensive Plan and is consistent with Map N. However, Waterfront Industrial zoned land is in shorts supply and there is not sufficient public need to justify the requested zone change at this time.
3. The rezoning constitutes an area greater than two acres.

Attachments: April 3, 2015 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2015 0002.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

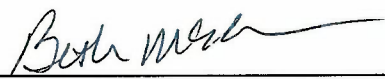
City and Borough of Juneau

File No.: AME2015 0002

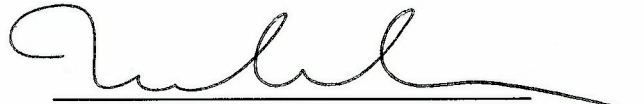
April 20, 2015

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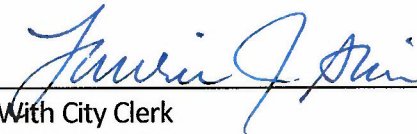
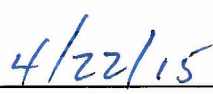
Project Planner:



Beth McKibben, Planner
Community Development Department



Michael Satre, Chair
Planning Commission


Filed With City Clerk
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

Presented by: The Manager
 Introduced: 05/19/2014
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14(c)am

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment to Section. CBJ 49.75.130 Procedure, is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within 10 days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

(1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.

(2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest

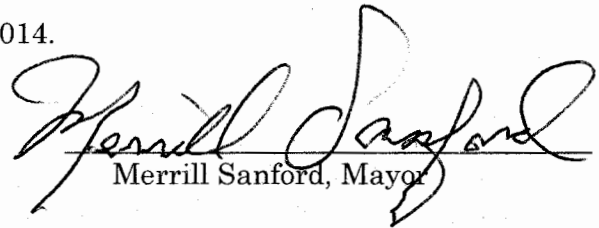
with the municipal clerk within 20 days of the commission's written notice of recommendation.

- (3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.

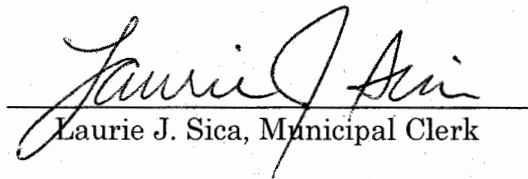
(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

Section 3. Effective Date. This ordinance shall be effective 30 days after current, outstanding appeals are resolved.

Adopted this 29th day of September, 2014.


Merrill Sanford, Mayor

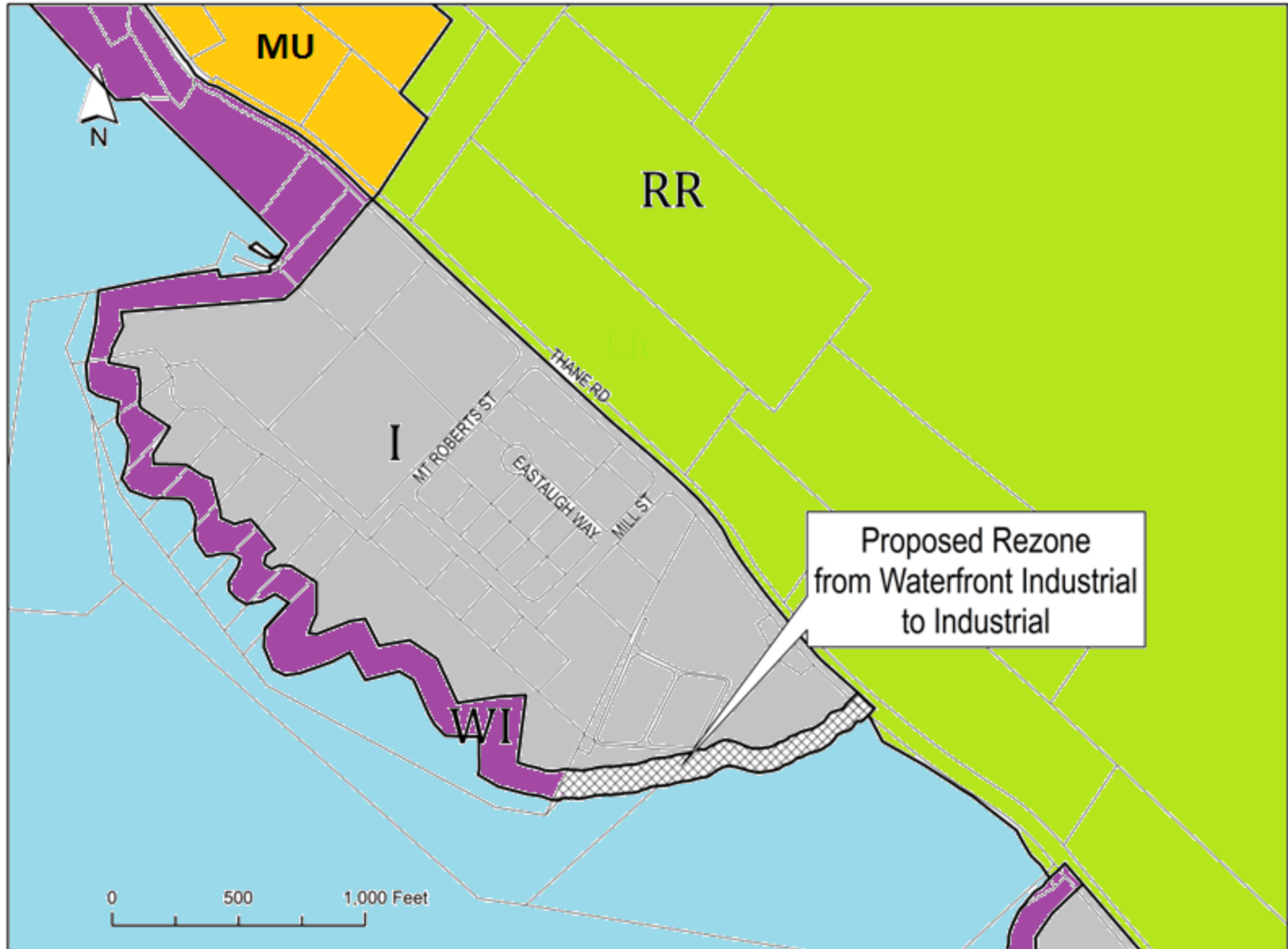
Attest:


Laurie J. Sica, Municipal Clerk

AME2015 0002

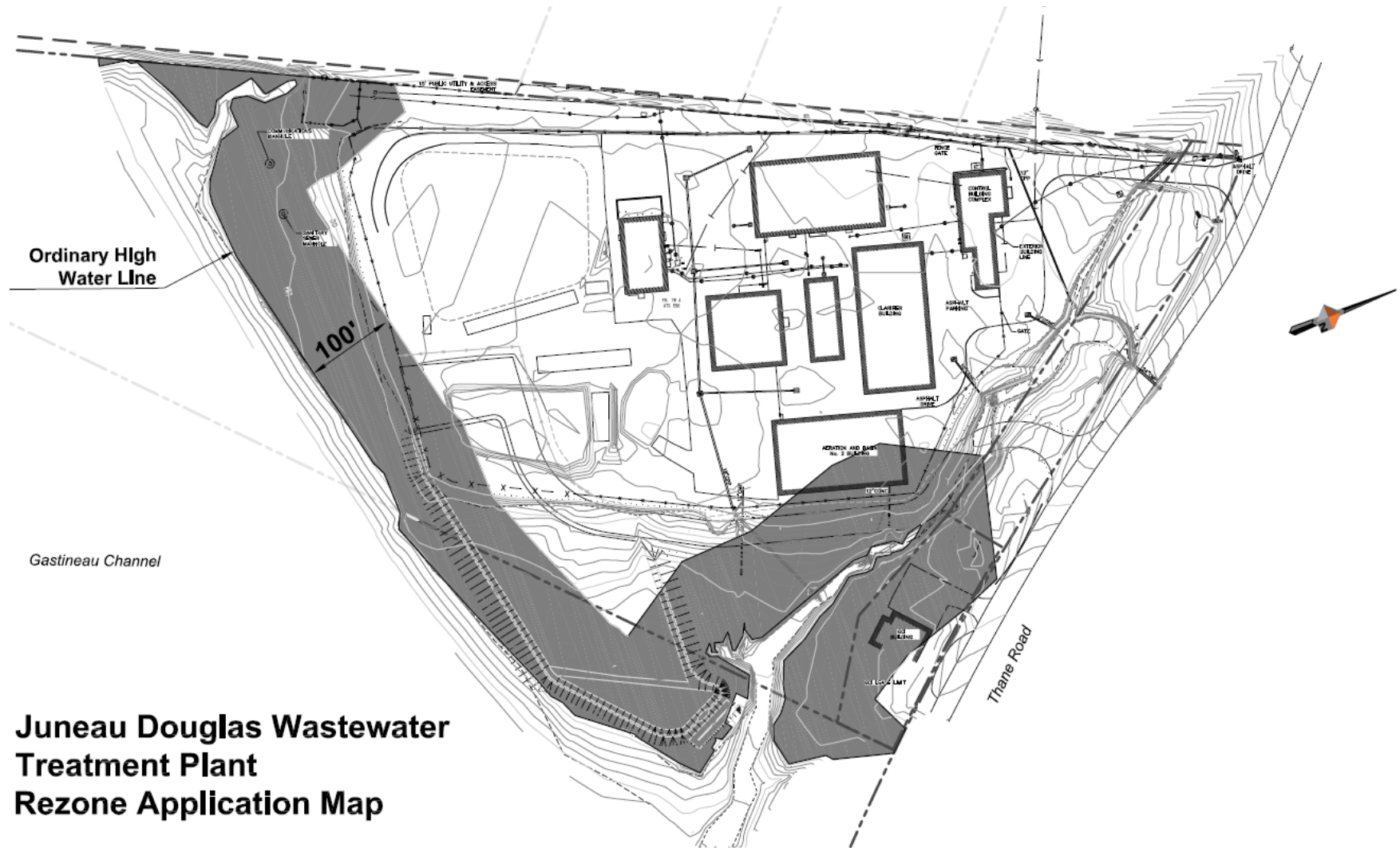
A Rezone request to change 4.5 acres from
Waterfront Industrial to Industrial

Special Assembly Meeting
June 11, 2015









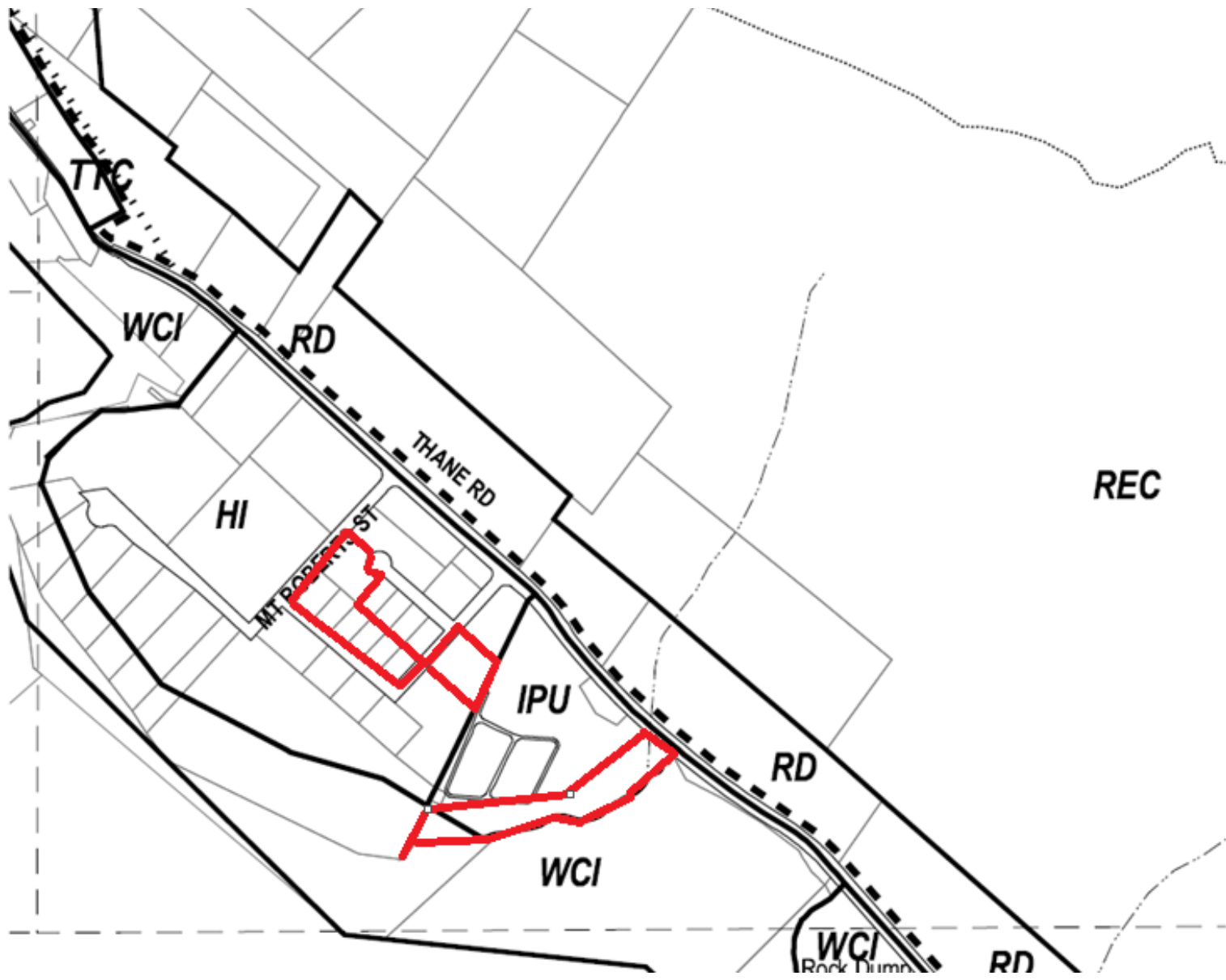
**Juneau Douglas Wastewater
Treatment Plant
Rezone Application Map**

CBJ 49.75.110 *Initiation*

“...A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.”

CBJ 49.75.120 Restrictions on rezonings.

- *If request is less than two acres it shall not be considered, unless it is an expansion of an existing zone.*
- *Similar rezone requests rejected within the last 12 months shall not be considered.*
- *Rezone must substantially conform to the land use maps of the comprehensive plan.*



CBJ 49.75.120 Restrictions on rezonings.

- *Rezone must substantially conform to the land use maps of the comprehensive plan.*

IPU – Institutional and Public Use:

Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, state and federal government uses; and for such public facilities as community gardens, schools, libraries, fire stations, treatment plants, and public sanitary landfills.....

The public use of these lands will vary widely, so IPU-designated lands can be under any zoning district, with uses thereon appropriate for the zone as regulated in the Table of Permissible Uses (CBJ 49.25.300); the zone of any particular public use should be the same district as the surrounding or abutting lands.

CBJ 49.75.120 Restrictions on rezonings.

- *Rezone must substantially conform to the land use maps of the comprehensive plan.*

WCI – Waterfront Commercial/Industrial:

Land to be used for water-dependent heavy commercial and industrial uses such as marine transportation terminals, large or small boat marinas, boat repair, shipyards, marine freight handling areas, fish buying and processing plants, ice plants, marine hatcheries, and marine parks. Residential uses would not be allowed in Waterfront Commercial/Industrial Districts, with the exception of caretaker units.

Chapter 5

POLICY 5.10. TO DESIGNATE SUFFICIENT AND SUITABLE LAND FOR ANTICIPATED COMMERCIAL AND INDUSTRIAL DEVELOPMENT AS PART OF ITS OVERALL ECONOMIC DEVELOPMENT PROGRAM

POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

5.11 – DG1 When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau's economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses. An industrial lands inventory and needs assessment may be required as part of such a rezoning application. Lands designated for Heavy Industrial (HI) Use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public purpose, as deemed by the Planning Commission and Assembly, warrants such conversion.

Chapter 10

POLICY 10.12. TO DESIGNATE AND RESERVE WATERFRONT LAND WITH ADEQUATE SERVICES AND IN APPROPRIATE LOCATIONS FOR WATER-DEPENDENT RECREATION, PUBLIC ACCESS AND COMMERCIAL/INDUSTRIAL ACTIVITIES WHILE PROMOTING IMPORTANT FISH AND WILDLIFE HABITAT AND OTHER COASTAL RESOURCES.

10.12 – DG1 Deep water ports and navigable waters are valued assets and are critical to the sustainability of our economy and the livability of Juneau. New development along the shoreline should ensure that deep water navigable lanes for barges, the Coast Guard, commercial fishing vessels, research vessels and other marine vessels critical to the local economy are protected from encroachment from incompatible lands uses or physical obstructions.”

Waterfront Plan summary

Subarea E of the planning area of the 2004 Long Range Waterfront Plan.

- important economic engine and logistics point for the community
- preserving and encouraging a continuation of waterfront dependent and industrial uses.
- with a high level of investment in industrial, public works and marine facilities this area is envisioned to remain similar to present levels of activity and character
- encourages the strengthening of land regulations in this subarea primarily to allow only industrial and non-cruise related maritime activities
- tourist related retail should be removed as a permissible use in this area, with the exception of such uses that are necessary to and located on the same lot as the cruise ship docks
- for continued utilization of a part of this area for the operation of the CBJ Wastewater Treatment Plant

Compliance with Title 49 Land Use Code

Table of Dimensional Standards

	I	WI	MU
Min. lot size	2,000	2,000	4,000
Min. lot width	20	20	50
Min. lot depth	60	60	80
Front setback	10	10	0
Rear setback	10	10	0
Side setback	10	10	0
Density per Acre	1Caretaker Unit	1 Caretaker Unit	No Max Density

Table of Permissible Uses

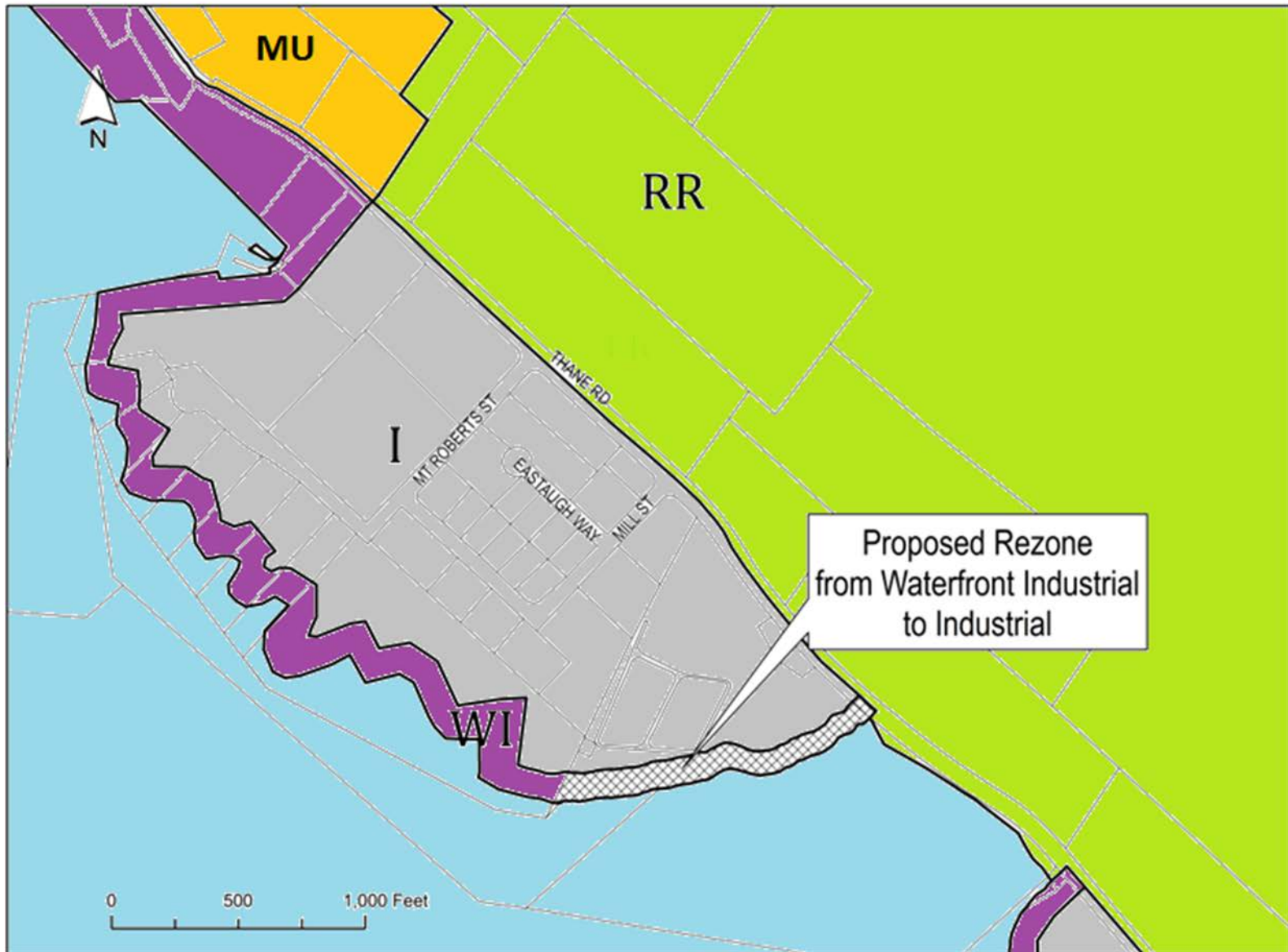
	I	WI	MU
Multifamily Dwellings			1,3
Day Care Homes			1,3
Hotels			1,3
Heavy Manufacturing	3	3N	
Sand and gravel operations	3	3N	

- '1' requires departmental approval
- '3' requires Conditional Use Permit
- Blank means the use is not allowed
- N = Use must be water-dependent, water related, water oriented

Assessor's Office raised several questions (Attachment 5), including:

- Have there been studies and consideration given to any other zoning on the waterfront in other areas of CBJ?
- What impact will this change make on how the waterfront portion is used and/or developed in the future?
- How can this impact other businesses or contracts the CBJ may have with entities working in the Channel or on either side of the area?

- No public comments at the time of the writing of the staff report.
- Blue folder item – in opposition to the requested rezone





Community Development

City & Borough of Juneau • Community Development

155 S. Seward Street • Juneau, AK 99801

DATE: July 8, 2015

TO: Mary Becker, Chair
Assembly Committee of the Whole

FROM: Teri Camery, Senior Planner 
Community Development Department

SUBJECT: Response to Assembly questions regarding the effect of the rezone request from Waterfront Industrial to Industrial on Mr. Lockwood's marina development

At the June 11, 2015 Special Assembly meeting regarding the protest of the Planning Commission's denial of AME2015 0002, Assembly members requested information regarding the effect of the CBJ Engineering and Public Works Department's rezone request on Mr. Lockwood's lease and proposed development, adjacent to the site. In response to that request, CDD staff have provided the following information:

Status of Mr. Lockwood's Lease with CBJ Docks and Harbors

Mr. Lockwood was originally issued a lease from CBJ Docks and Harbors in November 2007, with the stated purpose of developing and operating "a full-scale harbor marina complex, together with uplands commercial-related facilities, a public park, and all of the related amenities necessary for the operation of these facilities and improvements." The lease stipulated that the lessee was to submit a survey plat of the leased area to the CBJ within 24 months. That plat has not been submitted, and the CBJ may terminate the lease due to this default. Additionally, the lease would expire within 36 months if all permits were not in place, with the option for the applicant to request an extension. In October 2012 the CBJ Docks and Harbors Board voted to extend the lease for two years. In October 2014 the applicant again requested a second extension, and the Board voted to extend the lease for one year. The October 30, 2014 letter from Docks and Harbors to Mr. Lockwood states that Mr. Lockwood has until October 31, 2015 "to secure all permits necessary to develop a harbor marine complex with associated upland amenities." (Attachment 1, lease documents)

Mr. Lockwood's proposal and the effect of a zone change from Waterfront Industrial to Industrial zoning

In July 2014, CDD held a Conditional Use Permit pre-application meeting with Mr. Lockwood. According to the meeting notes and application materials, Mr. Lockwood's plans include a phased marina project that includes moorage; marine merchandise and equipment services; parks and open space; and 75 multi-family residential units. The facility is designed for "mega-yachts" and includes 112 slips for vessels 90-250 feet long. An email record of a meeting with Mr. Lockwood on December 2014 stated that Mr. Lockwood expected to turn in a revised Conditional Use application in February 2015. No application has been received to date.

A marina is allowed with a Conditional Use Permit in both the Waterfront Industrial and Industrial zoning districts (per CBJ Title 49 Table of Permissible Uses category 10.500, moorage). Sales of marine merchandise and equipment are also allowed with a Conditional Use Permit in Waterfront Industrial and Industrial (TPU category 2.130, marine merchandise and equipment). Boat repair and maintenance is allowed in Waterfront Industrial and Industrial with departmental approval (category 9.450, typically a building permit). Parks and open space are allowed in all zones.

Multi-family residential is not allowed in either the Waterfront Industrial or Industrial zoning districts. This part of the development would require a zone change. It's not clear whether the area meets the two-acre minimum threshold. However it is clear that the zone change would not conform with the 2013 Comprehensive Plan designation for the area, which is Waterfront Commercial Industrial. WCI is defined in the Comprehensive Plan as *"land to be used for water-dependent heavy commercial and industrial uses such as marine transportation terminals, large or small boat marinas, boat repair, shipyards, marine freight handling areas, fish buying and processing plants, ice plants, marine hatcheries, and marine parks."* This comprehensive plan designation supports the proposed marine development, but does not support housing. Only caretaker units associated with specific marine businesses would be allowed.

The only use category in which the change from Waterfront Industrial to Industrial could make a difference is "marine commercial facilities including fisheries support, commercial freight, passenger traffic" (Table of Permissible Uses 9.600). This use category is allowed with a Conditional Use Permit in the Waterfront Industrial zone, but is not allowed through any permit process in the Industrial zone. Mr. Lockwood's proposed development has not been classified under this category because the marina's intended use is for moorage of private "mega-yachts," not for commercial use. For comparison, public facilities such as Statter Harbor, Douglas Harbor, Aurora and Harris Harbors, and the Auke Bay Loading Facility have been categorized as marine facilities because these facilities accommodate fisheries, tourism, and other commercial uses. These public commercial uses are typically incompatible with private marina developments designed for luxury yachts.

To preserve all Waterfront Industrial development options for the site, including the possibility of a marine commercial facility, the Assembly could consider re-zoning only the portion of the property that

Committee of the Whole
 July 8, 2015
 Page 3 of 5

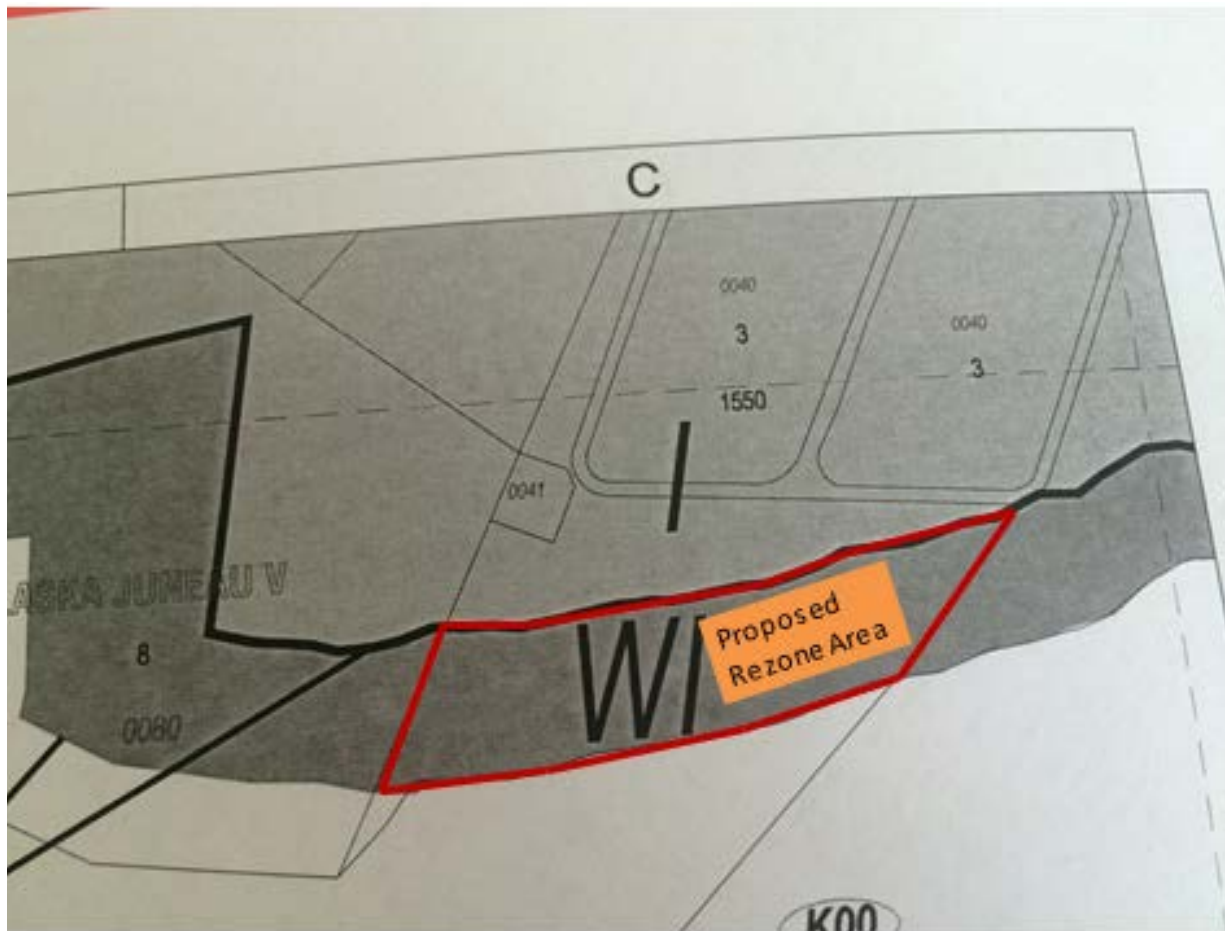
CBJ Engineering and Public Works most wants to develop, while leaving Mr. Lockwood's leased area out of the re-zone. The change from Waterfront Industrial to Industrial would affect only the outlined area below:



The zone change line is angled because the Waterfront Industrial area to be changed is 100 feet set back from the Mean High Water line, which meanders.

Committee of the Whole
 July 8, 2015
 Page 4 of 5

Here is how the zone change would appear on the CBJ Zoning Map:



CBJ Zoning Map and Comprehensive Plan Map history

The project area has been zoned Waterfront Industrial since 1987, and was zoned Industrial prior to this time. CDD staff have not found records regarding the rationale for the change to Waterfront Industrial. The 2013, 2008, and 1995 Juneau Comprehensive Plans have all designated the area as Waterfront Commercial Industrial.

Long Range Waterfront Plan

The 2004 Long Range Waterfront Plan, which is incorporated into the 2013 Comprehensive Plan, designates the future vision for Mr. Lockwood's project area as "Light/Intensive Maritime Activity." The line for this designation cuts through the CBJ property labeled as Public Works. "Light/intensive maritime activity" is further explained as follows: "Carefully planned, the Little Rock Dump may provide an additional waterfront park and recreation area. Varying degrees of light marine activities should be considered to activate the area and create economic viability. Redevelopment should consider this area

Committee of the Whole
July 8, 2015
Page 5 of 5

as a waterfront gateway to Juneau.” A change from Waterfront Industrial to Industrial does not conflict with this designation.

Conclusion

CDD concludes that the proposed zone change from Waterfront Industrial to Industrial will have negligible effect on Mr. Lockwood’s proposed development. Mr. Lockwood’s proposed marina and related uses are allowed with a Conditional Use Permit in either zone, while the proposed multi-family residential use is prohibited in both zones. The only use which would be eliminated by the zone change is a marine commercial facility, which has not been proposed and is likely incompatible with a luxury yacht marina.

To preserve all future development options for the lease area, the Assembly may wish to consider re-zoning only the section of the lot that CBJ Engineering and Public Works wants to develop, as shown in the previous images.

Attachments

Attachment 1 - CBJ and Lockwood Lease 2007, 2012, 2014

Attachment 2 - Page 31 of Long Range Waterfront Master Plan



cc

THIS COVER SHEET HAS BEEN ADDED TO THIS DOCUMENT TO PROVIDE SPACE FOR THE RECORDING DATA. THIS COVER SHEET APPEARS AS THE FIRST PAGE OF THE DOCUMENT IN THE OFFICIAL PUBLIC RECORD.

DO NOT DETACH

JUNEAU PORT DEVELOPMENT TIDELANDS LEASE 2007

PART I. PARTIES. This Lease is between the City and Borough of Juneau, Alaska, a municipal corporation in the State of Alaska, hereafter "City," and Juneau Port Development, LLC, hereafter "Lessee."

PART II. LEASE ADMINISTRATION. All communications about this Lease shall be directed as follows, and any reliance on a communication with a person other than that listed below is at the party's own risk.

CITY:

Attn: John M. Stone, P.E.
Port Director
City and Borough of Juneau

155 S. Seward Street
Juneau, Alaska 99801
Phone: (907) 586-0494
Fax: (907) 463-2606

LESSEE:

Juneau Port Development, LLC
Howard H. Lockwood, Manager
Lessee

P.O. Box 20734
Juneau, Alaska 99802
Phone: (907) 209-4250
Fax: (907) 463-3055

STATE RECORDER:

PLEASE RETURN TO JOHN M. STONE AT ABOVE LISTED ADDRESS

PART III. LEASE DESCRIPTION. This Lease is identified as the Juneau Port Development Tidelands Lease 2007. The following appendices are attached hereto and are considered a part of this Lease as well as anything incorporated by reference or attached to those appendices.

- Appendix A: Property Description & Additional Lease Provisions
- Appendix B: Lease Provisions Required by CBJ Chapter 53.20
- Appendix C: Standard Provisions

If in conflict, the order of precedence shall be: this document, Appendix A, then B, and then C.

PART IV. LEASE EXECUTION. City and Lessee agree and sign below. This Lease is not effective until signed by City.

CITY:

Date: NOV 14, 2007
By: [Signature]
Authorized Representative
John M. Stone
Port Director

LESSEE:

Date: Nov 14, 2007
By: [Signature]
Juneau Port Development, LLC
Howard H. Lockwood, Manager
Lessee

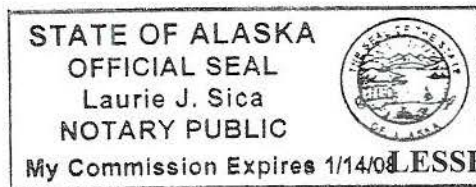


CITY ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss:
 FIRST JUDICIAL DISTRICT)

This is to certify that on the 14th day of November, 2007, before the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared John M. Stone to me known to be the Port Director of the City and Borough of Juneau, Alaska, a municipal corporation which executed the above and foregoing instrument, who on oath stated that he was duly authorized to execute said instrument on behalf of said corporation; who acknowledged to me that he signed the same freely and voluntarily on behalf of said corporation for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in the certificate first above written.



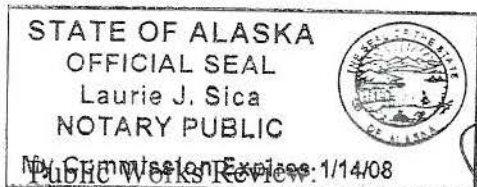
Laurie J. Sica
 Notary Public in and for the State of Alaska
 My Commission Expires: 11/14/2007

LESSEE ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss:
 FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 14th day of November, 2007, before me, the undersigned, duly commissioned and sworn, personally appeared Howard H. Lockwood to me known to be the identical individual described in and who executed the foregoing instrument as Lessee; who on oath stated that he was duly authorized to execute said instrument on behalf of Juneau Port Development, LLC; who acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in the certificate first above written.



Laurie J. Sica
 Notary Public in and for the State of Alaska
 My Commission Expires: 11/14/2007

[Signature], Public Works Department

Risk Management Review: Tom Allen, Risk Manager

Approved as to Form: Pombura, Law Department



APPENDIX A: PROPERTY DESCRIPTION & ADDITIONAL LEASE PROVISIONS

1. DESCRIPTION OF PROPERTY

The property subject to this Lease is referred to as “the Leased Premises” or “the Property.” The Leased Premises are as follows:

(a) The premises comprised of filled and unfilled tidelands described as a portion of Alaska Tidelands Survey 556A as depicted on Exhibit A and shown generally on Exhibit B, exclusive of any recorded easements and any easements needed by the City and Borough of Juneau for its operations and activities at the Juneau Wastewater Treatment Plant, which plant is located on the northwest portion of the Leased Premises at 1540 Thane Road. City agrees to provide Lessee with a description of the easements on and over the Leased Premises that City needs for its operations and activities at the Juneau Wastewater Treatment Plant not later than 12 months after the effective date of this Lease; those easements shall be attached to and incorporated by this reference into this Lease.

(b) Lessee agrees to allow City to continue to use the area known as the “Little Rock Dump” shown on Exhibit A, or any portion of that area, for its operations and storage uses until such time as Lessee begins construction within that area; provided that areas within the “Little Rock Dump” that are not used by Lessee as part of its development shall remain under the direction and control of City.

(c) Lessee agrees to provide City with a survey plat showing the exact boundaries and a legal description of the Leased Premises, including all recorded easements within the Leased Premises, and all easements identified by City as needed by City for its operations and activities at the Juneau Wastewater Treatment Plant. Lessee will provide this survey plat and legal description to City no later than 24 months after the effective date of this Lease. The survey plat shall also show the boundaries and area of Lessee’s proposed development and public use areas. Upon acceptance of the survey plat and legal description by City as satisfactory, this survey plat and legal description shall replace the survey contained in Exhibit A to this Lease; a Revised Exhibit A with the new survey plat and legal description of the Leased Premises shall be attached to this Lease and this Lease shall be amended accordingly.



2. AUTHORITY

This Lease is entered into pursuant to the authority of CBJ 85.02.060(a)(5) and CBJ Chapter 53.20; and Ordinance 2007- 43 enacted by the Assembly on August 20, 2007, and effective on September 20, 2007.

3. TERM AND RENEWAL OPTION

(a) The term of this Lease shall be for an initial period of 35 years, commencing on the effective date of this Lease, unless sooner terminated as provided herein. The effective date of this Lease shall be the date this Lease is signed by City.

(b) City grants Lessee an option to renew this Lease for one successive period of 35 years. Lessee shall exercise this option, if at all, by written notice given to City during the first six months of the last year of the underlying Lease term, provided City may deny renewal of this Lease for good cause shown. "Good cause" must relate to acts and omissions under this Lease.

4. LEASE PAYMENTS AND ADJUSTMENTS

(a) Lessee agrees to pay City annual Lease payments for the Leased Premises. A qualified appraiser shall establish the annual Lease payment and the appraisal shall consider the values of comparable land in the same or similar areas. When establishing the Lease payment, the appraiser shall not include the value of improvements made by Lessee pursuant to this Lease. The appraiser shall also take into consideration encumbrances that existed upon the Leased Premises on the effective date of the Lease, such as mineral claims, environmental contamination, and access issues. The appraiser shall not value areas of the Leased Premises that are not developable or that are made available for public use under this Lease, such as waterfront parks and seawalks. Lessee agrees to pay for all appraisal costs required to establish the annual Lease payment under this subsection.

(b) Lessee shall submit the initial appraisal to City before the harbor facility to be constructed by Lessee on the Leased Premises is opened for occupancy. The first annual Lease payment will be due to City one year after the date the harbor facility is opened for occupancy. The first Lease payment will be calculated to include retroactive annual Lease payments beginning with the effective date of this Lease through one year after the date the harbor facility



is opened for occupancy. Subsequent annual Lease payments shall be due at the end of the calendar year (December 31) following the year the first annual Lease payment is due. City agrees to offset the Lease payments under this section with credits that are approved under Appendix B, Section 3(23) of this Lease.

(c) Lessee agrees to a review and adjustment by the Port Director of the annual Lease payment to City not less often than every fifth year of the Lease term, beginning with the Lease payment due after completion of each review period. Any changes or adjustments shall be based primarily upon an appraisal that considers the values of comparable land in the same or similar areas. The appraisal shall not include the value of improvements made by Lessee pursuant to this Lease, except that the value of any improvements credited against payments shall be included in the appraisal as necessary to grant credits approved under Appendix B, Section 3(23) of this Lease. Lessee may protest the adjustment to City, and if denied wholly or in part, Lessee may appeal to the City Docks & Harbors Board. Lessee agrees to pay for all appraisal costs required to establish the Lease payment adjustments under this subsection.

5. AUTHORIZED USE OF LEASED PREMISES

(a) Lessee agrees to use the Leased Premises to plan, design, engineer, permit, finance, construct, sub-lease, and operate a full-scale harbor marina complex, together with uplands commercial marine-related facilities, a public park, and all of the related amenities necessary for the operation of these facilities and improvements.

(b) Lessee shall be responsible for obtaining all necessary permits and approvals that may be necessary for Lessee's development of the Leased Premises.

(c) Lessee agrees to obtain and have in place the permits and approvals necessary to start construction of the harbor facilities and amenities listed in subsection (a) of this Section 5 within 36 months after the effective date of this Lease. The site plan, conceptual design, cost estimates, and construction plan and schedule for the development of the Leased Premises will be presented to the Port Director and the City Docks & Harbor Board for review and approval prior to the commencement of any construction, unless otherwise agreed in writing by the parties. If Lessee does not have the permits in place within 36 months after the effective date of this Lease, the Lease shall terminate; provided, Lessee may request in writing to the Port Director that City extend the 36-month planning and permitting period if Lessee makes a showing satisfactory to



City that it has pursued the planning and permitting for its development of the harbor facilities on the Leased Premises with all due diligence and cannot meet this 36-month deadline for reasons beyond its control. Any extension to this 36-month period must be approved in writing by the Port Director.

(d) Lessee agrees to complete construction and commence operation of the harbor facilities and amenities within 48 months after Lessee has been issued all the permits and approvals necessary to start construction. If Lessee does not complete construction and commence operation within this 48 month period, the Lease shall terminate; provided, Lessee may request in writing to the Port Director that City extend this 48-month period if Lessee makes a showing satisfactory to City that it will complete construction and commence operation of the harbor facilities and amenities with all due diligence and cannot meet this 48-month deadline for reasons beyond its control. The time period of any such extension shall be decided by the Docks and Harbors Board; any extension must be in writing by City.

(e) The Leased Premises shall be used only for purposes within the scope of Lessee's lease proposal and the terms of this Lease, and in conformity with the City and Borough Code, and all applicable State and Federal laws and regulations. Use or development of the Leased Premises for other than the authorized uses shall constitute a violation of this Lease and subject the Lease to cancellation at any time. Lessee acknowledges that the Leased Premises adjoin the Juneau Wastewater Treatment Plant and that the Treatment Plant does and will cause the release of malodorous vapors. Lessee agrees to hold City harmless from any and all effects resulting from or caused by any and all such releases. This indemnification provision is in addition to the hold harmless and indemnification provision set out in Appendix C, Section 9, of this Lease, which also applies to this Lease.

6. ENVIRONMENTAL MATTERS

(a) **Lessee's Responsibility for Environmental Laws.** Lessee shall, at its own expense, comply with all existing and hereafter enacted environmental responsibility laws, hereafter "Environmental Laws." Lessee shall, at its own expense, make all submissions to, provide all information to, and comply with all requirements of the appropriate governmental authority, hereafter "Authority," under the Environmental Laws. Should the Authority require that a cleanup plan be prepared and that a cleanup be undertaken because of any spills or discharges of



or contamination by Hazardous Materials, as hereafter defined, or other materials, on the Leased Premises that occur during the term of the Lease, or arise out of or in connection with Lessee's use or occupancy of the Leased Premises and occur during the term of the Lease, then Lessee shall, at its own expense, prepare and submit the required plans and financial assurances and carry out the approved plans. Lessee's obligations under this section shall arise if there is any event or occurrence on the Leased Premises during the term of the Lease or arising out of or in connection with the Lessee's use or occupancy of the Leased Premises that requires compliance with the Environmental Laws. At no expense to City, Lessee shall promptly provide all information requested by City for preparation of affidavits or other documents required by City to determine the applicability of the Environmental Laws to the Lease, and shall sign the affidavits promptly when requested to do so by City.

(b) Indemnification by Lessee. Lessee shall indemnify, defend and hold harmless City from all fines, suits, procedures, claims, liabilities, and actions of any kind arising out of or in any way connected with any spills or discharges of or contamination by Hazardous Materials on the Leased Premises that occur during the term of the Lease or arise out of or in connection with Lessee's use or occupancy of the Leased Premises; and from all fines, suits, procedures, claims, liabilities, and actions of any kind arising out of Lessee's failure to provide all information, make all submissions, and take all steps required by the Authority under the Environmental Laws or any other law concerning any spills or discharges or contamination that occur during the term of the Lease or arise out of or in connection with Lessee's use or occupancy of the Leased Premises, unless such contamination was placed upon the Leased Premises by City or City's action, prior to the signing of this Lease. This indemnification provision is in addition to the hold harmless and indemnification provision set out in Appendix C, Section 9, of this Lease, which also applies to this Lease.

(c) Lessee's Assurances to City. Lessee agrees that it will not discharge or dispose of or suffer the discharge or disposal of any petroleum products, gasoline, hazardous chemicals or Hazardous Materials upon the Leased Premises except when fully in compliance with the Environmental Laws. Lessee agrees that it will not construct any above ground or under ground fuel or chemical tanks without the written consent of City.



(d) Notice of Environmental Problems. Lessee agrees to immediately notify City if Lessee becomes aware of (1) any Hazardous Material or other environmental problem or liability with respect to the Leased Premises, or (2) any lien, action, or notice resulting from the claimed or actual violation of Environmental Laws, including but not limited to the generation, recycling, reuse, sale, storage, handling, transport and disposal of any Hazardous Material.

(e) Lessee's Obligations Unconditional. Lessee's obligations under this section regarding environmental compliance are unconditional and shall not be limited by any non-recourse or other limitations of liability provided for in the Lease or any document executed in connection with the Lease. The representations and covenants of Lessee set forth in the Lease, including without limitation, the indemnity for environmental compliance provided herein, are (1) separate and distinct obligations from Lessee's obligations under the Lease, (2) shall not be discharged or satisfied by Lease compensation or other payment under the Lease, and (3) shall continue in effect after any further transfer of the Leased Premises.

(f) "Environmental Laws" Defined. For purposes of the Lease, "Environmental Laws" is defined to include all City, State, and Federal laws or regulations, whether currently in existence or hereafter enacted, that govern (1) the existence, clean-up, or remedy of contamination on property; (2) the protection of the environment from spilled, deposited, or otherwise emplaced contamination; (3) the control of hazardous waste; or (4) the use, generation, transport, treatment, removal, or recovery of Hazardous Material.

(g) "Hazardous Material" Defined. For purposes of the Lease, "Hazardous Material" means any hazardous or toxic substance, material or waste which is or becomes regulated by the City and Borough of Juneau, Alaska, the State of Alaska, or the United States government. It is any substance which at any time shall be listed as "hazardous" or "toxic" or which has been or shall be determined at any time by any agency or court to be a hazardous or toxic substance regulated under Environmental Laws. The term "Hazardous Material" shall also include, without limitation, raw materials, building components, the products of any manufacturing or other activities on the Leased Premises, wastes, petroleum, oil, and source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 301 1, *et seq.*, as amended).



(h) Pre - Construction Audits. Lessee shall responsible for engaging a qualified contractor(s) to conduct any and all pre-construction environmental audits that may be necessary to secure the permits and approvals for its planned development of the harbor facilities and amenities on the Leased Premises. All pre-construction audits required for the permitting process must be completed by Lessee prior to the commencement of any construction. The cost of environmental audits shall be paid by Lessee. The results of all environmental audits shall be made available to employees or agents of City as designated by the Port Director.

(i) Modification of Leased Premises Possible. It is recognized by the parties that the portion of the Leased Premises known as the Old Garbage Dump near Snowslide Creek was used as a material waste dump by the City and Borough of Juneau during the late 1940's, the 1950's, and the 1960's, and sewerage sludge deposit site by the City and Borough of Juneau sewer disposal system. Further, the cove area west towards the current Juneau Wastewater Treatment Plant was used for many years as an "old boat bone yard." Lessee intends to review all available options for the satisfactory clean-up and reclamation of the Little Rock Dump portion of the Leased Premises. In the event this planned clean-up and reclamation is not approved by the applicable Federal and State agencies, and by City, then Lessee, at its sole discretion, may remove the unacceptable portion of the Leased Premises from the development plan without liability or responsibility to Lessee to conduct clean-up and reclamation of that portion, and continue with the project; removal of the unacceptable portion of the Leased Premises from the development plan, if any, shall have no affect on the amount of the next annual Lease payment due or subsequent Lease payment adjustments.

(j) Costs and Expenses Incurred by Lessee. All costs and expenses incurred by Lessee as a result of fulfilling the environmental remediation requirements of City, State, or Federal agencies for all pre-construction environmental audits necessary for the permitting process and construction monitoring, together with the collection, clean-up, and proper removal and disposal of the contaminated and undesirable material that is known to exist in or upon the Leased Premises, will be eligible for lease rental credit as provided in Appendix B, Section 3(23) of this Lease.



7. SPECIAL CONDITIONS REGARDING THE LEASED PREMISES

(a) At any time after the first 36 months of this Lease, City or the City Docks & Harbors Board may, at City's discretion and at its cost and expense, undertake planning, designing, permitting, financing, and construction of any improvement or facility within the Leased Premises. Any such work by City will be planned to fit into Lessee's work schedule and development plans for the Leased Premises.

(b) Lessee's planning, design, construction, and development of any improvement or facility within the Leased Premises must be in accordance with all applicable City and Borough Code provisions and all City, State, and Federal permitting and approval requirements, and must be compatible with the Long Range Waterfront Development Plan.

(c) Lessee represents that the Leased Premises is covered by valid existing mining claims described as WAST 1-5 ADL 517981 through ADL 517985, which claims are governed by Alaska Statutes, AS 38.05.185 through AS 38.05.275. City agrees that, as between City and Lessee, it is permissible for Lessee to remove and dispose of specific materials in accordance with these mining claims and the applicable Alaska Statutes. The parties further agree that upon expiration of this Lease, Lessee will assign to City all of Lessee's rights remaining under these mining claims.

8. INSURANCE

(a) **Commercial General Liability Insurance.** Lessee shall maintain at all times during this Lease commercial general liability insurance in the amounts of \$1,000,000 per occurrence and \$2,000,000 general aggregate. The insurance policy shall name City as an "Additional Insured" and shall contain a clause that the insurer will not cancel or change the insurance without first giving City 31-days' prior written notice. Lessee will provide evidence of this insurance to City in a form acceptable to the City's Risk Management office.

(b) **Property Insurance.** Lessee acknowledges that City carries no fire or other casualty insurance on the Leased Premises or the improvements located on the Leased Premises, and that it is Lessee's obligation to obtain adequate insurance coverage for protection of Lessee's buildings, fixtures, facilities, or other improvements, or personal property, located or to be developed and located on the Leased Premises by Lessee, and adequate insurance to cover debris removal.



**APPENDIX B:
LEASE PROVISIONS REQUIRED BY CBJ CHAPTER 53.20**

1. RESPONSIBILITY TO PROPERLY LOCATE ON LEASED PREMISES.

As required by CBJ 53.20.160, it shall be the responsibility of Lessee to properly locate Lessee's improvements on the Leased Premises and failure to so locate shall render Lessee's liable as provided by law.

2. APPROVAL OF OTHER AUTHORITIES.

As required by CBJ 53.20.180, the issuance by City of leases, including this Lease, under the provisions of CBJ Title 53 does not relieve Lessee of responsibility for obtaining licenses, permits, or approvals as may be required by City or by duly authorized State or Federal agencies.

3. TERMS AND CONDITIONS OF LEASES REQUIRED BY CBJ 53.20.190.

As required by CBJ 53.20.190, the following terms and conditions govern all leases and are incorporated into this Lease unless modified by the Assembly by ordinance or resolution for this specific Lease. Modifications of the provisions of this Appendix B applicable to this specific Lease, if any, must specifically modify such provisions and be supported by the relevant ordinance or resolution to be effective.

(1) Lease Utilization. The Leased Premises shall be utilized only for purposes within the scope of the application and the terms of the Lease, and in conformity with the provisions of City and Borough Code, and applicable State and Federal laws and regulations. Utilization or development of the Leased Premises for other than the allowed uses shall constitute a violation of the Lease and subject the Lease to cancellation at any time.

(2) Adjustment of Rental. See Appendix A, Section 4, regarding Adjustment of Rental.

(3) Subleasing. As authorized by Ordinance 2007-43, Lessee may sublease the Leased Premises or any part of the Leased Premises; provided, that Lessee must first obtain the prior written consent of City. Subleases shall be in writing and be subject to the terms and conditions of the original Lease; all terms, conditions, and covenants of the underlying Lease that may be made to apply to the sublease are hereby incorporated into the sublease.



(4) **Assignment.** Lessee may assign its rights and obligations under this Lease; provided that the proposed assignment shall be approved by City prior to any assignment. The assignee shall be subject to all of the provisions of the Lease. All terms, conditions, and covenants of the underlying Lease that may be made applicable to the assignment are hereby incorporated into the assignment.

(5) **Modification.** The Lease may be modified only by an agreement in writing signed by all parties in interest or their successor in interest.

(6) **Cancellation and Forfeiture.**

(A) The Lease, if in good standing, may be canceled in whole or in part, at any time, upon mutual written agreement by Lessee and City.

(B) City may cancel the Lease if it is used for any unlawful purpose.

(C) If Lessee shall default in the performance or observance of any of the Lease terms, covenants or stipulations thereto, or of the regulations now or hereafter in force, or any of the provisions of this code, and should the default continue for thirty calendar days after service of written notice by City without remedy by Lessee of the conditions warranting default, City may subject Lessee to appropriate legal action including, but not limited to, forfeiture of the Lease. No improvements may be removed by Lessee or other person during any time Lessee is in default.

(D) Failure to make substantial use of the land, consistent with the proposed use, within one year shall in the discretion of City with the approval of the Assembly constitute grounds for cancellation.

(7) **Notice or Demand.** Any notice or demand, which under the terms of a lease or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address of record. However, either party may designate in writing such new or other address to which the notice or demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed delivered when deposited in a United States general or branch post office enclosed in a registered or certified mail prepaid wrapper or envelope addressed as hereinbefore provided.



(8) **Rights of Mortgagee or Lienholder.** In the event of cancellation or forfeiture of a lease for cause, the holder of a properly recorded mortgage, conditional assignment or collateral assignment will have the option to acquire the lease for the unexpired term thereof, subject to the same terms and conditions as in the original lease.

(9) **Entry and Reentry.** In the event that the Lease should be terminated as hereinbefore provided, or by summary proceedings or otherwise, or in the event that the demised lands, or any part thereof, should be abandoned by Lessee during the term, City or its agents, servants, or representative, may, immediately or any time thereafter, reenter and resume possession of the lands or such thereof, and remove all persons and property there from either by summary proceedings or by a suitable action or proceeding at law without being liable for any damages therefor. No reentry by City shall be deemed an acceptance of a surrender of the Lease.

(10) **Release.** In the event that the Lease should be terminated as herein provided, or by summary proceedings, or otherwise, City may offer the lands for lease or other appropriate disposal pursuant to the provisions of City and Borough Code.

(11) **Forfeiture of Rental.** In the event that the Lease should be terminated because of any breach by Lessee, as herein provided, the annual rental payment last made by Lessee shall be forfeited and retained by City as partial or total damages for the breach.

(12) **Written Waiver.** The receipt of rent by City with knowledge of any breach of the Lease by Lessee or of any default on the part of Lessee in observance or performance of any of the conditions or covenants of the Lease, shall not be deemed a waiver of any provision of the Lease. No failure on the part of City to enforce any covenant or provision therein contained, nor any waiver of any right thereunder by City unless in writing, shall discharge or invalidate such covenants or provisions or affect the right of City to enforce the same in the event of any subsequent breach or default. The receipt, by City, of any rent or any other sum of money after the termination, in any manner, of the term demised, or after the giving by City of any notice thereunder to effect such termination, shall not reinstate, continue, or extend the resultant term therein demised, or destroy, or in any manner impair the efficacy of any such notice or termination as may have been given thereunder by City to Lessee prior to the receipt of any such sum of money or other consideration, unless so agreed to in writing and signed by City.



(13) **Expiration of Lease.** Unless the Lease is renewed or sooner terminated as provided herein, Lessee shall peaceably and quietly leave, surrender and yield up unto City all of the Leased Premises on the last day of the term of the Lease.

(14) **Renewal Preference.** Any renewal preference granted Lessee is a privilege, and is neither a right nor bargained for consideration. The lease renewal procedure and renewal preference shall be that provided by ordinance in effect on the date the application for renewal is received by the designated official.

(15) **Removal or Reversion of Improvements upon Termination of Lease.** Improvements owned by Lessee shall within sixty calendar days after the termination of the Lease be removed by Lessee; provided, such removal will not cause injury or damage to the lands or improvements demised; and further provided, that City may extend the time for removing such improvements in cases where hardship is proven. Improvements owned by Lessee may, with the consent of City, be sold to the succeeding Lessee. All periods of time granted Lessee to remove improvements are subject to Lessee's paying to City pro rata lease rentals for the period.

(A) If any improvements and/or chattels not owned by City and having an appraised value in excess of five thousand dollars as determined by the assessor are not removed within the time allowed, such improvements and/or chattels shall upon due notice to Lessee, be sold at public sale under the direction of City. The proceeds of the sale shall inure to Lessee preceding if Lessee placed such improvements and/or chattels on the lands, after deducting for City rents due and owing and expenses incurred in making such sale. Such rights to the proceeds of the sale shall expire one year from the date of such sale. If no bids acceptable to the Port Director are received, title to such improvements and/or chattels shall vest in City.

(B) If any improvements and/or chattels having an appraised value of five thousand dollars or less, as determined by the assessor, are not removed within the time allowed, such improvements and/or chattels shall revert to, and absolute title shall vest in, City.



(16) Rental for Improvements or Chattels not Removed. Any improvements and/or chattels belonging to Lessee or placed on the Lease during Lessee's tenure with or without his permission and remaining upon the premises after the termination date of the Lease shall entitle City to charge Lessee a reasonable rent therefor.

(17) Compliance with Regulations and Code. Lessee shall comply with all regulations, rules, and the Code of the City and Borough of Juneau, and with all State and Federal laws, regulations, and as the Code or any such laws, regulations or rules may affect the activity upon or associated with the Leased Premises.

(18) Condition of Premises. Lessee shall keep the Leased Premises in neat, clean, sanitary and safe condition and shall take all reasonable precautions to prevent, and take all necessary action to suppress destruction or uncontrolled grass, brush or other fire on the Leased Premises. Lessee shall not undertake any activity that causes or increases a sloughing off or loss of surface materials of the Leased Premises.

(19) Inspection. Lessee shall allow an authorized representative of City to enter the Leased Premises for inspection at any reasonable time.

(20) Use of Material. Lessee of the surface rights shall not sell or remove for use elsewhere any timber, stone, gravel, peat moss, topsoils, or any other material valuable for building or commercial purposes; provided, however, that material required for the development of the Leased Premises may be used. In addition, as authorized by Ordinance 2007- 43 and as provided in Appendix A, Section 7(c), of this Lease, the parties are aware that the Leased Premises is covered by valid existing mining claims described as WAST 1-5 ADL 517981 through ADL 517985, which claims are governed by Alaska Statutes, AS 38.05.185 through AS 38.05.275. City agrees that, as between City and Lessee, it is permissible for Lessee to remove and dispose of specific materials in accordance with these mining claims and the applicable Alaska Statutes.

(21) Rights-of-Way. City expressly reserves the right to grant easements or rights-of-way across the Leased Premises if it is determined in the best interest of City to do so. If City grants an easement or right-of-way across any of the Leased Premises, Lessee shall be entitled to damages for all Lessee-owned improvements or crops destroyed or damaged. Damages shall be



limited to improvements and crops only, and loss shall be determined by fair market value. Annual rentals may be adjusted to compensate Lessee for loss of use.

(22) **Warranty.** City does not warrant by its classification or leasing of land that the land is ideally suited for the use authorized under the classification or Lease and no guaranty is given or implied that it shall be profitable to employ land to said use.

(23) **Lease Rental Credit.** When authorized in writing by City prior to the commencement of any work, Lessee may be granted credit against current or future rent; provided the work accomplished on or off the Leased Premises results in increased valuation of the Leased Premises or other City-owned lands. The authorization may stipulate type of work, standards of construction, and the maximum allowable credit for each phase of the specific project. The credit will be based upon appraised value of such improvements or the actual costs of work performed. Title to improvements or chattels credited against rent under this section shall vest immediately and be in City and shall not be removed by Lessee upon termination of this Lease.



APPENDIX C: STANDARD PROVISIONS

(1) **Holding Over.** If Lessee holds over beyond the expiration of the term of this Lease and the term has not been extended or renewed in writing, such holding over will be a tenancy from month-to-month only.

(2) **Interest on Late Payments.** Should any installment of rent or other charges provided for under the terms of this Lease not be paid when due, the same shall bear interest at the rate established by ordinance for late payments or at the rate of 12 percent per annum, if no rate has been set by ordinance.

(3) **Taxes, Assessments, and Liens.** During the term of this Lease, Lessee shall pay, in addition to the rents, all taxes, assessments, rates, charges, and utility bills for the Leased Premises and Lessee shall promptly pay or otherwise cause to be discharged, any claim resulting or likely to result in a lien, against the Leased Premises or the improvements placed thereon.

(4) **Easements.** Lessee shall place no building or structure over any portion of the Leased Premises where the same has been set aside or reserved for easements.

(5) **Encumbrance of Parcel.** Lessee shall not encumber or cloud City's title to the Leased Premises or enter into any lease, easement, or other obligation of City's title without the prior written consent of City; and any such act or omission, without the prior written consent of City, shall be void against City and may be considered a breach of this Lease.

(6) **Valid Existing Rights.** This Lease is entered into and made subject to all existing rights, including easements, rights-of-way, reservations, or other interests in land in existence, on the date of execution of this Lease. As authorized by Ordinance 2007- 43, and as provided in Appendix A, Section 7(c) of this Lease, the parties agree that upon expiration of this Lease, Lessee will assign to City all of Lessee's rights remaining under the valid existing mining claims described as WAST 1-5 ADL 517981 through ADL 517985.

(7) **State Discrimination Laws.** Lessee agrees, in using and operating the Leased Premises, to comply with applicable sections of Alaska law prohibiting discrimination, particularly Title 18 of the Alaska Statutes, Chapter 80, Article 4 (Discriminatory Practices Prohibited). In the event of Lessee's failure to comply any of the above non-discrimination covenants, City shall have the right to terminate the Lease.



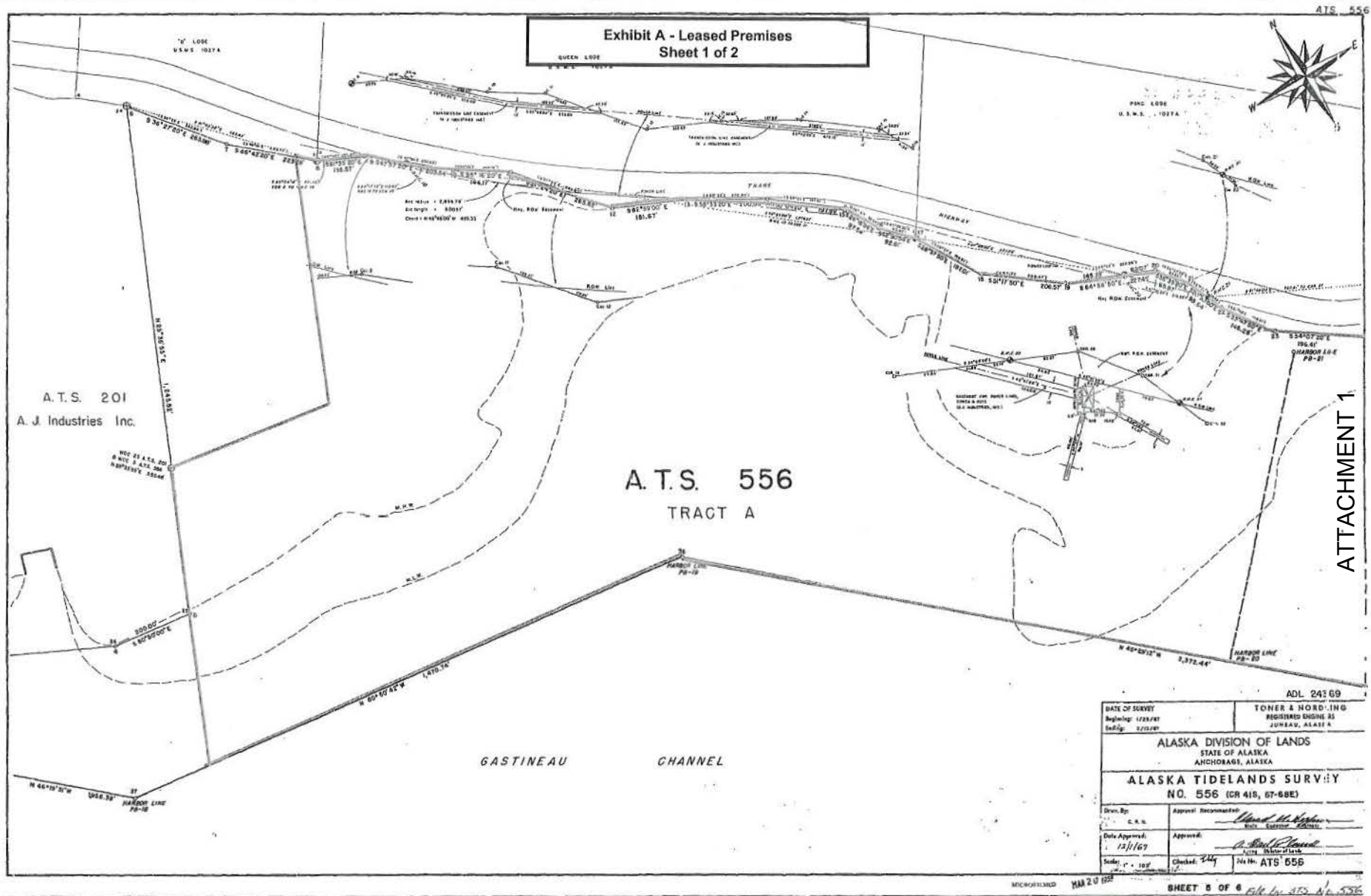
(8) **Unsafe Use.** Lessee shall not do anything in or upon the Leased Premises, nor bring or keep anything therein, which will unreasonably increase or tend to increase the risk of fire or cause a safety hazard to persons or obstruct or interfere with the rights of any other tenant(s) or in any way injure or annoy them or which violates or causes violation of any applicable health, fire, environmental or other regulation by any level of government.

(9) **Hold Harmless.** Lessee agrees to defend, indemnify, and save City, its employees, volunteers, consultants, and insurers, with respect to any action, claim, or lawsuit arising out of the use and occupancy of the Leased Premises by Lessee. This agreement to defend, indemnify, and hold harmless is without limitation as to the amount of fees, and without limitation as to any damages resulting from settlement, judgment, or verdict, and includes the award of any attorneys fees even if in excess of Alaska Civil Rule 82. The obligations of Lessee arise immediately upon notice to City of any action, claim, or lawsuit. City shall notify Lessee in a timely manner of the need for indemnification, but such notice is not a condition precedent to Lessee's obligations and may be waived where Lessee has actual notice. This agreement applies, and is in full force and effect whenever and wherever any action, claim, or lawsuit is initiated, filed, or otherwise brought against City.

(10) **Successors.** This Lease shall be binding on the successors, administrators, executors, heirs, and assigns of Lessee and City.

(11) **Choice of Law; Venue.** This Lease shall be governed by the law of the State of Alaska. Venue shall be in the State of Alaska, First Judicial District at Juneau.



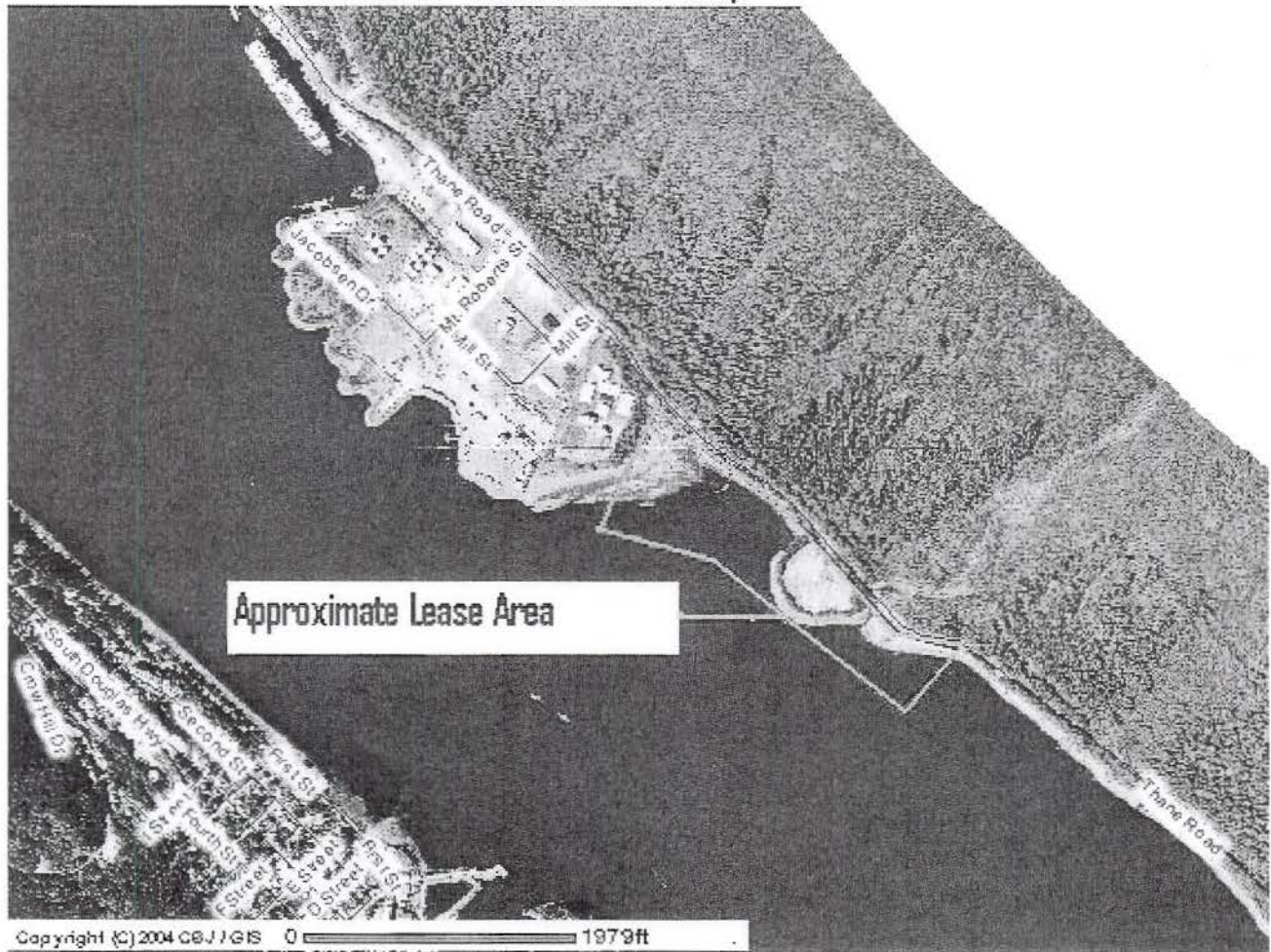


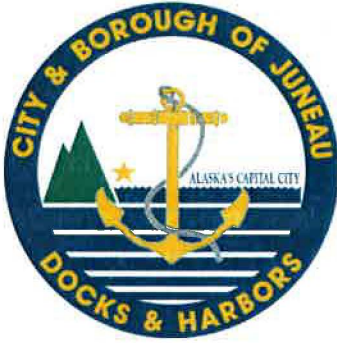
20 of 22
2007-007947-0





Exhibit B - Leased Area Map





Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

October 29th, 2012

Juneau Port Development LLC
PO Box 20734
Juneau, AK 99808

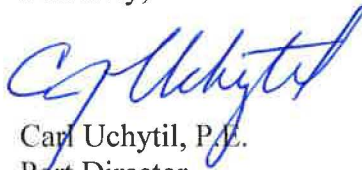
RE: Two Year Extension under Paragraph 5(c) of Appendix A of the Lease

At its regular meeting of October 25, 2012, the Docks & Harbors Board granted a two year extension under paragraph 5(c) of Appendix A of the lease between Juneau Port Development LLC and the City and Borough of Juneau for the purpose of providing additional time to obtain permits for your proposed development. The Board was clear in stating additional extensions would not be considered under the terms of the lease.

I have also enclosed documentation resolving the potential conflict between Juneau Port Development and CBJ Engineering, including ADOT requirements for an avalanche camera installation.

Please feel free to contact me with any questions.

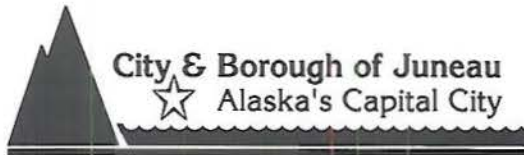
Sincerely,



Carl Uchytel, P.E.
Port Director

Encl: (1) Your letter of October 11, 2012
(2) CBJ Engineering letter of October 12, 2012

Copy: Mr. James Clark, Esq.
Mr. Rorie Watt, PE
Heather Marlow
Mr. Greg Patz, ADOT



City and Borough of Juneau
Engineering Department
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

DATE: 10/12/12

TO: Carl Uchytel, Port Director
CBJ Docks & Harbors

FROM: D. Rorie Watt Director
Engineering Department 

RE: CBJ Proposed Snow Storage at Rock Dump

I am happy to report that the potential conflicts between the CBJ's proposed snow storage site and the proposed Juneau Port Development project have been resolved. Please see the attached memorandum dated 10/11/12 from Howard Lockwood, Manager of the Juneau Port Development project.

As such, with regards to the snow storage project, I have no objection to the two year lease extension that has been requested by Juneau Port Development, LLC.

Since the snow storage facility would be constructed on lands managed by Docks & Harbors, I still think it makes sense to provide the Board with an update at it's regularly scheduled meeting on October 25th.

Thank you for your assistance on this matter.

cc: Howard Lockwood, Manager, Juneau Port Development, LLC

JUNEAU PORT DEVELOPMENT LLC

P.O. BOX 20734
JUNEAU, ALASKA 99802
PHONE (907) 209-4250
FAX (907) 463-3055
juneau_port_dev@hotmail.com



Mr. Rorie Watt
Director, Engineering CBJ
Engineering Department
155 S. Seward St.
Juneau, Alaska 99801

October 11, 2012

Dear Rorie;

Thanks for meeting with my attorney yesterday regarding my September 27, 2012 letter to Carl Uchtyl requesting that, pursuant to Paragraph 5 (c), the 2007 Lease between the City and Borough of Juneau (CBJ) and Juneau Port Development LLC be extended for two years.

I agree with the conclusions of that meeting that the snow removal facility desired by the CBJ and the camera pole desired by the State DOT can be placed at the Little Rock Dump pursuant to Paragraph 7 (a) of the Lease.

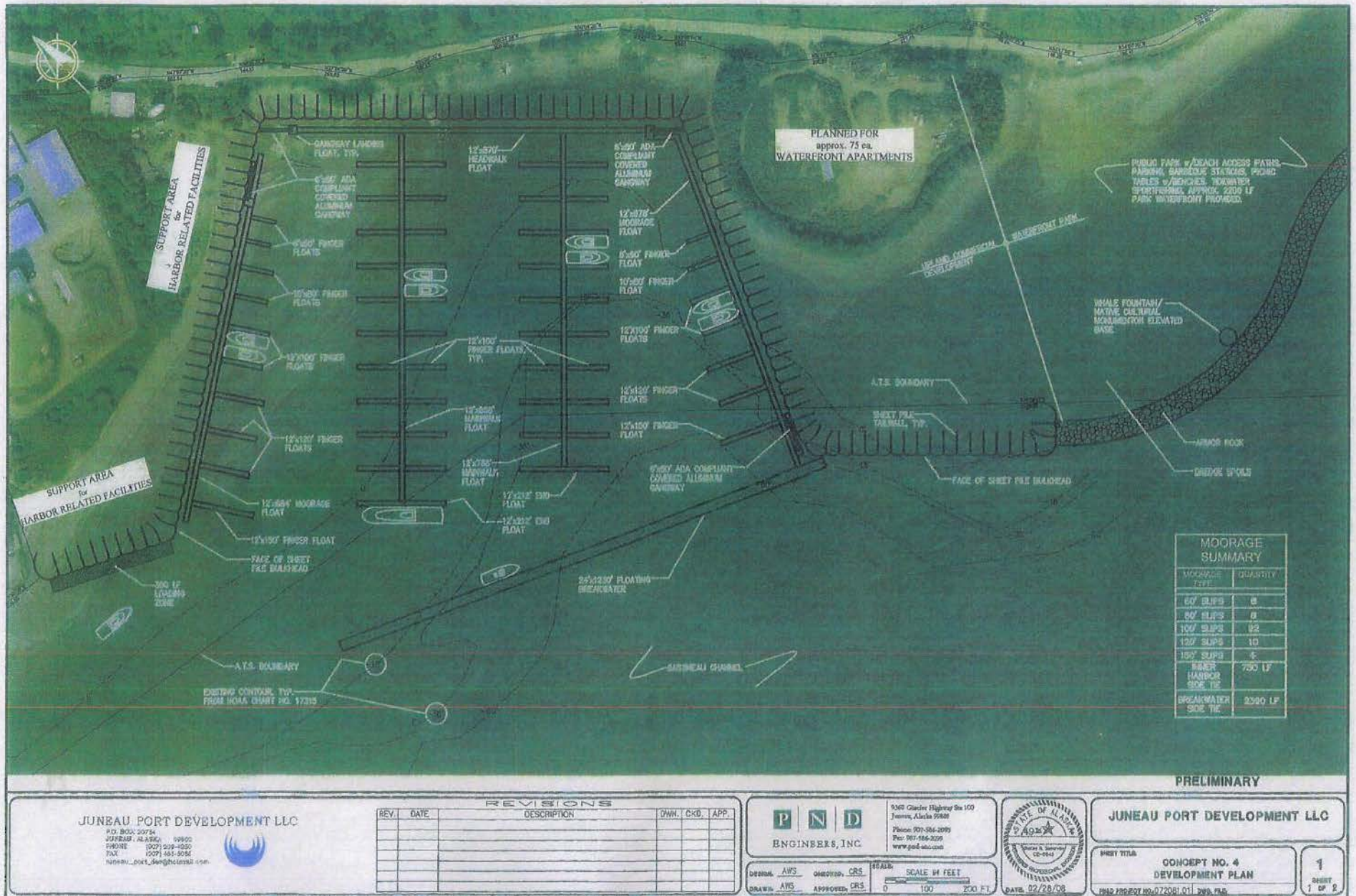
I appreciate the fact that you agreed that the last sentence of Paragraph 7 (a) of the Lease would allow me to proceed with my full development plan for the Marina. (See attached plan). Assuming that the Juneau Port Development LLC obtains construction permits and financing for the project, the snow removal facility would be modified as necessary to allow the Marina to be constructed in accordance with the attached plan.

Likewise the 170 sq.ft. easement for DOT's camera pole would be placed at a mutually convenient place on the Little Rock Dump with the understanding that, pursuant to the last sentence of Paragraph 7 (a), it would not interfere with construction of the Marina in accordance with the attached plan.

Since the provisions of the existing Lease are sufficient to support installation of the snow removal facility and the camera pole subject to the conditions described above, no change is needed in the CBJ Ordinance approving the Lease. I would appreciate it if you would inform the Docks and Harbors Board that your Department has no objection to the Lease extension that I have requested.

Yours truly,

Howard H. Lockwood
Manager





Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

October 30th, 2014

Juneau Port Development, LLC
PO Box 20734
Juneau, AK 99801

Dear Mr. Lockwood,

At the October 30th, 2014 regular Docks & Harbors Board meeting, by a vote of 4-3, the Board extended your lease one year. In accordance with the terms of the lease, you now have until October 31st, 2015 to secure all permits necessary to develop a harbor marine complex with associated upland amenities.

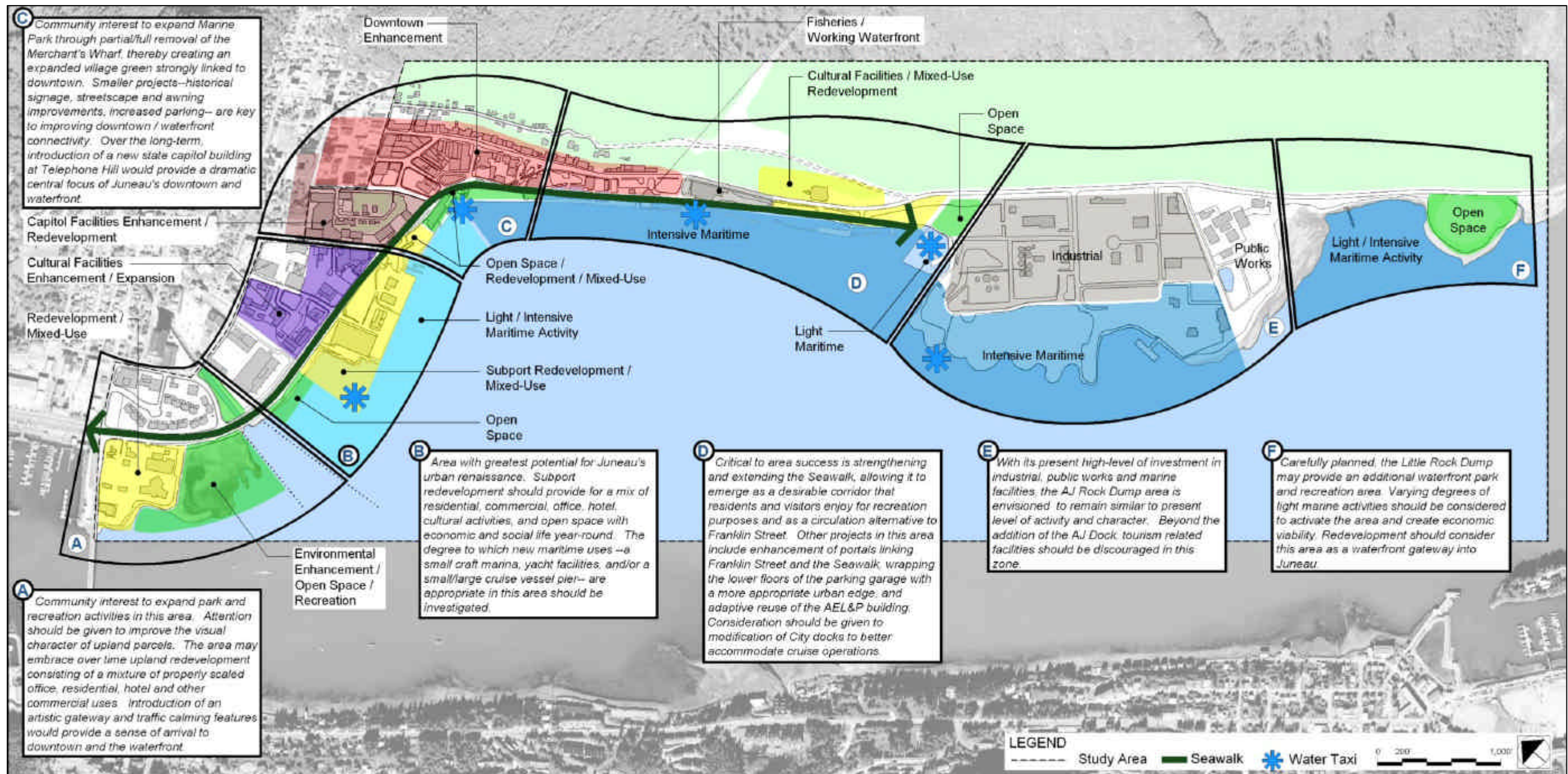
Sincerely,



Carl Uchytel, PE
Port Director

Copy: Docks & Harbors Board
CBJ Manager
CBJ Community Development Department
CBJ Law
CBJ Engineering

Figure 21: Concepts Organization Plan



From: [Beth McEwen](#)
To: [Borough Assembly](#)
Cc: [Carl Uchytel](#); [Hal Hart](#); [Rorie Watt](#); [Teri Camery](#); [Beth McKibben](#)
Subject: Additional Materials Submitted for tonight's COW Meeting
Date: Monday, July 13, 2015 4:25:05 PM
Attachments: [2015-07-13_Howard_Lockwood_to_COW_re_Opposition_to_Rezone_Request_Waterfront_Industrial_to_Industrial.pdf](#)

Good evening,

Attached is a document that Howard Lockwood dropped off for tonight's COW meeting regarding the Rezone Request from Waterfront Industrial to Industrial for ATS 556A.

Hardcopies will be made available at tonight's meeting.

Beth McEwen, MMC
Deputy Clerk
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
Beth.McEwen@juneau.org
www.juneau.org
907-586-0203phone/907-586-4552fax

JUNEAU PORT DEVELOPMENT LLC

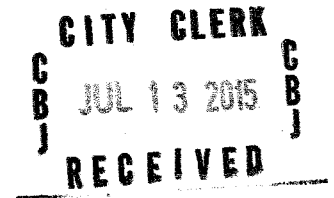
P.O. BOX 20734
 JUNEAU, ALASKA 99802
 PHONE (907) 209-4250
 FAX (907) 463-3055
 juneau_port_dev@hotmail.com



Ms. Mary Becker
 Assembly Committee of the Whole, Chair
 155 S. Seward St.
 Juneau, Alaska 99801

July 13, 2015

Re: Opposition of Rezone Request from Waterfront Industrial to Industrial
 on Proposed Marina Development at ATS 556A



Dear Ms. Becker,

Again, I come before the Assembly Committee of the Whole in opposition of the zone change on ATS 556A, from Waterfront Industrial to Industrial, as presented by Teri Camery, Senior Planner of the CBJ Community Development Department, in her letter on page 40 of 72 of this agenda packet, under Status of Mr. Lockwood's Lease with CBJ Docks and Harbors.

For clarification of statements, the following is presented.

The Plat survey of the leased area was first handed to Port Director, John Stone, sometime in 2009, well within the 24-months, as required by the lease. The exact area to be withdrawn from the lease, as the Waste Water Treatment Facility, was determined by Public Works Director, Joe Buck in 2011. These survey papers were again presented to the Docks & Harbors Engineering on February 24, 2013.

The letter written to City Engineer, Rorie Watt, on October 11, 2012, by Juneau Port Development LLC, on page 69 of 72 of this agenda, only addressed the Juneau Port Development LLC's position, not the many other property interests involved, with the promise by the Engineering Department Director, Rorie Watt that the Downtown Snow Storage Site Pad covered less than 1-acre and could be removed as the Harbor moved forward.

The Lease, which was signed by myself, as Manager of Juneau Port Development LLC and John Stone, Port Director, on November 14, 2007 and recorded on December 10, 2007 is current for the area of ATS 556A and will remain in that way until October 31, 2015.

A change in zoning in that area at this late date, in my opinion, is very counterproductive to the effort hand.

Yours Truly,

Howard Lockwood

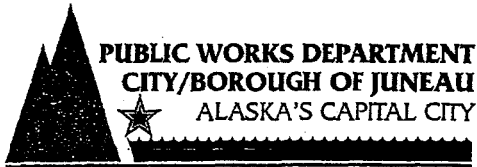
Manager

Juneau Port Development LLC

907 209-4250

Attachments:

- Letter - Joe Buck, PE, - dated June 6, 2011
- Exhibit A - Leased Premise - ATS 556A
- Appendix A - Leased Premises - ATS 556A



June 6, 2011

Howard Lockwood, Manager
Juneau Port Development, LLC
P.O. Box 20734
Juneau, AK 99802

Re: Juneau-Douglas Treatment Plant Site Expansion Limits.

Dear Mr. Lockwood,

In review of anticipated future land use needs by the Public Works Department at, and adjacent to, the Juneau-Douglas Treatment Plant, it has been determined that a 150 ft. easement along the southeast and southwest property lines will be required. I have attached a sketch of the required easement.

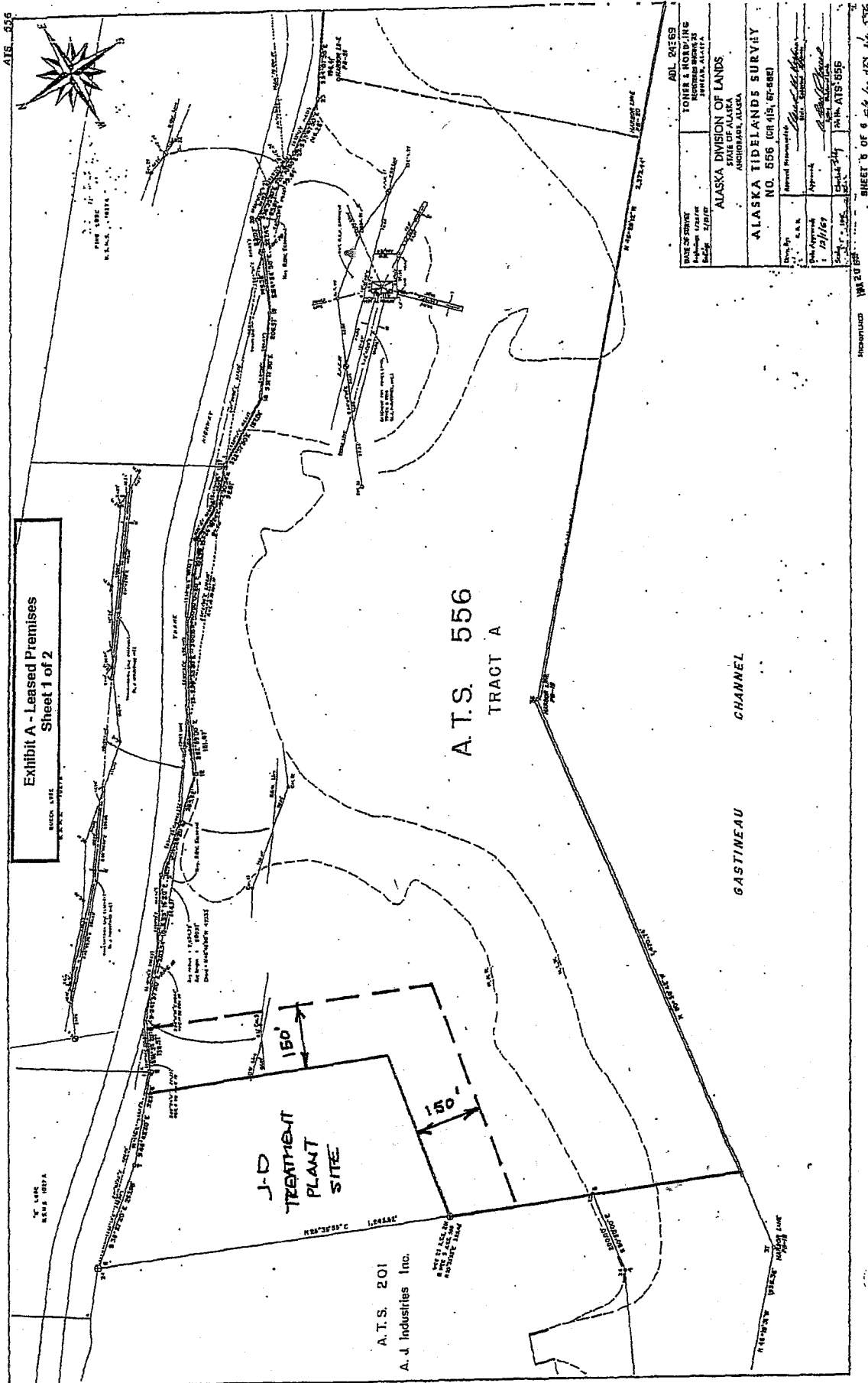
While the easement area will not be required in the near future for expansion of the treatment plant, a portion of the area will most likely be required for storage and treatment of snow during the winter and early spring months. The CBJ would like to work closely with you on the development of this area and coordinate the developmental needs and operations to the greatest advantage of both parties.

The Engineering Department is the lead CBJ department concerning development of capital improvement projects, and in particular the snow storage and treatment program. Ms. Michele Elfers is the CBJ project manager assigned to this program. I have discussed some of my understanding of the development plans by Juneau Port Development, LLC with her. Ms. Elfers can be reached at (907) 586-0931 for further discussions.

Respectfully,

Joe Buck, PE
Public Works Director
(907) 586-5254

cc. Rod Swope, City Manager
John Stone, Port Director
Kirk Duncan, Deputy Public Works Director
Michele Elfers, Project Manager



DATE OF SURVEY JULY 2, 2010	ADL 201059 TOWER & TIDAL SURVEY ANCHORAGE, ALASKA
ALASKA DIVISION OF LANDS STATE OF ALASKA ANCHORAGE, ALASKA	
ALASKA TIDELANDS SURVEY NO. 556 (GR 415, 87-488)	
Drawn By J. J. Jones	Approved J. J. Jones
Check By J. J. Jones	Scale 1" = 100'
SHEET 6 OF 6 556-415-87-488	

J-D TREATMENT PLANT SITE EXPANSION EASEMENT LIAISON
JUN 6, 2011

