ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA

November 19, 2018, 6:00 PM.
Assembly Chambers - Municipal Building

Assembly Work Session - No Public Comment;

I. ROLL CALL

Deputy Mayor Maria Gladziszewski called the meeting to order at 6:00p.m.

Assemblymembers Present: Beth Weldon, Maria Gladziszewski, Mary Becker, Rob Edwardson,Loren Jones, Jesse Kiehl, Michele Hale, Carole Treim, Wade Bryson

Assemblymembers Absent: None.

A quorum was present.

Staff present: City Manager Rorie Watt, Deputy Manager Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Community Development Director Jill Maclean, Fire Chief Rich Etheridge, Deputy Fire Chief Chad Cameron, Port Director Carl Uchytil, Port Engineer Gary Gillette, Chief Housing Officer Scott Ciambor, Housing/Homelessness Coordinator Irene Gallion

II. APPROVAL OF AGENDA

Ms. Gladziszewski stated that she wished to switch the items under A & D on the agenda. Hearing no objection, the agenda was approved as amended.

III. APPROVAL OF MINUTES

A. August 29, 2018 Assembly Committee of the Whole Minutes

Mr. Kiehl noted one word change to the minutes and asked for approval of the minutes as corrected. Hearing no objection, the minutes of the August 29, 2018 were approved as corrected.

IV. AGENDA TOPICS

A. Ordinance 2018-47 An Ordinance Amending the Health and Sanitation Code Relating to Smoking Limitations.

Ms. Gladziszewski noted that the state law has changed and the question before the Assembly is to decide what, if anything, the Assembly wants to do to bring the CBJ code into conformance with the state law. Mr. Palmer distributed color copies of his memo showing comparisons from the state law and the CBJ Code. Mr. Watt also noted that a map was requested and there were two maps provided in the packet showing the downtown areas and in essence, there would not be many places in the downtown area that would permit smoking other than the middle of the street due to the new 20 foot requirement under the state law.

Mr. Palmer and the committee members went through his memo and which items would need to bring CBJ code into compliance with state law. The more restrictive items he identified were listed as #s 4, 9, and 12.

MOTION by Mayor Weldon to change our law to comply with state law and to keep our own laws on items 4, 9, and 12 from the attorney's memo.

Additional discussion took place regarding potentially allow smoking in private clubs if AMCO permits smoking in marijuana licensed retail stores. Following extensive discussion, the motion passed with unanimous consent.

B. **Waterfront Infill Development (Archipelago Area)**

Port Director Carl Uchytil gave a historical overview of the 2004 Long Range Waterfront Development Plan, the various projects that have been completed as a result of that plan and how this proposed project fits into the big picture. He noted that the proposal before them with respect to the Archipelago lot has been in the conception and design phase for the last year and half. He also noted that while they have been in negotiations with the owners of the Archipelago properties, this is not a public/ private partnership but rather, each side has been individually developing their pieces to meet their individual needs. The reason Docks & Harbors has been working so hard on this project recently is to ensure that the staging is done in the most cost efficient manner for all concerned.

In addition to the construction scheduling with a target completion date of 2021, Archipelago LLC desires direction so they can notify their tenants what the future holds. For this to occur in that timeline, the public portion contractor needs to be ready to mobilize by May 2019. This would require CBJ to start a procurement process for steel piling and rebarr. This would run parallel while the Assembly contemplates the purchase and sale agreement and the funding plan as proposed by the Finance Director. This funding plan uses a variety of available revenues including Cruise Passenger Vessel Excise Tax (State head tax), Marine Passenger Fees, Port Development Fees, Dock Fund Balance and if warranted, local match. These funds are restrictive in how they can be appropriated. Docks & Harbors are looking to the Assembly COW to give approval to introduce ordinances next week for the purchase and sale agreement and a funding plan.

Mr. Uchytil answered from Ms. Hale regarding the 2004 Long Range Waterfront Plan (LRWP). The Urban Design Plan is a subset that is consistent with the overall 2004 LRWP. Mr. Uchytil turned the Docks & Harbors presentation over to Mr. Gillette as Mr. Uchytil was scheduled to catch a plane.

Mr. Gillette gave an extensive powerpoint presentation to the committee regarding the work done to date on the Archipelago plan as well as answered a number of Assemblymembers questions. Mr. Bartholomew and Mr. Watt also answered a number of questions regarding possibly funding sources that might be used for various parts of the project.

MOTION by Mayor Weldon to direct the City Manager to bring to the Assembly an appropriation ordinances in which every item of value is accounted for and funding sources are identified for Phase 1 and Phase 2.

Mr. Bartholomew explained that the appropriation would only cover Phase 1 and the purchase and sales agreement will include full contract for both phases.

Mr. Jones said he objected based on not having seen the full purchase and sales agreement. He said he has not had a good feeling about this project all along. He said they are spending a lot of money on a couple of parking spots for some buses and he doesn't believe this is the best possible use. His fear is that it will be another dark hole in the winter time and it won't bring in the revenues expected since it won't be year round.

Mr. Kiehl expressed his concerns with the $9 million dollars from Archipelago not looking as good as the ratio to CBJ funds as they initially heard.

Mr. Edwardson said plans on voting for it today but that doesn't mean he will be voting for it next month, he said he also has concerns with the project but wants to see the numbers purchase/sales agreement.

Ms. Gladziszewski said she shares some of Mr. Edwardson’s concerns but also wanted to see the numbers.

Roll Call Vote on Mayor Weldon's Motion:
Ayes: Weldon, Becker, Bryson, Edwardson, Hale, Kiehl, Triem, Gladziszewski
Nays: Jones
Motion carried 8:1

C. **Ordinance 2018-49 An Ordinance Amending the Official Zoning Map to Rezone Lot 3, Block A, Sherwood Estates, Located at 2500 Sherwood Lane, from Industrial (I) to Light Commercial (LC)**

Ms. Maclean provided a presentation regarding the Sherwood Lane proposed rezone.

Following Ms. Maclean's presentation the Assemblymembers discussed the types of zoning in the area as well as the scarcity of industrial zoning within CBJ boundaries. They also raised concerns of the impacts of the Fire Training Center on residences nearby if the rezone was approved. Members expressed their desire to leave the area zoned as Industrial as it presently is so that the industrial nature of the Fire Training Center isn't jeopardized and the center doesn't conflict with residences in a neighboring zone.

MOTION by Mayor Weldon to accept the Planning Commission's rezone from Industrial to Light Commercial and asked to speak against the motion.

Discussion took place regarding process. Mr. Palmer noted that this ordinance was introduced and referred to the Assembly Committee of the Whole. He noted that for process purposes, it would be best to make two motions. One motion would be to express the committee's desire not to pass the ordinance and rezone from Industrial to Light Commercial. The second motion would be to refer the ordinance back to the Assembly for public hearing and Assembly action.

Mr. Watt explained that when he prepares the Assembly agenda, he will develop his Manager's Recommendation based upon the wishes of the COW.

Restating of Mayor Weldon's earlier motion:
MOTION by Mayor Weldon that the Assembly Committee of the Whole support the rezone.
Mr. Bryson spoke in favor of the rezone. He explained the process that the Planning Commission went through when they reviewed this matter.
Mr. Jones objected to the motion.

Roll Call Vote on the motion to support the rezone:
Ayes: Bryson
Nays: Weldon, Becker, Edwardson, Gladziszewski, Hale, Jones, Kiehl, Triem
Motion failed 1:8

MOTION by Mayor Weldon to forward Ordinance 2018-49 to the Assembly for public hearing and Assembly Action and asked for unanimous consent. Hearing no objection, the motion carried.

D. **Ordinance 2018-41 An Ordinance Amending the Land Use Code Relating to Alternative Residential Subdivisions.**

Ms. Gladziszewski had switched the agenda so this item would be taken up first. Mr. Watt explained that there were three Planning Commissioners present to discuss this ordinance and he thanked them for their service and for their work on this piece of legislation. He noted that this ordinance is an implementing action that falls under the umbrella of the Housing Action Plan and is one of many pieces to come out of the Housing Action Plan.

Planning Commissioners Paul Voelckers, Dan Miller, and Ben Haight were present and Mr. Voelckers and Mr. Miller came forward to speak about Ordinance 2018-41.

Mr. Voelckers explained that Ordinance 2018-41 first came through the Title 49 subcommittee of the Planning Commission, was forwarded to the Planning Commission Committee of the Whole and then to the regular Planning Commission before being forwarded to the Assembly.

Mr. Voelckers said that in his opinion, this ordinance allows for larger lots to be subdivided into smaller lots that previously may have had difficulties in being subdivided. This allows for unusual lots to capitalized on greater efficiencies, being able to tie into existing infrastructure. He noted that at one of their meetings on this, they heard from Chief Housing Officer Scott Ciambor who said this type of options was proving successful in other states and was helpful in developers receiving successful financing. This allowed for additional development for large lots to be subdivided into smaller lots but still have the benefits of things such as buffers so it wasn't encroaching on neighboring properties.

Ms. Gladziszewski noted that the Title 49 committee is the subcommittee of the Planning Commission that works on review and suggest improvements to the CBJ Code under Title 49.

Mr. Miller explained the process of the work of the Title 49 Committee and the back and forth work they do with staff on recommending changes to the code until it is ready in a format to be forwarded to the full Planning Commission for review. He noted that at one of the Title 49 Committee meetings, it was open to public testimony and they did receive comment from one of the large developers in town and made some changes to the proposed ordinance to reflect some of those suggestions.

Mr. Miller stated that he is a small builder and this ordinance will allow flexibility for a wide range of builder groups, small, large, private individuals, homeowners, etc... He noted that a lot of the lots that are left are difficult to develop and this allows for additional flexibility for use of land that may not have previously been usable.

Community Development Director Jill Maclean gave a presentation to the Assembly on the ordinance. She provided an overview of the public process the ordinance had gone through. She explained that while the Title 49 Subcommittee holds public meetings, they typically do not take public testimony during their meetings but that public testimony on this ordinance was taken at its very first meeting in June. She explained that this ordinance was worked on through a series of public meetings beginning at the Title 49 subcommittee, then through the Planning Commission Committee of the Whole and onto the Regular Planning Commission meeting at which public testimony was taken in September. She noted that during August and September she had a number of individual meetings with developers at which the proposed ordinance was discussed and in September she and Scott Ciambor attended a meeting of SEABIA (Southeast Alaska Building Industry Association) and presented this ordinance to them and received valuable feedback at that meeting. As a follow-up to that meeting, Ms. Maclean reached out to additional developers in town as well as members of the Affordable Housing Commission to get their feedback on the proposed ordinance. They also discussed the ordinance at the latest Affordable Housing Commission meeting.

Ms. Maclean then gave a powerpoint presentation demonstrating the options that the ordinance opens up for development different from what is currently allowed under code. She showed a number of diagrams giving examples comparing how developments might be done under the current ordinance vs. those that might be done with this ARS ordinance.

Assemblymembers asked a number or questions relating to emergency vehicle access, road and sidewalk standards, road grade and drainage requirements for an ARS and how that differs from single family lots. Ms. Maclean, Mr. Palmer, and Mr. Watt provided answers to the various questions.

Mr. Kiehl suggested an amendment to the ordinance on page 5, item (f)(3) to remove the words "or can be improved to comply with" so the sentence would read: "The access complies with the emergency service access requirements of CBJ 19.10;"

Additional discussion took place regarding the homeowners and condo associations and how this ordinance would apply to them as well as other questions relating to the meters, main meters, if homeowners associations failed, who would be responsible for taking over the subdivision roads and the rights of way.

Ms. Gladziszewski noted that in addition to Mr. Kiehl's suggested change above that they remove the "Stormwater Management" language found on page 6 of the ordinance since it is already covered in other sections of Title 49 and this would be redundant as well as confusing to have it in the code in two locations. She also noted Mr. Palmer's recommendations found on his memo that was in the packet. Mr. Kiehl was advocating for the potential amendment on Page 5 line 19 that adds a requirement of a pedestrian friendly path relating to 49.15.920(f) to read: "(7) A sidewalk or separated non-vehicular path exists from each dwelling unit to the right of way" Additional discussion took place regarding the potentials for paths vs. sidewalks as shown in one of the slides in Ms. Maclean's presentation that might reduce the total costs to keep these affordable.

Mr. Watt suggested that staff do additional work and take all the Assembly's comments and questions and bring additional information and the requested changes back to the Assembly COW for additional consideration. Mr. Palmer asked for clarification that he has the committee's direction to draft a version (b) of the ordinance to incorporate the first four items identified in his memo. Ms. Gladziszewski confirmed that was the wishes of the committee.

V. ADJOURNMENT

Additional items:

Mr. Edwardson noted that with Mr. Kiehl election to the Alaska State Senate the Assembly needs to think about a succession plan for Mr. Kiehl's Assembly seat. He discussed it with the Mayor and it was decided to begin advertising for individuals wishing to apply for the District 1 seat to be able to submit their letters of interest starting November 30 and ending on January 2, 2019. He said he would like to propose a meeting of the Full Assembly HRC to conduct interviews on Thursday, January 10, 2019 to conduct interviews.

Mayor Weldon said she would be handing out agenda topics for Assembly Retreat on December 1.

V. ADJOURNMENT

There being no further discussion to come before the committee, There Assembly COW meeting was adjourned at 9:45p.m.

Respectfully Submitted,
Beth McEwen, MMC
Municipal Clerk