

**ASSEMBLY STANDING COMMITTEE
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

May 4, 2020, 5:00 PM.

Assembly Chambers

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. March 2, 2020 Draft Minutes

IV. PUBLIC PARTICIPATION

(Not to exceed a total of 10 minutes nor more than 2 minutes for any individual).

V. AGENDA TOPICS

- A. State of Alaska Parking Lease
- B. Land Disposal Request at 848 Basin Road
- C. Merganser Road/Lena Point Communications Tower Lease Request

VI. STAFF REPORTS

- A. Crazy Horse Drive Communication Tower Lease Request
- B. Childcare Update

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

VIII. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

March 2, 2020, 5:00 P.M.
City Hall, Assembly Chambers

I. ROLL CALL

Chair Edwardson called the meeting to order at 5:00pm.

Members Present: Chair Rob Edwardson, Alicia Hughes-Skandijs, Greg Smith, Carole Triem

Members Absent: None

Liaisons Present: Chris Dimond, Docks and Harbors; Dan Hickok, Planning Commission; Chris Mertl, Parks and Recreation

Liaisons Absent: None

Other Assembly Members Present: Loren Jones, Wade Bryson

Some Members of the Public Present: Charles Murphy, KINY; Mike Heumann, Chilkat Vistas, LLC; Julie Olson, SECON; Paul Johnson

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Roxie Duckworth, Lands & Resources Specialist; Fire Chief Rich Etheridge; Scott Ciambor, Chief Housing Officer; Jill Maclean, CDD Director; Michele Elfers, Deputy Directory Parks and Recreation; Michael Eich, Pits and Quarries Manager; Rorie Watt, CBJ Manager

II. APPROVAL OF AGENDA

The agenda was approved.

III. APPROVAL OF MINUTES

The February 10, 2020 Draft Minutes were approved.

IV. PUBLIC PARTICIPATION

No public participation.

V. AGENDA TOPICS

A. Downtown Housing Inventory

Scott Ciambor, Chief Housing Officer and Jill Maclean, CDD Director, discussed this item. CDD and the Housing Office have been working to develop a better understanding of the downtown housing situation to meet goals set by the Assembly, and as identified in various CBJ plans; the Comprehensive Plan, Juneau Economic Development Plan, and Housing Action Plan. This stems from conversations surrounding the 1% sales tax two years ago where there was a concept of an upstairs downtown program that was presented to the Assembly to stir a conversation of compliance and development of housing. The Assembly was interested in more information on what this type of housing would look like. CDD and Housing staff came together to work on this project.

Staff compiled data to meet the following goals:

- Provide a better understanding of the downtown housing stock;
- Determine where housing development opportunities exist;
- Understand better the barriers to development; and
- Guide future discussion and development of housing incentives noted in the CBJ Housing Action Plan. (Tax abatement, rehabilitation loans, grant/loan program for unit creation and code compliance, parking regulations and fees, tax increment financing district, historic tax credit and Revitalization Financing)

Upstairs Downtown Housing Inventory data was assembled from a wide-range of sources (US Census, CBJ Tax Assessor, Community Development Department, and Public Works and Utilities, Historic Tax Registry, Airbnb/VRBO, etc.) and was entered into an ARCGIS Story Map that was presented at this Lands Committee meeting. Story Mapping is a valuable tool to indicate the lack of housing and who owns what locations. It is often said that the housing downtown is not local but the evidence revealed that this is not the case.

Four questions were asked in compiling the data for this study, such as population statistics in the area and are the property owners local? Data in the Story Map features public and private ownership and the building uses. Features of the Story Map include highlighting the Gastineau Apartments that were lost to a fire and the present Glory Hall. Airbnb and VRBO units were compiled from the Assessors database. The “Short Term Rentals” category also includes employee assisted housing. There is also a category of the regulatory environment, such as the study boundary and the avalanche mass wasting zone.

Some of the initial takeaways include there are only 181 housing units in the study and it being more populated from 9am to 5pm. The workforce housing demographics are 18-49 year olds with no housing units developed since 2017. The age and condition of the buildings make them expensive to rehab or convert to housing but there may be Historic Tax Credit opportunities with 39 properties in the Historic Register. There are parking regulations and management to consider for downtown housing. In 2019 there were 364 out of 1285 ambulance responses from respondents that identified as homeless in unused spaces.

Ms. Triem asked about the units above retail and why this particular geographic boundary was established for this project. Ms. Maclean replied that several years ago when staff was tasked with this project there was a boundary drawn and that was the area of focus to make this a pilot program to determine if the information gathered was useful for the Assembly before staff expanded the boundaries to a larger area.

Ms. Hughes-Skandijs asked if the locally owned vs. non-locally owned locations results, if this was showing everything, including public spaces. Ms. Maclean replied that there are different filters in the map to narrow down a search and you can distinguish between these two uses. Ms. Hughes-Skandijs asked if it is just residential are the results from the

residential vs. non-residential. Mr. Ciambor replied that the user can dig down to find that answer but did not have that information in front of him.

Chair Edwardson asked what direction Mr. Ciambor and Ms. Maclean would like from the Lands Committee. Mr. Ciambor replied that there are two requests, an information item and a request. Staff is requesting to post the ARCGIS Story Map and for it to be published on the CBJ CDD and Housing website for use by the Assembly and the public. The other request is, "Considering that there is a downtown tax abatement program in Anchorage, the question for the Lands Committee is, with this information, would the Committee want to staff to bring back language to create a downtown tax abatement for Juneau?"

Ms. Triem moved to instruct staff to bring back tax abatement language for the downtown area to the Lands Committee.

Mr. Smith objected for the purposes of a question to ask about other options in addition to tax abatement. Mr. Ciambor replied that at the Committee of the Whole there will be another tool presented about the Affordable Housing Fund and to bring back tax abatement for discussion is as good of an idea as any. Although some of the units are in the mass wasting/avalanche zone, they are right for redevelopment loans and the other piece is looking at parking regulations and management.

Ms. Triem moved to instruct staff to bring back tax abatement information to the Lands Committee and to host the tool online. Motion approved.

B. Sale of Gravel for Housing Development

Chair Edwardson noted that there would be public comment on this topic. Mr. Chaney commented that this topic is a continuation of the discussion from the February 10, 2020 Lands Committee meeting in which a request was considered from Chilkat Vistas LLC to purchase City sand and gravel for less than fair market value for private housing construction. This is housing at the market rate pricing. The policy that the City has had up until this point is to retain sand and gravel for public use and affordable housing projects to ensure a reliable supply for City and State projects and other public projects, such as Housing First.

Three options presented are to retain the policy as stated to reserve gravel for public use; to accept Chilkat Vista's proposal as presented, which would require code changes, a direction needed from the Committee; or to develop a methodology and amend Title 53 to assure cost savings directly equate to reduced housing prices. As Chilkat Vista spoke before, they noted that if they could get the material for less than market value then they could pass that savings on to the home purchasers. This option would be a way to have some accountability. An example would be a rebate option for example, a builder buys 400 tons of sand and gravel at the market rate, which is \$5 above the public project rate and when the house is completed, say it is appraised for \$400,000 and sold for \$395,000, or \$5,000 less than appraised value. CBJ would then pay the builder a rebate reflecting the difference in prices. $400 \text{ tons} \times \$5 \text{ per ton credit} = \$2,000 \text{ rebate to the builder}$. This is about a 1% reduction in the purchase price in savings for the buyer.

Julie Olson, from SECON, testified that her company is opposed to the City competing with private industry by selling gravel below market value. SECON and other companies in Juneau put in considerable time and effort to develop quarries and gravel pits. They pay property tax on the land, but they have to maintain their scales to comply with the State of Alaska scale standards, as well as permits for blasting, and testing for aggregate to ensure it meets minimum standards for public projects. This applies to all of their material in the Hidden Valley and Lemon Creek sites, adjacent to the City's property. By selling the material below market value to private industries, it is not only unfair to businesses like them that have spent considerable time to develop, but it also gives the person receiving it an unfair advantage against the other building contractors in town. In the last memo, Mr. Chaney mentioned that aggregate was sold for \$13 per ton and selling it for \$2 per ton, which is egregiously below market value and unfair, in Ms. Olson's opinion.

Mike Heumann, Chilkat Vistas LLC, spoke in behalf of the proposal. Chilkat Vistas has been in the process of clearing out a City right-of-way, Hooter Lane, where (several years ago) a developer placed a large amount of material in the right-of-way and they (Chilkat Vistas) have paid to haul that off. The City had mentioned in the past that they wanted to do something with that material but had not and now Chilkat Vistas has to do it. Chilkat Vistas is seeking some relief for the added cost of this issue. One means of relief would be getting gravel at below cost. This seemed like a good idea, which would be a way to do this without exchanging costs. And the gravel is close to the project, which reduces truck time dramatically. The other thing is that Juneau in general has a housing issue and Mr. Heumann would be in favor of offering low cost sand and gravel to other contractors as a large part of this issue is costs of the materials to develop lots and gravel is one piece of development costs. Juneau used to build roads with gravel but now they are built with (crushed) rocks, so this (Lemon Creek) gravel pit was developed for a purpose that is no longer used. Mr. Heumann felt that this would be an opportunity to solve a few problems at once. If they get into something where there is a rebate program without a lot of red tape, Mr. Chaney is right, it is only one or two percent. Mr. Heumann didn't want this to be a huge deal but if it was made available to all it would affect the cost structure of developing land and housing by a little bit in Juneau.

Ms. Triem asked Mr. Heumann if there was any other discussion in terms of being reimbursed or other actions from CBJ. Mr. Heumann replied that they would love something like that but did not get into that and was encouraged by the City Manager to pursue this idea and see what happens.

Mr. Smith asked Mr. Heumann, "What is the market rate for this product?" Mr. Heumann replied that it is around \$7 or \$9 and that it is far away to get it. There are options depending on the time of year and what people (gravel suppliers) are willing to do.

Mr. Chaney commented that the number that was put in the previous memo for cost development was a rough estimate and was compiled from a memo that was written a couple of years ago. These numbers may not be as accurate as they could have been but the numbers are in this range and are probably over \$7 per ton or maybe more. Just a caution not to take that exact value but the numbers are close and staff could look into the exact numbers more closely.

Ms. Triem asked if one of the reasons for the current policy is to conserve gravel resources for CBJs projects and if there is any sense of how close we are to running out. Mr. Chaney replied that we are not close to running out at all, as it was pointed out by Mr. Heumann, that we now use shot rock for road construction and the use for pit run is fairly limited. It can be used for certain road shoulder situations or for pipes. It is a big resource and we are not likely to run out soon. But on the other hand, as the Lands Manager I have pretty long time horizon and I think about what is also happening on a 100 year horizon, not just five. In a 100 years it would be limited but not in the short term.

Ms. Hughes-Skandijs asked Mr. Chaney how many private gravel pits there are in town? Mr. Chaney replied that there are at least 2 that are active and at least another one that is kind of in a dormant state and was uncertain of how many more that could be developed. One issue with subsidizing price is that private sector does not want to develop because there is no profit margin in that. Ms. Hughes-Skandijs commenting that during the previous discussion on City's stock, this conversation is more comprehensive and wanted to confirm that there are specific uses for gravel. Mr. Chaney confirmed that it is not used for the roadbed due to the weight of the traffic but around pipes, it is good material for that. It is, volume wise, a smaller percentage than what it used to be used for.

Mr. Mertl commented that he struggled with this proposal without some sort of policy. If Chilkat Vistas is granted this low cost gravel, then it keeps going. He is not in favor of competing with private business and is a fan of the current policy. This proposal would be equivalent to opening Pandora's Box in that all of a sudden, the City will be the go-to for aggregate and our costs will go up to manage and maintain our gravel pits and volume will go up significantly. If a policy can be developed, as well as public support, then Mr. Mertl would be supportive, otherwise he thinks the City will get itself into trouble if we proceed.

Chair Edwardson noted that that if this leaves the Committee then it is not approving or disapproving, as there are no regulations that allow CBJ to sell material for below market value. This could go forward with a discussion to write regulations to allow for something yet to be determined in the regulations. Mr. Chaney confirmed that summary was correct. Chair Edwardson noted that the Lands Committee wouldn't be establishing policy and cannot guarantee that the Assembly would change the code one way or another and all the Committee could do would be to recommend to begin a discussion.

Ms. Hughes-Skandijs noted for the purposes of this discussion that she was opposed to this idea and thinks it is attractive in that it is a non-monetary value that the City could contribute to the housing stock but is not sure that this would impact it in a significant way. She is hesitant to compete with private industry and if regulations would be changed then there would need to be guarantees that the rebate would be tied into lower housing costs and that is uncertain at this time. Ms. Hughes-Skandijs is sympathetic to Mr. Heumann but this idea should be kept separate from how to view the City's regulations on how to get material for public projects.

Ms. Hughes-Skandijs recommended "Orders of the Day" (no action), motion passed.

C. Driveway Easement across CBJ Land/North Douglas Island

Mr. Bleidorn discussed this request. The Lands Office received an application for an

access and utility easement from Roger Ramsey, the owner of U.S. Survey 3248, Douglas Alaska. This property presently has no frontage on a CBJ right-of-way and is only accessible by water. There is an existing easement though a City property that was granted in 2015 which serves the property adjacent to the Ramsey property. Mr. Ramsey has been working with those property owners in order to form an equitable agreement for use and maintenance of the shared improvements of the easement. The easement being applied for here would be an approximate 200 foot extension off the roughly 1600 foot long non-exclusive easement that has been granted to other property owners.

The Lands Committee reviewed this in March, 2019 and provided a motion of support to the Assembly for granting this easement. The Planning Commission reviewed this request on June 11, 2019 and recommended that the Assembly grant this easement. During the time since the Lands Committee last reviewed this, an appraisal has been completed at the applicant's expense and the fair market value of this easement has been determined to be \$13,355.

Mr. Mertl noted that he is a friend of the applicant as well as the property owners for the adjacent property.

Ms. Hughes-Skandijs moved that the Lands Committee pass a motion of support to the Assembly to grant an access and utility easement to Roger Ramsey for fair market value as determined by appraisal through CBJ property to US Survey 3248. Motion approved.

D. Downtown Summer Shelter – Thane Campground Relocation

Michele Elfers, Parks and Recreation Deputy Director, discussed this item. Thane Campground is located about 1.5 miles south of downtown Juneau. The Parks and Recreation Department manages the campground from April to October under a lease with AJT Mining Properties executed in 1999. Consistent with this lease, the campground is intended to provide a seasonal housing option that minimizes illegal camping and associated impacts, including garbage, human waste, and bear conflicts. The Lands & Resources Division originally managed the campground; the Parks & Recreation Department assumed responsibility for the facility in 2015.

The campground's current location and design contributes to these problems: 18 campsites are located along an old mining road perched high above a common area with garbage cans and portable toilets; visibility is limited due to terrain and vegetation; and access to the site is by a steep trail. This means park rangers and JPD officers cannot see potential hazards or threats and there are limited routes for egress. Vehicle access is impossible, so all maintenance work and the thousands of pounds of trash must be removed from abandoned campsites by hand. CCFR must use the steep trail. Hazardous materials and sharps create dangerous situations for staff.

Working with the CBJ Housing Officer, the Parks & Recreation Department evaluated how other cities in the country are dealing with similar issues. We learned that many communities have created temporary housing options with low barriers to entry for people experiencing homelessness, such as campgrounds or small huts. Most of these

facilities are intended to provide temporary housing in a managed environment while social workers work to place residents in more permanent housing.

By applying a similar model in Juneau and relocating the campground to a more accessible location, we believe the facility can better serve its intended purpose while also improving safety for campers and CBJ personnel. AJT Mining Properties is willing to lease property to the CBJ that is better suited for this type of use than the existing campground. The new location is slightly closer to downtown, accessible by vehicles, wider, flatter and more open. The Parks & Recreation Department would lease this property on a temporary basis while the CBJ evaluates a permanent site. A maximum of 20 campsites would be provided.

In addition to providing a safer, more accessible location, the City is developing a comprehensive management plan that will include daily visits by JPD, park rangers, and park maintenance staff. The CBJ Homelessness Coordinator will also provide intake services to the campers to ensure they are entered into the Homeless Management Information System (HMIS) database, and connect campers to social services.

The Department intends to continue providing a low-barrier Downtown Summer Shelter at a new location with improved access, better visibility, reduced maintenance costs, and enhanced services that will better serve people experiencing homelessness. Parks believe these changes are necessary to reduce crime, alleviate illegal camping elsewhere in downtown Juneau, reduce garbage created by illegal campsites, provide a safe place for people to sleep, and meet basic human needs.

Mr. Smith asked, "How many spots does the old campground have?" Ms. Elfers replied 17. Mr. Smith followed up by asking what would happen to those. Ms. Elfers replied that the City would be removing the tent platforms and will make it more difficult to get up the trails, but not completely remove them, and make it more difficult to camp there. The City and AJT will continue to monitor that site and work through the process to move people to the new site and to educate them.

Mr. Smith asked if there would be continued access into town from Gastineau Avenue and noted that he lived near there. Ms. Elfers said the main access would be from the road, which is an old roadbed that continues along Gastineau Avenue. People still walk through this area and the City and AJT is aware of this, and is expected that people will continue to use this path, but the goal is to educate and encourage access along the road.

Mr. Hickok asked if the neighboring properties have been notified. Ms. Elfers replied that AJT and AEL&P have met with Goldbelt, as they have the property above, including the tram. Property below is leased and conversations with those owners will take place. Ms. Elfers has been in contact with the tenants of the Franklin Dock property. Mr. Hickok followed up to ask if anything had been posted. Ms. Elfers replied that nothing has been posted right now and the plan would be to start with outreach in the next few weeks.

Mr. Mertl commented that he appreciates staff working on this issue and appreciates the partnership with AJT. As a Thane resident, he noted that it is very obvious that numerous

people are coming and going from the old campground. If there is general approval from the (Gastineau Avenue) neighborhood, then this is a great idea, especially with the visibility and access.

E. Variance Discussion

City Manager, Rorie Watt, discussed this item about development rules. A variance is dispensation to violate a law that the rest of the property owners must adhere to and excuses a landowner from having to comply with zoning regulations that other landowners in the same zoning district must abide by. A variance may be granted to accommodate peculiarities of the land that cause undue hardship for development. Variances are a difficult issue as applicants to the CDD want to waive the rules for development. Legally to support variances in the land use code, they have to be approved only very infrequently.

Variances are pursuant to CBJ§49.20.200. A variance is prohibited from varying any requirement or regulation of this title concerning the use of land or structures, housing density, lot area, requirements in chapter 49.35, or requirements in chapter 49.65.

CBJ§49.20.250 gives the Director authority over Administrative Variances, which allow projections not to exceed 25 percent of the yard setback requirements of the title or two feet, whichever is less, that meet certain requirements. All other variances (Non-Administrative) are heard by the Planning Commission sitting as the Board of Adjustment (e.g. encroachment into setbacks greater than two feet; variances for minimum off-street parking requirements; variances for lot dimensions excluding lot area/size).

In order to justify granting a variance, a hardship must first be found to exist, and secondly the variance must be tailored to only provide for that hardship and nothing more. In the context of a variance request, “hardship” means that it is unusually difficult for a landowner to comply with zoning regulations because of the peculiarity of the lot or lot shape, steepness of the terrain or other topographical features or conditions of the property. The hardship relating to the property in question must be unlike other neighboring properties. Moreover, showing a hardship alone is not enough. The hardship must be an “unreasonable hardship.” An unreasonable hardship exists when there are virtually no viable alternatives. An unreasonable hardship means that the property cannot be reasonably used or developed in a manner similar to neighboring properties or properties located within the same zoning district.

If a Director’s decision is appealed, the Planning Commission hears the appeal; any party may appeal the Commission decision to the Assembly. If a Board of Adjustment decision is appealed, the Assembly hears the appeal.

This is an informational item for the Assembly in advance of the joint meeting between the Assembly and the Planning Commission in early April. The Planning Commission has indicated that it wants to continue to work on the Variance Code.

F. Expanding Fire Service Area – Continued from previous Lands Committee Meeting

Fire Chief Rich Etheridge returned to continue discussing this item. Mr. Chaney noted that members from the public were present to testify on this item. Chief Etheridge reiterated the stance from the memo and noted that staff had done more research into cost estimates if the Assembly wanted to proceed down that path (extending Fire Service Area). Chief Etheridge noted that this is a scalable item that could be built in phases for responses. This is not an all or nothing type of thing and could be done in sections.

Chair Edwardson noted that a decision to pursue this as an agenda item for the Assembly should be determined at this meeting.

Paul Johnson, a resident of the proposed fire service expansion area, spoke in favor of increasing service. He noted that when the City brought water out to Cohen Drive, residents felt that this was also the extent of the fire service. Mr. Johnson said that the City properties of the Arboretum and the Eagle Valley Center would receive fire service if something would happen to them. Mr. Johnson spoke on behalf of residents near him and those he spoke to said they wanted similar service. People in the area wanted some assistance and hoped that the fire truck could go out to assist in an emergency. He was not asking the City to spend a lot of money to build a fire station but something in between that could respond. A neighbor of his is a 92 year old lady that he would like to see some kind of help respond to her if she were to call.

Ms. Hughes-Skandijs asked Mr. Johnson if the in-between option that he was looking for would be a tanker truck that would be devoted to out-the-road services. Mr. Johnson replied that if someone called fire or an ambulance right now then the fire truck has to just stand there, so using what water you have on the situation to at least get a person out of a fire would be helpful. Or to at least do the same fire response that the City would do for the Arboretum.

Mr. Smith asked if the desire is to put in place a fire response for a fire but not to the same level that would qualify as an insurance benefit. Mr. Johnson noted they do pay taxes and would like to have a little help.

Mr. Hickox asked Chief Etheridge about any concerns with dry spells and brush fires. Chief Etheridge replied that is a concern and there is a contract with the US Forest Service for any reimbursement for any fires that CBJ responds to. Mr. Hickox followed up asking if the Forest Service is capable of responding to a fire in a nearby facility or if they have fire or tanker trucks to respond. Chief Etheridge noted that the Forest Service has a small pickup that has a small pump on it to respond to wildland fires if Forest Service personnel are in Juneau. They also respond to Haines and Skagway, which means there are several times Forest Service firefighters are not in our community.

Mr. Mertl asked Chief Etheridge, if Mr. Johnson does not want a water tanker, then what would be in the best interest for the City to expand service area? Chief Etheridge replied that the best interest would be to protect the people and to have an adequate water supply. We would be violating industry standards by not having a water supply. If we are going to send people out there and expect them to do something then they should have the basic tools to do their work. A water tanker would be the minimum.

Ms. Hughes-Skandijs asked what CCFR would do if the Arboretum was on fire. Chief Etheridge replied that as City property the City could dispatch resources for their own property, the same as anywhere else.

Mr. Smith asked if there was an issue at the Arboretums then would a normal engine truck go out or are there other resources that would be use? Chief Etheridge commented that they would send the fire engines that are out in that direction as well as the tanker that is downtown. This could take 45 minutes to get out there. Mr. Smith asked about the tanker from Thane, if that could be used. Chief Etheridge noted that the Thane tanker would not be available right away. Mr. Smith noted that he was not sure if this request had come up previously and if so what the previous decision was.

Ms. Hughes-Skandijs asked if it were City owned property would people be rotated out as volunteers arrived. Chief Etheridge confirmed.

Chair Edwardson asked if the Committee wanted to learn more about this project before making a decision or if they have heard enough to move this forward and recommend that the Assembly take this up or not to move forward as a motion for right now.

Ms. Triem moved to forward this item to the COW for more information; approved.

VI. STAFF REPORTS

No Staff reports provided.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

No Liaison reports provided.

VIII. ADJOURNMENT

Chair Edwardson adjourned the meeting at 5:58PM.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-525

TO: Rob Edwardson, Chair of the Assembly Lands Committee

FROM: *Daniel Bleidorn*
Dan Bleidorn, Deputy Lands & Resources Manager

SUBJECT: State Parking Agreement

DATE: April 25, 2020

In 2009, Resolution Serial No. 2535 authorized the Manager to lease the area between the JACC and Centennial Hall to the State of Alaska for employee parking for one year with four one-year renewals. Ordinance 2015-30 was adopted by the Assembly in 2015 and authorized the Manager to continue to lease this parking to the state for one year with four one-year renewals.

The final renewal period for the existing lease is set to expire on June 30, 2020. The state has requested a continuation of this lease which consists of roughly 150 parking spaces. The current lease rate was determined by appraisal in 2015 and is \$122,760 per year. In 2018, the lease area was updated to centralize Centennial Hall and JACC Parking. A new appraisal will be completed in order to adjust the lease rate to fair market value. The State manages and provides winter maintenance of the leased area. They provide their own striping, appropriate signage and enforcement of their parking regulations.



Staff request that the Lands Committee pass a motion of support to continue to lease roughly 150 parking spaces to the State of Alaska for employee parking.

MEMORANDUM

CITY/BOROUGH OF JUNEAU
 Lands and Resources Office
 155 S. Seward St., Juneau, Alaska 99801
 Greg.Chaney@Juneau.org
 Voice (907) 586-0205

TO: Rob Edwardson, Chair of the Assembly Lands Committee
FROM: Greg Chaney, Lands and Resources Manager
DATE: March 18, 2020
SUBJECT: Ke Mell Application to Purchase City Property at 848 Basin Road

The Lands Office has received an application from Ke Mell to purchase a 8,538 square foot City lot at 848 Basin Road, in downtown Juneau. Ms. Mell's house is located next door at 850 Basin Road. The applicant is interested in purchasing the 848 Basin Road lot in order to build a house on the property. The area is zoned for D18 multifamily development but Basin Road is mostly developed with single family residences on very steep lots. Ke Mell is a registered architect and currently works as a project manager for the University of Alaska. She has significant construction management expertise and would use her experience to address the challenges presented by building on this very steep property. The application stated that the lot at 848 is extremely precipitous and would be extremely difficult to access from Basin Road. However, her lot could provide an access route to 848. Therefore her plan is to stage the construction from her property. As an adjacent property owner, she is uniquely situated to develop the neighboring City lot. Anyone else attempting to build on this property would be required to stage construction from Basin Road and would have to access the lot over a steep retaining wall. These factors would make the prospect tremendously difficult.

The parcel of land requested by Ke Mell is managed by the Lands and Resources Division.

CBJ§53.09.260 Negotiated sales, leases, and exchanges stipulates that once an application has been received, it must first be determined by the Assembly whether the proposal should be further considered by direct negotiation with the original proposer or if the property should be offered for public sale to other individuals. In this case, the subject property is very steep. Since this lot is zoned for residential development but is unusually steep, it is listed in the Land Management Plan LND 1020 for retain/dispose. The Lands Division has not offered this property as a candidate for general sale due to the extreme difficulties associated with developing this steep lot. By selling this lot to the applicant, a residential development could be built. Since this lot is not intended to be used by the City for any other purpose and it could be developed by the applicant to increase housing options within the downtown region, Lands staff is recommending that this lot be sold to the original proposer.

Suggested Motion: A motion of support to the Assembly for a fair market value sale of City property located at 848 Basin Road to the original applicant, Ke Mell.



Figure 1. Location of 848 Basin Road property. Note structures clustered along Basin Road due to steep terrain. The applicant's home is located adjacent to the subject lot and could provide enhanced access to the site for construction.



City and Borough of Juneau Land Purchase Applicants

Applicant Information

Business / Individual *

Ke Mell

Address *

PO Box 2- 898

Street Address

Juneau

City

AK

State / Province / Region

99802

ZIP / Postal Code

Phone *

907 463-3942

Email

ke mell@alaskan.com

☐ Add Another Business/Individual

CBJ Land Information

The [CBJ Assessor's Database](#) will provide information regarding site address and legal description. The [CBJ Parcel Viewer](#) tool can provide necessary maps needed to complete this application.

Site Address *

848 Basin Road

Legal Description *

Lot 11 of U.S. Survey No 3378

Provide Brief Description of Your Proposal *

I propose to purchase Lot 11 and pay taxes on it. When resources allow, I plan to build housing on it, in accordance with CBJ Titles 49 and 19.

Provide a Map of CBJ Land you wish to Purchase *

[848-Basin-Road.pdf](#)  

Have you mailed the \$500.00 filing fee? *

- ☒ Yes
☐ Not Yet

Applications can only be processed when the \$500 fee is received. All checks are made out to "The City and Borough of Juneau" and can be sent to:

*The City and Borough of Juneau
 Attn: Lands and Resources Division
 155 S. Seward St.
 Juneau, AK 99081*

Additional Comments for CBJ Staff to Consider

I'm a neighbor: Lot 11 adjoins Lots 10 and 9A at 850 Basin Road, which I have occupied since 2002 when I contracted with Anne Meeker, owner of record, to buy the house and lots from her. (Her husband Richard Meeker passed away in 1992.) Based on the 1' topographic contours in CBJ's staff parcel viewer, the best access to Lot 11 for development purposes (foundations) appears to be across Lot 10.

I have the skills to work out how best to develop a very difficult site: I'm a registered architect with 35 years of professional experience in Juneau. I'm currently (and for the past 11 years) employed by UAS as a Facilities Planning and Construction Project Manager, taking all sorts of projects—from tens of thousands to millions of dollars—from initial scoping thorough design and construction.

I'm well acquainted with neighborhood conditions: the topography of lots 11, 10, and 9A (and of Lots 9 and 8 to the northwest) is extremely difficult, as all slope down from Basin Road at 30 to 35 degrees over the depth of the lot (totaling 55-60' in elevation), with some areas sloping at 40 to 45 degrees. This considerably complicates any construction on the properties. On account of the slope, the ground is continuously mass wasting downhill—at varying rates—into Evergreen Bowl/Cope Park. Lot 11 has a retaining wall which supports two off-street parking places on Basin Road, but the retaining wall was never designed to support a building and will need to be removed or re-engineered.

I'm committed to more housing downtown: I'd like my kids to be able to live in Juneau. Over twenty-five years ago, when Cathy Munoz was newly elected to the Juneau Assembly, we sat on the summer grass watching our oldest children play, and I told her that what downtown really needs, is more people living here; that means more housing. Businesses will find their customers; housing needs more help.

"By submitting this form, I agree all information is accurate. Submission of this request is NOT approval by the City and Borough of Juneau. I understand that staff will review my application and follow up with questions. Once staff have reviewed my application, ultimate determination of my request to purchase City property will be made by the City Assembly."

Legal Representative of Business / Individual *

Ke	Mell
First	Last

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Rob Edwardson, Chair of the Assembly Lands Committee

FROM: *Daniel Bleidorn*
Dan Bleidorn, Deputy Lands & Resources Manager

SUBJECT: Merganser Road/Lena Point Communications Tower Lease Request

DATE: April 28, 2020

In March of 2018, the Lands Committee reviewed a memo and a presentation concerning a request from Vertical Bridge Holdings LLC to lease City property on the 64 acre parcel located north of the South Lena Subdivision. At that meeting the Lands Committee passed a motion in favor of working with Vertical Bridge Holdings LLC towards the lease of City Property located in South Lena. The Assembly reviewed this proposed lease at the April 2, 2018 meeting as New Business and determined not to solicit additional applications and to work with the original applicant.

In the time since the 2018 Lands Committee meeting, an appraisal has been completed for this proposed lease and the Planning Commission reviewed the application. The appraisal was completed on February 21, 2020 and the base lease rate was determined to be \$1,075 per month. The Planning Commission, at its regular public meeting on April 14, 2020 adopted the analysis and the findings as attached in the Notice of Decision (NOD) and they approved the special use permit for this tower. At the Planning Commission meeting 6 citizens spoke against this proposed tower and one citizen spoke in favor. There were concerns with 5G technology and the proximity to the South Lena Subdivision.

53.09.260 - Negotiated sales, leases, and exchanges states "after review by the planning commission for disposals other than leases, after review by the assembly lands committee, and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, exchange, or other disposal of City and Borough land."

If a motion of support is provided by the Lands Committee the next step is to introduce an ordinance authorizing the Manager to execute a lease agreement with Vertical Bridge.

Staff request that the Lands Committee pass a motion of support to the Assembly to lease City property at Lena Point to Vertical Bridge Holdings LLC.

Attachments:

February 21, 2020 Appraisal Pages 1-3
April 4, 2020 NOD of the Planning Commission decision
March 13, 2018 Memo from Dan Bleidorn
March 19, 2018 Lands Committee Minutes
April 2, 2018 Assembly Meeting Minutes, New Business, Item B
Written Public Comment

**APPRAISAL REPORT
REAL ESTATE APPRAISAL**

Of
16150 Merganser Rd Tower Site



16150 Merganser Rd , Juneau
AK, 99801

As of
February 21, 2020

Prepared For
Mr. Dan Bleidorn
City and Borough of Juneau
Juneau, AK, 99801

Client File:
PO 112486, LOA 7406

Prepared by
RAMSEY APPRAISAL RESOURCE
Roger Ramsey, Alaska-AA 570

File Name:
20-015-2

RAMSEY APPRAISAL RESOURCE

10615 Horizon Drive
Juneau,
AK, 99801

907-723-2936
Fax: 866-404-7117
rogerramsey@mac.com

3/30/2020

Mr. Dan Bleidorn
City and Borough of Juneau
Juneau, AK 99801

Re: Appraisal Report, Real Estate Appraisal
16150 Merganser Rd Tower Site
16150 Merganser Rd , Juneau,
AK, 99801

File Name: 20-015-2

Dear Mr. Bleidorn:

At your request, I have prepared an appraisal for the above referenced property, which may be briefly described as follows:

The subject larger parcel is a 64.34-acre site located off Ocean View Drive, with access to the site from Merganser Rd. The area to be leased is a 100' X 100' or 10,000 SF, centered significantly away from the larger parcel property lines, but near an existing water tank. Access to the site will be allowed through a nonexclusive 20,298 SF access and utility easement

Please reference page 9 of this report for important information regarding the scope of research and analysis for this appraisal, including property identification, inspection, highest and best use analysis and valuation methodology.

I certify that I have no present or contemplated future interest in the property beyond this estimate of value. The appraiser has not performed any services regarding the subject within the three-year period immediately preceding acceptance of this assignment.

Your attention is directed to the Limiting Conditions and Assumptions section of this report (page 7). Acceptance of this report constitutes an agreement with these conditions and assumptions. In particular, I note the following:

Hypothetical Conditions:

- None

Extraordinary Assumptions:

- None

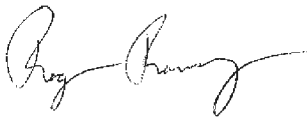
Based on the appraisal described in the accompanying report, subject to the Limiting Conditions and Assumptions, Extraordinary Assumptions and Hypothetical Conditions (if any), I have made the following value conclusion(s):

Current As Is Market Value:

The “As Is” Market Rent estate of the proposed lease site, as of February 21, 2020, is

Thirteen Hundred Dollars (\$1,300)

Respectfully submitted,
Ramsey Appraisal Resource

A handwritten signature in black ink, appearing to read "Roger Ramsey", with a stylized flourish at the end.

Roger Ramsey,
Alaska-AA 570



Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: April 17, 2020

File No.: WCF2019 0009

Vertical Bridge, LLC
ATTN: Gary Brekke
6510 Beechcraft Road
Wasilla, AK 99654

Application For: A Wireless Communication Facility Permit to install new, unlit 150-foot communication tower

Legal Description: South Lena Block E

Property Address: 16150 Merganser Road

Parcel Code No.: 8B3301070090

Hearing Date: April 14, 2020

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 16, 2020, and APPROVED the Special Use Permit to install a new, unlit, 150-foot communication tower, to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The site security and required signage must be installed and maintained according to the plan.

Attachments: March 16, 2020 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding WCF2019 0009.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30

Case No.: WCF2019 0009

April 17, 2020

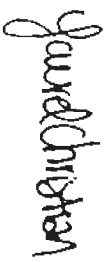
Page 2 of 2

P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, April 14, 2020.

Expiration Date: The permit will expire 18 months after the effective date, or October 14, 2021, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Laurel Christian, Planner
Community Development Department



Michael LeVine, Chair
Planning Commission



Evelyn Wilson
City Clerk

4/20/2020

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 development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. 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.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org (907) 586-0224

TO: Assembly Lands Committee

FROM: Dan Bleidorn, Deputy Lands Manager
Daniel Bleidorn

SUBJECT: Vertical Bridge Request to Lease City Property – South Lena

DATE: March 13, 2018

On March 6th, 2018, the Lands office received an application from Vertical Bridge Holdings LLC to lease City property on the 64 acre parcel north of the South Lena Subdivision (Attachment A). This parcel (LND-0127) is the location of a municipal drinking water reservoir.

Vertical Bridge Holdings LLC is proposing to construct a cellular facility adjacent to the Lena Pt water reservoir that will accommodate multiple cellular carriers. According to the applicant, “the facility will provide needed cellular, data and E911 services to the area. Vertical Bridge asks for a 100' X 100' leased area that will contain a 150' tower of either free standing lattice or monopole design, all cellular ground equipment and backup generator(s).”



53.09.260 - Negotiated sales, leases, and exchanges states “The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals.”

If the Assembly provides a motion of support to work with Vertical Bridge Holdings LLC., the proposed lease will then be reviewed by the Planning Commission and will also be subject to the requirements of city code 49.65 Article 9, “Wireless Communication Facilities”

Staff requests the Lands Committee pass a motion of support to the Assembly to work with Vertical Bridge Holdings LLC towards the lease of City Property contingent on a Planning Commission recommendation.



**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

March 19, 2018 12:00 P.M. (Special Meeting Time)
City Hall, Assembly Chambers

I. ROLL CALL

Chair Mary Becker called the meeting to order at 12:00pm.

Members Present: Mary Becker; Beth Weldon; Rob Edwardson; Jerry Nankervis

Liaisons Absent: Paul Voelckers, Planning Commission; Weston Eiler, Docks and Harbors; Chris Mertl, Parks & Recreation

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Rachel Friedlander, Lands and Resources Specialist

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved.

III. APPROVAL OF MINUTES

The minutes were approved as amended.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda items.

V. AGENDA TOPICS

A.

B. Vertical Bridge Request to Lease City Property – South Lena

Mr. Bleidorn addressed the Lands Committee concerning his March 13th, 2018 memo and summarized the application was for a 100 foot by 100 foot lease of City property located adjacent to the water tower found at South Lena. Mr. Bleidorn said this application is in the beginning stages of City review and that there will be a process to evaluate the cell tower itself, in addition to allowing for a lease, as this item makes its way before the Planning Commission and CDD staff for review. Title 49 has a full section on cell tower wireless facilities that this application will be vetted through said Mr. Bleidorn. Mr. Bleidorn said the next step for this application will be taking this item before the full Assembly where the Assembly can make the decision to lease the property, to work with the original applicant, or open it up to additional applicants who may be interested in leasing this very site. All of these steps will be followed by a City State Project review by the Planning Commission and will then come back before the Assembly to be adopted by ordinance. Mr. Bleidorn updated the suggested motion from the packet to state:: “Lands staff is requesting the Lands Committee to adopt a motion of support to the Assembly directing the Manager to work with the original applicant, Vertical Bridge.”

Ms. Weldon asked if there would be a problem with any sort of light on the tower and Mr. Bleidorn said the FAA will decide if a light is needed, and that the Planning Commission and CDD staff will be evaluating this as well, through the conditions outlined in Title 49.

Mr. Edwardson said Mr. Bleidorn's recommended motion requests that the Lands Committee send this agenda topic to the Assembly with support. Mr. Edwardson

said he would not have a problem sending this item over to the Assembly, but that he is uncomfortable with the word “support” not having the information necessary to make that determination. Mr. Bleidorn replied that he had updated the motion to not have the word support. Mr. Edwardson said Vertical Bridge's application requested a lease of 60 feet by 60 feet but that staff's memo requests 100 feet by 100 feet, and Mr. Bleidorn replied after the applicant submitted their application, they sent a follow up email for additional square footage. This occurred after the Lands Committee packet was finalized, said Mr. Bleidorn. Mr. Bleidorn said the City has a current lease with Vertical Bridge with a cost sharing arrangement for their sublessees so through negotiations the City could have something similar to that tower.

Mr. Nankervis said there is already a light on the NOAA property that looks exactly like the tower on Spuhn Island. Mr. Nankervis then said when he was at the Police Department and did a site visit with the radio tech, they went to a tower. Mr. Nankervis was curious if this tower was by the water tank and Mr. Bleidorn replied he believed JPD's tower was on the FAA property. Mr. Nankervis asked if the City would be interested in working with the applicant at that location for what the Police Department has up there already and Mr. Bleidorn replied that is definitely something the City looks into with tower requests. Mr. Bleidorn said one of the first things he does is consult the CBJ's MIS Division to make sure they do not have any infrastructure needs that could be built into negotiations.

The Lands Committee unanimously passed a motion to work with Vertical Bridge Holdings LLC towards a lease of City property located in South Lena.



THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - April 2, 2018

MEETING NO. 2018-08: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Acting Mayor Jerry Nankervis.

I. FLAG SALUTE

II. ROLL CALL

Assemblymembers present: Jerry Nankervis, Jesse Kiehl, Mary Becker, Maria Gladziszewski, Loren Jones, Norton Gregory, Rob Edwardson, and Beth Weldon (telephonic)

Members absent: Mayor Ken Koelsch

Staff present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Beth McEwen, Acting Clerk; Diane Cathcart, Acting Deputy Clerk; Bob Bartholomew, Finance Director; Roger Healy, Engineering and Public Works Director; Carl Uchytel, Port Director; David Borg, Harbormaster; Matt Creswell, Harbors Ops Supervisor; Dallas Hargrave, HRRM Director

MOTION, by Mr. Kiehl, to adopt Ordinance 2018-09. Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

Originally pages 16-17 on 04-02-18 minutes:

B. Vertical Bridge Request for a Lease of City Property

The Division of Lands and Resources received an application to lease City property from Vertical Bridge Holdings LLC. The lease is being requested on CBJ property on Lena Point; this is also the location of a municipal drinking water reservoir. Vertical Bridge is proposing to construct a 150' tower and cellular facility adjacent to the Lena Point reservoir that will accommodate multiple cellular carriers. CBJ 53.09.260 states "The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals." The decision before the Assembly at this time is whether to work with the original proposer or to solicit additional applicants to lease the property. The Assembly will not be approving the cellular installation at this time.

On March 19, 2018, the Lands Committee passed a motion recommending the Assembly direct the Manager to work with the original applicant, Vertical Bridge Holdings. If the Assembly provides a motion to work with Vertical Bridge Holdings LLC., the proposed lease and the cellular installation will then be reviewed by the Planning Commission and will also be subject to the requirements of CBJ 49.65 Article 9, "Wireless Communication Facilities". If approved by the PC, the lease will come back before the Assembly for final approval as an ordinance.

The City Manager requests a motion to work with the original applicant, Vertical Bridge.

Assembly Action:

MOTION, by Ms. Gladyszewski, that the Assembly request the City Manager to work with the original applicant, Vertical Bridge LLC. Hearing no objection, it was so ordered.

Dan Bleidorn

Subject: FW: Planning Commission Mtg

From: Skye Stekoll <skye_stekoll@yahoo.com>

Date: April 15, 2020 at 4:30:16 PM AKDT

To: Beth Weldon <Beth.Weldon@juneau.org>, Rorie Watt <Rorie.Watt@juneau.org>

Subject: Planning Commission Mtg

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

I am writing in regards to the recent Planning Commission meeting (4/14/2020) in which I testified against (over the phone) WCF2019 0009- a proposed wireless tower next to our house. I am first, and foremost, embarrassed to be writing this at this time and to be taking up any of your time from more important issues. However, it was CBJ's choice to move forward with the meeting last night and so here are several issues that came up during the PC meeting that I would like you to be aware of:

Timeline:

The application was first scheduled for mid November 2019. Then it was postponed until early December. It was postponed again until late March 2020 and then finally heard last night on 4/14/2020. That is four times that we had to try to motivate the neighborhood to show up and express their reservations with the application. We were never given a reason for the delays. I found the decision to have the meeting in the middle of the Hunker Down order a questionable decision.

Education:

It was clear from the meeting that no one (staff or commissioners) had done their homework or had knowledge on wireless communication towers and what could legally be challenged or not. Mr. Voelckers recalled a decision years ago regarding FCC and limitations that local municipalities have to make determinations on health and public safety. However, there have been many nationwide court cases since that time and there seemed to be no knowledge if those old stipulations were still intact or if those restrictions on objections were true.

I assume the lack of preparedness was due to the time constraints that we are all under with our new reality. The planner who did the staff report and who we had communicated with frequently, left the CBJ during the application process. We were unaware of that until the meeting. It was clear that other CBJ Planning staff did not have the time to grasp the project, which is understandable given our current circumstances.

I agree with the Planning Commission's decision to throw out staff's recommended restrictions because it wasn't clear how Planning Staff came to any of the conclusions they did (tower design, color, etc). The one exception to that was tower height. Staff had determined that the tower would be a visual impairment at 150' (155' with lightning rod) and then tried to contact the applicant to justify the 150'. They never did in the five months between the first proposed hearing date and the actual hearing date.

Process:

During the meeting and discussion after public participation, it became apparent that there was no CBJ process to investigate alternative sites for the tower. How did the CBJ decide to lease this property to this particular entity? Is there no public process for siting on CBJ property? It seems like there should have been discussion at the lands committee prior to an application for CBJ property. Was there?

Planning Staff had no answers for our questions regarding this process. The applicant's client (GCI) had tried to purchase private property in the area, including very near the current ATT tower, which they are currently co-located on. When those attempts failed, they went to the CBJ and have managed to get a stamp of approval despite not meeting CBJ tower requirements (reasonable justification for not co-locating, number of antennae). CBJ staff needs to better understand wireless coverage, basic design parameters of towers, limitations on use of towers, etc. The PC took the applicants admitted best guesses as facts and no one in the room had the ability to determine if those, were in fact, accurate. I assumed there had been enough tower application/ discussions over the years that these would be dialed in but was quite surprised to find this was not the case.

Applicant's Responsibility:

The applicant had no knowledge of their client's (GCI's) reasoning for the specific location of the tower, why they chose the height of the tower, what wireless products (antennae) are proposed and what their plans for co-locating on the tower were. He did voice his opinion of possible explanations. However, it would seem prudent to have that information available prior to the PC or CBJ Staff making a decision on whether or not this is a good location for such a tower and if the project should be approved.

PC's Leading Questions:

The Planning Commission frequently asked the "expert" opinion from the applicant including his opinion on what level of exposure he is comfortable with. This seemed highly inappropriate without having a neutral expert available to counter some of the questionable claims. There did not appear to be legal assistance available at the meeting.

At what point do commissioners need to disclose possible conflict of interests or professional relationships to an applicant or applicant's client?

Conclusions:

Whose responsibility is it to understand wireless communication infrastructure? CBJ required very little technical data or basic understanding of wireless towers/ communications prior to making an "informed" decision on the application. I would assume this should be part of the Planning Department's job. How can they make recommendations on height restrictions, paint, design, or location if they don't have a good understanding of how the system works and what impacts their suggestions have on the functionality of the infrastructure?

It appears the Lands Department had no public process or made any effort to explore alternative sites, understand why this location was critical (other than cheap for the company) to the applicant/ client. If that process was done, why wasn't it shared? It seems premature to go through the Planning Commission prior to working things out through the Lands Committee.

Thank you for your time and I greatly appreciate all the time and effort that has been put into our current situation. I understand you are busy and have more pressing issues but ask that you send this in the right direction for contemplation.

Sincerely,

Skye Stekoll

16530 Ocean View Drive

Juneau, AK 99801

(907)209-7348

Lands Committee,

My name is Tyson Lee and I am writing you as a concerned Juneau property owner in regards to the 150 plus foot cell towers by Vertical Bridge that was approved by the Planning Committee on April 14th. Vertical Bridge is applying to lease a piece of City owned land to erect a 155-foot cell tower on Merganser Rd in the Lena area behind Ocean View Drive. I am requesting the Land Committee deny this application for several reasons that I will list below.

Please allow me to expand on my introduction and the reasoning this lease concerns me and requires my involvement. I was born in Juneau along with several of my eight siblings, who all are raising their own families here. We all have been very involved in the community and the local economy over the last 40 plus years. Protecting Juneau's pristine landscape and organic backdrop is a vision we hope the lands committee shares with us. As our neighbors, we hope you also share our concerns for Juneau property values and community image.

Currently I own a house in the Valley that I live at with my wife Karla and our son. I also own a piece of property I purchased from the City on Ocean View Drive. When I purchased the Lena lot, I never had a 155-foot cell tower directly behind it in the design. I do not believe my neighbors who have already built their dream homes had that in their designs either. The community of Lena did not invest in a landscape littered with industrial zone buildings and towers. The 360-degree nature based landscape that is void of large towers and commercial buildings are why so many of us had chosen Lena as the location for our dream homes. This tower will have a negative impact on property values in the area, which could affect other property values throughout the city.

There are several reasons to deny this application to lease the cell tower on Merganser Rd and any other new 5G tower in the Juneau area.

1. This cell tower would be the first of many if allowed. 5G cell towers operate at a higher frequency with shorter wavelengths. 4G cell towers have a wavelength range of 10 miles while 5G towers top out around 1000 feet (about 2% of 4G range). Even with the height of 155ft, this towers range will be around 500 feet. In order for Vertical Bridge to ensure a reliable 5G signal they will need to have a lot of Cell towers and antennas everywhere. The future view of Juneau's landscape will be dominated by large cell towers enable for 5G to be reliable.
2. Because the public does not desire Cell towers, CBJ has always tried to limit the number of towers by requiring carriers to Collocate. The current tower in Lena is already host to the telecom company seeking to have this tower erected. By allowing this tower we are allowing each cell phone company to have their own towers and bypassing the Communities desire to limit cell towers and require colocation.
3. The water tower on Merganser was designed to have no visual impact on the surrounding area. The land the water tower sits on was brought down so the 44 foot height still sits below the tree line. The average tree height in the area is around 55 feet with most trees being western hemlock. Two larger Sitka spruce trees are closer to 100 feet tall in the area where they would

like to place the 155 foot 5G cell tower but not close enough to help conceal the tower. The cell tower would be significantly taller than any surrounding trees and would be visible through out Lena, from the water and from Glacier Hwy. The applicant is underplaying the visual impact this will have. The water tower height is 44' and the proposed tower is 155' and will not have any natural foliage to conceal it.

I hope you will find the same issues as your neighbors when it comes to this cell tower. Please stand with the community and deny the application for leasing CBJ land for this cell tower. As the Lands Committee, you are our last hope in halting the takeover of our beautiful City by Cell towers. As my neighbors and I listen to the meeting on Monday, I would appreciate someone making a motion to deny this application prior to the City Lands offices makes their motion.

Thank you,

Tyson Lee

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Rob Edwardson, Chair of the Assembly Lands Committee
Daniel Bleidorn
FROM: Dan Bleidorn, Deputy Lands & Resources Manager
SUBJECT: Crazy Horse Drive Communication Tower Lease Request
DATE: April 28, 2020

On April 8, 2019, the Lands Committee reviewed a memo and presentation concerning a request from Vertical Bridge Holdings LLC to lease City property on the 32 acre parcel located at the end of Crazy Horse Drive, in the Mendenhall Valley. At that meeting, the Lands Committee passed a motion of support to work with Vertical Bridge Holdings LLC towards the lease of City Property contingent on a Planning Commission recommendation.

In the time since the Lands Committee meeting, an appraisal has been completed for this proposed lease and it has been reviewed by the Planning Commission. The appraisal was completed on February 21, 2020 and the lease rate was determined to be \$1,075 per month. The Planning Commission, at its regular public meeting on April 14 2020, adopted the analysis and findings attached in the Notice of Decision (NOD) and approved the special use permit for this tower. At the Planning Commission meeting 1 citizen spoke against this proposed tower. Since the Lands Committee already provided a motion of support for working with the original applicant on April 8th, 2019 there is no request for a motion from staff at this time. However, given the amount of time since the Lands Committee last reviewed this topic, staff requests questions and comments from the Lands Committee prior to bringing the lease request to the Assembly. The next step in the application process is to bring this application to the Assembly as New Business and request a motion to work with the original proposer.

53.09.260 - Negotiated sales, leases, and exchanges states:

"The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals."

If this lease receives a positive motion from the Assembly to work with the original applicant, it will be brought before the Lands Committee as an Agenda Topic for discussion and staff will request a motion to the Assembly at that time.

Attachments:

02-21-2020 Appraisal pgs. 1-3

NOD from Planning Commission Meeting 04-14-2020
04 08 2019 memo from Dan Bleidorn
04-08-2019 Final Lands Committee Minutes

**APPRAISAL REPORT
REAL ESTATE APPRAISAL**

Of
Crazy Horse Dr Cell tower site



10020 Crazy Horse Drive, Juneau
AK, 99801

As of
February 21, 2020

Prepared For
Mr. Dan Bleidorn
City and Borough of Juneau
Juneau, AK, 99801

Client File:
PO 112486, LOA 7406

Prepared by
RAMSEY APPRAISAL RESOURCE
Roger Ramsey, Alaska-AA 570

File Name:
RAR File 20-015-1

RAMSEY APPRAISAL RESOURCE

10615 Horizon Drive
Juneau,
AK, 99801

907-723-2936
Fax: 866-404-7117
rogerramsey@mac.com

3/30/2020

Mr. Dan Bleidorn
City and Borough of Juneau
155 S Seward St
Juneau, AK 99801

Re: Appraisal Report, Real Estate Appraisal
Crazy Horse Dr Cell tower site
10020 Crazy Horse Drive,
Juneau, AK, 99801

File Name: RAR File 20-015-1

Dear Mr. Bleidorn:

At your request, I have prepared a market rent appraisal for the above referenced property, which may be briefly described as follows:

The subject larger parcel is a 31-acre site at the end of Crazy Horse Drive. The area to be leased is a 75' X 75' or 5625 SF, centered significantly away from the larger parcel property lines. Access to the site will be allowed through a nonexclusive 7514 SF access and utility easement

Please reference page 9 of this report for important information regarding the scope of research and analysis for this appraisal, including property identification, inspection, highest and best use analysis and valuation methodology.

I certify that I have no present or contemplated future interest in the property beyond this estimate of value. The appraiser has not performed any services regarding the subject within the three-year period immediately preceding acceptance of this assignment.

Your attention is directed to the Limiting Conditions and Assumptions section of this report (page 7). Acceptance of this report constitutes an agreement with these conditions and assumptions. In particular, I note the following:

Hypothetical Conditions:

- None

Extraordinary Assumptions:

- None

Based on the appraisal described in the accompanying report, subject to the Limiting Conditions and Assumptions, Extraordinary Assumptions and Hypothetical Conditions (if any), I have made the following value conclusion(s):

Current As Is Market Rent per month:

The “As Is” Market Rent of the proposed lease site, as of February 21, 2020, is

On thousand, Seventy Five Dollars (\$1,075)

Respectfully submitted,
Ramsey Appraisal Resource

A handwritten signature in black ink, appearing to read 'Roger Ramsey', with a stylized, flowing script.

Roger Ramsey,
Alaska-AA 570



Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: April 17, 2020

File No.: WCF2019 0010

Vertical Bridge, LLC
ATTN: Gary Brekke
6510 Beechcraft Road
Wasilla, AK 99654

Application For: A Wireless Communication Facility Permit to install a new, unlit 150-foot communication tower

Legal Description: USS 1041

Property Address: 10020 Crazy Horse Drive

Parcel Code No.: 4B1701100120

Hearing Date: April 14, 2020

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 17, 2020, and APPROVED the Special Use Permit to install a new, unlit, 150-foot communication tower with a 5-foot lightning rod to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The site security and required signage must be installed and maintained according to the plan.

Attachments: March 17, 2020 memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding WCF2019 0010.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

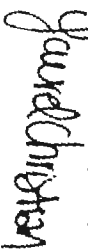
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to

Vertical Bridge, LLC
Case No.: WCF2019 0010
April 17, 2020
Page 2 of 2

CBJ 01.50.030(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, April 14, 2020.

Expiration Date: The permit will expire 18 months after the effective date, or October 14, 2021, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.



Project Planner:



Laurel Christian, Planner
Community Development Department

Michael Levine, Chair
Planning Commission



4/20/2020

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 development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. 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.

MEMORANDUM

CITY/BOROUGH OF JUNEAU

Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Dan.Bleidorn@juneau.org
(907) 586-5252

TO: Assembly Lands Committee

FROM: Dan Bleidorn, Deputy Lands & Resources Manager
Daniel Bleidorn

SUBJECT: Vertical Bridge Request to Lease City Property – Crazy Horse Drive

DATE: April 4, 2019

In March, the Lands Office received an application from Vertical Bridge Holdings LLC to lease City property on the 32 acre parcel located at the end of Crazy Horse Drive, in the Mendenhall Valley (Attachment A). This parcel (LND-0450) is the location of an existing 0.5 acre lease to the Southeast Alaska Food Bank and a 400 square foot lease to the FAA for the Low Level Windshear Alert System.

The proposed tower, which will be roughly 350 feet from the Food Bank, will accommodate multiple cellular carriers. The facility will provide needed cellular, data, and E911 services to the area. Vertical Bridge has requested a 75' X 75' lease area that will contain a 150' tower of monopole design, cellular ground equipment and backup generator(s). The facility would have security fencing and have the ground equipment alarmed for emergency service should it be required. It is unknown at this time if the proposed tower would require lighting, but Vertical Bridge would install tower lighting only if state or federal authorities required it.

53.09.260 - Negotiated sales, leases, and exchanges states “The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals.”

If the Assembly provides a motion of support to work with Vertical Bridge Holdings LLC., the proposed lease will then be reviewed by the Planning Commission and will be subject to the requirements of CBJ§49.65 Article 9, “Wireless Communication Facilities”

Staff recommendation:

The Lands Committee adopts a motion of support to the Assembly to work with Vertical Bridge Holdings LLC towards the lease of City Property contingent on a Planning Commission recommendation.





EXHIBIT A

Communication Tower

Lease Area

0 250 500 Feet

The property boundaries are not survey quality.
This map is for general reference only.



**ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

April 8, 2019, 5:00 P.M.
City Hall, Assembly Chambers

I. ROLL CALL

Acting Chair Gladyszewski called the meeting to order at 5:00pm.

Members Present: Chair Mary Becker, Michelle Hale, Alicia Hughes-Skandijs

Members Absent: Maria Gladyszewski

Liaisons Present: Chris Mertl, Parks & Recreation; Paul Voelckers, Planning Commission

Liaisons Absent: Weston Eiler, Docks and Harbors

Other Assembly Members Present: Beth Weldon, Mayor; Loren Jones; Rob Edwardson

Some Members of the Public Present: Don Gouchtel, Charles Murphy, KINY Radio Reporter

Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Roxie Duckworth, Lands & Resources Specialist; Scott Ciambor, Chief Housing Officer; Rorie Watt, City Manager; Jill Maclean, Community Development Director; Bob Bartholomew, Finance Director; Jeff Rogers, Finance Director

II. APPROVAL OF AGENDA

Hearing no objections, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. March 18, 2019 Draft Minutes

Chair Becker and Ms. Hale had submitted comments for changes and the March 18, 2019 minutes were approved as amended.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda items.

V. AGENDA TOPICS

A. Vertical Bridge Cell Tower Lease

Mr. Bleidorn introduced an application from Vertical Bridge Holdings LLC requesting to lease City property on Crazy Horse Drive to put up a 150' monopole tower about 350' from the Food Bank. On this same site is an existing 150' monopole tower owned by the FAA, as part of their wind management system. The new tower will accommodate multiple cellular carriers. The facility will provide needed cellular, data, and E911 services to the area and contain cellular ground equipment and backup generators.

Vertical Bridge will have the ability to co-locate on this tower with revenue sharing for any subleases on the tower. The property has been disturbed in the past by Public Works, with berms being created in which Vertical Bridge will be utilized as access roads and will include them in their lease. The next step for this lease would be to go to the Assembly for authority to work with the original applicant, Vertical Bridge, and then apply for a use permit through CDD. This will take a few months before it comes back to the Assembly as a lease application if it passes all of these steps.

Mr. Mertl inquired if this was industrial property. Mr. Bleidorn deferred to Ms. Maclean for confirmation.

Ms. Hale moved to support the recommendation, that the Lands Committee (LC) adopt a motion of support to the Assembly to work with Vertical Bridge Holdings LLC towards the lease of City Property contingent on a Planning Commission recommendation. Unanimous approval of the motion.

ECONOMIC STABILITY TASK FORCE

CHILDCARE FINANCIAL RECOMMENDATIONS

Through fact finding conducted within Juneau, the Economic Stability Task Force (ESTF) has determined there will be a need for financial assistance within the childcare sector of Juneau's economy. Assistance is needed both on the form of direct monetary assistance, and through directly providing supplies to safely operate.

Market Condition

There are approximately 442 licensed childcare slots in Juneau. Industry representative Joy Lyon of AEYC estimates that upon re-opening during the month of May, enrollment will be approximately 50% of capacity. Blue Shabler of Discovery Preschool stated her center will operate at 30% capacity for two weeks beginning May 18, 2020 with the intention of increasing to 60% capacity for the month of June if conditions allow. Jamie Shanley of the LEARN Childcare center has created a re-opening plan that starts with 25% capacity beginning May 11, 2020, ramping up each week to an eventual 40% capacity by June 11, 2020, at which point the center will reassess its capabilities. Kueni Maake of the ABC center plans to re-open sometime in June, as does the Goldcreek Child Development Center. These estimated declines in enrollment are due to:

- o Social distancing mandates reducing the capacity for facilities to safely operate
- o PPE-type supply shortages including thermometers, masks, disinfectants, hand sanitizer, and gloves.
- o Individual family decisions to keep children home

At full capacity, operating margins for childcare were already very thin. As an example, Shabler's Discovery Preschool was operating at a 3%-5% margin, even with rent 100% subsidized due to legislative family care preference. With the decrease in revenue, margins will be even lower or potentially unprofitable due to fixed costs continuing and tuition declining. Joy Lyon estimates that each center will lose \$1,050 per child not attending, per month.

Recommendation

With the intent to encourage childcare operators to remain open and to operate safely, the Assembly should consider providing temporary assistance to licensed centers. Assistance should be in the form of cash grants on a per-child basis for a period of three months beginning June 1st – at which point the market need should be re-assessed, given the quickly changing mandates and public health climate. The three-month time period is recommended as it begins when the state grant funding ends, and offers stability for operators, but recognizes the dynamic pace at which circumstances are fluctuating.

The Assembly should also consider covering additional costs of PPE-type items, and potentially other costs not normally incurred by childcare providers for a period of three months, beginning when the provider opens, or immediately if already open. CBJ should also assist in identifying a source for PPE as the purchasing capacity of most centers is limited.