

**ASSEMBLY AGENDA/MANAGER'S REPORT
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

August 2, 2021 7:00 PM

Assembly Chambers/Zoom Webinar/FB Livestream
Meeting No. 2021-19; Zoom Webinar <https://juneau.zoom.us/j/91515424903> or call 1-253-215-8782 Webinar ID: 915 1542 4903

Submitted By:

Duncan Rorie Watt, City and Borough Manager

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

III. ROLL CALL

IV. SPECIAL ORDER OF BUSINESS

A. Special Recognition: Mila Cosgrove

B. Instruction for Public Participation

The Assembly will follow COVID protocols in accordance with CDC guidelines, CBJ ordinances & resolutions, and COVID mitigation strategies at the time of the meeting. **Assemblymembers will be meeting in person, to the extent possible. Masks are required for all in person attendees/participants. In-person public participation will be limited on a first come, first served basis to no more than 8 persons in the public audience seats. *Attendees in excess of that number will be requested to participate via Zoom webinar.***

Testimony time will be limited by the Mayor based on the number of participants. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

When attending the Zoom webinar [login info listed at top of agenda] to speak on an item up for public hearing or a non-agenda item please hit the 'raise hand' button if participating via a computer/tablet; if participating by phone press *9 on your phone; this will place a 'raised hand' icon next to your phone number and will add you to the queue.

V. APPROVAL OF MINUTES

A. **July 12, 2021 Special Assembly Meeting Draft Minutes**

B. **July 12, 2021 Regular Assembly Meeting Draft Minutes**

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VIII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

B. Assembly Requests for Consent Agenda Changes

C. Assembly Action

1. Ordinances for Introduction

a. **Ordinance 2021-28 An Ordinance Amending Title 49, the Land Use Code, Related to Minimum Lot Depth.**

This ordinance would remove the minimum lot depth requirement from Title 49. The minimum lot depth requirement has created unnecessary prohibitions on properties, especially infill subdivisions that otherwise need a variance. The community will continue to benefit by maintaining the minimum lot width and minimum lot size requirements for future subdivisions.

On July 13, 2021, the Planning Commission recommended the Assembly adopt this ordinance.

The City Manager recommends the Assembly introduce this ordinance; refer it to the Lands, Housing, and Economic Development Committee; and set it for public hearing at the next regular Assembly meeting.

b. **Ordinance 2021-30 An Ordinance Amending the Sales Tax Code Regarding the Taxability of Services.**

Recently adopted changes to the Uniform Alaska Remote Sellers Sales Tax Code (the Uniform Code) require CBJ to align the tax treatment of services performed locally but delivered outside of the borough. This ordinance achieves that alignment by exempting those services from the imposition of CBJ's local sales tax.

The Assembly Finance Committee reviewed and discussed this concept on June 2, 2021, and the ordinance is scheduled for review by the Assembly Finance Committee on August 18, 2021.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

- c. **Ordinance 2021-34 An Ordinance Amending the Land Use Code to Extend the Sunset Dates for the Alternative Development Overlay Districts.**

This ordinance would extend the sunset date for the downtown Juneau alternative overlay district from August 1, 2021, to August 1, 2022.

The purpose of the alternative development overlay district is to provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This extension provides necessary time for the final review and adoption of new zoning for the downtown neighborhoods.

On July 27, 2021, the Planning Commission recommended this extension as it continues to work through substantive code amendments to the alternative development overlay district.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

- d. **Ordinance 2021-08(b)(am)(C) An Ordinance Appropriating \$150,000 to the Manager as Funding for a Tourism Manager; Funding Provided by Marine Passenger Fees.**

The Visitor Industry Task Force has recommended that CBJ should establish a centralized tourism management function to guide implementation of the Tourism Management Plan. This ordinance would appropriate \$150,000 of passenger fees for a tourism manager position for the remainder of FY22. This position would coordinate diverse activities and entities involved in public outreach, cruise scheduling, planning, permitting, infrastructure development, operations and maintenance, monitoring and reporting, and enforcement. Creating this position ensures that CBJ will take a more central role in managing outcomes and collaborating with the various active players in the community.

The Committee of the Whole reviewed this request at the July 19, 2021 meeting and recommended CBJ staff draft an appropriating ordinance for introduction.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

2. Bid Award

a. **Bid Award - BE21-264 Gruening Park Lift Station Stand Alone Lift Station**

This project includes installing approximately 50 linear feet of pressure sewer; installing approximately 70 linear feet of gravity sewer and new sewer manhole; demolition of an existing sewage lift station; installation of a new sewage pump station; and installation of a new portable generator, pump controls, pump controls rack, along with associated electrical work; and site development. Additive Alternate No. 1 includes installation of 2" water service.

Bids were opened on this project on July 15, 2021. The bid protest period expired at 4:30 p.m. on July 16, 2021. Results of the bid opening are as follows:

RESPONSIVE BIDDERS	BASE BID	ADDITIVE ALTERNATE NO. 1	TOTAL BID
ENCO Alaska, Inc.	\$1,135,275	\$35,000	\$1,170,275
Admiralty Construction, Inc.	\$1,194,150	\$50,000	\$1,244,150
Architect's Estimate	\$884,050	\$18,000	\$ 902,050

The City Manager recommends award of this project, base bid and Alternate No. 1, to ENCO Alaska, Inc. for the total amount bid of \$1,170,275.

3. Liquor License

a. **Liquor License Renewal - License #5747**

This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

Liquor License Renewal

License Type: Club, License #5747

Licensee: Juneau Yacht Club, Inc. d/b/a Juneau Yacht Club

Location: 1301 Harbor Way, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development Departments have reviewed the above license and recommend the Assembly waive its right to protest the renewal application. Copies of the documents associated with this license are available in hardcopy upon request to the Clerk's office.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewal.

4. Other Items for consent

a. **New Marijuana Licenses: #27471 & 27532**

CBJ received notice of the following Alcohol Marijuana Control Office (AMCO) new marijuana license applications.

New Marijuana Licenses

License Type: Limited Marijuana Cultivation Facility License: #27471

Licensee: Alaska Vibes LLC d/b/a Alaska Vibes

Location: 10011 Glacier Hwy., Juneau

(AMCO 60-day comment period ends: 8/5/2021)

License Type: Retail Marijuana Store License: #27532

Licensee: Alaska Vibes LLC d/b/a Alaska Vibes

Location: 10011 Glacier Hwy., Juneau

(AMCO 60-day comment period ends: 8/5/2021)

The above marijuana licenses are before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, and Community Development departments have reviewed these renewals and found the business to be in compliance with CBJ Code. Your packet contains the redacted renewal application along with the AMCO notice to the local governing body. Additional license application documents are available through the Clerk's office upon request.

The City Manager recommends the Assembly waive its right to protest the issuance of AMCO marijuana license #27471 and AMCO marijuana license #27532.

IX. PUBLIC HEARING

A. Ordinance 2021-08(b)(am)(A) An Ordinance Appropriating \$34,240 to the Manager as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Program, FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

The Juneau Police Department has been awarded \$34,240 in grant funding from the U.S. Department of Justice for various training opportunities.

The JPD Leadership Team has identified the following training opportunities to apply this funding to in FY22: employee wellness, school threat assessment, National Incident-Based Reporting System (NIBRS), and a digital evidence

workshop.

No local match is required for this grant.

The Manager recommends the Assembly adopt this ordinance.

B. Ordinance 2021-08(b)(am)(B) An Ordinance Appropriating \$42,300 to the Manager as Funding for Tourism-Related Services in the Summer of 2021; Funding Provided by Marine Passenger Fees.

The FY22 budget anticipated no large cruise ship visitation this summer; however, with pandemic-related restrictions lifting and the economy normalizing, Juneau is now expected to receive some cruise ship traffic in the last half of the summer. This ordinance would appropriate \$42,300 of marine passenger fees for tourism-related services this summer, allocating \$27,300 to Travel Juneau for crossing guards and \$15,000 to the Downtown Business Association for the Ambassador Services program.

Both Travel Juneau and the Downtown Business Association have already been appropriated funds for these services for the April through June, 2022 period.

The Manager recommends the Assembly adopt this ordinance.

C. Ordinance 2021-13 An Ordinance Amending the Land Use Code Related to the Coastal Management and the Habitat Provisions of Title 49.

The Title 49 amendments in this ordinance are necessary to keep Title 49 consistent with state law, remove duplicative regulations, and provide greater certainty for regulating development near shoreline habitat. This ordinance would repeal the CBJ Coastal Zone Management provisions because the associated and dependent state law was repealed. This ordinance would also clarify the CBJ shoreline habitat provisions with the ordinary high water mark standard and exempt water-dependent uses.

The Lands Committee generally discussed shoreline habitat regulations at its meetings on April 12 and May 10, 2021. The Planning Commission discussed this ordinance on June 22, 2021, and recommended the Assembly adopt this ordinance.

The City Manager recommends that the Assembly adopt this ordinance.

D. Ordinance 2021-19 An Ordinance Establishing the Planning Commission as the Board of Adjustment.

This is a housekeeping ordinance to eliminate confusion by renaming the Board of Adjustment to the Planning Commission. Currently, for example, when a variance application is ready for public hearing, the Planning Commission convenes, temporarily adjourns as the Planning Commission, reconvenes as the Board of Adjustment, considers the variance application, and then adjourns as the Board of Adjustment to reconvene as the Planning Commission. This ordinance would

eliminate those unnecessary procedural steps and give the public certainty that the variance will be considered by the Planning Commission.

The Planning Commission reviewed this ordinance on June 22, 2021, and recommended the Assembly adopt this ordinance.

The Manager recommends the Assembly adopt this ordinance.

E. Ordinance 2021-31 An Ordinance Authorizing the Manager to Convey Approximately 380 Square Feet of City Property, Three Permanent Easements, and Ten Temporary Construction Easements to the Alaska Department of Transportation and Public Facilities for a Douglas Highway Reconstruction Project.

The Department of Transportation and Public Facilities (DOT&PF) is reconstructing Douglas Highway and submitted an application to acquire a small portion of CBJ property and multiple small easements. This ordinance would authorize the Manager to sell 380 square feet of CBJ property, which is located outside the fence at 750 St. Ann's Avenue at the Mayflower Building. This ordinance would also authorize the Manager to convey four permanent easements totaling approximately 1,000 square feet and ten temporary construction easements totaling approximately 8,750 square feet. The CBJ property is necessary for the Douglas Highway reconstruction project.

The Lands, Housing and Economic Development Committee reviewed this proposed CBJ land disposal and easement request at its meeting on April 12, 2021, and passed a motion of support for disposing of City property through negotiated sale to the DOT&PF for fair market value.

The City Manager recommends the Assembly adopt this ordinance.

F. Ordinance 2021-27 An Ordinance Amending the Comprehensive Plan Land Use Designation Map near 4650 North Douglas Highway from Medium Density Residential to High Density Residential.

This ordinance would amend the Comprehensive Plan for a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. General Commercial allows 50 dwelling units per acre, which exceeds the maximum density permitted by the Comprehensive Plan MDR designation of 5-20 dwelling units per acre. Instead of General Commercial, the Planning Commission recommends the Assembly rezone the property to Light Commercial, which allows for 30 dwelling units per acre. The Planning Commission also recommended the Assembly amend the Comprehensive Plan land use designation from MDR to HDR, which accommodates higher densities of 18-60 units per acre. The Community Development Department agrees that a Comprehensive Plan amendment from MDR to HDR is necessary before the Light Commercial rezone can be appropriate.

The Committee of the Whole discussed this topic at its meeting on July 19, 2021.

The City Manager recommends that the Assembly not adopt this ordinance.

G. Ordinance 2021-26 An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

The ordinance would rezone a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. The Community Development Department recommended a transition rezone from D15 to Light Commercial with conditions to comply with the Comprehensive Plan. The Planning Commission, instead, recommended a rezone from D15 to Light Commercial without conditions because it concluded Light Commercial conforms to the Comprehensive Plan, yet the Planning Commission also recommended the Assembly amend the Comprehensive Plan to allow the requested higher residential densities allowed in commercial districts.

The Committee of the Whole discussed this topic at its meeting on July 19, 2021.

The City Manager recommends that the Assembly adopt the staff recommendation, as heard at the Planning Commission on May 11, 2021, to change the zoning from D-15 to D-15/Transition to Light Commercial.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

A. NCL Request to Lease Municipal Tidelands

In June 2021, the City received an application from Norwegian Cruise Lines (NCL) to lease City owned tidelands. NCL acquired an upland parcel that is adjacent to the requested tideland lease in 2019 from the Alaska Mental Health Trust Land Office. In January 2021, the City Manager provided the Assembly Committee of the Whole with the attached Subport Development Memo on the topic of Assembly consideration process, discussion and draft approach.

Because an application has been received, the Assembly must determine “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. Upon direction of the Assembly by motion, the Manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land” (53.09.260).

If the Assembly provides a motion of support to work with the original proposer, staff will direct NCL to apply for City permits, outline the public process,

and negotiate terms and conditions of a lease. Staff will provide regular reports to the Lands, Housing and Economic Development (LHED) Committee on progress of this lease. If the Assembly fails to provide a motion to work with the original proposer and determines a lease should not be considered, then the application process will be concluded. If the Assembly provides a motion to seek further proposals then a request for proposals will be advertised and the results will be brought forward to the LHED for review.

The Manager recommends the Assembly pass a motion of support to work with NCL as the original proposer in accordance with City Code 53.09.260.

B. A&S Rentals LLC v. CDD - Assembly Appeal #2021-03 (Enforcement Action Appeal)

This appeal relates to a code enforcement action for three properties near downtown Douglas. The Community Development Department determined the three properties were noncompliant with CBJ code and initiated enforcement action. The property owner, A&S Rentals LLC managed by Adam Brown, timely appealed to the Planning Commission. After conducting a hearing, the Planning Commission affirmed the CDD compliance orders. A&S Rentals LLC has filed a timely appeal to the Assembly.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly would sit in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

The City Attorney recommends the Assembly accept this appeal and assign it to a presiding officer.

C. Hardship and Senior Citizen/Disabled Veteran/Non-Profit Late-Filed Real Property Tax Exemption Applications

There are nine property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider each request separately and determine whether the

property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

XII.STAFF REPORTS

XIIIASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee Reports, Liaison Reports, Assembly Comments and Questions
- C. Presiding Officer Reports

XIV.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVISUPPLEMENTAL MATERIALS

- A. RED FOLDER - Figure 1 re: NCL proposed lease of CBJ owned tidelands
- B. Amendment to Ordinance 2021-26

XVIADJOURNMENT

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

THE CITY AND BOROUGH OF JUNEAU, ALASKA
SPECIAL ASSEMBLY MEETING
DRAFT Meeting Minutes – July 12, 2021

I. CALL TO ORDER:

The Special Assembly Meeting of the City and Borough of Juneau Assembly, held virtually via Zoom webinar, was called to order by Mayor Beth Weldon at 11:00 a.m. Mayor Weldon apologized for calling a Special Assembly meeting for 11:00 a.m. on a Monday morning but said that the grant application deadline is at 1:00 p.m. so there was need to call the Special Meeting for this unique time. She noted that Ms. Triem was traveling and would not be able to join the meeting and that Ms. Hughes-Skandijs may or may not be able to join the meeting.

II. LAND ACKNOWLEDGEMENT

Mayor Weldon acknowledge that the City and Borough of Juneau is on Tlingit land, and wished to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

III. ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Loren Jones, Maria Gladziszewski, Wade Bryson, Michelle Hale, Christine Woll, and Greg Smith

Assemblymembers Absent: Alicia Hughes-Skandijs, Carole Triem

Also Present: Deputy City Manager Mila Cosgrove, Deputy City Manager Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart, Assistant City Attorney Sherri Layne, Engineering/Public Works Director Katie Koester, Docks and Harbors Board Chair Don Etheridge, Port Director Carl Uchytel, and Port Engineer Eric Schaal

IV. APPROVAL OF AGENDA

The agenda was approved as presented.

V. AGENDA TOPICS

A. Resolution 2958(b) A Resolution of the City and Borough of Juneau in Support of the U.S. Department of Transportation and the Rebuilding American Infrastructure with Sustainably and Equity (RAISE) Grant Program.

This Resolution supports application by CBJ Docks and Harbors for a federal grant from the US Department of Transportation, known as a RAISE grant. If awarded, the grant would provide funding for electrification of cruise ship docks owned by the City and Borough. Total project

cost for the required municipal infrastructure (including power transformation) is estimated at approximately \$21 million dollars.

Under the federal rules, Juneau would be considered a rural community applicant and as such, no match is required. However, expressing a willingness to provide a local match will enhance the scoring of the application.

The Assembly adopted Resolution 2958 on June 14, 2021. Version (b) of this resolution has been amended to give the Assembly an opportunity to provide a nonbinding dollar amount for match funding.

This topic was discussed by the Assembly Committee of the Whole on June 7, 2021.

The City Manager recommends the Assembly pick a maximum match amount and then adopt this resolution.

Ms. Gladziszewski asked for clarification as to the amount of the grant being requested. Ms. Gladziszewski said that the grant documents she had seen listed the grant amount at approximately \$24.9 million dollars. She noted that Ms. Cosgrove just listed the amount at \$21 million dollars so she was asking for clarification as to which grant amount was correct.

Ms. Cosgrove clarified that the \$21 million was the amount listed in the original resolution. She said that the grant application form had an amount that was closer to \$25 million dollars (\$24,900,000 and change).

PUBLIC COMMENT:

None.

ASSEMBLY ACTION:

MOTION by Ms. Gladziszewski to put the match number in the resolution at 20% of the grant application amount. She said that 20% would be approximately \$4.9 million.

In speaking to her motion, Ms. Gladziszewski said that while they understand that rural communities are not required to do any match but that the urban communities are required to do 20% and that is the reason she is proposing the 20% amount in her motion. She said that this is not binding on us now but this is a project that the Assembly has heard time and again from the community that they support. It is a \$25 million dollar project that CBJ would be hard pressed to come up with \$25 million to do but that \$5 million in passenger fees over the course of a few years seems very doable. She said that she hopes they would get 100% but she was willing to put forward 20% as the local match.

Mr. Jones objected. He said that he has some concerns that this a non-binding resolution. Future Assemblies in 2022, 2023, and 2024 may have to come up with whatever match this Assembly puts forward. He said that he finds it difficult to talk about a \$4.9 million figure that the Federal government may want to hold future Assemblies to. He said that this Assembly, over the last

year, has spent a considerable amount of time to decide how to spend federal money. He said this discussion is coming up at an 11:00a.m. meeting for a grant deadline that is due at 1:00 p.m. He said that he has some significant problems with this. He said that since it is non-binding, they can say any number they want. However, the Assembly and CBJ may be the only people who see this as non-binding. He said that many of the people in this may have to deal with this decision and find out how to fund this whether it would be through a bond package or passenger fee money that they may want to use for other things. He said that this is a significant dollar amount and almost as much or more than they spent for United Human Services, Sealaska Heritage, and the Glory Hall combined. He said that while this Assembly may think of it in terms of passenger fee monies, members of the public may think of it as their tax dollars. He said that by having no comment, people have either not heard about this or are concerned by it and other than the members of JCOS, it is likely most of the public is not aware of this.

Mr. Jones said that he understands that this may be short of votes to pass as there are two members missing. He said that while he may not vote against the resolution, he did want to publicly state his concerns. He said that he has a real problem with obligating future Assemblies with a non-binding resolution that many others may hold as binding.

Ms. Hale pointed out that the resolution that had passed on June 14, 2021 stated that “The Assembly of the City and Borough of Juneau supports providing a local match as required by the grant agency.” She said that because they did not include a specific amount in the resolution for the match, no match was included in the grant application. She said that the Assembly was clear on June 14 that a match would be provided. She said that providing an actual number, we are being clearer and the grant application can be amended and submitted by the 1:00p.m. deadline. She said that they are talking about spreading this money over several years and although there are many other needs, including harbor needs, because this is marine passenger fee money, it can be spread over several years and she feels it is critical that an amount be identified so it can be included in the grant application to be able to strengthen that application.

Mr. Bryson noted that the community of Juneau has repeated and overwhelmingly asked for dock electrification so he doesn't have the same concerns as Mr. Jones about not receiving public input since they have heard from the public on multiple occasions in support of this project. He said that there are multiple options for repayment: bond capability, marine passenger fees, and other financial options. This is an excellent return on investment with a 4:1 federal match on CBJ dollars. He said this would generate millions of dollars in the local economy and has many positives for our community with very few draw backs. He said that since it is non-binding, they can go with a different amount if necessary and there are multiple options to finance it. He said that by including a number in the grant application as a match, they increase the likelihood of receiving the grant in the first place.

Mayor Weldon said she wished to object for purposes of asking questions.

Mayor Weldon asked Docks and Harbors staff how competitive we would be with this grant if they did not have a matching grant number or a number less than 20% included.

Mr. Uchytel said that they do know there will be a lot of competition for the \$500 million dollars in rural grants under the RAISE program. He said that they are optimistic that because there is an emphasis with the current administration related to climate change and carbon footprint reductions, that they will be competitive. He said they don't know the other applications or the politics involved at the secretary level when awarding RAISE grants. He said that they think it is a strong grant application; it has the highest beneficial cost ratio that D&H has applied for in recent TIGER and BUILD grants. He said that it is hard for them to handicap how competitive it will be but he feels that it is a strong opportunity to be successful.

Mayor Weldon asked if there were any rules about the matching amount, if it could be spread out over the course of a number of years or if they needed to come up with the money all at once.

Port Engineer Eric Schaal answered that there were a couple of points to make about this. He said that term "non-binding" has been brought up a number of times. He said they will need to sign a contract with the Federal Government sometime after November. The process will be that the successful grant applications will be announced in November. The groups within the Federal government that will be administering each of the grants will reach out to the successful grantees and start the award process. That is where the approved match will need to be ready to be signed. He said that if an amount is determined today, he will want to start the process with Mr. Rogers to prepare the match documents for signing after November. Mr. Schaal said that the way the grant works is that it is a reimbursable grant. If they are selected for the \$25 million project, they will show the feds that we have the matching amount that we said we did and that we have the funding to cover the construction and we would apply for reimbursement as the project proceeds. They don't give a lump sum, they just reimburse us for their portion of the project.

Mayor Weldon thanked Mr. Schaal for his response. She then asked if they commit to a 20% match, which would be roughly \$5 million, how that would affect our marine passenger fees. She said that after two years of no cruise ships, she would guess we are in the hole with respect to those funds and asked Mr. Uchytel if he could speak to that question.

Mr. Uchytel said that he would prefer to have Mr. Roger's answer that question but since he wasn't available, with respect to the enterprise fund balance, Mr. Uchytel said that they will have \$1.5 million remaining in that balance. Mr. Uchytel said that Mr. Schaal might be able to explain the timeline of the grant, the project and how the marine passenger fees portion could be spread out over several years.

Mayor Weldon thanked Mr. Uchytel and said that she withdrew her objections.

Mr. Smith said that he is supportive of getting a dollar figure in the grant application. He said they have heard from the public in support of this project and that this would be a pretty

competitive project. He said that he shared some of Mr. Jones' concerns that the number they put down would be one they would be held to at a later date. He asked if a lower number would still keep us in the running but just not obligate them at such a high number. He also said that with respect to Mr. Schaal's explanation on the reimbursement process, he asked if they would need to fund a \$25 million project with money that they may need up front to get reimbursed.

Mr. Schaal said that with respect to the match amount they set, the Assembly should plan on sticking to that number as he doesn't think the feds would look favorably on them changing the number later on. Whatever the Assembly feels comfortable with today is the number that will go into the grant application and that will be what the federal government will expect us to negotiate with them during the grant award process.

He said that with respect to funding, Mr. Rogers would do a better job explaining it. However, he said that they do have DOT grants from the state in which they receive 50% funding for anodes for instance. He said with those projects, Mr. Rogers' team finds ways to fund those projects through the city and then they are reimbursed for those funds from the state as they do the construction. He said that they would set up the Capital Improvement Project (CIP) for the full \$25 million amount and some of that would include the CBJ match amount and some of it would be a loan or some other financing mechanism that would then be paid as the reimbursements come in from the feds.

Ms. Gladziszewski said she did discuss some of these issues with Mr. Rogers. He was on a plane getting ready to take off at the time and could only say yes or no so it wasn't an extensive conversation but her understanding from that conversation was as Mr. Schaal just described it.

Ms. Gladziszewski said that secondly, with respect to Mr. Smith's question about a lower number, she also thought of that and it is a gamble. She said that she would want the smallest number that would get them the grant. She said that she doesn't know if that should be 10% or 5% but Juneau is a community with the ability to provide this match with passenger fee and other revenue. She said the citizens have been talking about this for a long time and in support of this but she was skeptical on how to come up with the \$25 million to do it. This is the way they can come up with the money needed to do that project and she doesn't want to take the chance and gamble that \$3 million or another lower amount might lose the opportunity for us.

Ms. Hale said that she has heard from JCOS members that they have been providing D&H staff with suggestions for changes to the grant application that they believe would strengthen the application, she asked Mr. Schaal if he was able to include any of those changes in the application.

Mayor Weldon noted that this meeting and the topic for discussion is about the matching amount but she asked Mr. Schaal if he could respond to Ms. Hale's question.

Mr. Schaal said that they have been working with JCOS to look at editorial changes as well fundamental substantive changes. He said they have the BCA being written by Raincoast Data and the technical side of things from Haight and Associates. He said there has been some friction of opinions on both of those but they feel like they have been able to integrate what they can. He said that there will be some reviewers that won't be satisfied with what is submitted but D&H feels strongly that the skills and abilities of the consultants have maximized the application and that is how they will be submitting it.

Mayor Weldon said that she agrees that the community has weighed in on their support for this project, however, she doesn't know that they would be in support of CBJ spending \$5 million towards it and unless someone else suggests a lower number, she would be willing to do so.

Mr. Smith asked if D&H staff might provide feedback if they were to propose a different match amount such as \$3.5 million and if the answer is "We just don't know." that would be OK too.

Mr. Uchytel said they simply don't know, this is a new administration with a new grant so they don't know the nuances that will be looked at. Staff does know what is in the NOFO (Notices of Funding Opportunity) and that is what they go by when writing the application. They don't have any idea how the reviewers will look at this. He said their best answer is to put together the best application they can.

Mr. Bryson said that during the discussion, he was also thinking of an alternative number and he was leaning towards something like \$3.5 million as suggested by Mr. Smith. He talked about what the other communities might be doing in competing for these funds and he felt more comfortable with the \$3.5 million amount that Mr. Smith suggested.

AMENDMENT by Mr. Bryson to establish the grant match to be provided by CBJ at \$3.5 million.

He asked if he needed to identify the fund source in that motion or if they could leave it vague at this time.

Mayor Weldon asked Ms. Cosgrove if a funding source needed to be identified at this time. Ms. Cosgrove said that at this time, they could leave it vague but once they do the appropriating ordinance, it will need to be more specific.

Ms. Gladziszewski objected. She said that while she would like a lower amount, she didn't want to lose \$20 million dollars for lack of committing an additional \$1.5 million.

Ms. Woll agreed with Ms. Gladziszewski that this may jeopardize the chance to raise this much money towards the project so she is supporting the original \$5 million.

Mayor Weldon said that she was comfortable with the \$3.5 million amount but not the \$5 million amount.

Ms. Woll asked clarity on how many votes would be required to pass a motion. Mayor Weldon noted that five votes were needed to pass a motion and that there were two members absent from this meeting.

Roll Call Vote on Amendment to change the match to \$3.5 million

Yeas: Woll, Smith, Bryson, Weldon

Nays: Hale, Gladziszewski, Jones

Motion failed: 4 Yeas, 3 Nays

Roll Call Vote on Motion to provide match at \$4.9 million

Yeas: Gladziszewski, Woll, Smith, Bryson, Hale

Nays: Jones, Weldon

Motion carried: 5 Yeas, 2 Nays

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 11:36 a.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor

THE CITY AND BOROUGH OF JUNEAU, ALASKA
REGULAR ASSEMBLY MEETING
DRAFT Meeting Minutes – July 12, 2021

MEETING NO. 2021-17: The Regular Assembly Meeting of the City and Borough of Juneau Assembly was held at City Hall and virtually via Zoom webinar. The meeting was moved from the Chambers to Conference Room 224 due to technical difficulties and started approximately 40 minutes late. The meeting was called to order by Mayor Beth Weldon at 7:40p.m.

I. FLAG SALUTE

II. LAND ACKNOWLEDGMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people.
Gunalchéesh!

III. ROLL CALL

Assemblymembers Present: Maria Gladziszewski, Loren Jones, Wade Bryson, Michelle Hale, Christine Woll, Greg Smith, Alicia Hughes-Skandijs, and Mayor Beth Weldon.

Assemblymembers Absent: Carole Triem

Staff Present: Deputy City Managers Mila Cosgrove, Robert Barr, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Finance Director Jeff Rogers, Parks and Recreation Director George Schaaf, Assistant City Attorney Sherri Layne, Community Development Director Jill Maclean, CDD Planning Manager Alix Pierce, CDD Planner Irene Gallion

IV. SPECIAL ORDER OF BUSINESS

A. Instruction for Public Participation

Ms. McEwen provided instruction to the listening public on how to participate in the meeting via the Zoom platform.

V. APPROVAL OF MINUTES

A. May 24, 2021 Regular Assembly Meeting #2021-13 DRAFT Minutes

B. June 14, 2021 Regular Assembly Meeting #2021-15 DRAFT Minutes

C. June 23, 2021 Special Assembly Meeting #2021-16 DRAFT Minutes

MOTION by Mr. Smith for the Assembly to approve of the above meeting minutes, and asked for unanimous consent. *Hearing no objections, the minutes were approved by unanimous consent.*

VI. MANAGER'S REQUEST FOR AGENDA CHANGES

A. Remove Ord. 2021-29 from Public Hearing

The City Manager requested removal of Ordinance 2021-29 from public hearing and referral to the next Assembly Finance Committee meeting. *Hearing no objections, Ordinance 2021-29 was removed from Public Hearing and referred to the Assembly Finance Committee.*

VII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Christine Callanan, Juneau resident. Ms. Callanan shared with the Assembly her experience as a homeless resident in Juneau for the past three months. She said that she has encountered corruption within the homeless outreach community and she has reached out to law enforcement as well as having meetings with Housing/Homelessness Coordinator Jesse Perry. He suggested that she may want to come and testify to share her concerns with the Assembly. She was a former school board member in Wisconsin until she discovered human trafficking going on in the school district she was serving. She recounted her experiences there when she tried to pursue it with the authorities. Here in Juneau, she has had her belongings robbed at both the warming shelter and most recently the Glory Hall. She said that recently she was suspended for seven days from the Glory Hall after two men entered her room unannounced right after she had showered and no one from Glory Hall staff would discuss it with her. She said that she tried to file police reports about this but hasn't had much success. She said that two women were stealing her belongings, she was turned down by AWARE as she was told she didn't meet their criteria. When she asked what AWARE's criteria was, she was informed that she does not have a right to know that. She said she has tried working with JPD but been getting passed off from one officer to another and she just wants to know at this point who to speak to about these issues.

Mr. Bryson asked which police officers she has worked with. Ms. Callanan said she spoke most recently with Officer Allen and he referred her to speak to Detective Taylor. She has called Det. Taylor but she has not been called back yet. She said the first officer she worked with was Ofc. Jim Esbenshade, who was quite helpful, but he has since been transferred to the valley.

Kirby Day, a Valley resident, informed the Assembly that the Tourism Best Management Practices (TBMP) program is fully operational, and the hotline is running. He encouraged the public to address their concerns or clarifying questions to the TBMP hotline.

Mr. Smith asked Mr. Day to provide the TBMP hotline number for the listening public.

The Tourism Best Management Practices Hotline is 907-586-6774, and the email is hotline@traveljuneau.com.

VI. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None

B. Assembly Requests for Consent Agenda Changes.

Ms. Hale requested the removal of Item E – Ordinance 2021-26 and Item F – Ordinance 2021-27 from the Consent Agenda. Mayor Weldon said that the Assembly will review those items after the Consent Agenda goes through.

Mr. Palmer confirmed that Ordinances for Introduction can be removed from the Consent Agenda and can be addressed after the Consent Agenda had been passed.

C. Assembly Action

MOTION by Mr. Jones for the Assembly to adopt the Consent Agenda as amended with the removal of Ordinance 2021-26 and Ordinance 2021-27. *Hearing no objections, the Consent Agenda was adopted by unanimous consent as amended.*

1. Ordinances for Introduction

a. Ordinance 2021-08(b)(am)(A) An Ordinance Appropriating \$34,240 to the Manager as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Program, FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

The Juneau Police Department has been awarded \$34,240 in grant funding from the U.S. Department of Justice for various training opportunities.

The JPD Leadership Team has identified the following training opportunities to apply this funding to in FY22: employee wellness, school threat assessment, National Incident-Based Reporting System (NIBRS), and a digital evidence workshop.

No local match is required for this grant.

The Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

b. Ordinance 2021-08(b)(am)(B) An Ordinance Appropriating \$42,300 to the Manager as Funding for Tourism-Related Services in the Summer of 2021; Funding Provided by Marine Passenger Fees.

The FY22 budget anticipated no large cruise ship visitation this summer; however, with pandemic-related restrictions lifting and the economy normalizing, Juneau is now expected to receive some cruise ship traffic in the last half of the summer. This ordinance would appropriate \$42,300 of marine passenger fees for tourism-related services this summer, allocating \$27,300 to Travel Juneau for crossing guards and \$15,000 to the Downtown Business Association for the Ambassador Services program.

Both Travel Juneau and the Downtown Business Association have already been appropriated funds for these services for the April through June 2022 period.

The Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

c. Ordinance 2021-13 An Ordinance Amending the Land Use Code Related to the Coastal Management and the Habitat Provisions of Title 49.

The Title 49 amendments in this ordinance are necessary to keep Title 49 consistent with state law, remove duplicative regulations, and provide greater certainty for regulating development near shoreline habitat. This ordinance would repeal the CBJ Coastal Zone Management provisions because the associated and dependent state law was repealed. This ordinance would also clarify the CBJ shoreline habitat provisions with the ordinary high water mark standard and exempt water-dependent uses.

The Lands Committee generally discussed shoreline habitat regulations at its meetings on April 12 and May 10, 2021. The Planning Commission discussed this ordinance on June 22, 2021, and recommended the Assembly adopt this ordinance.

The City Manager recommends that the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

d. Ordinance 2021-19 An Ordinance Establishing the Planning Commission as the Board of Adjustment.

This is a housekeeping ordinance to eliminate confusion by renaming the Board of Adjustment as the Planning Commission. Currently, for example, when a variance application is ready for public hearing, the Planning Commission convenes, temporarily adjourns as the Planning Commission, reconvenes as the Board of Adjustment, considers the variance application, and then adjourns as the Board of Adjustment to reconvene as the Planning Commission. This ordinance would eliminate those unnecessary procedural steps and give the public certainty that the variance will be considered by the Planning Commission.

The Planning Commission reviewed this ordinance on June 22, 2021, and recommended the Assembly adopt this ordinance.

The Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

REMOVED FROM CONSENT AGENDA:

e. Ordinance 2021-26 An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

f. Ordinance 2021-27 An Ordinance Amending the Comprehensive Plan Land Use Designation Map near 4650 North Douglas Highway from Medium Density Residential to High Density Residential.

g. Ordinance 2021-31 An Ordinance Authorizing the Manager to Convey Approximately 380 Square Feet of City Property, Three Permanent Easements, and Ten Temporary Construction

Easements to the Alaska Department of Transportation and Public Facilities for a Douglas Highway Reconstruction Project.

The Department of Transportation and Public Facilities (DOT&PF) is reconstructing Douglas Highway and submitted an application to acquire a small portion of CBJ property and multiple small easements. This ordinance would authorize the Manager to sell 380 square feet of CBJ property, which is located outside the fence at 750 St. Ann's Avenue at the Mayflower Building. This ordinance would also authorize the Manager to convey four permanent easements totaling approximately 1,000 square feet and ten temporary construction easements totaling approximately 8,750 square feet. The CBJ property is necessary for the Douglas Highway reconstruction project.

The Lands, Housing and Economic Development Committee reviewed this proposed CBJ land disposal and easement request at its meeting on April 12, 2021, and passed a motion of support for disposing of City property through negotiated sale the DOT&PF for fair market value.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

2. Resolutions

a. Resolution 2959 A Resolution Authorizing the Manager to Convey an Access and Drainage Easement across City Property to the Owner of 101 and 747 Goldbelt Avenue.

In the fall of 2019, there was a mass wasting event that initiated from private property above Cope Park. Since that event, the land owner of 101 and 747 Goldbelt Ave. has been working with the City Risk Manager, the Parks and Recreation Department, and the Engineering and Public Works Department on a design concept to repair the drainage and stabilize the slope. The outcome of this process is the proposed easement.

The Lands Housing and Economic Development Committee reviewed this request and provided a motion of support for granting the easement at its June 7, 2021 meeting. The Parks and Recreation Advisory Committee reviewed this proposal at its June 1, 2021 meeting and recommended approval to the Assembly of the Cope Park slope stabilization easement.

The City Manager recommends the Assembly adopt this resolution.

b. Resolution 2960 A Resolution Authorizing the Manager to Execute an Agreement with the State of Alaska to Accept American Rescue Plan Act Funds.

The State allocated funds to the City and Borough of Juneau from the federal American Rescue Plan Act. This resolution would authorize the Manager to execute any necessary grant agreement with the State for the City and Borough of Juneau to receive the American Rescue Plan Act funding. Final allocation of funding for local municipalities has not yet been released; however an amount not to exceed \$14 million is anticipated.

The City Manager recommends the Assembly adopt this resolution.

c. Resolution 2961 A Resolution Authorizing the Installation of a Large Elizabeth Peratrovich Mural and a Small Abstract Mural on the Exterior of the Marine Parking Garage and Authorizing the City Manager to Enter into a Memorandum of Agreement with Sealaska Heritage Institute for the Painting, Installation, and Maintenance of the Murals.

This resolution would authorize the City Manager to enter into an agreement with Sealaska Heritage Institute (SHI) for painting a mural of Elizabeth Peratrovich on the south side of the Marine Parking garage funded through a combination of grants and donated artist time. The agreement will establish a maintenance partnership with SHI for 10 years with the option of removing the mural if maintenance becomes cost prohibitive. The resolution also authorizes a small mural on the entrance of the Marine Parking Garage that will be used to test the surface and medium under similar terms and conditions. The Public Works and Facilities Committee heard and recommended approval of the murals at a special meeting on June 21, 2021.

The City Manager recommends the Assembly adopt this resolution.

d. Resolution 2962 A Resolution Authorizing the Manager to Convey a Utility Easement at the New Valley Transit Center Located Near 9114 Mendenhall Mall Road.

The CBJ purchased Tract M-3A within the Mendenhall Mall Subdivision in February, 2020, to construct a transfer station for public transit operations. Since early 2020, the CBJ finalized the Valley Transit Center design and needs to grant a utility easement. The utility easement area will support electrical and communications utility pedestals that will service the CBJ facility and the abutting Tract M-3C. The existing utilities are overhead and pole mounted, and the Valley Transit Center project will underground those utilities within this proposed easement. The CBJ is responsible for the easement and the construction costs as the work is necessary for the Valley Transit Center project.

The Lands Housing and Economic Development Committee reviewed this request and provided a motion of support for granting this easement at its June 7, 2021 meeting.

The City Manager recommends the Assembly adopt this resolution.

3. Bid Award

a. RFB21-247 River Road Vehicle and Debris Removal and Disposal

Bids were opened on this project on June 15, 2021. The following bid was received from Island Contractors, Inc. The full amount of the bid is \$469,000.00 and the amount the CBJ has allocated is \$150,000.00.

BIDDER	TOTAL BID
Island Contractors, Inc.	\$150,000.00

The City Manager recommends award of this project to Island Contractors, Inc. for the total amount allocated of \$150,000.00.

b. Bid Award - BE21-232 Capital School Park Reconstruction

Bids were opened on this project on July 7, 2021. The bid protest period expired at 4:30 p.m. on July 9, 2021. Results of the bid opening are as follows:

	Admiralty Construction Inc.	Glacier State Contractors	Architect's/Engineer's Estimate
Base Bid	\$1,729,890	\$2,038,770	\$1,484,470
Alternate A	\$175,200	\$270,950	\$261,050
Alternate B	\$36,130	\$50,805	\$48,595
Alternate C	\$92,000	\$128,675	\$77,900
Alternate D	\$44,000	\$88,500	\$110,000
TOTALS	\$2,077,220	\$2,577,700	\$1,982,015

The City Manager recommends award of this project, Base Bid and Alternates A, B, C, and D to Admiralty Construction, Inc. for the total amount bid of \$2,077,220.

4. Liquor License

a. Liquor License Renewal for License: #816

This liquor license action is before the Assembly to either protest or waive its right to protest the license action.

Liquor License Renewal

License Type: Restaurant/Eating Place, License #816

Licensee: El Sombrero Inc. d/b/a El Sombrero Mexican & American Food

Location: 157 S. Franklin St., Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development Departments have reviewed the above license and recommend the Assembly waive its right to protest the renewal application. Copies of the documents associated with this license are available in hardcopy upon request to the Clerk's office. AMCO 60-day comment period ends 7/26/2021.

The City Manager recommends the Assembly waive its right to protest the above-listed liquor license renewal.

5. Other Items for consent

a. New Marijuana Retail License #28012

CBJ received notice of the following new Alcohol and Marijuana Control Office (AMCO) marijuana license application:

New Marijuana License

License Type: Retail Marijuana Store, License #28012

Licensee: The Mason Jar LLC d/b/a The Mason Jar LLC

Location: 613 & 619 W. Willoughby Ave, Juneau

(AMCO 60-day comment period ends Friday, July 23, 2021)

CBJ staff from the Police, Fire, and Finance Departments reviewed this application for compliance with CBJ laws and regulations and recommends that the Assembly waive its right to protest the issuance of this license. Due to the large quantity of documents associated with each marijuana license, your packets have been limited to the following documents:

- State of Alaska Alcohol & Marijuana Control Office (AMCO) Notice to Local Governing Body
- AMCO Marijuana online application forms (redacted)

Copies of all the documents relating to this license are available upon request from the office of the Municipal Clerk during regular business hours.

The City Manager recommends the Assembly waive its right to protest the issuance of AMCO marijuana license #28012.

6. Transfers

a. Transfer Request T-1038 A Transfer of \$100,000 from CIP R72-136 Areawide Drainage Improvements to CIP R72-140 Capital Avenue -Willoughby to Ninth.

This transfer will provide additional funding to cover the extra work associated with additional unforeseen underground electrical utilities that were discovered during excavation of Capital Avenue between Willoughby and W. 9th, with the highest concentration being between Willoughby and the AELP Powerhouse. As a result, the construction project costs have significantly increased due to the extra work necessary to weave the water, sewer and storm drainage utilities over, under, through and around the electrical conduits in the narrow Capital Avenue corridor.

The \$100,000 in supplemental funding is requested to be transferred from the Areawide Drainage Improvements CIP, which, while not ideal, has scalable projects that can be reprioritized to provide this needed funding.

The Public Works and Facilities Committee reviewed this request at the June 21, 2021 meeting.

The Manager recommends approval of this transfer.

REMOVED FROM CONSENT AGENDA:

e. Ordinance 2021-26 An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

This ordinance, and its companion Ord. 2021-27, need deliberation by a committee of the Assembly. The ordinance involves a rezone request and Comprehensive Plan amendment for a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. The Community Development Department recommended a transition rezone from D15 to Light Commercial with conditions to comply with the Comprehensive Plan. The Planning Commission, instead, recommended a rezone from D15 to Light Commercial without conditions because it concluded Light Commercial conforms to the Comprehensive Plan, yet the Planning Commission also recommended the Assembly amend the Comprehensive Plan to allow the requested higher residential densities allowed in commercial districts.

Because the Manager recommends the Assembly adopt the Community Development Department's recommendation, the Manager recommends the Assembly Committee of the Whole consider this ordinance before it is set for public hearing.

The City Manager recommends that the Assembly refer this ordinance to the Committee of the Whole.

f. Ordinance 2021-27 An Ordinance Amending the Comprehensive Plan Land Use Designation Map near 4650 North Douglas Highway from Medium Density Residential to High Density Residential.

This ordinance, and its companion Ord. 2021-26, need deliberation by a committee of the Assembly before being set for public hearing. The ordinances involve a rezone request and Comprehensive Plan amendment for a 15-acre parcel near 4650 North Douglas Highway.

The applicant requested a rezone from D15 to General Commercial. General Commercial allows 50 dwelling units per acre, which exceeds the maximum density permitted by the Comprehensive Plan MDR designation of 5-20 dwelling units per acre. Instead of General Commercial, the Planning Commission recommends the Assembly rezone the property to Light Commercial, which allows for 30 dwelling units per acre.

The Planning Commission recommends the Assembly amend the Comprehensive Plan land use designation from MDR to HDR, which accommodates higher densities of 18-60 units per acre. The Community Development Department agrees that a Comprehensive Plan amendment from MDR to HDR is necessary before the Light Commercial rezone can be appropriate.

The City Manager recommends that the Assembly refer this ordinance to the Committee of the Whole.

MOTION by Ms. Hale for Ordinance 2021-26 and Ordinance 2021-27 be referred to the next Committee of the Whole meeting, and set for public hearing at the next Regular Assembly meeting, and asked for unanimous consent.

Objection by Mr. Jones. Mr. Jones spoke to the complications in these ordinances, and mentioned the potential for this to be brought back to the Assembly in late August.

Ms. Hale explained the timing behind her motion, and clarified that the next COW meeting will be on July 19, and that the Planning Commission voted unanimously to recommend the Assembly adopt both of these ordinances.

Mr. Jones said that the next COW agenda did not have any room for these ordinances, and adding it would require removing other items.

Ms. Gladziszewski spoke in support of the motion, and commented that the Planning Commission spent a lot of time on these ordinances and the Assembly would benefit from their work and expertise.

Mr. Bryson spoke in support of this motion, and agreed with Ms. Gladziszewski's comments. He added that the Assembly did not need to further delay a project that was already in process.

There was further discussion amongst Assemblymembers about the motion and the complexity of the ordinances and the recommendations from the manager vs. the recommendations from the Planning Commission.

Roll Call Vote on the Motion to refer the ordinances to the next COW and set for Public Hearing at the next Regular Assembly meeting:

Ayes: Hale, Gladziszewski, Bryson, Smith, Mayor Weldon.

Nays: Hughes-Skandijs, Woll, Jones.

Motion passed. Five (5) Ayes, Three (3) Nays.

IX. PUBLIC HEARING

A. Ordinance 2020-09(BA) An Ordinance Appropriating up to \$550,000 to the Manager as Funding for the Capital School Park Reconstruction Capital Improvement Project; Funding Provided by Donations from the Juneau Community Foundation's Capitol Fund.

This ordinance would appropriate up to \$550,000 as funding for the Capital School Park Reconstruction CIP. Advisors of the Juneau Community Foundation's Capitol Fund have agreed to donate funds sufficient for certain enhancements to the park.

The exact amount of the donated funds is contingent on the bids to be received by CBJ for certain equipment. This donation supplements the \$1,500,000 that has already been appropriated to this project from the general obligation bond package approved by voters in October 2020.

Funding for this request is provided by donations from the Juneau Community Foundation's Capitol Fund.

This request was reviewed by the Public Works and Facilities Committee at its meeting on June 7, 2021.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Woll for the Assembly to adopt Ordinance 2020-09(BA) and asked for unanimous consent. *Hearing no objections, Ordinance 2020-09(BA) was adopted by unanimous consent.*

B. Ordinance 2021-24 An Ordinance Amending the Traffic Fine Schedule Related to Duties and Responsibilities of Drivers.

This housekeeping ordinance would clarify the penalty for driving without a license is a \$300 infraction. Consistent with state law, the CBJ prohibits people from driving when that person's driver's license is canceled, suspended or revoked. (CBJC 72.10.028; A.S. 28.15.291). Generally, when a person has not been previously convicted of driving without a license, the penalty is an infraction. Currently, there is ambiguity in the CBJ code whether the penalty is a \$500 or \$300 infraction. The State, like other municipalities, imposes a \$300 penalty for the infraction.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Mr. Smith for the Assembly to adopt Ordinance 2021-24 and asked for unanimous consent, but objected for the purpose of a question.

Mr. Smith asked for clarification on how the ambiguity of the ordinance was addressed. Mr. Palmer explained that there is a default penalty of \$500, however the ambiguity was derived from a section of CBJ Code which suggested that fines are \$300. This ordinance confirms that the fine is \$300.

Mr. Smith removed his objection.

Objection by Mr. Bryson for purposes of a question. Mr. Bryson questioned if \$300 was severe enough to deter unlicensed drivers from driving in the community. He asked Mr. Palmer if CBJ could have a \$500 penalty rather than a \$300 penalty. Mr. Palmer cautioned Mr. Bryson that this ordinance is specifically targeting drivers who have had their license revoked. He added that this penalty is a low-tier

penalty for drivers who have an expired license or a misplaced license. Mr. Bryson removed his objection.

Hearing no further objections, Ordinance 2021-24 was adopted by unanimous consent.

C. Ordinance 2021-25 An Ordinance Authorizing the Manager to Lease a Fraction of Block E, South Lena Subdivision, Located at 16150 Merganser Road, to Vertical Bridge Holdings LLC, for a Communications Tower and Facility.

This ordinance would authorize the Manager to lease municipal property located at 16150 Merganser Road, in the South Lena Subdivision, for a cell tower.

On June 1, 2020 and May 10, 2021, the Assembly Lands, Housing and Economic Development Committee passed a motion of support for the lease.

The Planning Commission, at its regular public meeting on April 14, 2020, approved the special use permit for this tower, which was appealed to the Assembly. On July 7, 2020, the Assembly affirmed the Planning Commission decision, and the litigation ended.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:

None.

Assembly Action:

MOTION by Ms. Hughes-Skandijs for the Assembly to adopt Ordinance 2021-25 and asked for unanimous consent. *Hearing no objections, Ordinance 2021-25 was adopted by unanimous consent.*

D. Ordinance 2021-29 An Ordinance Amending the Sales Tax Code and the Hotel-Motel Room Tax Code Regarding the Compensatory Collection Discount.

This ordinance would incentive sellers in the CBJ to file sales tax returns online using CBJ's existing eGov portal. Approximately 12,000 paper returns are filed each year and wider use of the online eGov portal would improve efficiencies in the CBJ Sales Tax Office. If a seller timely files a return using the online eGov portal, then the seller would receive the filing discount conferred by code (CBJC 69.05.100). Seller's filing late-returns or paper returns would not be eligible for the discount.

The Assembly Finance Committee discussed this ordinance at its meeting on June 2, 2021.

The City Manager recommends the Assembly refer this ordinance to the Assembly Finance Committee. *Item D had been removed from the agenda and referred to the Assembly Finance Committee.*

X. UNFINISHED BUSINESS

None.

XI. NEW BUSINESS

A. Hardship and Senior Citizen/Disabled Veteran Late-Filed Real Property Tax Exemption Applications

There are ten property owners that have requested the Assembly authorize the Assessor to consider a late-filed exemption for their property assessment.

The Assembly should consider each request separately and determine whether the property owner was unable to comply with the April 30 filing requirement. A.S. 29.45.030(f); CBJC 69.10.021(d). The burden of proof is upon the property owner to show the inability to file a timely exemption request. If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

Ms. Gladziszewski stated that the Assembly has separately reviewed each of the below applications.

Hardship Applications:

Ellen Cook, Parcel #1B0201000090

Hilliard H. Lewis III, Parcel # 5B1601320170

Robert & Betty McVey, Parcel #B1801030170

Renee Guerin, Parcel #1C060U04H040

Late File Senior Exemptions:

Cathy Painter, Parcel #5B2501650030

Cynthia L. Boesser, Parcel #1C060C120061

Gecel C. Escalona, Parcel #5B1301150060

Allen Holzman, Parcel #5B1001020300

Mary Anne Howerter, Parcel #5B2101340080

Richard Svobodny, Parcel #1C030E031080

MOTION by Ms. Gladziszewski for the Assembly to accept the above applications, and to refer them to the Assessor's Office for review and action. *Hearing no objections, the motion passed by unanimous consent.*

XII. STAFF REPORTS

A. Revised 2021 Assembly Calendar

The attached Assembly Calendar for 2021 has been adjusted to reflect the new October and November Assembly and Assembly Standing Committee meeting dates which resulted from the Assembly's decision to conduct the 2021 Municipal Election as a by-mail election. Due to the potentially ongoing certification process of the election results, the October 19, 2021 Assembly meeting has been moved to October 25, 2021.

The Assembly Standing Committee meetings that were scheduled on October 25, 2021 have been shifted to November 1, 2021 and placeholders have been set for the Assembly to decide when they would prefer to hold the 2021 Assembly Retreat. Potential retreat dates are: November 6, December 4, or December 11.

Hearing no objection, the revised 2021 Assembly Calendar was approved as presented.

B. Cruise Line Port Agreements

Ms. Cosgrove explained that the City Manager's Office have been working with cruise line agencies regarding port agreements for the upcoming cruise ship season. Mr. Barr commented that the current agreements are similar to what the Assembly passed in Resolution 2957.

Ms. Gladziszewski asked Mr. Barr to clarify if there had been any significant changes made to the port agreements since having been passed. Mr. Barr said that the port agreements are very similar to one another. He mentioned as certain cruise lines (such as Royal Caribbean) opting to conduct a simulated voyage so that they can allow for a vaccination rate of 90% as opposed to 95%. This decrease would potentially allow for more unvaccinated minors to board vessels.

Ms. Gladziszewski asked Mr. Barr if Royal Caribbean had completed their simulated voyage.

Mr. Barr said that Royal Caribbean had completed its simulated voyage.

Mayor Weldon asked Mr. Barr to provide an update about the current small cruise situation. Mr. Barr reported that the EOC had been notified on July 9 that the small cruise ship *American Constellation* currently has positive cases of COVID-19 onboard. He said the positive cases were isolated in Petersburg, then they arrived in Juneau over the weekend. The EOC and CCFR conducted a round of COVID testing, and the positive cases will be isolated onboard the ship. An additional round of COVID testing for the positive cases and those in close contact with them will be conducted later this week. Mr. Barr said that the *American Constellation* has a COVID-19 mitigation plan and a security plan in place; and have been in close contact with the EOC and the Department of Public Health.

Ms. Gladziszewski asked Mr. Barr to explain the COVID-19 mitigation plan for when a cruise ship with positive COVID-19 cases arrives in Juneau. Mr. Barr anticipated that those who have tested positive for COVID-19 would be isolated onboard the vessel.

C. Ironman Update

Ms. Cosgrove provided an informational update regarding the Ironman Triathlon. Travel Juneau has asked the City to waive fees for the non-exclusive use of municipal lands and facilities for the triathlon. She explained that the fees would be relatively minimal, and hosting the event would provide an economic benefit to the community.

Ms. Woll asked Ms. Cosgrove to clarify when the Ironman Triathlon was meant to be held.

Ms. Perry from Travel Juneau answered that the triathlon was set to be held on August 8, 2022, August 6, 2023, and August 2024. (The exact 2024 date had not yet been determined.) She explained that

hosting the triathlon is a three-year agreement with the event sponsors, and the dates were approved by the Juneau School District and University of Alaska Southeast.

XIII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Weldon shared that she had spent the past several days with her eldest son and daughter-in-law, and thanked Mr. Jones for helping out while she was with family.

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

Committee of the Whole Chair Jones said that the Committee of the Whole had not met since the last Assembly meeting. The next COW meeting is scheduled for July 19.

Lands Housing and Economic Development Committee Chair Gladziszewski said that the LHEDC had not met since the last Assembly meeting. The next scheduled LHEDC meeting will be held on July 19.

Public Works and Facilities Chair Hale reported that there had been a special PWFC meeting on June 21 to review the appropriation of \$100,000 in funding towards Capital Avenue overruns. The PWFC also forwarded approval of the Elizabeth Peratrovich Mural to the Assembly for action. That was included in tonight's agenda. The next PWFC meeting will be on July 19.

Human Resources Committee Chair Bryson shared that the HRC met prior to tonight's Assembly meeting, and forwarded the following appointments to the Full Assembly:

- Historic Resources Advisory Committee (HRAC): Dorene Lorenz, Shannon Crossley, and Benjamin Huskinson to terms beginning July 1, 2021 and ending June 30, 2024.
- Juneau Human Rights Commission (JHRC): Emily Mensch, to a term beginning June 1, 2021 and ending May 31, 2024. Aiden Key and Summer Christenson, to terms beginning June 1, 2021 and ending on May 31, 2022.
- Juneau Commission on Sustainability (JCOS): Steve Behnke, Gretchen Keiser, and Anjuli Grantham to terms beginning July 1, 2021 and ending June 30, 2024, and Colin Peacock, to a term beginning immediately and ending June 30, 2022.

Hearing no objections, all appointments were approved by unanimous consent.

Mr. Bryson reported that there had been six applicants to the Airport Board, interviews will be conducted on Wednesday, August 11 at 5:30p.m.

Mr. Jones reported that the Planning Commission had a Special Meeting followed by a Regular Meeting on June 22, during which they decided to forward a recommendation to the Assembly to establish a new zoning district. The Planning Commission denied two Auke Bay zoning proposals. The next Planning Commission meeting will be held on July 13 at 6:00p.m. to receive an update from Parks and Recreation regarding off-road vehicles.

Mr. Jones also shared that the Title 49 Committee met on June 24 and July 1, where they discussed the lot depth ordinance. Mr. Jones also attended the Downtown Blueprint Association meeting on July 8, and on the same day he met the Consulate of the Philippines. Mr. Jones and Ms. Hale met the Consulate of Japan from Anchorage via Zoom on July 7. He also attended the Systemic Racism Review Committee training on June 19.

Ms. Hale shared that the Bartlett Regional Hospital (BRH) Board of Directors met on June 22 and received public testimony from Bartlett Regional Hospital's first COVID-19 patient who expressed deep gratitude for the staff at BRH and the care he received while he was being treated. There are medical staff shortages at BRH, as well as nationwide, part of it being attributed to COVID burnout.

Ms. Woll shared that the Juneau Commission on Aging met in June and considered forming smaller subcommittees to address the priorities identified from the Senior Survey results. Travel Juneau met to discuss the design of the Centennial Hall Expansion project and the funding received from the Governor's Tourism Marketing Program. She also reported that the Systemic Racism Review Committee (SRRC) had met three times since the last Assembly meeting, and have been focused on finessing the review criteria.

Ms. Hughes-Skandijs reported that JCOS met on July 7, and she spoke to the tremendous amount of time and energy JCOS members have put into the RAISE grant application work. They also reviewed the JCOS annual report but that was not able to be given during tonight's HRC meeting due to technical difficulties. The Docks & Harbors Board met on June 24. There is gillnet recycling and she can provide additional information to anyone interested in that. Docks & Harbors discussed employing a consulting firm to do a more comprehensive rate study to look at all their fees. They played a clip of the Assembly's not accepting their fee increases and they discussed the possible "Whys." Ms. Hughes-Skandijs said that while she had not been at the Assembly meeting where those fees were rejected, she thought there may have been some offense taken by Docks & Harbors board members and she was glad that she was able to attend their board meeting to chat with them about it.

Ms. Hughes-Skandijs said that the UAS Campus Council meeting was cancelled as it would have fallen on July 5. She said that she enjoyed the Fourth of July festivities over the holiday weekend.

Ms. Hughes-Skandijs asked when was the last time the Assembly met as a whole with the Planning Commission. Mr. Jones said it was sometime between December 2020 – February 2021. Ms. Hughes-Skandijs expressed an interest in the Assembly meeting with the Planning Commission in a joint session. Mr. Jones stated that the Planning Commission is struggling as they have members who do not wish to conduct in person meetings at this time.

Mr. Bryson shared that the Eaglecrest Board had made a lot of progress towards completing the Nordic track, and they have improved the water pump system to create more snow during ski season.

Mr. Smith said that the Local Emergency Planning Committee (LEPC) and the Chamber of Commerce Committee have not met since the last Assembly meeting. Mr. Smith enjoyed the Fourth of July holiday

and appreciated the nice weather over the weekend. He looks forward to August 1, the start of deer season.

Ms. Gladziszewski shared that the Juneau School Board has not met since the last Assembly meeting. She enjoyed the SRRC and JHRC joint training session. Ms. Gladziszewski also commended the volunteer group that set off the July 3 Gastineau Channel Fireworks Show. She also mentioned the Juneau Vaccine Volunteer Celebration that celebrated volunteers who have helped distribute the vaccine. She agreed with Ms. Hughes-Skandijs' comments regarding meeting with the Planning Commission, and added that it could be a joint meetings with the Lands Committee.

C. Presiding Officer Reports

1. CDD Director v. Golovatiuk

On May 20, 2021, the Planning Commission granted a variance to a lot depth requirement to Natalia Golovatiuk near 2815 Peters Lane. The Community Development Department Director filed a timely appeal.

On June 14, 2021, the Assembly accepted this appeal and referred it to a hearing officer. Prior to locating a hearing officer, the Community Development Department Director and Ms. Golovatiuk filed a joint motion requesting all proceeding be stayed as a Title 49 amendment was in the legislative process to negate the need for the underlying variance.

Given the joint motion, the City Attorney recommended and the Mayor issued the requested stay through September 1, 2021.

No Assembly action is needed at this time.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Karla Hart, a Valley resident testified on behalf of Juneau Cruise Control to thank the Assembly for addressing tourism at the next Committee of the Whole meeting. She urged the Assembly to prioritize issues regarding tourism management and consider tourism limitations.

XV. ADJOURNMENT

There being no further business to come before the Assembly, the Regular Assembly meeting was adjourned at 9:00p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor

Presented by: The Manager
Presented: 08/02/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-28

An Ordinance Amending Title 49, the Land Use Code, Related to Minimum Lot Depth.

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

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

Section 2. Amendment of Section. CBJC 49.15.422 Public use lots, is amended to read:

49.15.422 Public use lots.

The director for minor subdivisions, or the commission for major subdivisions, may waive the dimensional standards of the public use lot for minimum lot size and, lot width, ~~and lot depth~~ as set forth in CBJ 49.25.400, for lot frontage and access requirements as set forth in CBJ 49.15.420, and the provision of public improvements as set forth in CBJ 49.35, if the proposed use of the lot is for open space, natural area park, public or private utilities, conservation lot, or similar use, and if the following requirements are met:

- (1) The director or the commission finds that there is no public purpose or need that would be served by requiring the parcel to meet these code provisions and that the provisions are not applicable for the proposed public or quasi-public use of the lot;

- (2) Restriction of building development, further subdivision, and other limitations or restrictions shall be noted on the plat in accordance with CBJ 49.15.412;
- (3) For uses restricted from any building development, the land must be put into some form of permanent protected status through the use of conservation easements, deed restriction, or other instruments to assure building development will not occur where prohibited; and
- (4) Unless otherwise provided, the minimum yard setback requirements may not be waived with respect to lots abutting the public use lot.

Section 3. Amendment of Section. CBJC 49.15.423 Panhandle lots, is amended to read:

49.15.423 Panhandle lots.

(a) Panhandle lots may be created by subdivision under this section if the new lots meet the following requirements:

(1) *Dimensional requirements.*

- (A) The front and panhandle lots must meet all the dimensional and area requirements of this title.
- (B) No part of the panhandle portion of the lot shall be less than 20 feet wide.
- (C) The panhandle portion of the lot shall not be longer than 300 feet in D-1 zones and ~~one and one half times the minimum lot depth in other residential zoning districts.~~
- (D) No buildings are allowed to be built or placed in the panhandle portion of the lot.
- (E) In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be used in determining the width of the front lot.

(F) The lot width for the panhandle lot shall be the distance between its side lot lines measured behind the back lot line of the front lot.

...

Section 4. Amendment of Section. CBJC 49.25.400 Minimum dimensional standards, is amended to read:

49.25.400 Minimum dimensional standards.

There is adopted the table of minimum dimensional standards, table 49.25.400. Minimum dimensional standards for all zoning districts shall be according to the table of minimum dimensional standards, subject to the limitations of the following sections and as otherwise specifically noted in the special area or use sections, chapters 49.65 and 49.70.

TABLE 49.25.400

TABLE OF DIMENSIONAL STANDARDS

[See Exhibit A for the Table of Dimensional Standards]

Notes:

...

10. For lots adjacent to an alley, the following reductions to the dimensional standards apply:

(a) Minimal lot area includes 50% of adjacent alley (see graphic).

(b) Reserved. ~~Minimal lot depth includes 50% of the width of adjacent alley.~~

(c) Minimum front yard setback of ten feet.

...

Section 5. Amendment of Section. CBJC 49.25.410 Lot dimensions, is amended to read:

49.25.410 Reserved Lot dimensions.

As used in the table of dimensional standards:

- ~~(a) Lot width means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.~~
- ~~(b) Lot depth means the distance measured from the front lot line to the rear lot line.~~
- ~~(c) Lot coverage means the percentage of lot area that is occupied by all buildings on the lot, each measured at the outside of those exterior walls of the floor having the greatest horizontal dimensions.~~

Section 6. Amendment of Section. CBJC 49.25.430 Yard setbacks, is amended to read:

49.25.430 Yard setbacks.

No portion of any of the items listed in subsection (1) of this section may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table of dimensional standards in table 49.25.400, except as otherwise noted in this section. An alley or walkway is not subject to front setbacks unless it is the primary access to the lot.

...

- (4) *Projections into required yards.*

...

(J) *Substandard lots.* If the lot width is, ~~lot depth, or both~~ are less than required, the corresponding side, street side, or rear setbacks may be reduced to the same percentage that the lot width, ~~depth, or both~~, bears to the zoning district requirements, except that in no case shall the side, street side, and rear yard setbacks be less than half those required by this chapter, or five feet, whichever is greater.

(K) *Existing substandard setbacks.* A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings, or a street side yard setback equal to the average street side yard setback of the three closest adjacent buildings, or a rear yard setback equal to the average rear yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback, or street side yard setback, or rear yard setback shall be used to calculate the average. An existing building located on the subject lot may be used as one of the three buildings to calculate the setback determination.

For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows, and temporary buildings allowed to project into setbacks cannot be

used for averaging. In no instance shall the required setback be less than half that required by this chapter or ten feet, whichever is greater.

If there are fewer than three buildings within 500 feet of the subject property, then the required setback shall be the average of front yard setbacks, or street side yard setbacks, or rear yard setbacks, of such fewer buildings, using a maximum of one building per lot.

...

Section 7. Amendment of Section. CBJC 49.65.320 Mobile home subdivision, is amended to read:

49.65.320 Mobile home subdivision.

(a) *Purpose.* Mobile home subdivisions meeting the requirements of this article and the zoning code may be approved. It is the intent of the City and Borough to provide for subdivisions in which lots may be created which are more in scale with the requirements for mobile homes.

(b) *Applicability and scope.* The following section applies to the development of a mobile home subdivision which is a use allowed in the D-5, and D-10 SF residential districts, D-10, D-15 and D-18, multifamily residential districts.

(c) *Density.* A mobile home subdivision must comply with the density requirement of the district in which it is located, irrespective of the minimum lot size.

(d) *Permit procedure.* A mobile home subdivision shall be approved under the conditional use permit procedure if it meets all requirements applicable to a major subdivision, as modified by this section.

(e) *Special standards.*

(1) *Tract size.* The minimum tract size which may be submitted for subdivision under this section shall be five acres.

(2) *Dimensional standards.* Dimensional standards are:

(A) Minimum lot size, 4,700 square feet;

(B) Minimum width of lot at front building line, 47 feet;

(C) ~~Reserved~~ Minimum lot depth, 100 feet;

(D) Maximum lot coverage, 50 percent;

(E) Maximum building height, 35 feet;

(F) Minimum front yard setback, 15 feet;

(G) Minimum rear yard setback, 15 feet;

(H) Minimum side yard setback, 7½ feet.

...

Section 8. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500											
Common Wall Dwelling					3,600 ¹⁰	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000 7,000												
Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60'	40'	40'	30'	20'		20'					
Minimum lot depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	' ⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴ 45'	' ⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'							
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10' ⁴⁵	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶	'	5' ⁷	' ⁷	' ⁷		5' ⁷					

3

5

5

Presented by: The Manager
Presented: 08/02/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-30

An Ordinance Amending the Sales Tax Code Regarding the Taxability of Services.

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

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

Section 2. Amendment of Section. CBJ 69.05.010 Definitions, is amended to include the following:

CBJ 69.05.010 Definitions.

...

Point of Delivery means the location at which the property or a product is delivered or service performed. For products and services delivered or transferred electronically, point of delivery is the billing address of the buyer or consumer.

...

Receive means, for the purposes of point of delivery under CBJ 69.05.020:

- (1) Taking possession of personal property or goods;
- (2) Making first use of services;
- (3) Taking possession or making first use of digital goods, whichever comes first.

The term “receive” does not include temporary possession by a shipping company on behalf of the buyer or consumer.

Section 3. Amendment of Section. CBJ 69.05.020 Imposition of rate, is amended to read:

CBJ 69.05.020 Imposition of rate.

...

(b) If parts of a sale, service or rental, or a combination thereof, occur both inside and outside the City and Borough, or occur over a period of time during which two different tax rates apply, the tax shall be the highest rate applicable to any part of the sales, service or rental and shall be applied to the price of the entire transaction; provided, if the invoice of the transaction separates and prices the various parts of the transaction in accordance with the location of the parts of the transaction, or the time of the transaction, the different sales tax rates applicable to the separate parts of the transaction shall be applied, but only if each such part of the transaction is a sale, service or rental which may be made and is regularly offered on a separate basis by the seller. The taxability of a sale of goods is determined by the point of delivery of the tangible personal property. The taxability of a service is determined by the location where the service performed is received. The taxability of a ~~service performed or~~ rental made is determined by the place where the ~~service is performed or~~ rental property is located.

...

Section 4. Amendment of Section. Chapter 69.05.040 Exemptions, is amended to read:

CBJ 69.05.040 Exemptions.

...

(3) Sales of goods and/or the performance of services and associated shipping and handling charges resulting from orders received from outside the City and Borough where goods and/or services are received by the buyer outside the City and Borough after seller ships the goods and/or delivers the service by mail, electronic transfer, or common carrier. Shipment and/or delivery outside the City and Borough must be verified by postal or shipping documents. If the shipment and/or delivery is by electronic means, shipment and/or delivery must be verified by the buyer's "billed to" address. Common carrier means a commercial enterprise that holds itself out to the public as offering to transport freight for a fee without refusal.

...

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 08/02/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-34

An Ordinance Amending the Land Use Code to Extend the Sunset Dates for the Alternative Development Overlay Districts.

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

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

Section 2. Amendment of Section. CBJ 49.70.1210 Overlay districts, is amended to read:

49.70.1210 Overlay districts.

- (a) *Downtown Juneau overlay district.* This article applies to property within the alternative development overlay district for Downtown Juneau as shown on the map dated May 25, 2017. The Downtown Juneau overlay district shall cease to exist and the provisions of this article shall not apply to property within the Downtown Juneau overlay district after August 1, ~~2021~~, 2022.
- (b) *Downtown Douglas overlay district.* This article applies to property within the alternative development overlay district for Downtown Douglas as shown on the map dated May 25, 2017. The Downtown Douglas overlay district shall cease to exist and the provisions of this article shall not apply to property within the Downtown Douglas overlay district after December 31, 2021.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: August 2, 2021
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-08(b)(am)(C)

An Ordinance Appropriating \$150,000 to the Manager as Funding for a Tourism Manager; Funding Provided by Marine Passenger Fees.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of \$150,000 as funding for a tourism manager.

Section 3. Source of Funds

Marine Passenger Fees	\$150,000
-----------------------	-----------

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

MEMORANDUM

CITY/BOROUGH OF JUNEAU

155 SOUTH SEWARD STREET, JUNEAU, ALASKA 99801

TO: Rorie Watt
City and Borough Manager

DATE: July 26, 2021

FROM: Greg Smith
Contract Administrator

File No.: 1826

SUBJ: BID RESULTS:
Gruening Park Lift Station Stand Alone Lift Station
Contract No. BE21-264

Bids were opened on the subject project on July 15, 2021. The bid protest period expired at 4:30 p.m. on July 16, 2021. Results of the bid opening are as follows:

Responsive Bidders	Base bid	Additive Alternate No. 1	Total Bid
<i>ENCO Alaska, Inc</i>	<i>\$1,135,275</i>	<i>\$35,000</i>	<i>\$1,170,275</i>
Admiralty Construction, Inc.	\$1,194,150	\$50,000	\$1,244,150
<i>Architect's Estimate</i>	<i>\$884,050</i>	<i>\$18,000</i>	<i>\$902,050</i>

Project Manager: Paul Beck

Project Description: Base Bid - The WORK covered in the Contract Documents includes installing approximately 50 linear feet of 12-inch diameter High-Density Polyethylene (HDPE) pressure sewer; installation of approximately 70 linear feet of 12-inch diameter Polyvinyl Chloride (PVC) gravity sewer and new sewer manhole; demolition of an existing sewage lift station including the wet well, valve vault, and associated electrical work; installation of a new sewage pump station with submersible pumps, new wet well, valve vault, along with associated electrical work; and, installation of a new portable generator, pump controls, pump controls rack, along with associated electrical work; and site development including earthwork and paving with associated site utilities; and other miscellaneous items of work.

Additive Alternate No. 1 – Installation of 2" water service.

Funding Source: F519 Wastewater Fund - \$1,900,766, Sales Tax – 225,000

Total Project Funds: \$2,125,766

CIP No. U76-100

Construction Encumbrance: \$1,170,275

Construction Contingency: \$117,000

Design: \$103,000

Contract Administration/Inspection: \$93,000

CBJ Administrative costs: \$35,000

Staff recommends award of this project, Base Bid and Alternate 1 to ENCO Alaska Inc. for the total amount bid of **\$1,170,275**.

Mr. Duncan Rorie Watt
Bid Recommendation Letter
Page two

Approved: _____
Duncan Rorie Watt, City & Borough Manager

Date of Assembly Approval:

C: CBJ Purchasing



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

June 25, 2021

City and Borough of Juneau

Via Email: beth.mcewen@juneau.org ; city.clerk@juneau.org

Re: Notice of Liquor License Renewal Applications

License Number	DBA	Type	City	Borough	Community Council
5747	Juneau Yacht Club	Club	Juneau	Juneau	NONE

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart".

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

June 7, 2021

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	27471
License Type:	Limited Marijuana Cultivation Facility
Licensee:	Alaska Vibes LLC
Doing Business As:	Alaska Vibes
Physical Address:	10011 Glacier Highway Juneau, AK 99801
Designated Licensee:	Casey Wilkins
Phone Number:	907-957-3877
Email Address:	alwaysredeyellc@gmail.com

☒ **New Application** ☐ **New Onsite Consumption Endorsement Application (Retail Only)**

AMCO has received a complete application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.025(d)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our June 23-24, 2021 meeting.

Sincerely,

Glen Klinkhart, Director

amco.localgovernmentonly@alaska.gov

Alcohol & Marijuana Control Office

Initiating License Application

10/21/2020 9:50:14 PM

License Number: 27471**License Status:** New**License Type:** Limited Marijuana Cultivation Facility**Doing Business As:** Alaska Vibes**Business License Number:** 2111699**Designated Licensee:** Casey Wilkins**Email Address:** alwaysredeyellc@gmail.com**Local Government:** Juneau (City and Borough of)**Local Government 2:****Community Council:****Latitude, Longitude:** 58.370900, -134.609000**Physical Address:** 10011 Glacier Highway
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10095262**Alaska Entity Name:** Alaska Vibes LLC**Phone Number:** 907-957-3877**Email Address:** alwaysredeyellc@gmail.com**Mailing Address:** PO Box 240122
Douglas, AK 99824
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Casey Wilkins**SSN:** [REDACTED]**Date of Birth:** [REDACTED]**Phone Number:** 907-957-3877**Email Address:** alwaysredeyellc@gmail.com**Mailing Address:** PO Box 240122
Douglas, AK 99824
UNITED STATES**Note:** No affiliates entered for this license.

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

June 7, 2021

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	27532
License Type:	Retail Marijuana Store
Licensee:	Alaska Vibes LLC
Doing Business As:	Alaska Vibes
Physical Address:	10011 Glacier Highway Juneau, AK 99801
Designated Licensee:	Casey Wilkins
Phone Number:	907-957-3877
Email Address:	alwaysredeyellc@gmail.com

☒ **New Application** **AND** ☒ **New Onsite Consumption Endorsement Application (Retail Only)**

AMCO has received a complete application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.025(d)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our June 23-24, 2021 meeting.

Sincerely,

Glen Klinkhart, Director

amco.localgovernmentonly@alaska.gov

License Number: 27532

License Status: New

License Type: Retail Marijuana Store

Endorsement: Onsite Consumption

Doing Business As: Alaska Vibes

Business License Number: 2111699

Designated Licensee: Casey Wilkins

Email Address: alwaysredeyellc@gmail.com

Local Government: Juneau (City and Borough of)

Local Government 2:

Community Council:

Latitude, Longitude: 58.370900, -134.609000

Physical Address: 10011 Glacier Highway
Juneau, AK 99801
UNITED STATES

Licensee #1	Entity Official #1
Type: Entity	Type: Individual
Alaska Entity Number: 10095262	Name: Casey Wilkins
Alaska Entity Name: Alaska Vibes LLC	SSN: [REDACTED]
Phone Number: 907-957-3877	Date of Birth: [REDACTED]
Email Address: alwaysredeyellc@gmail.com	Phone Number: 907-957-3877
Mailing Address: PO Box 240122 Douglas, AK 99824 UNITED STATES	Email Address: alwaysredeyellc@gmail.com
	Mailing Address: PO Box 240122 Douglas, AK 99824 UNITED STATES

Note: No affiliates entered for this license.

Presented by: The Manager
Introduced: July 12, 2021
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-08(b)(am)(A)

An Ordinance Appropriating \$34,240 to the Manager as Funding for Multiple Training Events for the Juneau Police Department; Grant Funding Provided by the United States Department of Justice, Office of Justice Program, FY18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of \$34,240 as funding for multiple training events for the Juneau Police Department.

Section 3. Source of Funds

U.S. Department of Justice	\$34,240
----------------------------	----------

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced: July 12, 2021
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-08(b)(am)(B)

An Ordinance Appropriating \$42,300 to the Manager as Funding for Tourism-Related Services in the Summer of 2021; Funding Provided by Marine Passenger Fees.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Appropriation. There is appropriated to the Manager the sum of \$42,300 as funding for tourism-related services in the summer of 2021.

Section 3. Source of Funds

Marine Passenger Fees	\$42,300
-----------------------	----------

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

June 23, 2021

Mayor Beth Weldon
City & Borough of Juneau
155 S. Seward Street
Juneau AK 99801

Dear Mayor Weldon and Juneau Assembly,

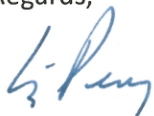
With the news that Juneau will see 6-7 cruise ships per week beginning late July, Travel Juneau encourages you to support \$27,300 in the supplemental funding request to cover the cost of the Crossing Guard Program for late July, August, and September 2021.

Over the years, this program has helped the city successfully avoid needless traffic/pedestrian accidents and ensure a smoother flow of vehicle traffic through the downtown area, especially along South Franklin Street.

Goldbelt Security is in the process of hiring and training staff to be placed at high-traffic crosswalks during peak times, based upon the 2021 docking schedule provided by Cruise Line Agencies of Alaska (CLAA). A cost estimate based upon the schedule is included with this letter.

Thank you in advance for your support of this valuable program.

Regards,



Liz Perry
President & CEO
Travel Juneau

cc: Kirby Day, TBMP
Scott Hinton, CJB Docks & Harbors



July 28, 2021

Rorie Watt, City Manager
City & Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Re: Passenger Fee Request for the Downtown Ambassador Program for FY22

Dear Mr. Watt,

The Downtown Business Association hereby requests additional funding for the Downtown Ambassador Program for FY22 of \$15,000. This request is in addition to the \$26,000 of carry-forward funding from FY20 that will be reserved for the April through June, 2022 period. At the time of that request, cruise ships were not anticipated to arrive in summer 2021.

We propose to provide services that will assist cruise ship passengers in accessing Juneau's downtown business core during the summer months by providing excellent hospitality, including a safety presence, kindly directions, recommendations, and general assistance. DBA will provide Ambassador services by a uniformed individual for up to 10-hours/day whenever there are cruise ships in port, as resources permit. The Ambassadors will assist vessels by providing needed information and support. They also alert police to public nuisance and safety issues in the downtown business core area.

The DBA will adapt this service to the current needs of our community for FY22. Downtown businesses have observed an increase in loitering during and after regular business hours. Having a team of positive, community-oriented individuals who can help move along loiterers and give businesses tools to help maintain a safe downtown is an additional need for this coming year.

The grant request includes 15% administrative overhead, including the cost of contract administration, follow-up with membership on performance issues, and grant reporting for CBJ.

Thank you for your continued support.

Sincerely,

A handwritten signature in black ink that reads "Midgi Moore". The signature is written in a cursive, flowing style.

Midgi Moore
President

Presented by: The Manager
Presented: 07/12/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-13

An Ordinance Amending the Land Use Code Related to the Coastal Management and the Habitat Provisions of Title 49.

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

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

Section 2. Amendment of Section. CBJC 49.05.200 Comprehensive plan, is amended as follows:

49.05.200 Comprehensive plan.

(a) The City and Borough Comprehensive Plan is designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate adequate and cost-effective provision for transportation, water, sewerage, schools, parks, and other public requirements.

(b) The comprehensive plan adopted by the assembly by ordinance contains the policies that guide and direct public and private land use activities in the City and Borough. The implementation of such policies includes the adoption of ordinances in this title. Where there is a conflict between the comprehensive plan and any ordinance adopted under or pursuant to this title, such ordinance shall take precedence over the comprehensive plan.

(1) Plan adopted. There is adopted as the comprehensive plan of the City and Borough of Juneau, that publication titled The Comprehensive Plan of the City and Borough of Juneau, Alaska, 2013 Update, including the following additions:

(A) Reserved. ~~The Juneau Coastal Management Program, Volumes 1 and 2, dated February 2008;~~

...

Section 3. Repeal of Article. CBJC Article IX of Title 49.70, Coastal Management, is repealed and reserved.

Section 4. Amendment of Section. CBJC 49.70.310 Habitat, is amended as follows:
49.70.310 Habitat.

(a) Development in the following areas is prohibited:

(1) On Benjamin Island within the Steller sea lion habitat;

(2) Within 50 feet from the ordinary high water mark ~~of the banks~~ of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(3) Within 50 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.

(b) In addition to the above requirements there shall be no disturbance in the following areas:

- (1) Within 25 feet from the ordinary high water mark of stream corridors designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and
- (2) Within 25 feet from the ordinary high water mark of lakeshores designated in Appendix B of the comprehensive plan of the City of Borough of Juneau, 2013 Update.

(c) The following developments or disturbances are exempt from the setback prohibitions of this section: (1) docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake; and (2) uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes and similar uses. Except for the setback area necessary for such developments or disturbances, the remaining setback shall be vegetated or revegetated, where feasible and prudent, and such vegetation or revegetation shall be kept or arranged to maximize shade on the stream or lake. A variance is required for any other development or disturbance in the setback prohibitions of this section.

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



MEMORANDUM

DATE: May 17, 2021
 TO: Michael Levine, Chair of Planning Commission
 FROM: Robert Palmer, Municipal Attorney
 SUBJECT: Ordinance 2021-13 Draft vPC, Amend Title 49 re Habitat and Coastal Zone Mgmt.

In 1970, Congress enacted the Coastal Zone Management Act to facilitate coastal development by involving state and local governments in “consistency determinations.” In 1977, the Alaska Legislature enacted the Alaska Coastal Management Act, which allowed the State and municipalities to participate in the decision making process. The CBJ quickly followed by enacting the Juneau Coastal Management Program, CBJC 49.05.200(b)(1)(A), and a robust set of “enforceable policies,” CBJC 49.70.900-960, which articulated the CBJ’s priorities for consistency determinations pursuant to State law. That regulatory framework existed for approximately 35 years.

In 2011, by operation of AS 44.66.020 and .030, the Alaska Coastal Management Act was repealed. Without the Alaska Coastal Management Act, the local enforceable policies of CBJC 49.70.900-960 are historical artifacts of a regulatory framework that no longer exists.

Unfortunately, because CBJC 49.70.900-960 remained in code for the last decade, its presence has recently caused chaos. Notably, CDD staff recently approved a grading permit to cut trees and undertake a grading project along Duck Creek in violation of 49.70.310 by applying a provision from the coastal management section, 49.70.950(f). Currently, the only tool to deviate from the setback provisions of 49.70.310 is a variance, CBJC 49.20.200.

Given the 2011 repeal of the underlying State law and the recent Duck Creek permitting error, I worked with CDD Director Maclean to propose amendments to Title 49 that eliminated the confusion between 49.70.310 and 49.70.900-960. The attached draft does the following:

Section 2: Repeals the overarching Juneau Coastal Management Plan

Section 3: Repeals all of the “enforceable policies” of the Coastal Management code

Section 4: Adds an exception to 49.70.310 for water-dependent facilities

Staff request: Consider any amendments and then recommend Ord. 2021-13 for Assembly introduction.

Presented by: The Manager
Presented: 07/12/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-19

An Ordinance Establishing the Planning Commission as the Board of Adjustment.

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

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

Section 2. Amendment of Section. CBJC 49.10.170 Duties, is amended to read:

49.10.170 Duties.

(a) *Comprehensive plan review.* The commission shall undertake a general review of the comprehensive plan two years after the adoption of the most recent update, and shall recommend appropriate amendments to the assembly. Proposed map changes shall be reviewed on a neighborhood or community basis as directed by the planning commission.

(b) *Review of the capital improvements program.* Upon adequate notice which shall be provided by the director, the commission shall review annually the capital improvements program of the City and Borough and submit its recommendations to the assembly.

(c) *City and borough land disposals and projects.* The commission shall review and make recommendations to the assembly on land disposals as prescribed by title 53, or capital improvement projects by any City and Borough agency.

(d) *Development code amendments.* The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezonings, indicating compliance with the provisions of this title and the comprehensive plan.

(e) *Land use actions and related decisions.*

(1) All plats approved by the platting board prior to adoption of Serial No. 87-49 are ratified, notwithstanding the use of the commission seal or resolution.

(2) The commission shall hear and decide all major development permit applications, density bonus requests, and appeals of decisions made by the director.

(3) Hear and decide variance request other than administrative variances.

(4) Rule upon map boundary questions and interpret the text of the title as provided in section 49.20.300.

(5) Make similar use determinations as provided in section 49.20.320.

Section 3. Amendment of Article. Article II Board of Adjustment of Chapter 49.10, Administration and Compliance, is repealed and reserved:

ARTICLE II. Reserved. BOARD OF ADJUSTMENT

~~49.10.200—Organization.~~

~~The board of adjustment is created. The commission is the board of adjustment.~~

~~(1) Meetings of the board shall be held at the call of the chair of the board.~~

~~(2) The chair, or in the absence of the chair, the vice chair, may administer oaths and compel attendance of witnesses.~~

~~(3) All meetings of the board shall be open to the public.~~

~~(4) The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record.~~

~~49.10.210 Duties.~~

~~The board of adjustment shall have and shall be limited strictly to the powers and duties prescribed by this chapter and as elsewhere provided in this title to:~~

~~(1) Hear and decide variance request other than de minimus variances.~~

~~(2) Rule upon map boundary questions and interpret the text of the title as provided in section 49.20.300.~~

~~(3) Make similar use determinations as provided in section 49.20.320.~~

Section 4. Amendment of Article. Article II Variances of Chapter 49.20, Appeals, Variances, and Interpretations, is amended to read:

...

49.20.210 Submittal.

Except as provided in this article for an administrative variance, an application for a variance shall be submitted to the planning commission ~~board of adjustment~~ through the department.

...

49.20.230 Public notice.

(a) Upon determination that the administrative variance application is complete, the director shall mail notice of the application to the immediately adjoining property owners, as determined by the director, and provide at least 14 days to submit written comments before issuing a decision.

(b) For variances other than administrative, public notice according to section 49.15.230 shall be given prior to a hearing on the application by the planning commission ~~board of adjustment~~.

49.20.240 Board of adjustment action.

The planning commission ~~board of adjustment~~ shall hear all variance requests except administrative variances, and shall either approve, conditionally approve, modify or deny the request based on the criteria in section 49.20.250(b).

49.20.250 Variance standards.

(a) Administrative variances.

(1) An administrative variance may be granted to allow projections not to exceed 25 percent of the yard setback requirements of this title or two feet, whichever is less, upon the director determining the following:

(A) Enforcement of the setback ordinance would result in an unreasonable hardship;

(B) The grant of the variance is not detrimental to public health, safety, or welfare; and

(C) The grant of the variance is narrowly tailored to relieve the hardship.

(2) An administrative variance decision by the director may be appealed if a notice of appeal is filed within 20 days of the date the decision is signed by the director, in accordance with section 49.15.239.

(b) Non-administrative variances.

(1) A variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the planning commission ~~board of adjustment~~ has determined that:

(A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;

(B) The unusual or special conditions of the property are not caused by the person seeking the variance;

(C) The grant of the variance is not detrimental to public health, safety, or welfare; and

(D) The grant of the variance is narrowly tailored to relieve the hardship.

49.20.260 Conditions of approval.

The planning commission ~~board~~ may attach to a variance conditions regarding the location, character, and other features of the proposed structures or uses as it finds necessary to carry out the intent of this title and to protect the public interest.

...

Section 5. Amendment of Article. Article III Interpretations of Chapter 49.20, Appeals, Variances, and Interpretations, is amended to read:

49.20.300 Authorization to interpret.

The planning commission ~~board of adjustment~~ is authorized to interpret the zoning map and the text of this title and to pass upon questions of lot lines or district boundary lines and similar questions presented by the department or a property owner directly concerned.

49.20.310 Submittal.

An application for a map or text interpretation shall be submitted to the planning commission ~~board of adjustment~~ by filing a copy of the application with the director in the department of community development. The application shall contain information sufficient to enable the

commission board to make the necessary interpretation. The interpretation shall be scheduled for consideration by the commission. Individual mailed notice of boundary line interpretations shall be provided to adjacent property owners.

49.20.320 Use not listed.

After public notice and a hearing, the planning commission board may permit in any district any use which is not specifically listed in the table of permissible uses but which is determined to be of the same general character as those which are listed as permitted in such district. Once such determination is made, the use will be deemed as listed in the table of permissible uses.

Section 6. Amendment of Section. CBJC 49.65.265, is amended to read:

49.65.265 Suspension or revocation of permit.

(a) The manager may suspend a permit issued under this article upon a determination that the site or operation is not in compliance with the conditions of the permit. Upon the oral or written notification of the suspension to the permit holder or to any person operating under the authority of the permit, all operations under the permit shall cease except those specifically authorized by the manager in the suspension notice. An oral notice shall be followed as soon as practical by a written notice. A suspended permit may be reinstated by the manager upon a determination the site or operation has been brought into compliance with the conditions of the permit.

(b) The manager may revoke a permit if there is substantial noncompliance with the terms of the permit or the site or operation under the permit has a history of noncompliance. Upon oral or written notification of the revocation to the permit holder or to any person operating under the authority of the permit, all operations under the permit shall cease except those specifically

1
2 authorized by the manager in the revocation notice. An oral notice shall be followed as soon as
3 practical by a written notice. A permit which has been revoked may not be reissued; however,
4 an application for a new permit at the site may be filed. If a new permit is filed, the commission
5 may consider the history of noncompliance with the prior permit conditions in determining
6 whether a new permit should be issued.

7
8 (c) A suspension or revocation order may be appealed to the planning commission ~~board of~~
9 ~~adjustment~~.

10
11 **Section 7. Amendment of Section.** CBJC 49.70.1230, is amended to read:

12 **49.70.1230 Alternative development procedure.**

13 (a) Alternative development permit. The planning commission ~~board of adjustment~~ shall hear
14 all applications pursuant to this article.

15 (b) Pre-application conference. Prior to submission of an application, the developer shall meet
16 with the director for the purpose of discussing the site, the proposed development activity, and
17 the alternative development permit procedure. It is the intent of this section to provide for an
18 exchange of general and preliminary information only and no statement by either the developer
19 or the director shall be regarded as binding or authoritative for purposes of this Code. A copy of
20 this article shall be provided to the developer at the conference.

21
22 (c) Application. The developer shall submit to the director one copy of the completed permit
23 application together with all supporting materials and the permit fee.

24 (d) Director's review procedure.
25

(1) The director shall endeavor to determine whether the application accurately reflects the developer's intentions, shall advise the developer whether or not the application is acceptable, and, if it is not, what corrective action may be taken.

(2) After accepting the application, the director shall schedule it for a hearing before the planning commission ~~board of adjustment~~ and shall give notice to the developer and the public in accordance with CBJ 49.15.230.

(3) The director shall forward the application to the planning commission ~~board of adjustment~~ together with a report setting forth the director's recommendation for approval or denial, with or without conditions, and the reasons therefor. The director shall make the determinations specified in subsection (e) of this section.

(4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.

(5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:

(A) Will materially endanger the public health or safety;

(B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or

(C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.

(e) Review of director's determinations.

(1) At the hearing on the alternative development permit, the planning commission ~~board of adjustment~~ shall review the director's report to consider:

(A) Whether the proposed development is appropriate according to the alternative development overlay district;

(B) Whether the application is complete; and

(C) Whether the development as proposed will comply with the other requirements of this title.

(2) The planning commission ~~board of adjustment~~ shall adopt the director's determination on each item set forth in paragraph (1) of this subsection unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

(f) Planning commission ~~board of adjustment~~ determinations. Even if the planning commission ~~board of adjustment~~ adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

(1) Materially endanger the public health or safety;

(2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or

(3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Section 8. Amendment of Section. CBJC 49.70.1240, is amended to read:

49.70.1240 Alternative development requirements.

The planning commission ~~board of adjustment~~ may reduce the following requirements of the table of dimensional standards, 49.25.400, for development of new residential buildings, and the expansion, restoration, or repair of existing residential buildings. The term residential building includes accessory structures.

(a) Setbacks. No part of any residential building may be erected closer to the property line than:

(1) The average corresponding setback(s) of residential buildings within a 150-foot radius as determined by the director. If any of the corresponding setbacks used in the averaging calculation is located a greater distance than the required setback of the underlying zoning, then the standard setback in 49.25.400 of the underlying zoning will be used. If any of the corresponding setbacks used in the averaging calculation encroaches into the public right-of-way or onto an adjacent property, then zero feet will be used in the averaging calculation for that setback; or

(2) The footprint of the existing residential building. No encroachment into the public right-of-way or on adjacent property shall be permitted.

(b) Lot coverage. A lot within the overlay district shall not exceed 60 percent lot coverage.

(c) Vegetative coverage. A lot within the overlay shall maintain 15 percent vegetative coverage.

Section 9. Amendment of Section. CBJ 49.80.120 Definitions, is amended to read:

49.80.120 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Office, professional means an office used for the practice of law, the healing arts, accountancy, architecture, engineering or other use determined similar by the planning commission ~~board of adjustment~~.

...

Section 10. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule:

...

(10) Variances and Alternative Development Permits. ~~Board of Adjustment.~~

(A) Administrative Variance, \$120.00;

(B) Non-Administrative Variance, \$400.00;

(C) Alternative Development Permit, \$400.00

...

Section 11. Amendment of Section. CBJC 19.02.010.3, is amended to read:

19.02.010.3 Limitations of authority.

An application for appeal shall be based on a claim that the true intent of the building codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of these codes do not fully apply, or an equally good or better form of construction is proposed. The board of appeals shall not be empowered to waive requirements of the building codes.

All variance requests to IRC 323.3.1 through 323.3.5 and IBC 1612 shall be heard by the Planning Commission ~~board of adjustment~~, under procedures established per 49.70.410.

...

Section 12. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Presented: 07/12/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-31

An Ordinance Authorizing the Manager to Convey Approximately 380 Square Feet of City Property, Three Permanent Easements, and Ten Temporary Construction Easements to the Alaska Department of Transportation and Public Facilities for a Douglas Highway Reconstruction Project.

WHEREAS, the Alaska Department of Transportation and Public Facilities (DOT&PF) proposes to improve portions of the Douglas Highway between Egan Drive and St. Ann's Avenue by resurfacing, sidewalk repairs, and upgrades to the bus stops, curbs, drainage improvements, and structural retaining wall improvements; and

WHEREAS, the Manager received an application requesting the following acquisition, permanent easements, and temporary easements:

Acquisition:

Lot 12, Block 32, TYEE AND MILLSITE ADDITION TO THE DOUGLAS TOWNSITE, according to Plat 262, Records of the Juneau Recording District, First Judicial District, State of Alaska. Said parcel containing 380 square feet, more or less, in addition to existing right-of-way, which lies adjacent to right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tract of land on the plat attached hereto and made a part hereof as page 6 of this instrument and designated as Parcel No. 1.

Permanent Easements:

E-65: A tract of land in U.S. MINERAL SURVEY 341A, Records of the Juneau Recording District, First Judicial District, State of Alaska, which lies adjacent to the right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tract of land on the plat attached hereto and made a part hereof as page 9 of this instrument and designated as Parcel Number E-65.

E-70: A fraction of U.S. MINERAL SURVEY 341B, Records of the Juneau Recording District, First Judicial District, State of Alaska, which lies adjacent to the right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tract of land on the plat attached hereto and made a part hereof as page 10 of this instrument and designated as Parcel Number E-70. Said easement contains 322 square feet, more or less.

E-100: A tract of land in U.S. SURVEY 472, Records of the Juneau Recording District, First Judicial District, State of Alaska, which lies adjacent to the right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tract of land on the plat attached hereto and made a part hereof as page 11 of this instrument and designated as Parcel Number E-100. Said easement contains 235 square feet, more or less.

Temporary Construction Easements:

TCE-16: Lot 2, Block 7, DOUGLAS TOWNSITE, Juneau Recording District, First Judicial District, State of Alaska, which lies adjacent to right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tracts of land on the plats attached hereto and made a part hereof as page 7 of this instrument and designated as TCE-16 containing 95 square feet more or less.

TCE-17: Lot 3, Block 7, DOUGLAS TOWNSITE, Juneau Recording District, First Judicial District, State of Alaska, which lies adjacent to right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tracts of land on the plats attached hereto and made a part hereof as page 7 of this instrument and designated as TCE-17 containing 188 square feet more or less.

TCE-18 and TCE-18A: Lot 4, Block 7, DOUGLAS TOWNSITE, Juneau Recording District, First Judicial District, State of Alaska, which lies adjacent to right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tracts of land on the plats attached hereto and made a part hereof as page 7 of this instrument and designated as TCE-18 containing 14 square feet, and TCE-18A containing 93 square feet, more or less.

TCE-53: A tract of land embracing portions of Ready Bullion No. 2 Lode Claim, Enterprise Lode Claim and Albion Millsite located in U.S. MINERAL SURVEY 341A and 341B, Records of the Juneau Recording District, First Judicial District, State of Alaska, which lies adjacent to right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tract of land on the plats attached hereto and made a part hereof as page 8 of this instrument and designated as Parcel No. TCE-53 containing 1,842 square feet, more or less.

TCE-65: A tract of land in U.S. MINERAL SURVEY 341A, Records of the Juneau Recording District, First Judicial District, State of Alaska, which lies adjacent to right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tract of land on the plats attached hereto and made a part hereof as page 9 of this instrument and designated as Parcel No. TCE-65 containing 210 square feet, more or less.

TCE-70: A fraction of U.S. MINERAL SURVEY 341B, Records of the Juneau Recording District, First Judicial District, State of Alaska, which lies adjacent to right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tract of land on the plat attached hereto and made a part hereof as page 10 of this instrument and designated as Parcel No. TCE-70 containing 368 square feet, more or less.

TCE-100: A tract of land in U.S. SURVEY 472, Records of the Juneau Recording District, First Judicial District, State of Alaska, which lies adjacent to right-of-way lines of Alaska Project No. SFHWY00058, delineated as to said tract of land on the plats attached hereto and made a part hereof as page 11 of this instrument and designated as Parcel No. TCE-100 containing 5,943 square feet, more or less.

WHEREAS, the Lands, Housing and Economic Development Committee reviewed this proposed CBJ land disposal and easement request at its meeting on April 12, 2021, and passed a motion of support for disposing of City property through negotiated sale and by granting permanent easements and temporary construction easements to the ADOT&PF for fair market value.

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

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Authorization to Convey. The Manager is authorized to negotiate and execute the sale of a fraction of Lot 12, Block 32, Tyee and Millsite Addition to the Douglas Townsite containing 380 square feet (SF), more or less and execute permanent and temporary easements on the properties as described above.

Section 3. Purchase Price. The purchase price of the property shall be the fair market value, which has been determined to be \$21,500.00.

Section 4. Other Terms and Conditions. The Manager may include such other terms and conditions as may be in the public interest and in accordance with CBJ Title 53.

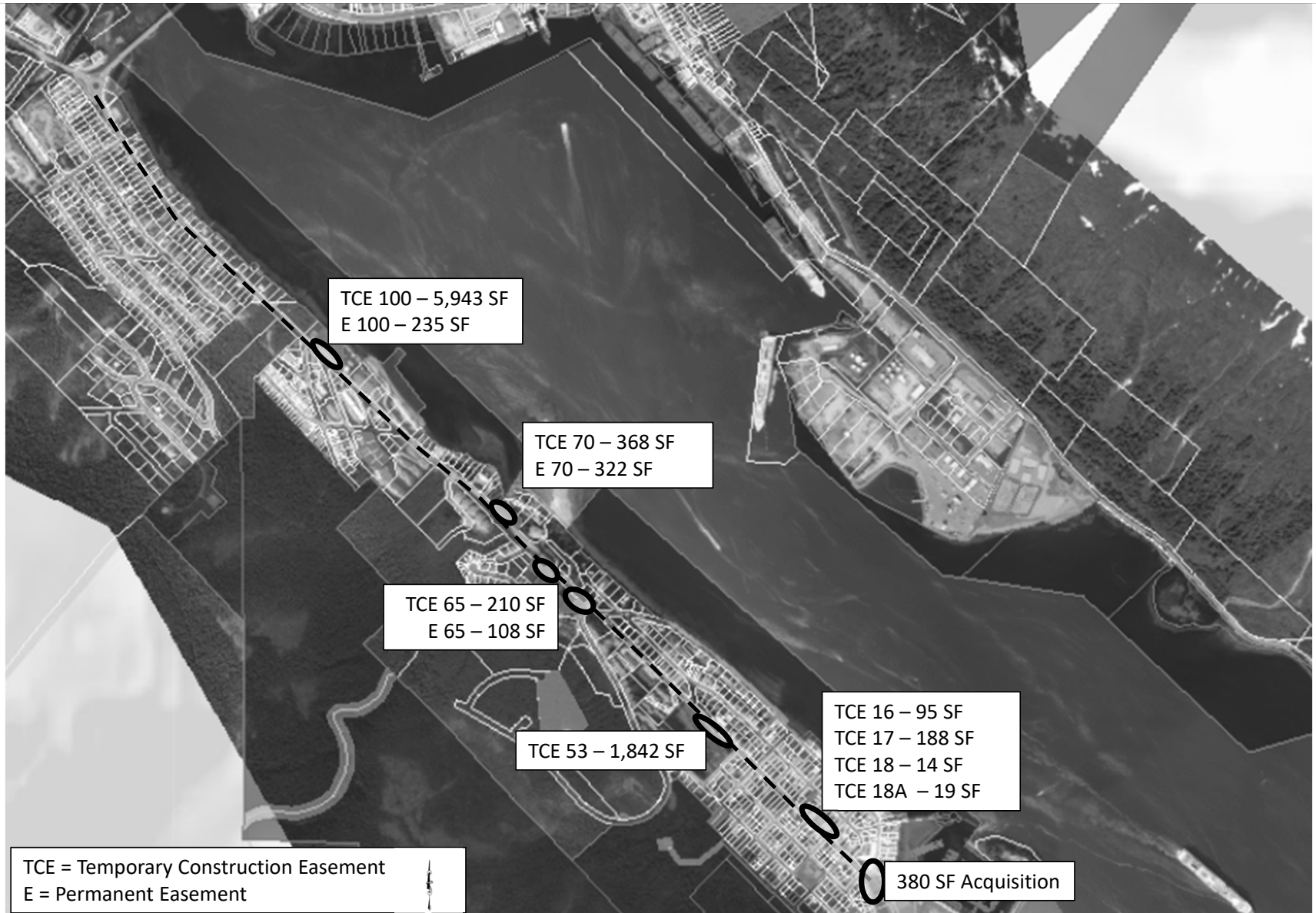
Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



Presented by: Planning Comm.

Presented: 07/12/2021

Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-27

An Ordinance Amending the Comprehensive Plan Land Use Designation Map near 4650 North Douglas Highway from Medium Density Residential to High Density Residential.

WHEREAS, the area of the proposed Comprehensive Map Amendment, Channel View Lot 1, consists of 15.41 acres, and is located near 4650 North Douglas Highway; and

WHEREAS, the land use maps of the Comprehensive Plan identify the subject lot as Medium Density Residential (MDR); and

WHEREAS, the MDR designation is characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre and where any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses; and

WHEREAS, upon considering a rezone request for the subject property, the Planning Commission recommended the Assembly amend the Comprehensive Land Use Map from MDR to High Density Residential (HDR); and

WHEREAS, the HDR designation is characterized by urban residential lands suitable for new, in-fill or redevelopment housing at high densities ranging from 18 to 60 units per acre. Commercial space may be an element of developments on properties under this designation, as regulated in the Table of Permissible Uses (CBJ 49.25.300); and

WHEREAS, the Land Use Maps of the Comprehensive Plan may be amended by the Assembly as necessary to reflect changing conditions when in the best interest of the community; and

WHEREAS, the CBJ Comprehensive Plan recommends the facilitation of various housing types and densities that are appropriately located in relation to site conditions, surrounding land uses, and capacity of public facilities and transportation systems.

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

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

Section 2. Amendment to Comprehensive Plan Land Use Map. The Land Use Maps of the Comprehensive Plan of the City and Borough are amended to change the land use designation of Channel View Lot 1 (Parcel # 6D0601150011) on Douglas Island from Medium Density Residential (MDR) to High Density Residential (HDR).

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: Planning Comm.
Presented: 07/12/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-26

An Ordinance Amending the Official Zoning Map by Rezoning Channel View, Lot 1, Located near 4650 North Douglas Highway from D-15 to Light Commercial.

WHEREAS, the area of the proposed rezone, Channel View Lot 1, consists of 15.41 acres, is located near 4650 North Douglas Highway, and is currently zoned D-15; and

WHEREAS, adjacent parcels are zoned D-3, D-15, and General Commercial (GC); and

WHEREAS, the land use maps of the Comprehensive Plan identify the subject lot as Medium Density Residential (MDR); and

WHEREAS, the MDR designation is characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre and where any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses; and

WHEREAS, the LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district; and

WHEREAS, the Light Commercial district allows for up to 30 units per acre, which exceeds the density limit of the Comprehensive Plan MDR designation; and

WHEREAS, the Community Development Department recommended rezoning the subject property from D-15 Transition to Light Commercial upon two conditions (1) that additional public transportation infrastructure first be constructed to ensure any allowed higher density

development would not aggravate existing issues with traffic flow and pedestrian safety, and (2) the Assembly adopt a Comprehensive Land Use Map amendment from MDR to High Density Residential (HDR) to allow the higher densities allowed in the Light Commercial zoning district; and

WHEREAS, the Planning Commission considered the Community Development Department's recommendation and concluded the Light Commercial zoning district—without any conditions—substantially conformed to the maps of the Comprehensive Plan; and

WHEREAS, the Planning Commission separately recommended the Assembly amend the Comprehensive Land Use Map from MDR to HDR for the subject property, which is the purpose of Ordinance 2021-31.

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

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

Section 2. Amendment to the Official Zoning Map. The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Channel View Lot 1 (Parcel # 6D0601150011) from D-15 to Light Commercial.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly Members

DATE: June 30, 2021

FROM: Rorie Watt, City Manager

RE: **Ordinances 2021-26 and 2021-27 (AME2021 0001 Rezone Request from D15 to GC on North Douglas Highway and Comprehensive Land Use Designation Map Amendment)**

Background

The Planning Commission, at its regular meeting on May 11, 2021, recommended the Assembly approve a request to rezone 15.41 acres from D15 to Light Commercial (LC). The Land Use Designation for this lot is Medium Density Residential (MDR), permitting densities between 5 and 20 dwelling units per acre. The applicant originally applied to rezone this lot from D15 to General Commercial (GC).

Analysis

The CBJ Land Use Code provides minimum restrictions for zone change requests:

1. The subject lot is more than two acres and is an expansion of an existing zoning district.
2. No similar request has been made in the past year.
3. This request substantially conforms to the land use maps of the 2013 Comprehensive Plan.

Staff found that GC is not in substantial conformance with the Comprehensive Plan Land Use Designation Maps, as GC allows 50 dwelling units per acre, exceeding the maximum permitted in MDR. Staff recommended a transition zone from D15 to Light Commercial [D15(T)LC] with the following conditions:

1. Prior to upgrading the zoning from D15 to LC, additional public infrastructure must be constructed. This may include the Douglas Bench Road, a second crossing in North Douglas, or improvements to the Douglas roundabout and the 10th and Egan intersection. The purpose of this infrastructure is to ensure that any additional higher density development would improve, and not aggravate, existing issues with traffic flow and pedestrian safety.
2. Prior to upgrading the zoning from D15 to LC, a Comprehensive Land Use Designation Map amendment is required from MDR to HDR.

The Planning Commission found the proposal substantially conforms to the Comprehensive Plan and the land use code. The Planning Commission recommended the Assembly:

1. Adopt the rezone of 15.41 acres of D15 land to LC commercial without conditions; and
2. Adopt a Comprehensive Plan Land Use Map designation amendment for these lots, from Medium Density Residential (MDR) to High Density Residential (HDR).

Recommendation

The Manager recommends that the Assembly **ADOPT** staff's findings and recommendation, which better conforms to the Comprehensive Plan and the Land Use Code, to rezone the property D15(T)LC with the following conditions:

1. Prior to upgrading the zoning from D15 to LC, additional public infrastructure must be constructed. This may include the Douglas Bench Road, a second crossing in North Douglas, or improvements to the Douglas roundabout and the 10th and Egan intersection. The purpose of this infrastructure is to ensure that any additional higher density development would improve, and not aggravate, existing issues with traffic flow and pedestrian safety.
2. Prior to upgrading the zoning from D15 to LC, a Comprehensive Land Use Designation Map amendment is required from MDR to HDR.



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

TO: Deputy Mayor Jones and Assembly Committee of the Whole

DATE: January 20, 2021

FROM: Rorie Watt, City Manager

RE: Subport Development - Assembly Consideration Process, Discussion & Draft Approach

The Assembly has decisions to make on how it wishes to proceed with consideration of the proposed Norwegian Cruise Lines development at the site commonly known as the Juneau Subport. Equally importantly, the public should be clearly advised on how and when they may participate in this process. NCL has hosted several well attended community meetings, but to date CBJ has been silent on its process.

Issues:

1. Long Range Waterfront Plan (LRWP)

- a. The Visitor Industry Taskforce report to the Assembly advised against updating the entire LRWP. I believe that their recommendation was based on two beliefs. First, that the LRWP is still a valid and useful document and that the effort of developing or updating the entire plan is not warranted. Second, their support of consideration of a dock at the Subport indicates that they believe that a dock could be allowed at that location under the Plan.
- b. It is less than perfectly clear whether a cruise ship dock at the Subport would be found in conformance with the LRWP; there appear to be arguments in support and against a finding of conformance. Attachments to this memo illustrate some relevant portions of the Plan.
 - i. Area B of the plan shows an extended wharf along the alignment of the USCG Dock and a small boat harbor. The extended wharfage is long enough to accommodate a large ship and the Plan does not explicitly prohibit a cruise ship dock. This diagram is also consistent with the 2003 Subport Vicinity Revitalization Plan, which is referenced in the LRWP.
 - ii. The extended wharfage in Area B is shown with smaller vessels and does not explicitly show a cruise ship dock, like the Plan shows in Areas C, D and E. Moreover, contemporary public polling that was completed at the time the LRWP was intentionally included in the Plan. The Plan shows that at the time of adoption, unsupported initiatives included majority opposition against one or two cruise ships at the Subport.

2. CBJ is the owner of the adjacent tidelands.

- a. In order to develop the current proposal (or components or other variations), NCL would need to lease municipally owned tidelands.
- b. Per the Land Management Plan (Map 22 to Ordinance 2016-18), the tidelands adjacent to the Subport are managed by Docks & Harbors. However, the Assembly has verbally advised D&H that the Assembly intends to take active control of management decisions with regard to the proposed NCL development.
- c. In accordance with 53.09, municipal tidelands may be leased for not less than fair market value. Upon receipt of an application, code requires that:

"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. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land."

- d. These municipal tidelands are categorized in the CBJ Land Management Plan as properties that the CBJ should "Retain."

3. Conditional Use Permitting.

- a. The proposed development will require a Conditional Use Permit. When an application has been submitted to the Community Development Department, staff will review the application, make findings regarding conformance with code and adopted plans and make a recommendation for or against the proposal (with or without conditions) to the Planning Commission. The public will have the opportunity to comment to the Planning Commission on the permit.
- b. In the event of an appeal of the decision of the Planning Commission, the Assembly can choose to appoint a member as the Presiding Officer and hear such an appeal, or it may choose to hire an independent Hearing Officer. In the event that the Assembly cannot find that it would be impartial to hearing such an appeal, the Assembly may be advised by the Attorney to hire an independent Hearing Officer.

4. Adjacent or Coordinated Development.

- a. Docks & Harbors is currently working on the "Small Cruise Ship Berthing Plan." That plan has preliminarily identified a preferred development option that is adjacent to and coordinates with the proposed NCL development.
- b. Engineering Department staff have been working on developing a waterfront seawalk from the bridge to the rock dump, in conformance with the Long Range Waterfront Plan.

5. Negotiations with Federal Government.

- a. The NCL proposal would impact federal facilities and would require negotiation and agreement with the US Coast Guard and possibly NOAA.
- b. The D&H planning effort would require negotiation and agreement with NOAA and possibly the USCG.

- c. Neither negotiation is likely to be successful unless the CBJ Assembly firmly supports the proposed developments.

Draft Approach:

The Assembly should choose a process that affords it the decision-making capacity that is most important to the body and that also allows the public to participate at various stages in the process. I believe that the fundamental decision is whether or not a cruise ship dock at this location is in the best interests of the citizens of Juneau. In order to adequately answer that question, a significant level of detail is necessary and that detail must developed through a public process. I recommend the Assembly approach the proposed development in the following order:

- A. Consider amending the LRW Plan to explicitly state that a large cruise ship dock at the Subport could be in conformance with adopted plans and codes. This accomplishes two objectives.

First, it shifts the conversation from "is a dock allowed in the LRWP" to "should a dock be permitted at this location."

Second, it removes likely debate that could lead to an appeal. Ultimately, this debate would be distracting from better questions.

The LRWP original process was heavily informed by the public, amending the plan can be the first step for citizens to participate in Assembly process in a meaningful way.

- B. Decide that in the event of an appeal of a Conditional Use Permit for this proposed development, that such an appeal should be heard by an independent Hearing Officer (and not the Assembly as is common practice). This decision would allow the Assembly greater latitude to direct the Manager to pursue negotiations with NCL, and federal agencies, receive updates, ask questions and give direction on the planning of closely related developments for seawalks and small cruise ships. By planning for a Hearing Officer (as needed), the Assembly may most fully participate in development discussions.
- C. Upon receipt of application for a land lease of the municipal tidelands, direct the Manager to commence negotiations for a lease with the "original proposer", and wait for the completion of Conditional Use Permit process prior to considering an Ordinance that would authorize a land lease.

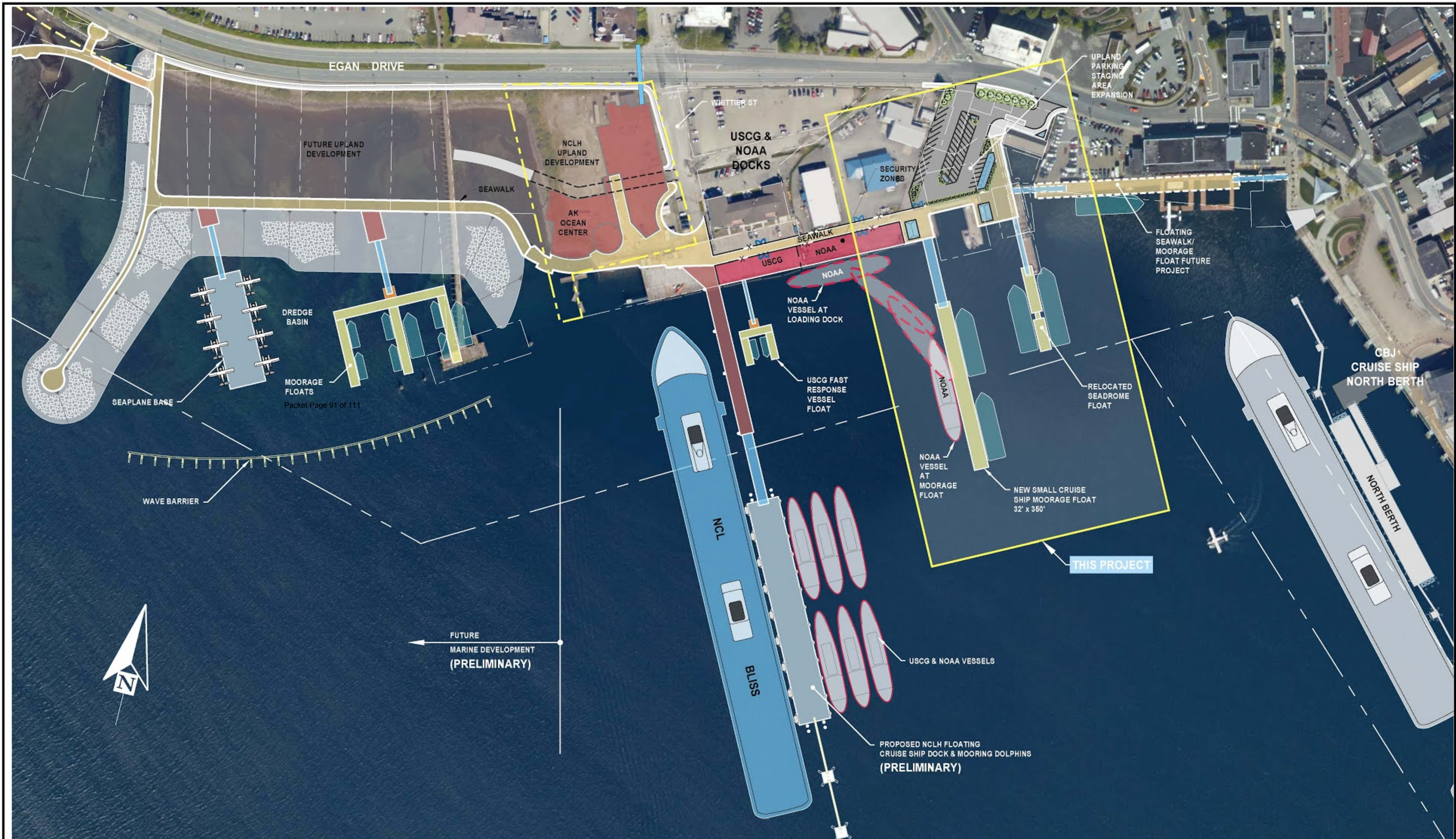
This process (likely are other good ones) would allow the Assembly, Planning Commission, and the public to sequentially address three questions:

1. Should a dock at the Subport be considered?
2. Should a dock at the Subport be permitted, and if so, under what conditions?
3. Once the full details of the proposal are known, should the Assembly lease land for the development of a cruise ship dock at the Subport?

I recommend that the Assembly consider and accept or modify this approach; clarity of process will benefit both the applicant and the public. As it would represent a major policy decision, I further recommend that you provide the public an opportunity to comment before a final decision is made.

Attachments:

- 1. NOAA Seadrome Site Concepts**
- 2. 2004 Long Range Waterfront Plan excerpts**
 - A. Figure 23: Area B (Support) Alternative Concepts
 - B. Figure 28: Juneau's Downtown Waterfront Plan 2025 Concept PlanThe entire LRWP can be found [HERE](#)
 - i. Support design guidelines can be found on Pages 47-50
 - ii. Public survey results can be found in Appendix A, pages 73-76



P N D
ENGINEERS, INC.

9360 Glacier Highway, Ste. 100
Juneau, Alaska 99801
Phone: 907-586-2093
Fax: 907-586-2099
www.pndengineers.com

DESIGN: CRS CHECKED: CRS
DRAWN: PJD APPROVED: CRS

SCALE: SCALE IN FEET
0 100 200 FT.

DATE: SEPT. 2020

CBJ DOCKS AND HARBORS SMALL CRUISE SHIP MASTER PLAN

SHEET TITLE: NOAA / SEADROME
CONCEPT

PND PROJECT NO.: 192044.01

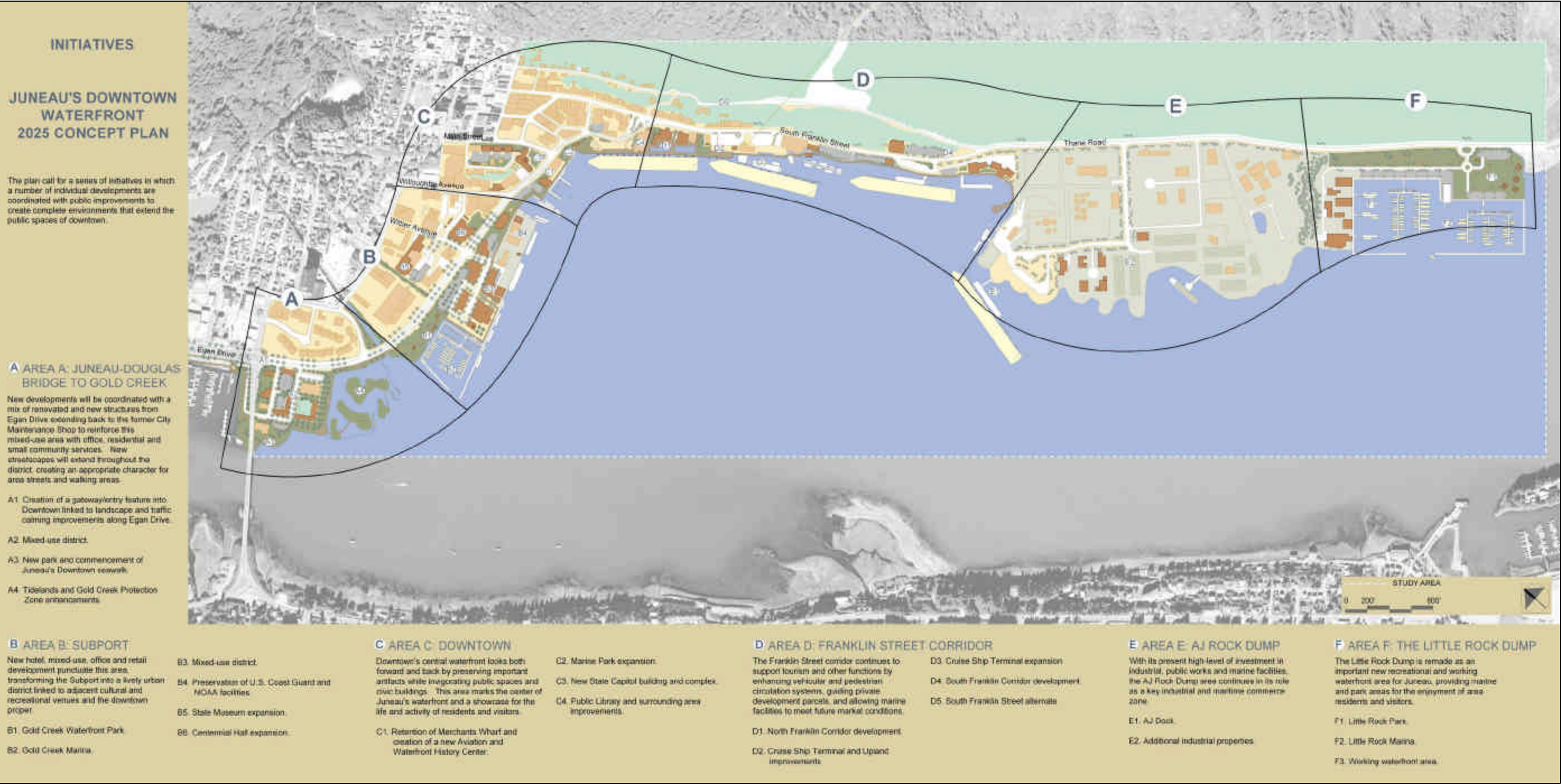
Area B: Subport

Alternatives prepared for the Subport redevelopment area contemplate similar upland organization as illustrated in the Draft 2003 Subport Vicinity Revitalization Plan coupled with waterside development schemes ranging from a marina to a twin cruise ship pier. Each alternative presents a large public park and recreation area east of Gold Creek and preservation of operations found at the U.S. Coast Guard and NOAA facilities.

Figure 23: Area B (Subport) Alternative Concepts



Figure 28: Juneau's Downtown Waterfront 2025 Concept Plan





OFFICE OF THE MUNICIPAL CLERK

155 S. Seward St., Room 202
Phone: (907)586-5278 Fax: (907)586-4552
email: city.clerk@juneau.org

*Received in Clerk's Office
7/12/2021, Assigned Assembly
Appeal #2021-03*

Notice of Appeal

This appeal is governed by CBJ 01-50, the Municipal Appellate Code. This code establishes the standards and procedures for appeals.¹ Anyone who files an appeal should be familiar with the appellate code. The clerk can give you a copy of the code.

Attach a copy of the decision being appealed. Do not attach any other documents, exhibits, or additional pages to this form, except for any pages needed to continue the answers to the requested information below. The clerk will accept this form only if the appropriate filing fee is attached. The fee to file an appeal to the assembly is \$500.00. To be timely, an appeal must be filed within 20 days of the date the decision being appealed is filed with the clerk.

Action Being Appealed

Board decisions are appealable: board recommendations and most staff decisions are not.

- ☐ Agency Appealed From:
Planning Commission of the City and Borough of Juneau
- ☐ Description and Date of Decision:
Order on Review of Compliance Order dated June 23, 2021
APL2021 0001 / Appeal of ENF20210015

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Concerned Parties

Identify the people who have an interest in the action being appealed: yourself and others.

- | | | | | |
|--|--|---------------------|------------|---|
| ☐ Party Filing Appeal | Mailing Address | Telephone | Fax | Email |
| A & S Rentals LLC by and through
Simpson, Tillinghast, Sheehan &
Araujo, P.C. | One Sealaska Plaza
Suite 300
Juneau, AK 99801 | 907-586-1400 | N/A | taraujo@stsl.com |
| ☐ Parties Who Won the Decision Appealed | Mailing Address | Telephone | Fax | Email |
| Not applicable | | | | |

¹ 01.50.070 STANDARD OF REVIEW AND BURDEN OF PROOF. (a) The appeal agency may set aside the decision being appealed only if:

- (1) The appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing;
 - (2) The decision is not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made; or
 - (3) The agency failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.
- (b) The burden of proof is on the appellant. (Serial No. 92-36 ¶ 2 (part), 1992).

2016 - Appeal Form
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Issues on Appeal²

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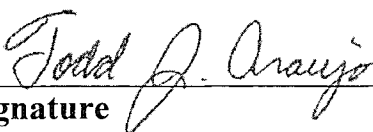
Concisely describe the legal and factual errors that form the basis for your appeal. Do not argue them: argument will be heard later.

The decision of the Planning Commission affirming the Compliance Orders dated March 10, 2021 (i) was not supported by substantial evidence in light of the whole record; (ii) was not supported by adequate written findings or the findings fail to inform the appeal agency of the hearing officer of the basis upon which the decision appealed was made; (iii) was arbitrary and capricious; and (iv) is barred by equitable doctrines such as laches, waiver, and equitable estoppel.

Relief Requested

What should the Assembly do with the action being appealed: send it back, modify it, or something else?

The decision of the Planning Commission should be set aside and the zoning compliance orders dated March 10, 2021, should be rescinded.



July 12, 2021

Signature

Date

If you are representing any group, or a person other than yourself, you must sign a notarized statement that you are authorized to represent them.

² 01.50.030(b)(5) COMMENCEMENT OF ACTION.

The notice of appeal shall include a concise statement of the legal and factual errors in the decision that form the basis of the appeal.

BEFORE THE PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU

A&S RENTALS LLC,
Appellant.

APL2021 0001
Appeal of:
ENF20210015:

CBJ CLERK

JUL 12 2021

page 1

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ORDER ON REVIEW OF COMPLIANCE ORDER

A&S Rentals, LLC has asked the Planning Commission to review three Compliance Orders issued by the CBJ's Community Development Department (CDD) filed under Case No. ENF20210015 and dated March 10, 2021. A hearing was held at the regularly scheduled Planning Commission meeting on June 8, 2021. Pursuant to CBJ 49.10.620(e), the Commission affirms the Compliance Orders.¹

1. Background

Extensive information regarding the background leading to the enforcement action was presented by the parties through stipulated facts, exhibits, and oral evidence provided at the hearing. Accordingly, the recitation of facts here is brief.

In the early 1970s, three apartment buildings were constructed at 1506 Second Street, 1508 Third Street, and 1510 Second Street in Douglas, Alaska. All three properties were permitted as four-plexes. A permit was granted later for a fifth unit at 1508 Third Street. At some point after the permits were issued, the three buildings were constructed with unpermitted units resulting in six-plexes.

On October 9, 2020, Glenn Bo, at that time the owner of the buildings as the sole trustee of the Asbjorn and Marit Bo Trust, submitted an application to CDD for a nonconforming certification review for three properties.

On November 5, 2020, CDD issued nonconforming certificates for the three properties as four-plexes (including the fifth unit at 1508 Third Street for which a building permit had been

¹ Commissioner Hickok was recused on this matter and took no part in deliberations or the decision. Commissioners Winchell and Alper would have modified the compliance order to provide additional time for compliance.

page 2

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JUL 12 2021

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issued in the past). The additional units in each building were deemed noncompliant: for 1506 Second St., CDD found two dwelling units noncompliant; for 1508 Third Street, CDD found one dwelling unit noncompliant; for 1510 Second Street, CDD found two dwelling units noncompliant.

Mr. Bo appealed CDD's decision, and the Commission accepted the appeal on December 8, 2020. A prehearing conference was held on January 15, 2021, which was attended by A&S Rental's realtor.

On January 29, 2021, Mr. Bo filed a Notice of Withdrawal of Appeal with the Commission. The Notice of Withdrawal was included in the published Planning Commission agenda and considered at the regular Commission meeting on February 9, 2021. After review of the Notice of Withdrawal, the Commission dismissed the appeals.

On the same date that the Commission dismissed Mr. Bo's appeals, A&S Rentals signed a deed of trust for all three properties.²

On March 10, 2021, CDD issued compliance orders on the three properties, requiring A&S Rentals to decommission two dwelling units at 1506 Second Street, one dwelling unit at 1508 Third Street, and two dwelling units at 1510 Second Street. A&S Rentals timely requested Planning Commission review of the order pursuant to CBJ 49.10.620.

2. Findings

The only decision before the Commission is whether to rescind, modify, or affirm the compliance orders dated March 10, 2021. The underlying issue of the properties' status as conforming, nonconforming, or noncompliant is not before the Commission.

The parties agree that there are noncompliant dwelling units in the properties. This agreement is well founded and supported by the code and facts, and there was no argument presented about whether the properties are or should be deemed compliant. Rather, the argument presented by A&S Rentals focused on the equity in CDD enforcement related to the noncompliant units.

After reviewing the evidence, the Commission finds that the March 10, 2021 compliance orders were validly issued. There is no dispute over the noncompliant status of the units subject to

² CDD's Exhibit 3

CBJ CLERK

page 3

JUL 12 2021

RECEIVED

the enforcement action, and the Commission cannot find substantive fault with the orders. While the Commission shares some of the concerns expressed regarding equity in removing dwelling units from the community, the existence of other noncompliant properties in the vicinity, and how the CBJ enforces zoning violations, these are matters of policy and are properly addressed through potential code revisions or other action by the Assembly, not through the Commission's review of a compliance order.

3. Conclusion

The Commission affirms the Compliance Orders dated March 10, 2021. Pursuant to CBJ 49.10.620(f), this decision may be appealed to the Assembly in accordance with the provisions of CBJ 49.20.120.

DATED this 23rd day of June, 2021.

PLANNING COMMISSION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA



By: _____
Michael LeVine

2021 4th Late File List to AssemblyHardship List:

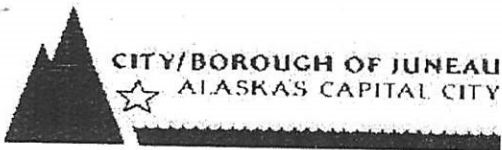
Name	Parcel Number	Property Address
ERIC FORRER	8B3301040150	16511 OCEAN VIEW DR
PAUL D BERAN	4B3301020151	15935 GLACIER HWY
SARAHANN M JACKSON	5B1201210200	1825 MARK ALAN ST
MICHAEL A BOISVERT	5B1201090050	1720 DAVIS AVE

Late File Senior Exemption List:

Name	Parcel Number	Property Address
KIMBERLY B LYTTON	6D0701020080	5010 N DOUGLAS HWY UNIT 8
FRANK BERGSTROM	5B1401010050	7630 GLACIER HWY

Late File Non-Profit Exemption List:

Name	Parcel Number	Property Address
JAMHI	4B2501030040	4541 SAWA CIRCLE
JAMHI SALMON CREEK HOUSING	7B0901100010	3406 GLACIER HWY
TERRITORIAL SPORTSMEN SCHOLARSHIP FOUNDATION	4B1601120120	2272 BRANDY LANE YACHT BLDG A UNIT 12



Office of the Assessor
155 South Seward Street
Juneau AK 99801

Senior Citizen/Disabled Veteran Real Property Hardship Exemption

Assessment Year	2021
Parcel ID #	8B3301040150
Name of Applicant	FORRER, ERIC

APRIL 30 DEADLINE - This Application & last year's Tax Documentation must be submitted by April 30.
If you do not file with the IRS, a completed *PFD Supplementary form* must be submitted in addition to this application

This exemption is income based; if found eligible any property tax liability exceeding 2% of your gross household income will be exempt.

Example: Original tax bill after SC/DV exemption = \$2,000.

Gross household income = \$50,000

2% of Gross household income: $\$50,000 \times .02 = \$1,000$

New tax bill after Hardship Exemption = \$1,000. Since 2% of your gross household income (\$1,000) is less than the original tax bill (\$2,000), you would be responsible for paying only \$1,000.

Gross household income means **total** annual compensation earned & unearned, taxable and non-taxable from all sources of all members of the household for the calendar year prior to the year of this application. Losses are not considered income for purposes of this exemption.

FILER CONTACT INFORMATION

Name	FORRER, ERIC	Email	
Primary Phone		Secondary Phone	
Mailing Address		Property Address	16511 OCEAN VIEW DR
			JUNEAU, AK 99801

EXPLANATION AND AFFIDAVIT OF HARDSHIP

Size of Household		Gross Household Income*	
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*Definition: Gross household income means total annual compensation, earned, & unearned, from all sources of all members of the household for the calendar year prior to the year of this application

Explanation of Hardship:

INCOME BELOW THRESHOLD

I missed the deadline because taxes were done on an extension so I didn't know I qualified

Attach Last Year's IRS Tax Documentation

Certification: I hereby certify that the answers given on this application are true & correct to the best of my knowledge. I certify that the income information I have provided includes income for all members of my household. I understand that a willful misstatement is punishable by fine or imprisonment under AS 11.56.210.

Signature of Applicant:

Date:

7/8/21

Received

JUL 09 2021

CBJ-Assessors Office

SUBMIT APPLICATION TO: CBJ Assessor's Office

Phone:	Email:	Website	Physical Location
Phone#: (907) 586-0333 E-Fax#: (907) 586-4520	Assessor.Office@juneau.org	http://www.juneau.org/finance/	155 South Seward St RM 114 Juneau, AK 99801

LETTER OF EXPLANATION FOR LATE-FILE APPEAL

Parcel ID #:	4B3301020151	Date:	7/14/2021
Appellant Name:	Paul D. Beran		
Appellant Signature:	<i>Paul D. Beran</i>		
Site Location:	15935 Glacier Hwy 99801		
Mailing Address:	[REDACTED]		
Phone #:	[REDACTED]		
Email Address:	[REDACTED]		

In the space below please state why you were unable to appeal by the established 30-day deadline:

Unaware of requirements.

Received
JUL 15 2021
CBJ-Assessors Office

**City and Borough of Juneau
Office of the Assessor**

**155 S. Seward
Juneau, Alaska. 99801**

**parcel ID# - 5B1201210200
1825 Mark Alan**

Dear City and Borough of Juneau Alaska:

Last year, on July 8, 2019, I applied for a senior real property hardship tax exemption. I received it although I applied late. Upon receipt of the exception, I was under the impression that the hardship tax exemption would apply from then on without needing annual reapplication. Because the tax reduction is permanent, I thought the hardship would also be permanent.

My financial situation hasn't changed as I am retired and living on a fixed income, so indeed this vary large tax bill is a hardship for me. All I can ask is for your mercy and consideration in lowering this bill. I promise I will not be late next year.

Please expedite this and I honestly do appreciate all your work and attention to this Hardship Property Tax Exemption.

Packet Page 103 of 111

Thank you sincerely:


Sarahann M. Jackson
1825 Mark Alan

TO WHOM THIS MAY CONCERN,

THE REASON FOR THE TARDINESS OF THIS INFORMATION IS DUE TO UNINTENTIONAL MISHANDLING. ON APRIL 5TH 2021 I WAS PHYSICALLY PRESENT IN THE CBJ ASSESSORS' OFFICE AND FILLED OUT, (FIRST), THE DISABLED VET EXEMPTION FORM AND THE HARDSHIP EXEMPTION FORM. DURING THAT TIME FRAME OTHER VETS WERE ENTERING AND I SHOWED THEM CERTAIN LINES ON THE FORMS TO REMEMBER, AND ALSO THE OFFICE EMPLOYEE ASSISTED ME GREATLY IN SHOWING ME WHERE TO GET INFORMATION ON MY PROPERTY LINES (COMMUNITY DEVELOPMENT OFFICE) WHERE I HAVE/HAD TAX QUESTIONS. SOMEHOW, SOMEWHERE THE HARDSHIP FORM NEVER MADE IT WITH THE REST OF THE DISABILITY PAPERWORK.

Received
JUL 15 2021
CBJ-Assessors Office

THANK YOU

SGT BOISVERT, Michael Boisvert

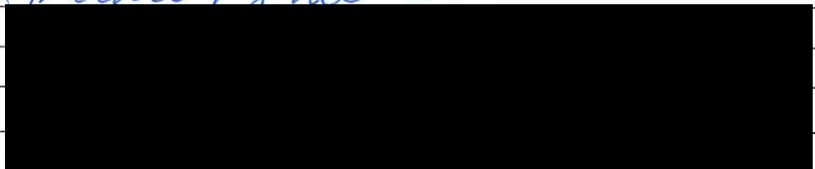
1720 DAVIS AVE

JEWELL AK 99801



LETTER OF EXPLANATION FOR LATE-FILE APPEAL			
Parcel ID #:	6 D0701020080	Date:	9 July 2021
Appellant Name:	KIMBERLY B. LYTTON		
Appellant Signature:	K.B. Lytton		
Site Location:	5010 N. DOUGLAS HWY #10 JUNEAU, AK 99801		
Mailing Address:			
Phone #:			
Email Address:			
In the space below please state why you were unable to appeal by the established 30-day deadline:			
I thought I had applied when I applied for my senior tax exemption card. After getting my card I went in to the assessor's office & thought I had applied for property tax exemption at that time.			

LETTER OF EXPLANATION FOR LATE-FILE APPEAL

Parcel ID #:		Date:	7/29/21
Appellant Name:	Frank Bergstrom		
Appellant Signature:	<i>Frank Bergstrom</i>		
Site Location:			
Mailing Address:			
Phone #:			
Email Address:			

In the space below please state why you were unable to appeal by the established 30-day deadline:

We were unaware of the exemption @ the time. Our accountant brought this to our attention when taxes were prepared; i.e., April. Apparently we were to have applied for senior exemption, then the "handicap" exemption. Our apologies for not being better informed. Getting old just happens even though it is easy to see it coming.

Received
JUL 29 2021
CBJ-Assessors Office



*"Helping people live their
own best lives"*

July 9, 2020

City & Borough of Juneau Assembly
155 S Seward Street
Juneau, AK 99801

To Whom it May Concern,

JAMHI Health & Wellness, Inc. has filed a non-profit exemption application for 4541 Sawa Circle, Parcel 4B2501030040. This letter is to request that our exemption application be accepted, despite it being late.

This property was purchased in 2019. As part of our internal review process, we very recently realized this exemption had not been applied for. JAMHI's mission is "helping people live their own best lives" and we have been an integral community contributor, serving Juneau's most vulnerable population for almost 40 years.

Please contact me if I can provide any additional information. Thank you very much for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Deb Percy".

Deb Percy, CFO
JAMHI Health & Wellness, Inc.



Salmon Creek Housing, Inc.

July 9, 2020

City & Borough of Juneau Assembly
155 S Seward Street
Juneau, AK 99801

To Whom it May Concern,

JAMHI Health & Wellness, Inc. has filed a non-profit exemption application for 3406 Glacier Highway, Parcel 7B0901100010, on behalf of Salmon Creek Housing, Inc. This letter is to request that our exemption application be accepted, despite it being late.

This property was considered exempt in 2013. As part of our internal review process, we very recently realized this exemption was not currently in effect. We respectfully request the exemption be reinstated. This property serves as housing for some of Juneau's most vulnerable citizens.

Please contact me if I can provide any additional information. Thank you very much for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Deb Percy", is located below the word "Respectfully,".

Deb Percy, CFO
JAMHI Health & Wellness, Inc.

TERRITORIAL SPORTSMEN SCHOLARSHIP FOUNDATION

Juneau, Alaska 99803

July 29, 2021

Assessor's Office
City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Dear Members of the Assembly:

I am, and have been, the secretary-treasurer for the Territorial Sportsmen Scholarship Foundation for over 10 years. I am writing to apologize for not submitting the request for a non-profit tax exemption for 2021 in a timely manner.

I did not remember it had to be submitted by the first of the year. I am embarrassed by my error.

Our financial situation does not change appreciably from year to year. Our income is generated by ticket sales for the Golden North Salmon Derby after expenses are calculated for the Derby, the occasional donation from local businesses and members of the public, and the returns on our investments. We realize there may be a time where the Derby is no more, and we are trying to grow the principal of our investments so that we may make continue to award scholarships without income from a derby.

Our expenses are to make payments for the scholarships we have awarded, pay for our post office box, and other small items. We own a boat condo on Brady Lane where we archive our documents and assist the Territorial Sportsmen Inc. by storing their Derby equipment.

I personally am responsible for the failure to report.

Respectfully,

Brita Rice
Secretary-Treasurer

August 2, 2021 Assembly Red Folder/Supplemental Materials
Re: NCL proposed lease of CBJ owned tidelands



Figure 1: The general location of the NCL proposed lease of City owned tidelands. If the Assembly determines by motion to work with the original proposer than NCL will be required to provide a detailed diagram of the exact lease location.

Ord 2021-26 Amendment #1 (via Assemblymember Jones)

Motion: I move to amend Ordinance 2021-26 as follows (three parts):

1. Amend the last Whereas clause, page 2 lines 8-9:

~~“WHEREAS, the Planning Commission separately recommended the Assembly amend the Comprehensive Land Use Map from MDR to HDR for the subject property, which is the purpose of Ordinance 2021-31.”~~

2. Add an additional Whereas clause, page 2:

“WHEREAS, the Manager recommended following the Community Development Department’s recommendation to rezone of the subject property from D-15 Transition to Light Commercial once additional public transportation infrastructure is constructed to ensure any allowed higher density development would not aggravate existing issues with traffic flow and pedestrian safety.”

3. Amend Section 2, page 2 lines 13-15:

“Section 2. Amendment to the Official Zoning Map. The Official Zoning Map of the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of Channel View Lot 1 (Parcel # 6D0601150011) from D-15 transition to Light Commercial when the following condition is satisfied: there are infrastructure improvements to allow higher density development and to allow for protecting public safety along North Douglas Highway.”

[CLERK’S NOTE: AMENDMENT PASSED AS SHOWN ABOVE ON ROLL CALL VOTE.

Yeas: Jones, Triem, Hughes-Skandijs, Woll, Weldon

Nays: Gladziszewski, Hale, Bryson

Ordinance 2021-26 passed as amended.

Ms. Gladziszewski gave notice of reconsideration on Ordinance 2021-26 as amended.]