

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

February 24, 2020 7:00 PM

Assembly Chambers
Meeting No. 2020-07

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. Staff Update on Coronavirus (COVID-19)

IV. APPROVAL OF MINUTES

A. December 16, 2019 Regular Assembly Meeting #2019-38 DRAFT Minutes

B. January 13, 2020 Regular Assembly Meeting #2020-01 DRAFT Minutes

C. January 15, 2020 Special Assembly Meeting #2020-02 DRAFT Minutes

D. January 30, 2020 Special Assembly Meeting #2020-04 DRAFT Minutes

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. 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 2019-37 An Ordinance Amending the Land Use Code to Repeal and Replace the Nonconforming Development Code.**

A nonconforming situation occurs, for example, when a house is lawfully constructed but due to an amendment to Title 49, the house could not be rebuilt today. A designation of nonconforming has caused some lenders in Juneau to require higher down payment amounts and other terms, which makes buying and selling certain property extremely difficult.

This ordinance would repeal the existing Title 49 nonconforming code and replace it with regulatory provisions that better reflect our community values. Unlike the current nonconforming code, this ordinance would emphasize that most nonconforming housing situations could be rebuilt if the residential structure was accidentally destroyed, like by a fire or avalanche. See 49.30.215(d)(1). This ordinance also codifies the current practice of Community Development to determine if a development is conforming, nonconforming, or noncompliant. See 49.30.310. This ordinance should make buying and selling most nonconforming residential developments easier while protecting the community from harmful nonconforming developments.

The Planning Commission recommended amending the nonconforming provisions of Title 49 after holding multiple public meetings including: August 27, 2019; September 17, 2019; and October 15, 2019. The Assembly Committee of the Whole reviewed this topic on December 9, 2019.

Since December, the City Attorney conducted a final legal review, which reorganized and condensed the ordinance from 24 pages to 16 pages. Notably, all of the Planning Commission's recommended policies remain except a proposed new review process that would have allowed the Planning Commission to approve a change from a nonconforming development to a prohibited development. That review process was located at 49.30.320 (pages 16-20 of the 12/9/2019 Committee of the Whole packet). If that new review process is desired, more policy and legal work is needed.

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

b. **Ordinance 2020-06 An Ordinance Amending the Land Use Code Repealing the Subdivision Review Committee.**

The Subdivision Review Committee is a four-member advisory committee of the Planning Commission created to review and comment on

subdivisions. However, the Subdivision Review Committee has not convened in a long time as most subdivisions are now reviewed and approved by the Community Development Department director and because the minor subdivision limit of four lots increased to 13 lots in 2015.

By repealing the requirement for the Subdivision Review Committee, this ordinance would eliminate authority conflicts between the Subdivision Review Committee and the director, and it would maintain the impartiality of Planning Commissioners to review major subdivisions and appeals of minor subdivisions.

When the Planning Commission updated its Rules of Order on December 10, 2019, it recommended the Assembly repeal the requirement to have a Subdivision Review Committee.

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

c. **Ordinance 2020-07 An Ordinance Amending the Comprehensive Plan Related to Historic and Cultural Preservation.**

This ordinance would repeal the 1981 Downtown Historic District Development Plan and replace it with a new Historic and Cultural Preservation Plan. The new plan provides greater access to grants, greater acknowledgment of Juneau's cultural history, and greater preservation of Juneau's historical buildings and properties.

The Planning Commission reviewed this ordinance on November 12 and 26, 2019, and recommended the Assembly adopt it as part of the Comprehensive Plan. The Assembly Committee of the Whole reviewed this ordinance on February 10, 2020, and referred it to the Assembly for introduction.

The Plan is available at

<https://3tb2gc2mxpvu3uwt0l20tbhq-wpengine.netdna-ssl.com/wp-content/uploads/2020/02/Historic-Preservation-and-Cultural-Plan-FINAL-VERSION-2020.02.19.pdf>

Hardcopy versions of the Plan are also available at the Municipal Clerk's Office and at Community Development.

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

d. **Ordinance 2020-12 An Ordinance Authorizing the Manager to Convey City and Borough Property Located in Lemon Creek to the**

Alaska Department of Transportation and Public Facilities.

The State of Alaska Department of Transportation & Public Facilities (ADOT/PF) has requested to purchase four small fractions of lots totaling 2,368 square feet along the Glacier Highway right-of-way in the vicinity of Renninger Street in Lemon Creek. The ADOT/PF intends to improve Glacier Highway from Vanderbilt Road towards the old Walmart property.

The Parks & Recreation Advisory Committee provided a positive recommendation for this proposal at its meeting on November 2, 2019.

On January 8, 2020, the Planning Commission found the project consistent with CBJ adopted plans. The Lands Committee reviewed the request on February 10, 2020, and provided a motion of support to the Assembly. This ordinance would allow the CBJ to dispose of this property to the ADOT/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.

- e. **Ordinance 2020-13 An Ordinance Authorizing the Manager to Convey City and Borough Property Located in the Mendenhall Valley to the Alaska Department of Transportation and Public Facilities.**

The State of Alaska Department of Transportation & Public Facilities (ADOT/PF) has requested to purchase 25,050 square feet of City and Borough property for Mendenhall Loop Road improvements for traffic flow, safety, and to meet current standards.

The Planning Commission reviewed this project on June 11, 2019 and found it consistent with CBJ adopted plans. On January 10, 2020, the Parks & Recreation Advisory Committee provided a positive recommendation with conditions. The Lands Committee reviewed this on February 10, 2020 and provided a motion of support to the Assembly.

This ordinance would allow the CBJ to dispose of this property to the ADOT/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 2878 A Resolution in Support of the City and Borough of Juneau's Application to Acquire Tide and Submerged Land from the State of Alaska between the Franklin Dock and the AJ Dock.**

This resolution would support the CBJ's request to the Alaska Department of Natural Resources for the conveyance of approximately ten acres of tide and submerged lands along the downtown waterfront between the Franklin Dock and the AJ Dock. Consistent with the Long Range Waterfront Plan, CBJ acquisition of these lands (1) would enable the CBJ to extend the Seawalk from the Franklin Dock to the AJ Dock, and (2) would provide the Assembly options for further water-dependent development like construction of a floating berth at the Franklin Dock. This resolution does not bind the Assembly into a course of conduct, but it would give the Assembly options for waterfront development.

Lease of tidelands to the Franklin Dock and negotiation for land rights for the Seawalk extension would require subsequent Assembly process and approvals, including an ordinance authorizing the lease of municipal tidelands to the Franklin Dock and appropriation of funding for a Seawalk project or projects. Acquisition of these lands would put these issues before the Assembly. Acquisition of the lands does not cause or require any specific subsequent action by the Assembly.

This matter was considered at the Joint Docks and Harbors/Assembly meeting on January 30, 2020, and by the Assembly Committee of the Whole on February 10, 2020. The Assembly Committee of the Whole recommended CBJ staff pursue a lease from the State to satisfy AS 38.05.825(a)(6)(B) or (C). However, on February 11, staff at DNR indicated reference to the CBJ Long Range Waterfront Plan likely provided sufficient authority to satisfy AS 38.05.825(a)(6)(A).

The City Manager recommends the Assembly adopt this resolution.

3. Liquor License

a. **Multiple Liquor License Renewals & One Transfer of Ownership for License 2533**

These liquor license actions are before the Assembly to either protest or wave its right to protest the license action.

Transfer of Ownership for Liquor License #2533

License Type: Beverage Dispensary, License #2533

Transfer From: Jack D & Arlene D Tripp, d/b/a Viking Restaurant & Lounge

Transfer To: The Viking Lounge LLC, d/b/a The Viking Lounge

Location: 216 Front Street, Juneau

2020-2021 Renewal of Liquor Licenses

License Type: Beverage Dispensary-Tourism, License #175

CHN Holding LLC, d/b/a Breakwater Inn Restaurant & Lounge

Location: 1711 Glacier Ave., Juneau

License Type: Beverage Dispensary-Tourism, License #5430
Mac Ventures, LLC, d/b/a McGivney's Sports Bar and Grill
Location: 51 Egan Drive, Juneau

License Type: Beverage Dispensary, License #728
JD Entertainment, Inc., d/b/a The Island Pub
Location: 1102 2nd Street, Douglas

License Type: Beverage Dispensary, License #1166
Triangle Club Inc., d/b/a Triangle Club
Location: 251 Front Street, Juneau

License Type: Brewery, License #2534
Alaskan Brewing LLC, d/b/a Alaskan Brewing Co.
Location: 5429 Shaune Drive, Juneau

License Type: Restaurant/Eating Place, License #4192
Jeong Hee Kim d/b/a Seong's Sushi Bar
Location: 740 W 9th Street, Juneau

License Type: Restaurant/Eating Place, License #4405
Tides Complex, Inc., d/b/a Dragon Inn
Location: 5000 Glacier Hwy., Juneau

License Type: Restaurant/Eating Place, License #5153
Midnight Ninja Ventures Inc., d/b/a The Rookery Cafe
Location: 111 Seward Street, Juneau

License Type: Restaurant/Eating Place, License #5278
Abigail May LaForce Roha d/b/a Zerelda's Bistro
Location: 9351 Glacier Hwy., Juneau

License Type: Wholesale-General, License #4943
Specialty Imports, Inc., d/b/a Specialty Imports
Location: 540 W 8th Street, Juneau

Staff from the Police, Finance, Fire, Public Works (Utilities), and Community Development departments have reviewed the above licenses and recommend the Assembly waive its right to protest the applications. Copies of the documents associated with this license are in the Assembly's e-packet or 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 transfer and liquor license renewals.

4. Other Items for consent

a. **City Project Review: Aspen Avenue Reconstruction**

Aspen Avenue Reconstruction rebuilds and resurfaces Aspen Avenue between Mendenhall Boulevard and Taku Boulevard. Valley curb and gutter will route surface drainage to ground-infiltration outfalls on Mendenhall Boulevard, mitigating urban impacts to Duck Creek water quality. The sewer system, in place since development of the neighborhood, will be replaced. The north 20 feet of the water system will be replaced – the rest was replaced in 1996 and is functioning well. The project is funded through \$1.1 million from the Areawide Street Sales Tax and \$150 thousand from the Wastewater Enterprise Fund. The Planning Commission's Notice of Recommendation is included in your agenda packet.

b. **City Project Review: Hospital Drive Reconstruction**

Hospital Drive Reconstruction rebuilds and resurfaces Hospital Drive from Old Glacier Highway past the Johnson Youth Center, then to the north end of the hospital driveway. A sidewalk will be constructed between the Salmon Creek Lane bus stop and Old Glacier Highway. Existing sidewalk along the rest of the route will be replaced. The driveway from the surgery center on the corner of Old Glacier Highway and Hospital Drive will be relocated further up the street to mitigate traffic conflicts. The water system is of an undetermined age and will be replaced. The sewer system does not need replacement at this time. This project is currently funded with \$800 thousand from Areawide Street Sales Tax and \$150 thousand from the Water Enterprise Fund. Design and construction will be broken into two phases to accommodate the results of the ongoing Bartlett Master Planning effort.

The Planning Commission's Notice of Recommendation is included in your agenda packet.

VIIIPUBLIC HEARING

- A. **Ordinance 2019-06(S) An Ordinance Appropriating to the Manager the Sum of \$200,000 as Funding for the Centennial Hall Renovation Phase II Capital Improvement Project; Funding Provided by the Hotel Tax Fund's Fund Balance.**

This ordinance would appropriate \$200,000 from the Hotel Tax Fund to begin design work on Centennial Hall renovations and upgrades. These funds will allow design work to begin ahead of anticipated construction in the summer or fall of 2021. The scope of work will include items 1-4 as discussed at the December 9, 2019 Public Works and Facilities Committee meeting, which specifically includes upgrades to mechanical and electrical systems, renovation of ballrooms, and renovation and expansion of the building foyer. The source of the funds is the additional 2% hotel tax enacted on January 1, 2020 for the purpose of improvements to Centennial Hall, which is expected to generate new revenue of \$210,000 in FY2020.

The City Manager recommends the Assembly adopt this ordinance.

- B. Ordinance 2019-06(T) An Ordinance Appropriating to the Manager the Sum of \$4,000,000 as Funding for Douglas Highway – David to I Street Water System Replacement Capital Improvement Project; Loan Funding Provided by the State of Alaska Department of Environmental Conservation, Alaska Drinking Water Fund State Revolving Fund.**

This appropriating ordinance provides \$4 million for the replacement of the water system in Douglas Highway between David Street and I Street, including a segment down Capital View Avenue to 2nd Street Douglas. The water system was constructed in the early 1980's, is past its useful life and prone to leaks and failures. This work is scheduled to occur during the 2020 construction season, prior to the Alaska Department of Transportation rehabilitating Douglas Highway during the next couple of years.

The Public Works and Facilities Committee moved the appropriation forward at its meeting of September 23, 2019.

The City Manager recommends the Assembly adopt this ordinance.

- C. Ordinance 2020-02(b) An Ordinance Regulating Commercial Rental, Provision, and Use of Shared Micromobility Devices.**

Ordinance 2020-03 extended the moratorium for certain micromobility devices through July 9, 2020.

This ordinance would prohibit commercial rental or use of micromobility devices on the docks, seawalk, streets, and sidewalks of downtown Juneau. Micromobility devices include bikes, e-bikes, scooters, segways, and e-scooters. This ordinance would not regulate private use of bikes or use of micromobility devices on private property.

The Assembly Committee of the Whole discussed this ordinance on December 2, 2019. After public hearing on January 13, 2020, the Assembly referred this ordinance back to the Committee of the Whole. On February 10, 2020, the

Assembly Committee of the Whole reduced the size of the prohibition area and explicitly clarified that segways are considered micromobility devices. Version (b) of the ordinance reflects those amendments.

The City Manager recommends the Assembly adopt this ordinance.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

XI. STAFF REPORTS

A. Torrey Pines Grant Agreement

XII.ASSEMBLY REPORTS

A. Mayor's Report

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

C. Presiding Officer Reports

XIIICONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XIV.EXECUTIVE SESSION

A. Litigation Strategy re Adams v CBJ, 1JU-19-01014CI

XV. ADJOURNMENT

XVISUPPLEMENTAL MATERIALS

A. Coronavirus Flyer

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org