

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

November 6, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-20

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Moment of Silence for US Army Chief Warrant Officer 2 Jacob Sims**

IV. APPROVAL OF MINUTES

A. **October 16, 2017 Regular Meeting 2017-19**

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 2017-06(S) An Ordinance Appropriating to the Manager the Sum of \$1,513,730 as Funding for the Replacement of Buses for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, and by the Equipment Replacement Reserve's Fund Balance.**

This ordinance would appropriate \$1,513,730 for the replacement of three buses and four Care-a-Van vehicles for Capital Transit. Grant funding in

the amount of \$1,210,985 is provided by federal funds through the Alaska Department of Transportation and Public Facilities and the local match requirement of \$302,745 funded from Equipment Replacement Reserve Fund Balance. This funding will replace three 35' New Flyer Buses (model year 2003) purchased in FY03, which have each provided over 13 years of service and over ½ million miles. The funds are from the Federal Transit Administration and come through the State of Alaska Department of Transportation and Public Facilities. The replacement of these buses is in the Capital Transit 2014 Transit Development Plan and adopted by the Statewide Transportation Improvement Plan (STIP). It is planned to replace these three buses from our current contract with GILLIG, LLC.

The Public Works and Facilities Committee will review this appropriation ordinance at its November 20, 2017, meeting.

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

- b. **Ordinance 2017-06(T) An Ordinance Appropriating to the Manager the Sum of \$2,148,195 as Funding for the Replacement of Buses for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, and by the Equipment Replacement Reserve's Fund Balance.**

This ordinance would appropriate \$2,148,195 for the replacement of three buses, four Care-a-Van vehicles and three electric support vehicles for Capital Transit. Grant funding in the amount of \$1,718,556 is provided by federal funds through the Alaska Department of Transportation and Public Facilities and the local match requirement of \$429,639 funded from Equipment Replacement Reserve Fund Balance. This funding will replace three 35' New Flyer Buses (model year 2006) purchased in FY06, which have each provided their useful service life of 12 years of service and ½ million miles. The funds are from the Federal Transit Administration and come through the State of Alaska Department of Transportation and Public Facilities. The replacement of these buses is in the Capital Transit 2014 Transit Development Plan and adopted by the Statewide Transportation Improvement Plan (STIP) under the FTA Section 5339 monies available for capital expenses. It is planned to replace these three buses from our current contract with GILLIG, LLC.

The Public Works and Facilities Committee will review this appropriation ordinance at its November 20, 2017, meeting.

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

- c. **Ordinance 2017-06(U) An Ordinance Transferring \$55,449 of**

Unexpended FY17 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.

This ordinance would transfer \$55,449 of unexpended Marine Passenger Fee revenues, budgeted for specific purposes in FY17 and not expended by the fiscal year end, to the Open Space Waterfront Land Acquisition CIP. This transfer is consistent with the Assembly's direction on the disposition of unexpended MPF funds.

The amounts below are the result of monies appropriated from the Marine Passenger Fee Fund for specific purposes in the FY17 budget but were not fully expended by the end of FY17.

Franklin Dock Enterprises	\$ 20,285
Downtown Business Association	1,738
Capital City Fire Rescue	<u>33,426</u>
Total	\$55,449

For accounting purposes, the funds will first be refunded to the Marine Passenger Fee Fund and then be transferred to the Open Space Waterfront Land Acquisition CIP.

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

- d. **Ordinance 2017-06(V) An Ordinance Appropriating to the Manager the Sum of \$1,334,074 to begin Reconstruction of the Project Playground Rebuild Capital Improvement Project; Funding Provided by a Partial Insurance Settlement from Lexington Insurance Company.**

This appropriation will create a new CIP to design and construct a new playground. This is the initial property insurance reimbursement and represents the total loss value of our insurance claim from the April fire. There are no requirements by the insurance company for how these funds may be spent.

Since our property insurance policy covers replacement costs, CBJ is also eligible for additional insurance funds, if needed as the project progresses. Additional funds may be reimbursed by our insurance company for reconstruction of "like kind and quality" to the original playground facility. CBJ Risk Management is working closely with Engineering and Parks and Recreation staff to ensure that we make the most of our available insurance coverage.

The Assembly Public Works and Facilities Committee forwarded this

request to the full Assembly at its October 23, 2017, meeting.

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

- e. **Ordinance 2017-06(W) An Ordinance Appropriating to the Manager the Sum of \$15,500 as Funding for the Local Emergency Planning Committee; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.**

This ordinance appropriates \$15,500 from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management under the FY2018 Local Emergency Planning Committee grant (LEPC), awarded to CBJ.

These funds are provided to reimburse the City and Borough of Juneau for Juneau LEPC program implementation expenses incurred in direct support of the goals and activities of this grant. Funding supports payroll, benefits, increasing community awareness, involvement, and planning for chemical, and all-hazards events through outreach supplies, media campaigns, training, and event room rentals to help our community prepare for and mitigate through planning and preparedness for potential events. There is no match requirement for this grant.

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

- f. **Ordinance 2017-32 An Ordinance Authorizing the Manager to Convey a Fraction of Lot 3, USS 3566, Located across Egan Drive from Centennial Hall, to the Alaska Department of Transportation and Public Facilities.**

The Alaska Department of Transportation & Public Facilities has applied for a direct, negotiated sale of 507 square feet (a fraction of Lot 3, USS 3566) across Egan Drive from Centennial Hall in order to facilitate the State's reconstruction of Egan Drive between Tenth Street and Main Street. The project is intended to widen the sidewalks to ADA standards, add bike lanes as appropriate and update intersections and pedestrian facilities.

The Assembly approved the negotiation of this disposal pursuant to CBJ 53.09.260 at its July 31, 2017, meeting. The Lands Committee confirmed its support of the project at its meeting on August 7, 2017. The Planning Commission provided a recommendation to the Assembly for the sale of this lot at its August 8, 2017, meeting.

If this ordinance is approved the City will dispose of this property to the DOT for \$15,210, fair market value as determined by appraisal.

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

2. Resolutions

- a. **Resolution 2810 A Resolution Authorizing the Manager to Convey Easements to the Alaska Department of Transportation and Public Facilities along Egan Drive from 10th Street to Main Street.**

The Alaska Department of Transportation & Public Facilities has requested a series of easements (both permanent and temporary construction easements) across CBJ property to facilitate its reconstruction of Egan Drive between Tenth Street and Main Street. The project will include the widening of sidewalks to ADA standards, adding bike lanes when appropriate and updating intersections and pedestrian facilities.

The Lands Committee reviewed this request and approved a motion of support in favor of granting the easements at its August 7, 2017, meeting. The Planning Commission provided a recommendation to the Assembly for granting these easements at its August 8, 2017, meeting.

If this resolution is approved, the City will convey eight permanent easements and ten temporary easements on City property to the DOT in return for \$38,190, fair market value as determined by appraisal.

The City Manager recommends this resolution be adopted.

- b. **Resolution 2811 A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation & Public Facilities.**

The Alaska Department of Transportation and Public Facilities makes an annual mobility grant available. In order to be eligible for funding, communities must submit to DOT&PF a list of prioritized mobility projects endorsed by the governing body.

On October 16, 2017, the Juneau Coordinated Transportation Coalition voted to forward the following prioritized projects to the Assembly for FY19 DOT&PF mobility grant funding:

1. Taxi Voucher Program
2. 4x4 Capable lift-equipped bus
3. Paratransit/Senior services lift-equipped bus
4. Lift-equipped taxi

At its October 23, 2017, meeting, the Public Works and Facilities Committee voted to forward the prioritized list to the full Assembly for approval.

The City Manager recommends this resolution be adopted.

- c. **Resolution 2812 A Resolution Authorizing the Manager to Apply for a Community Development Block Grant from the Alaska Department of Commerce, Community, and Economic Development, with AWARE, Inc., to Be Used for Accessibility Upgrades to AWARE's Existing Shelter.**

The Alaska Department of Commerce, Community, and Economic Development annually makes available a community development block grant to qualifying entities. Local governments can participate by generating their own project ideas or by soliciting ideas from the general public. The CBJ has done the latter in the past.

This year, the CBJ received two proposals: a proposal from REACH and a proposal from AWARE. AWARE proposes to use CDBG funds for an accessibility upgrade project at its emergency shelter. The upgrades will allow AWARE to better support clients in need who have disabilities. Staff's recommendation was to apply on behalf of AWARE.

The Assembly Committee of the Whole reviewed the proposal at its meeting on October 23, 2017, and made a recommendation to the Assembly to support the AWARE application.

Printed grant applications, with original signatures must be received in Fairbanks by 5 p.m. December 1, 2017, in order to be eligible to compete.

3. Liquor License

- a. **Liquor License Transfers of Controlling Interest - Breeze-In Package Stores AMCO Licenses 176, 662, and 4543**

The following transfers of controlling interest in the below liquor licenses are before the Assembly to either protest or waive its right to protest. The Finance, Police, Fire, Community Development and Engineering/Public Works departments have reviewed the below businesses and found them to be in compliance with CBJ Code.

Package Store License #176

Breeze-In Corporation d/b/a Breeze-In Liquor
Location: 8 Mile Glacier Highway, Juneau

Package Store License #662

Breeze-In Corporation d/b/a Douglas Island Breeze-In
Location: 3370 Douglas Highway, Juneau

Package Store License #4543

Breeze-In Corporation d/b/a Breeze-In
Location: 5711 Concrete Way, Juneau

In the event the Assembly does protest the transfers of these licenses, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action on these licenses will expire as of Tuesday, November 21, 2017.

The City Manager recommends the Assembly waive its right to protest the above liquor license transfers.

4. Transfers

a. **Transfer T-993 Transfer of \$25,000 from the Eagles Edge Utility CIP to the Dunn Street CIP.**

The work on Dunn Street has encountered some unforeseen work items during the reconstruction and paving project. The major unexpected items have included worse than expected underlying road base requiring additional stabilization and the discovery of unforeseen buried utility conflicts.

The \$25,000 will come from the Eagles Edge Utility CIP. The work on the Eagles Edge project is nearly done and the remaining funds after the transfer will leave adequate funding to complete the remaining work.

The Public Works & Facilities Committee recommended forwarding this transfer to the full Assembly during its meeting on October 23, 2017.

The City Manager recommends this transfer be approved.

b. **Transfer T-994 Transfer of \$257,450 from the Whittier Street Improvements CIP to the Downtown Streets Improvements CIP.**

Additional work is required on Phase I and Phase II of the Downtown Streets Improvement Project to structurally support sidewalk areas that are over private basements for buildings. The extent of the structural work required was unforeseen and the additional costs are estimated at

\$175,000. The transfer will also provide funding for lighting upgrades to alleys along the Phase I section including Bulger and Decker Way and replacement of non-functioning or impaired light poles in the Manila Square/roundabout area on Marine Way. The new lighting will be energy efficient LEDs. The cost for the lighting work is estimated to be \$85,000.

The Whittier Street project is complete and the transfer of \$257,450 will close out the CIP. The Assembly Public Works and Facilities Committee forwarded this request to the Assembly at its October 23, 2017, meeting.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

- A. Ordinance 2017-06(H) An Ordinance Appropriating to the Manager the Sum of \$281,020 as Funding for the Juneau International Airport RSA IIB (NW Quad Design & Construction) Capital Improvement Project; Funding Provided by Passenger Facility Charges.**

This ordinance would appropriate \$281,020 to the RSA IIB (NW Quad Design & Construction) capital improvement project. Funding is provided as follows:

Passenger Facility Charges (Application#8): \$281,020

The Airport Board approved this action at its April 27, 2017, meeting.

This ordinance was introduced at the September 23, 2017, Assembly meeting. It was reintroduced at the October 16, 2017, meeting due to a title change to reflect the correct funding source.

The City Manager recommends this ordinance be adopted.

- B. Ordinance 2017-06(K) An Ordinance Appropriating to the Manager the Sum of \$816,000 as Funding for the Juneau International Airport Float Pond Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration, and Sales Tax Revenue.**

This ordinance would appropriate \$816,000 to the Float Pond Improvements capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant: \$765,000

Sales Tax Revenue: \$ 51,000

The FAA funds 93.75% of the project with the remainder being provided by sales tax revenue.

The Airport Board approved this action at its October 10, 2017, meeting. The

Public Works and Facilities Committee considered this ordinance at its October 23, 2017, meeting and forwarded it to the Assembly for approval.

The City Manager recommends this ordinance be adopted.

- C. **Ordinance 2017-06(M) An Ordinance Appropriating to the Manager the Sum of \$11,200,000 as Funding for the Juneau International Airport RSA 2C—NE/NW Quad Apron Construction Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Sales Tax Revenue.**

This ordinance would appropriate \$11,200,000 to the Airport RSA 2C—NE/NW Quad Apron Construction capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	\$10,125,000
Sales Tax Revenue:	\$ 1,075,000

The FAA funds 93.75% of the project with the remainder being provided by sales tax revenue.

The Airport Board approved this action at its October 10, 2017, meeting. The Public Works and Facilities Committee considered this ordinance at its October 23, 2017, meeting and forwarded it to the Assembly for approval.

The City Manager recommends this ordinance be adopted.

- D. **Ordinance 2017-06(N) An Ordinance Appropriating to the Manager the Sum of \$5,145,121 as Funding for the Juneau International Airport Snow Removal Equipment Capital Improvement Project; Funding Provided by the Federal Aviation Administration, and Sales Tax Revenue.**

This ordinance would appropriate \$5,145,121 to the Airport Snow Removal Equipment capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	\$4,823,551
Sales Tax Revenue:	\$ 321,570

The Airport will purchase snow removal equipment to replace aging, maintenance-intensive units.

The FAA funds 93.75% of the project with the remainder being provided by sales tax revenue.

The Airport Board approved this action at its October 10, 2017, meeting. The Public Works and Facilities Committee considered this ordinance at its meeting on October 23, 2017, and forwarded it to the Assembly for approval.

The City Manager recommends this ordinance be adopted.

- E. Ordinance 2017-06(O) An Ordinance Appropriating to the Manager the Sum of \$256,000 as Funding for the Juneau International Airport Ramp LED Lighting Capital Improvement Project; Funding Provided by the Federal Aviation Administration, and Sales Tax Revenue.**

This ordinance would appropriate \$256,000 to the Airport Ramp LED Lighting capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	\$240,000
Sales Tax Revenue:	\$ 16,000

The FAA funds 93.75% of the project with the remainder being provided by sales tax revenue.

The Airport Board approved this action at its October 10, 2017, meeting.

The City Manager recommends this ordinance be adopted.

- F. Ordinance 2017-06(L) An Ordinance Appropriating to the Manager the Sum of \$75,000 as Funding to Work With Existing Emergency Shelter Providers to Establish a Warming Center to be Operated When the Temperature Drops Below 32 Degrees During the Winter; Funding Provided by the Tobacco Tax Fund's Fund Balance.**

This ordinance would appropriate \$75,000 to work with existing emergency shelter providers to establish a warming center to be operated when the temperature drops below 32 degrees during the winter (November 2017 - April 2018). Funding in the amount of \$75,000 is provided from the Tobacco Tax Fund's Fund Balance.

The Committee of the Whole discussed this issue at its October 23, 2017, meeting and forwarded it to the Assembly for approval.

The City Manager recommends this ordinance be adopted.

- G. Ordinance 2017-06(P) An Ordinance Appropriating to the Manager the Sum of \$226,300 as Funding for the Juneau Police Department's Comprehensive Traffic Safety Plan; Grant Funding Provided by the State of Alaska, Department of Transportation and Public Facilities, Alaska Highway Safety Office.**

The Juneau Police Department has received \$226,300 in grant funding from the State of Alaska, Department of Transportation and Public Facilities, Alaska Highway Safety Office to help fund part of JPD's Comprehensive Traffic Safety Plan activities. This includes \$183,700 for a 3D scanner, supporting equipment, software and training. In addition, the remaining \$42,600 of grant funds will be used to purchase LIDAR guns for speed enforcement and speed boards that tell drivers

when they're driving at unsafe speeds.

There is a match requirement for this grant of \$23,600. JPD plans to find funds within its operating budget to cover the costs of \$16,300 in training and \$7,300 for radars.

The City Manager recommends this ordinance be adopted.

H. Ordinance 2017-06(Q) An Ordinance Appropriating to the Manager the Sum of \$59,667 as Funding for the 2017 State Homeland Security Program / SHSP; Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

These funds are provided to reimburse the City and Borough of Juneau for expenses incurred in direct support of the goals and activities of the SHSP program. Funding from this program is provided to support, build, and sustain the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazard events through planning, training, exercise, and equipment procurement within the grant performance period from September 1, 2017 to September 30, 2019.

Projects funded:

1. Purchase and installation of security fencing at the Emergency Operations Center (EOC) and Police Department. This fencing will better protect the buildings from breaches and lower their vulnerabilities. \$40,000
2. Fund overtime and backfill for Police and Fire to support the Coast Guard D17 Area Maritime Security Exercise. The primary purpose of funding this exercise is to allow Juneau to conduct a full scale Mass Casualty Incident (MCI) exercise using Alternate Care Facilities. \$10,037
3. Travel funds for representatives to attend the planning meetings for the 2019 Alaska Shield Exercise. \$9,630

There is no match requirement for this grant.

The City Manager recommends this ordinance be adopted.

I. Ordinance 2017-06(R) An Ordinance Appropriating to the Manager the Sum of \$160,000 as Funding for the Emergency Management Performance Grant; Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance appropriates \$160,000 from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management under the 2017 Emergency Management Performance Grant, awarded to the CBJ.

These funds are provided to reimburse the City and Borough of Juneau for payroll

and benefit costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant for CBJ Emergency Programs, Police, and Fire staff in the performance of Emergency Management functions in planning, training, exercise, and equipment procurement within the grant performance period. Required dollar-for-dollar, in-kind match is provided through staff personnel services in CBJ Emergency Management, Police, and Fire budgets.

The City Manager recommends this ordinance be adopted.

J. Ordinance 2017-25 An Ordinance Amending the Land Use Code Relating to Panhandle Subdivisions.

This ordinance would amend the panhandle subdivision requirements of CBJ Title 49 to encourage development.

The ordinance would reduce the minimum lot sizes for panhandle subdivisions and reduce the width of the stem. The amendment provides the opportunity for each lot to have a driveway (as opposed to requiring the lots to share one driveway), amends the driveway grade to be consistent with other sections of Title 49, clarifies the parking requirements, and provides an illustration to clarify the setbacks for both front and rear lots. Under this amendment, panhandle lots would still be required to have frontage on a public right-of-way.

The Planning Commission reviewed the ordinance on August 8, 2017, and September 12, 2017, and recommended forwarding it to the full Assembly for adoption.

The City Manager recommends this ordinance be adopted.

K. Ordinance 2017-31 An Ordinance Amending the Comprehensive Plan Land Use Maps of the City and Borough of Juneau to Change the Land Use Designation of Block 25, Juneau Townsite, Entirely Bounded by Fifth and Sixth Streets and Gold and Harris Streets in Downtown Juneau, from Medium Density Residential to Traditional Town Center.

This ordinance would amend the land use maps of the Comprehensive Plan to correct a discrepancy that was discovered during the analysis of a rezone request.

On July 11, 2017, the Planning Commission reviewed a rezone requested by the Corporation of the Catholic Bishop of Juneau for property in downtown Juneau. Although the Planning Commission recommended the rezone from D-18 to Mixed Use under the Medium Density Residential Comprehensive Plan designation, the Commission also discussed whether a Comprehensive Plan amendment was necessary.

On September 12, 2017, the Commission unanimously recommended that the Assembly consider and approve adoption of this ordinance to amend the Comprehensive Plan maps for the entirety of Block 25, Juneau Townsite, from Medium Density Residential (MDR) to Traditional Town Center (TTC).

The City Manager recommends this ordinance be adopted.

L. Ordinance 2017-28 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Block 25, Juneau Townsite, Entirely Bounded by Fifth and Sixth Streets and Gold and Harris Streets in Downtown Juneau, from D-18 to MU.

In January 2017, the applicant filed to have the entirety of Block 25 of the Juneau Townsite rezoned from D-18 to MU. The Planning Commission adopted staff's findings and analysis after hearing the matter at its meeting on July 11, 2017, finding that the proposed rezone substantially conformed to the current land use designation of MDR as identified in the land use maps of the Comprehensive Plan. The Commission recommended an ordinance be forwarded to the Assembly for its consideration. The staff report considered by the Commission is included in your packet.

The City Manager recommends this ordinance be adopted.

M. Ordinance 2017-30 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Millsite Addition to Douglas Townsite, Block 32, Tract A, Located at 824 Front Street, from WI to LC.

This ordinance would rezone a lot near the Douglas Harbor.

On September 12, 2017, the Planning Commission adopted the analysis and findings in the Community Development Department's staff report and recommended the Assembly rezone 824 Front Street in Douglas from Waterfront Industrial to Light Commercial. This rezone, which would expand an existing Light Commercial district, conforms to the maps of the CBJ Comprehensive Plan.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

A. 2nd and Franklin Project

X. NEW BUSINESS

XI. STAFF REPORTS

XII. ASSEMBLY REPORTS

- A. Mayor's Report
- B. Committee and Liaison Reports
- C. Presiding Officer Reports

XIII. ASSEMBLY COMMENTS AND QUESTIONS

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA

ITEMS

XV. EXECUTIVE SESSION

A. Litigation Updates

XVI. ADJOURNMENT

XVII. SUPPLEMENTAL MATERIALS

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

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - October 16, 2017

MEETING NO. 2017-19: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Ken Koelsch.

I. SPECIAL ORDER OF BUSINESS ASSEMBLY REORGANIZATION

Mayor Koelsch recognized outgoing Assemblymember Debbie White for her service. During her tenure she served on the Human Resources, Lands and Resources, Committee of the Whole and Finance Committee and served as Chair of the Lands and Resources Committee. She served as a liaison to the Airport Board, the Juneau Convention and Visitors Bureau, the Aquatics Board, Planning Commission and most recently chaired the Mayor's Task Force on Homelessness. Mayor Koelsch presented Ms. White with a leather toolbelt with garden tools and said that she was a "wildflower" in the formal garden of the Assembly. She was natural, unpredictable, and always pleasing to see. He said that like the "wildflower" that she was, he was sure to see her pop-up in some unexpected place. He thanked her for her service. Ms. White said it was a pleasure to serve with Mayor Koelsch who taught about public service and said due to his school teacher background he gave out homework assignments.

Ms. Mead swore in newly-elected Assemblymember Rob Edwardson and re-swore incumbents Jesse Kiehl and Maria Gladziszewski.

II. ROLL CALL

Assembly Present: Mary Becker, Rob Edwardson, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, and Beth Weldon.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Rob Steedle, Community Development Director; Robert Barr, Library Director; Patty Wahto, Airport Manager; David Borg, Harbormaster; Roger Healy, Engineering Director; Ed Mercer, Police Chief; JPD Officer Weiss; Nate Watts, Compliance Officer; Travis Wolfe, Firefighter; Karen Wood, Animal Control Officer.

Mayor Koelsch said the first order of business was to elect the Deputy Mayor, and

he called on Mary Becker as the senior member of the Assembly.

MOTION, by Becker, to elect Jerry Nankervis as Deputy Mayor.

Mr. Kiehl asked for nominations to be closed and asked that Mr. Nankervis be nominated by unanimous consent.

Hearing no objection, Mr. Nankervis was elected Deputy Mayor.

III. SPECIAL ORDER OF BUSINESS

A. Proclamation: Honoring Rudy and Judy Ripley

Mayor Koelsch read a proclamation honoring Rudy and Judy Ripley for their long devotion to Juneau - Douglas relations and their service to the community in many areas, with particular interest in Litter Free, the flowers in the meridian of Egan Drive, keeping the capital in Juneau and the Friends of the Flag from its inception. He recognized them for their unending dedication to Juneau. Mayor Koelsch presented Ms. Ripley with a city flag.

B. Proclamation: Bahai Anniversary

Mayor Koelsch and Kevin Araki read a proclamation joining with the Baha'i faith community in Juneau to acknowledge the bicentenary of the birth of Baha'u'llah on October 22, 2017.

C. Acknowledgement of Community Partners in Lemon Creek Cleanup Event

Rob Steedle, Community Development Director, spoke about a successful clean-up of the Lemon Creek area as a result of the work of the Lemon Creek area plan and in the spirit of the year of kindness. Paul Knechtel of Alaska Waste, and Eric Vance of Waste Management provided guidance and support, and he thanked both men for their assistance. Mr. Knechtel said it was a good opportunity to build relationships. Mr. Vance agreed and said they were happy to have an opportunity to help their Lemon Creek neighbors. Mr. Steedle recognized Jim Penor of RecycleWorks; Streets Division employees Dan Marr, Tucker Reece, Harley Seifert, Victor Shriver, Nathan Barzee, Jerry Tisher, Ken Jensen, and Red Langel; and Community Development Employees Allison Eddins, Charlie Ford, Brenwynne Grigg; and gave special kudos to Nate Watts for his efforts.

IV. APPROVAL OF MINUTES

Hearing no objection, the minutes of the September 18, 2017 Regular Assembly Meeting 2017-18 were approved as corrected.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VII. CONSENT AGENDA

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

None.

B. Assembly Requests for Consent Agenda Changes

None.

C. Assembly Action

MOTION, by Nankervis, to adopt the consent agenda. Hearing no objections, the consent agenda was adopted.

1. Ordinances for Introduction

- a. Ordinance 2017-06(H) An Ordinance Appropriating to the Manager the Sum of \$281,020 as Funding for the Juneau International Airport RSA IIB (NW Quad Design & Construction) Capital Improvement Project; Funding Provided by Passenger Facility Charges.

This ordinance would appropriate \$281,020 to the RSA IIB (NW Quad Design & Construction) capital improvement project. Funding is provided as follows:

Passenger Facility Charges (Application#8): \$281,020

The Airport Board approved this action at its April 27, 2017, meeting.

This ordinance was introduced at the September 23, 2017, Assembly meeting. It is being reintroduced due to a title change to reflect the correct funding source.

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

- b. Ordinance 2017-06(K) An Ordinance Appropriating to the Manager the Sum of \$816,000 as Funding for the Juneau International Airport Float Pond Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration, and Sales Tax

Revenue.

This ordinance would appropriate \$816,000 to the Float Pond Improvements capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	\$765,000
Sales Tax Revenue:	\$ 51,000

The FAA funds 93.75% of the project with the remainder being provided by Sales Tax Revenue.

The Airport Board approved this action at its October 10, 2017, meeting. The Public Works and Facilities Committee is scheduled to consider this ordinance at its October 23, 2017, meeting.

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

- c. Ordinance 2017-06(M) An Ordinance Appropriating to the Manager the Sum of \$11,200,000 as Funding for the Juneau International Airport RSA 2C—NE/NW Quad Apron Construction Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Sales Tax Revenue.

This ordinance would appropriate \$11,200,000 to the Airport RSA 2C—NE/NW Quad Apron Construction capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	\$10,125,000
Sales Tax Revenue:	\$ 1,075,000

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The Airport Board approved this action at its October 10, 2017, meeting. The Public Works and Facilities Committee is scheduled to consider this ordinance at its October 23, 2017, meeting.

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

- d. Ordinance 2017-06(N) An Ordinance Appropriating to the Manager the Sum of \$5,145,121 as Funding for the Juneau International Airport Snow Removal Equipment Capital Improvement Project; Funding Provided by the Federal Aviation Administration, and Sales Tax Revenue.

This ordinance would appropriate \$5,145,121 to the Airport Snow Removal Equipment capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	\$4,823,551
Sales Tax Revenue	\$ 321,570

The Airport will purchase snow removal equipment to replace aging, maintenance-intensive units.

The FAA funds 93.75% of the project with the remainder being provided by Sales Tax Revenue.

The Airport Board approved this action at its October 10, 2017, meeting. The Public Works and Facilities Committee is scheduled to consider this ordinance at its meeting on October 23, 2017.

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

- e. Ordinance 2017-06(O) An Ordinance Appropriating to the Manager the Sum of \$256,000 as Funding for the Juneau International Airport Ramp LED Lighting Capital Improvement Project; Funding Provided by the Federal Aviation Administration, and Sales Tax Revenue.

This ordinance would appropriate \$256,000 to the Airport Ramp LED Lighting capital improvement project. Funding is provided as follows:

Federal Aviation Administration (FAA) grant:	\$240,000
Sales Tax Revenue:	\$ 16,000

The FAA funds 93.75% of the project with the remainder being provided by Sales Tax Revenue.

The Airport Board approved this action at its October 10, 2017, meeting.

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

- f. Ordinance 2017-06(L) An Ordinance Appropriating to the Manager the Sum of \$75,000 as Funding to Work With Existing Emergency Shelter Providers to Establish a Warming Center to be Operated When the Temperature Drops Below 32 Degrees During the Winter; Funding Provided by the Tobacco Tax Fund's Fund Balance.

This ordinance would appropriate \$75,000 to work with existing emergency shelter providers to establish a warming center to be operated when the temperature drops below 32 degrees during the winter. (November 2017 - April 2018). Funding in the amount of \$75,000 is provided from the Tobacco Tax Fund's Fund Balance.

The Committee of the Whole is scheduled to discuss this issue at its October 23, 2017, meeting.

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

- g. Ordinance 2017-06(P) An Ordinance Appropriating to the Manager the Sum of \$226,300 as Funding for the Juneau Police Department's Comprehensive Traffic Safety Plan; Grant Funding Provided by the State of Alaska, Department of Transportation and Public Facilities, Alaska Highway Safety Office.

The Juneau Police Department has received \$226,300 in grant funding from the State of Alaska, Department of Transportation and Public Facilities, Alaska Highway Safety Office to help fund part of JPD's Comprehensive Traffic Safety Plan activities. This includes \$183,700 for a 3D scanner, supporting equipment, software and training. In addition, the remaining \$42,600 of grant funds will be used to purchase LIDAR guns for speed enforcement and speed boards that tell drivers when they're driving at unsafe speeds.

There is a match requirement for this grant of \$23,600. JPD plans to use equipment replacement funds for the radars and will find funds within its operating budget for the \$16,300 of training.

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

- h. Ordinance 2017-06(Q) An Ordinance Appropriating to the Manager the Sum of \$59,667 as Funding for the 2017 State Homeland Security

Program / SHSP; Grant Funding Provided by the State of Alaska
Department of Military and Veterans Affairs.

These funds are provided to reimburse the City and Borough of Juneau for expenses incurred in direct support of the goals and activities of the SHSP Program. Funding from this program is provided to support, build, and sustain the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazard events through planning, training, exercise, and equipment procurement within the grant performance period from September 01, 2017 to September 30, 2019.

Projects funded:

1. Purchase and installation of Security Fencing at the Emergency Operations Center (EOC) and Police Department. This fencing will better protect the buildings from breaches and lower their vulnerabilities. \$40,000
2. Fund overtime and backfill for Police and Fire to support the Coast Guard D17 Area Maritime Security Exercise. The primary purpose of funding this exercise is to allow Juneau to conduct a full scale Mass Casualty Incident (MCI) exercise using Alternate Care Facilities. \$10,037
3. Travel funds for representatives to attend the planning meetings for the 2019 Alaska Shield Exercise. \$9,630

There is no match requirement for this grant.

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

- i. Ordinance 2017-06(R) An Ordinance Appropriating to the Manager the Sum of \$160,000 as Funding for the Emergency Management Performance Grant; Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

This ordinance appropriates \$160,000 from the Alaska Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management (DHS&EM) under the 2017 Emergency Management Performance Grant (EMPG), awarded to the City and Borough of Juneau, AK.

These funds are provided to reimburse the City and Borough of

Juneau for payroll and benefit costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant for CBJ Emergency Programs, Police, and Fire staff in the performance of Emergency Management functions in planning, training, exercise, and equipment procurement within the grant performance period.

Required dollar-for-dollar, in-kind match is provided through staff personnel services in CBJ Emergency Management, Police, and Fire budgets.

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

- j. Ordinance 2017-25 An Ordinance Amending the Land Use Code Relating to Panhandle Subdivisions.

This ordinance would amend the panhandle subdivision requirements of CBJ Title 49 to encourage development.

The ordinance would reduce the minimum lot sizes for panhandle subdivisions and reduce the width of the stem. The amendment provides the opportunity for each lot to have a driveway (as opposed to requiring the lots to share one driveway), amends the driveway grade to be consistent with other sections of Title 49, clarifies the parking requirements, and provides an illustration to clarify the setbacks for both front and rear lots. Under this amendment, panhandle lots would still be required to have frontage on a public right-of-way.

The Planning Commission reviewed the ordinance on August 8, 2017, and September 12, 2017, and recommended forwarding it to the full Assembly for adoption.

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

- k. Ordinance 2017-31 An Ordinance Amending the Comprehensive Plan Land Use Maps of the City and Borough of Juneau to Change the Land Use Designation of Block 25, Juneau Townsite, Entirely Bounded by Fifth and Sixth Streets and Gold and Harris Streets in Downtown Juneau, from Medium Density Residential to Traditional Town Center.

This ordinance would amend the land use maps of the Comprehensive Plan to correct a discrepancy that was discovered during the analysis of a rezone request.

On July 11, 2017, the Planning Commission reviewed a rezone requested by the Corporation of the Catholic Bishop of Juneau for property in downtown Juneau. Although the Planning Commission recommended the rezone from D-18 to Mixed Use under the Medium Density Residential Comprehensive Plan designation, the Commission also discussed whether a Comprehensive Plan amendment was necessary.

On September 12, 2017, the Commission unanimously recommended that the Assembly consider and approve adoption of this ordinance to amend the Comprehensive Plan maps for the entirety of Block 25, Juneau Townsite, from Medium Density Residential (MDR) to Traditional Town Center (TTC).

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

1. Ordinance 2017-28 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Block 25, Juneau Townsite, Entirely Bounded by Fifth and Sixth Streets and Gold and Harris Streets in Downtown Juneau, from D-18 to MU.

In January 2017, the applicant filed to have the entirety of Block 25 of the Juneau Townsite rezoned from D-18 to MU. The Planning Commission adopted staff's findings and analysis after hearing the matter at its meeting on July 11, 2017, finding that the proposed rezone substantially conformed to the current land use designation of MDR as identified in the land use maps of the Comprehensive Plan. The Commission recommended an ordinance be forwarded to the Assembly for its consideration. The staff report considered by the Commission is included in your packet.

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

- m. Ordinance 2017-30 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Millsite Addition to Douglas Townsite, Block 32, Tract A, Located at 824 Front Street, from WI to LC.

This ordinance would rezone a lot near the Douglas Harbor.

On September 12, 2017, the Planning Commission adopted the analysis and findings in the Community Development Department's

staff report and recommended the Assembly rezone 824 Front Street in Douglas from Waterfront Industrial to Light Commercial. This rezone, which would expand an existing Light Commercial district, conforms to the maps of the CBJ Comprehensive Plan.

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

2. Resolutions

- a. Resolution 2805 A Resolution Dissolving the Friends of the Flag Committee and Repealing Resolution No. 2054.

In 1977, Mayor Bill Overstreet requested Rudy Ripley take on a project to organize a group of individuals who might be willing to raise funds and be responsible for flying flags of all 50 states along Egan Drive. Mr. Ripley contacted DOT and local community members and the Friends of the Flag non-CBJ volunteer group was formed. This group operated independently from CBJ until October 2, 2000, at which time Resolution 2054 was adopted and the Friends of the Flag (CBJ) Committee was formed so they could be covered by CBJ for insurance purposes.

Rudy Ripley, along with Judy Ripley and other long term committee members, felt it was time to request others to take up the duties of the committee. Assembly HRC Chair Loren Jones worked with the committee and members of the community to identify possible alternate groups willing to take on the duties of the committee. As a result of that work, Travel Juneau, Tourism Best Management Practices, and the Downtown Business Association have agreed to take on the flag flying duties following the final removal of the flags by the Friends of the Flag Committee on September 30, 2017. Now that the Friends of the Flag Committee has completed their work for the year, this Resolution 2805 officially dissolves the committee and recognizes the members for all their years of dedicated service to our community.

The City Manager recommends this resolution be adopted.

3. Bid Award

- a. Bid Award Approval - B 18-023 - Term Contract for Junk Vehicle Disposal

Bids were opened on September 7, 2017. One responsive and responsible bid was received, from Channel Construction.

The City Manager recommends the bid be awarded to Channel Construction, Inc. in the amount of \$157,643.70.

4. Other Items for consent

- a. Marijuana License Renewals for Rainforest Farms, LLC AMCO Licenses 10026 and 10050

The Alcohol Marijuana Control Office (AMCO) sends local governing bodies notice of marijuana license applications which allows local governing bodies the opportunity to protest or waive its right to protest the issuance or renewal of these licenses.

CBJ received notice of the following marijuana license renewal applications:

Standard Marijuana Cultivation Facility License #10026

Rainforest Farms, LLC

Location: 5763 Glacier Hwy., Juneau, AK 99801

Retail Marijuana Store License #10050

Rainforest Farms, LLC

Location: 216 2nd Street, Juneau, AK 99801

CBJ staff from the Police, Fire, Finance, and Community Development (CDD) departments reviewed these renewal applications for compliance with CBJ laws and regulations and recommends that the Assembly waive its right to protest the issuance of these licenses. CDD staff noted that both of the above licensee's CBJ marijuana licenses are good through December 31, 2017.

Your packets contain the following documents pertaining to these renewals with additional documents available upon request from the Municipal Clerk's Office during regular business hours.

- Notice to Local Governing Body of the renewal by the State of Alaska Alcohol & Marijuana Control Office (AMCO)
- AMCO Marijuana Renewal application form (redacted)
- Form MJ-20: Renewal Application Certifications

License # 10026 Standard Marijuana Cultivation Facility

In the event the Assembly does protest the issuance of this license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly. The sixty-day comment period for local

governing body action will expire as of Saturday, October 28, 2017.

License # 10050 Retail Marijuana Store

In the event the Assembly does protest the issuance of this license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly. The sixty-day comment period for local governing body action will expire as of Tuesday, October 31, 2017.

The City Manager recommends the Assembly waive its right to protest the marijuana license renewals for Rainforest Farms, LLC, AMCO license numbers 10026 and 10050.

5. Transfers

- a. Transfer T-991 Transfer of \$100,000 from the Wastewater SCADA CIP to the Maier Drive Forcemain Emergency Repair

A transfer request of \$100,000 from the Wastewater SCADA CIP to create a new CIP to design a repair for the broken Maier Drive Forcemain.

The Maier Drive Forcemain conveys wastewater from the west side of the Mendenhall River (Industrial Boulevard area, Pederson Hill, Wildmeadow etc.) to the Mendenhall Waste Water Treatment Plant (MWWTP). The forcemain across the Mendenhall River to the MWWTP broke on Saturday, September 2 due to high flows. This pipe was installed in 2007, but has been recently exposed and undermined by [Jökulhlaups](#) flooding and continued down-cutting of the river channel due to glacial uplift.

Design work needs to begin immediately to implement a new river crossing repair as soon as possible. In the event of the repair not being covered by insurance, staff requests a transfer of \$100,000 from the Wastewater SCADA (Supervisory Control and Data Acquisition) CIP to a new CIP to fund the design of the work for the Maier Drive Forcemain repair.

If insurance will cover this work, the funding will be returned to the Wastewater SCADA Improvements CIP.

The Public Works & Facilities Committee recommended forwarding this transfer to the full Assembly at its September 18, 2017, meeting.

The City Manager recommends this transfer be approved.

- b. Transfer T-992 Transfer of \$300,000 from the Douglas Highway Waterline Replacement CIP to the Salmon Creek Filtration CIP

A transfer request of \$300,000 from the Douglas Highway Waterline Replacement CIP to the Salmon Creek Filtration CIP to provide matching funds for an existing Alaska Department of Environmental Conservation (ADEC) grant.

The Salmon Creek Filtration project was a successful installation. The filtration plant is producing drinking water continuously and water staff have identified some older, related equipment needing upgrades and replacement. These work items were not completed during the original project due to funding concerns, since the majority (\$3 million) of the ADEC grant funding was received after the project was bid. There is \$990k in remaining ADEC Grant funding that ADEC has authorized us to use for the related upgrades and improvements.

The ADEC grant requires a 40% local match to expend these funds, which equates to \$300k. This transfer would provide the matching funds from the Douglas Highway Waterline Replacement CIP which was the fortunate recipient of a very low bid. This transfer of \$300k will leave greater than \$1 million remaining in the Douglas Highway Waterline Replacement CIP to cover inspection and construction contingency for unforeseen conditions.

The Public Works & Facilities Committee agreed to forward this transfer request to the full Assembly at its meeting on September 18, 2017.

The City Manager recommends this transfer be approved.

VIII PUBLIC HEARING

- A. Resolution 2809 A Resolution Establishing the Fees for Animal Control and Protection Services, and Repealing Resolution No. 2767.

Gastineau Human Society (GHS) has reviewed the current fee schedule for animal control and sheltering services and is recommending changes to the impound and impound boarding fees. The changes will allow for a slightly higher revenue base to support operations and the fee changes requested are in line with other Alaskan communities.

Impound Fees: GHS recommends an increase in impound fees to more closely mirror impound fees charged in other Alaskan communities. The current fees are \$30 first time, \$50 second time, \$75 third time and \$100 fourth time. The requested fees are \$50 first time, \$60 second time, \$75 third time, and \$100 fourth and subsequent times. Impound fees were last increased March 19, 2001, by Resolution No. 2081. GHS projects an approximate \$4,250 in annual revenue.

Impound Boarding Fees: The existing resolution establishes impound fees at \$10 per day until the owner is contacted and then \$15 per day thereafter. The fees currently being charged by GHS are in excess of that amount. GHS is not seeking an increase to the current fees being charged. Impound boarding fees were last increased March 19, 2001, by Resolution No. 2081. Should fees not be adjusted in keeping with current charges, GHS projects a loss of \$6,500 in annual revenue.

While there are no recommended changes to licensing fees which were adjusted in 2016, GHS does recommend eliminating the \$2.50 license transfer fee for regular dog licenses as the fee is an administrative burden and discourages people from transferring dog licenses.

The proposed changes were discussed at the September 13, 2017, Assembly Finance Committee meeting. The AFC recommended that the draft resolution be forwarded to the Assembly for action. At the September 18, 2017, regular Assembly meeting, in response to public request, the Assembly directed that this resolution be set for public hearing at the next regularly scheduled Assembly meeting.

The City Manager recommends that this resolution be adopted.

Public Comment:

George Utermohle, spoke for Grateful Dogs of Juneau and responsible dog owners of Juneau. He appreciated the additional time provided by the Assembly to allow for review of the ordinance. He listed and explained five proposed changes:

1. The impound-boarding fees should be imposed only after the first 24 hours following impoundment of a dog.
2. Impound-boarding fees should be set at a flat rate for all dogs regardless of the dog's reproductive status.
3. Impound-boarding fees for dangerous, potentially dangerous, and bit-quarantine animals should be set at a flat rate for all dogs regardless of the dog's reproductive status.
4. A kennel registration requirement should not be included under group dog

licenses.

5. The group dog license fee should be raised to \$6.50 per dog.

In his written comments, he suggested that an ordinance or regulation process be used for changes of this type, rather than a resolution, due to the nature of public notice and process.

Mr. Kiehl said licensing has different fees based on reproductive status and asked why this was an administrative burden to imposition of impound or boarding fees. Mr. Utermohle said that in licensing, the information is available from the applicant and they provide the paperwork. An impounded dog may not have the information, the gender can be difficult to determine for a number of reasons and it is an additional hurdle for animal control and the person who is seeking to regain the custody of their animal.

Samantha Blankenship spoke in support of the fee changes on behalf of the Gastineau Humane Society. She disagreed with not charging a fee for the first 24 hours for boarding, whether it is there for an hour or 24 hours, the cage still needs to be cleaned, the animal fed and taken care of, and usually an animal is only held because its owner can't be identified. There is a higher fee for unaltered animals and we have done this in partnership with the city to promote responsible pet ownership and to encourage the neutering of animals. Licensing is required before a dog is released and the status is easily identifiable from veterinary records. We have to verify an animal's status if it is altered or not to get the animal licensed and this does not put any undue burden on animal control.

Ms. Gladziszewski asked if it was more difficult to board unaltered animals. Ms. Blankenship said yes, they can have behavior issues, make a bigger mess and can be harder to handle.

Assembly Action:

MOTION, by Edwardson, to adopt Resolution 2809.

MOTION, by Nankervis, to amend the resolution on page 1, section 1 (a) Dog License Fees, as follows, "The annual license fee shall be [delete \$45.00] [and insert \$35.00] for each dog over the age of six months. [delete 'provided that the fee shall be \$20.00 for each spayed female and each neutered male over the age of six months, and provided that...'] and to start the next sentence with "The fee..."

He said he appreciated the work of Grateful Dogs. The reason for changing the fee is that he disagrees with charging a different rate based on neutering or spaying an animal and he thought that "responsible pet ownership" had nothing to do with

whether an animal was neutered or spayed. He said this was social engineering.

Mr. Kiehl asked what portion of animals are licensed are spayed/altered and was it appropriate to split the difference.

Karen Wood, Animal Control and Protection said approximately 75% of licensed animals are altered. She said they believe only about 1/5 of the dogs in CBJ licensed at this time and there is much non-compliance, which they are addressing. The majority that are brought in to the shelter and impounded without licenses are unaltered.

Mr. Edwardson asked if raising the fee was an incentive or disincentive to licensing. Ms. Wood said license fees were raised last year after about 17 years. We have not seen much of a change in the rate of licensing in that time, and she thinks many people do not realize that licensing is required. There are about 3500 people licensing pets before and after the fee change.

Mr. Kiehl spoke in opposition to the amendment. He agreed with Mr. Nankervis that how a person handled their dog defined responsible dog ownership. He was concerned about the impact that unaltered dogs and cats had on the community in increasing the animal population. He thought it was good to provide an incentive to people to spay/neuter pets.

Roll call:

Aye: Becker, Nankervis, Koelsch

Nay: Edwardson, Gladziszewski, Gregory, Jones, Kiehl, Weldon.

Motion failed: 3 ayes, 6 nays.

MOTION, by Nankervis, to amend the resolution on page 2, item (2) Impound Fee. to eliminate the \$60.00 fee for second offense and to revise the order to 1st offense - \$50.00, 2nd offense - \$75.00 and 3rd and subsequent impounds - \$100. Hearing no objection, it was so ordered.

There being no further amendments, Resolution 2809 was adopted, as amended, unanimously.

B. Ordinance 2017-19 An Ordinance Amending the Uniform Sales Tax Code to Expand the Senior Citizen Sales Tax Exemption.

After introduction of this ordinance the City Manager received public comments from business representatives that were not submitted during the Finance Committee process. The concerns raised are that this ordinance change would create new administrative burdens on businesses.

The City Manager recommends that you consider this issue as you deliberate on this ordinance. He has no recommendation at this time.

Public Comment:

None.

Assembly Action:

MOTION, by Nankervis, to refer this ordinance to the Finance Committee for further review.

Mr. Nankervis said that there has been significant comment on this and concern expressed about the cost of enforcement. He said it would be premature to vote on this ordinance tonight.

Hearing no objection, it was so ordered.

- C. Ordinance 2017-26 An Ordinance Authorizing the Manager to Dispose of Lots 4 and 5 of the Renninger Subdivision.

This ordinance would authorize the sale of two of the Renninger Subdivision lots through either a sealed competitive bid process, or, if that process proves unsuccessful, an over-the-counter sale.

The Lands Committee heard this issue at its May 1, 2017, meeting, passing a motion of support for the sale. The Planning Commission considered the proposal at its meeting on July 25, 2017, also recommending approval.

This sale would create opportunities for additional multi-family development.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2017-26. Hearing no objection, it was so ordered.

- D. Ordinance 2017-27 An Ordinance Authorizing the Manager to Convey Lot 2 of the Renninger Subdivision to the Alaska Housing Development Corporation.

This ordinance would authorize the City Manager to sell Lot 2 of the Renninger Subdivision to the Alaska Housing Development Corporation. On

May 15, 2017, the Assembly authorized the City Manager to directly negotiate the terms of sale with AHDC.

This ordinance would authorize the sale of the lot for fair market value with 5% down, and the balance to be paid over a 10 year term at 10% interest.

The City Manager recommends that this ordinance be adopted.

Public Comment:

None.

Assembly Action:

***MOTION**, by Weldon, to adopt Ordinance 2017-27.* Hearing no objection, it was so ordered.

- E. Ordinance 2016-09(AS) An Ordinance Appropriating to the Manager the Sum of \$3,206,100 as Partial Funding for Various Departments' Fiscal Year 2017 Operating Budgets; Funding Provided by the General Fund's Fund Balance and Other Funds' Fund Balances.

This ordinance would appropriate \$3,206,100 for increases in FY17 operations among four CBJ departments.

The Hospital anticipates exceeding its FY17 Assembly authorized spending authority by \$2.7M. Funding will be provided by FY17 revenues. Hospital utilization for emergency room, cardiology, and overall patient days was above original projections. The increased expenses were offset by increased revenues.

Docks' supplemental request would increase the Docks Enterprise spending authority in FY17 by \$176,400. Funding will be provided by FY17 revenues.

The majority of the increases can be attributed to personnel costs predominantly due to increased FTE, the unbudgeted MEBA negotiated lump sum payout, and pulling (out of convenience) \$25,000 for a FEMA Port Security Grant from operating expenses rather than from the Docks Fund Balance.

The Docks & Harbors Board approved the supplemental request at its August 31, 2017, regular Board meeting.

The Human Resources and Risk Management Department, Human

Resources Division is anticipating a \$10,100 shortfall in the current fiscal year operating budget. This shortfall is due to the impact of activities not included in the base budget: the lump sum negotiated wage payment & employee parking passes. Also HR staff didn't take leave at the estimated level, which increases payroll costs. It is difficult for the smallest CBJ department to absorb these costs. The anticipated funding for this increase is the General Fund's Fund Balance.

The Risk Management Division anticipates exceeding its FY17 Assembly authorized spending authority by \$319,600. The increase is attributable to higher than budgeted claims experienced for the workers' compensation, property, and health insurance lines. Funding will be provided by FY17 Risk fund revenues.

The Assembly Finance Committee reviewed the increases at its meeting on September 13, 2017, and forwarded them to the full Assembly for approval.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

***MOTION**, by Gladziszewski, to adopt Ordinance 2016-09 (AS).* Hearing no objection, it was so ordered.

- F. Ordinance 2016-09(AT) An Ordinance Appropriating to the Manager the Sum of \$1,707,389 to Fund the City and Borough of Juneau's Fiscal Year 2017 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate \$1,707,389 which is the State's FY17 4.14%, for each FY17 employer payroll, on-behalf PERS benefit paid for CBJ. Funding is provided by the Alaska Department of Administration and was authorized by passage of House Bill 256 during the 2016 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on the CBJ's finances.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Jones, to adopt Ordinance 2016-09 (AT). Following brief discussion, and hearing no objection, it was so ordered.

- G. Ordinance 2016-09(AU) An Ordinance Appropriating to the Manager the Sum of \$1,525,643, to Fund Bartlett Regional Hospital's Fiscal Year 2017 Public Employee Retirement System Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate \$1,525,643, which is the State's FY17 on-behalf rate of 4.14% for each FY17 employer payroll, on-behalf PERS benefit paid for Bartlett Regional Hospital. Funding is provided by the Alaska Department of Administration and was authorized by passage of House Bill 256 during the 2016 legislative session.

This is a housekeeping ordinance to properly account for this on-behalf payment and has no impact on BRH's finances.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Kiehl, to adopt Ordinance 2016-09 (AU). Hearing no objection, it was so ordered.

- H. Ordinance 2016-09(AV) An Ordinance De-appropriating the Sum of \$180,000 of the Parks and Recreation Program's Fiscal Year 2017 Operating Budget; Such Funds to be Returned to the General Fund's Fund Balance.

On June 5, 2017, the Assembly adopted Ordinance 2016-09(AP) appropriating \$180,000 in supplemental funding for Parks and Recreation's FY17 operating budget. At the time Parks & Rec wasn't certain that a supplemental would be needed, but submitted one as a precaution.

Parks and Recreation's year end balance for fiscal year 2017, as of September 6, 2017 is \$5,940. Two divisions had negative balances, which were offset by all other divisions' positive ending balances. As a result the supplemental appropriation of \$180,000 is not needed, as Parks and Rec was able to balance the budget without the supplemental funding.

Staff recommends de-appropriating Ordinance 2016-09(AP), via Ordinance 2016-09(AV). This will provide for more accurate trend analysis and management reporting.

The Assembly Finance Committee reviewed this at its meeting on September 13, 2017, and forwarded it to the full Assembly for approval.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Becker, to adopt Ordinance 2016-09 (AV). Hearing no objection, it was so ordered.

- I. Ordinance 2017-06(F) An Ordinance Appropriating to the Manager the Sum of \$6,600 as Funding for the Juneau Public Libraries; Grant Funding Provided by the Alaska State Library.

This ordinance appropriates \$6,600 in grant funding to the Juneau Public Libraries, for the purpose of implementing the *NASA@ My Library* STEM education initiative. *NASA@ My Library* is offered by the National Center for Interactive Learning at the Space Science Institute in partnership with the American Library Association Public Programs Office, the Pacific Science Center, Cornerstones of Science, and the Education Development Center.

Grant funding is provided by the Alaska State Library. This grant has a dollar for dollar matching requirement and is matched by staff time and expenditures on books and e-books that are already part of the library's FY18 budget.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2017-06(F). Hearing no objection, it was so ordered.

- J. Ordinance 2017-06(G) An Ordinance Appropriating to the Manager the Sum

of \$7,842 as Funding for the Planning and Design of Historical Interpretive Sign Panels at the Treadwell Mine Historic Park; Grant Funding Provided by the Alaska Department of Natural Resources, Office of History and Archeology.

The proposed project is to plan and design historical interpretive signs to be located on the interior wall of the Treadwell Office Building at the Treadwell Mine Historic Park. This grant would support phase I of the project. Phase II of the project would manufacture the sign panels and install them on the interior wall of the building.

The work of the project would be performed through the combined efforts of a graphic designer and representatives of the Treadwell Historic Preservation and Restoration Society (Treadwell Society). The Juneau Historic Resources Advisory Committee would review the draft and final products. The total project budget is \$13,070. Sixty percent of the cost, or \$7,842, would be funded from a federal Historic Preservation Fund Grant administered by the Alaska Office of History and Archaeology. The required 40% match for the project, or \$5,228, would be provided through in-kind services of volunteers of the Treadwell Society.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Edwardson, to adopt Ordinance 2017-06(G). Hearing no objection, it was so ordered.

- K. Ordinance 2017-06(I) An Ordinance Appropriating to the Manager the Sum of \$100,000 as Funding for the Housing and Homelessness Services Coordinator; Grant Funding Provided by the Alaska Mental Health Trust Authority.

The Alaska Mental Health Trust Authority approved a grant request submitted by CBJ staff for \$100,000. This funding will allow the city to hire a housing and homelessness service coordinator who would work at the direction of the Chief Housing Officer in the Manager's Office. This person will work to build a coordinated entry program so that housing and homeless services provided by various Juneau non-profits meet community needs.

Upon demonstrated successful use of the funding, it is anticipated that the Trust will grant an additional two years of funding.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gregory, to adopt Ordinance 2017-06(I).

Mr. Jones asked about data collection and what measures will be used to demonstrate whether the position is successful in its mission. Ms. Cosgrove said the agreement with the Trust contains performance measures similar to those in agreements they have with Anchorage and Fairbanks and they do not seem particularly onerous. She would provide a copy to Mr. Jones.

Mr. Nankervis asked about any continuing obligation of the grant to the city. Mr. Watt said there was no continuing obligation of city funds.

Hearing no objection, it was so ordered.

- L. Ordinance 2017-06(J) An Ordinance Appropriating to the Manager the Sum of \$2,011,000 as Funding for the Juneau International Airport Taxiway A Rehabilitation Design and Taxiways E and D-1 Re-alignment Design Capital Improvement Project; Funding Provided by the Federal Aviation Administration and the Juneau International Airport.

This ordinance would appropriate \$2,011,000 to the Design Taxiway A Rehabilitation and Re-alignment of Taxiway E and D-1 capital improvement project. Funding is provided as follows:

Federal Aviation Administration AIP Grant	\$1,979,062
Airport Fund's Fund Balance	\$ 31,938

The FAA funds 93.75% of the project with the remainder being provided by Juneau International Airport. At the August 21, 2017, Assembly meeting, a transfer (T-990) of \$100,000 from RSA IIb CIP to Taxiway Design CIP was approved. The funding source for local match is Airport Fund's Fund Balance. Total local match is \$131,938.

The Airport Board approved this action at its September 12, 2017, meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Weldon, to adopt Ordinance 2017-06(J).

Kiehl question 8:08 p.m.

Ms. Wahto said...

Hearing no objection, it was so ordered.

IX. UNFINISHED BUSINESS

- A. Proposed Comment to Onside Marijuana Consumption Endorsement Regulations Proposed by the Marijuana Control Board

Mr. Jones declared conflict of interest and left the room at 8:10 p.m.

Ms. Mead said she drafted comments included in the packet for Assembly review.

MOTION, by Gladyszewski, to approve the letter and forward it to the chair of the Marijuana Control Board. Hearing no objections, it was so ordered.

Mr. Jones returned to the meeting at 8:12 p.m.

X. NEW BUSINESS

- A. Supplemental Agreement - West Douglas Road

This supplemental agreement will increase the West Douglas road construction contract by \$600,000 or approximately 40% of the original contract award amount. CBJ Code 53.50.040 allows for supplemental agreements on existing contracts and requires Assembly approval, if the amount is greater than \$250,000, and a public interest finding. The public interest finding shows that cost savings will be realized in construction, contract administration, and expedited schedule to allow construction to begin this fall. Additional benefits include accelerating the construction timeline to allow for the project to be constructed in the fall and winter with an early summer completion date, prior to the expiration date of the Alaska legislative grant funds.

The proposed work under this supplemental agreement would extend the West

Douglas pioneer road an additional 1.1 miles to Middle Creek. This project, including the proposed work under the supplemental agreement, is solely funded by a \$3 million legislative grant through the Department of Commerce, Community and Economic Development (DCCED) that is specific to this project only, the construction of the West Douglas pioneer road. Unexpended funds are required to be surrendered back to the DCCED; they cannot be used for another purpose. These funds are set to expire in June 2018.

The Assembly Public Works and Facilities Committee reviewed this request on September 18, 2017, and forwarded it to the Assembly for approval.

The City Manager recommends that you approve this supplemental agreement.

Public Comment:

None.

Assembly Action:

MOTION, by Jones, to approve the supplemental agreement, to increase the West Douglas Road construction contract by \$600,000. Hearing no objection, it was so ordered.

B. Senate Bill 54

Ms. Mead said she met with the CBJ lobbyist who advised that SB54 would likely be heard at the next legislative session and who was interested in the CBJ's position. Ms. Mead reviewed her memo in the packet with comments on SB54, a copy of the bill and the recommendations from the Criminal Justice Commission to the legislature supporting the changes in SB54, most of which were adopted as proposed by the Commission. The bill assists CBJ prosecutorial efforts, including the imposition of a minimum sentence for second offenses. It imposes a maximum of 60 days for a second offense and up to one year for a third or higher. SB54 would impact the CBJ prosecution of first and second thefts or larceny related cases that are B misdemeanors under \$250. There is no suspended time or jail time in SB91, or no probation allowed for a first or second offense. This makes it difficult to get restitution for the victims. SB54 allows the court to impose suspended time for a first or second offense and allows for up to six months probation. It also increases the time the court could impose on an A misdemeanor. She said that there was significant testimony given to the Commission to allow it to feel comfortable giving the suggestions to the legislature, even though it did not come from an "evidence based" place. In SB91, everything presented to the legislature was based

upon peer-reviewed evidence and reports that the Commission had reviewed. These recommendations came from public testimony to the Commission from law enforcement and prosecutors across the state. She asked the Assembly for direction.

Public Comment:

Don Habeger of the Juneau Re-entry Coalition, said he appreciated Ms. Mead's comments. SB91 is evidenced-based and a large part of the solutions is investment in community services, so that when SB91 is implemented in all of its forms, and we realize savings from correction dollars, some of those savings can be invested back into the community for such things as additional housing or substance abuse treatment. He asked the Assembly to not lose focus of evidenced based programs and reinvestment.

Mr. Jones said some of the funds for re-entry were earmarked from the statewide marijuana tax which is finally starting to come in. He hoped that regardless of legislative action on the bill, that funds would go for programs such as victim services.

Ms. Gladziszewski asked if the Coalition had positions on each of the items in SB54. Mr. Habeger said no. The Coalition has gone over the recommendations and we understand it is a response to community condemnation and may not be all evidenced-based. We recognize that is an issue. Our message is do not lose site of the important aspects of SB91, particularly reinvestment in communities.

Ms. Mead said she attended all of the Criminal Justice Commission prior to the letter sent to the legislature. The public comment they received were that there were things occurring in the communities that seemed to be a result of SB91, that they wanted the Commission to support some minor changes, and that is what the Commission forwarded to the legislature. The Commission is trying to say they received enough comments from law enforcement and prosecutors who were dealing with the implementation of SB91 in Alaska with its unique situations. Some of the evidence relied upon in SB91 isn't translating to Alaska.

Mr. Jones asked about the issue of not getting first offenses prosecuted in order to get to a 2nd and 3rd offense, so what will get the convictions necessary to allow the increased penalties to take place? Ms. Mead said CBJ has always prosecuted, even though we know the court is not going to impose consequences on a first or second larceny-related offense or probation. CBJ still gets the sentence or convictions. SB54 provides more consequences. Mr. Jones asked if CBJ gets convictions but there is an increase in larcenies and thefts, and people blame it on SB91, what is the benefit of SB54. Ms. Mead said for the lower level misdemeanors (B, first, second

or subsequent but under \$250) prior to SB54, there is no jail time, no suspended time, no probation. There is no incentive to not commit a third offense. We don't have resources or ways to get people into programs. SB54 gives the court the ability to impose a suspended sentence and to impose probation, which is an incentive to pay a fine or restitution that didn't exist before. Ms. Mead said SB54 is a minor course correction.

Mr. Kiehl said the pre-trial risk assessment called for in SB91 has not been implemented. He asked if this tool that was coming on line in January and what would SB54 provide that the tool would not. Ms. Mead said most of what pre-trial will do will not impact misdemeanor cases and they are focused on felony offenses. She spoke about the universal bail schedule. She did not believe that SB54 would affect pre-trial services, but they will help CBJ with some of its more serious cases. Ms. Mead has invited the pre-trial service provider to the next public safety task force about resources.

Assembly Action:

MOTION, by Nankervis, to support SB54 and to direct staff to prepare a letter of support for SB54 to the Juneau delegation from the CBJ Assembly for the special session. He also moved to allow the City Manager and Attorney to share the letter with the CBJ lobbyist and to met with state legislators regarding the letter.

Mr. Jones asked if there is anything in SB54 to fund services for criminal justice reform. Ms. Mead said no. He asked that it be included in the letter. Mr. Nankervis said he would like the frame of the letter to be based on page 2 of Ms. Mead's memo to the Assembly.

Hearing no objection, the motion passed.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch attended the Chamber annual dinner and congratulated John McConnochie, Citizen of the Year and Joe Kahklen for his Lifetime Service Award. He also attended the SAIL fundraiser, and the Sealaska Heritage Fashion and Art event.

He distributed a matrix of Assembly committee and liaison assignments. He asked

members to review this and he was willing to make changes with notification from the members.

B. Committee and Liaison Reports

Mining Subcommittee: Chair Gregory said he will schedule a meeting to review the report that is back from the attorney.

Affordable Housing Commission: Liaison Gregory said the new CEO from Tlingit Haida Housing attended the last meeting at which the committee discussed the affordable housing fund and the community land trust.

School Board: Liaison Weldon said the next meeting was set for October 17.

Juneau Economic Development Council: Liaison Weldon said JEDC is making presentations on the 2017 Juneau Economic Indicators Report. There will be a Southeast Exchange at the JACC to connect teachers with STEM professionals on October 17. JEDC is preparing a solicitation for the Excellence in Education fund and is looking for two new board members.

Parks and Recreation Advisory Committee: Liaison Gladziszewski said the Assembly will get an update on the Parks and Recreation Master Plan at the COW meeting. She spoke about issues at Cope Park car camping. P&R will plow the new seawalk as a low priority. Savikko Restrooms will be re-opened. The pioneer road in West Douglas is being investigated for Nordic skiing. Treadwell hours have been reduced. No flowers will be planted in the Egan median in the summer of 2018. The next meeting is set for October 24.

Bartlett Board: Liaison Gladziszewski said BRH approved an additional donation to Housing First for construction of the clinic. The next meeting is set for October 24.

Airport Board: Liaison Jones said the Assembly would hear an update on the Sustainability Master Plan at the COW on October 23. He urged people to obey the parking regulations by not parking in the loading zones in front of the airport, which are for active pickup and loading and unloading, and to use the waiting lot near AIH. The next meeting is set for November 14.

Downtown Business Association: Liaison Jones spoke about restaurant week, the winter window decorating program, and an umbrella program for downtown.

Alaska Municipal League: Liaison Kiehl said the annual conference was set

for November 15-17 in Anchorage, Alaska.

Finance Committee: Chair Kiehl said the next meeting is set for November 8.

UAS Campus Council: Liaison Kiehl spoke about the US Coast Guard Commissioning Program at UAS. Sealaska Heritage Institute received a 3 year grant for an arts program at UAS. The Ted Stevens Foundation is now funding the UAS Legislative Intern program. UAS is selling the "Horton's Hardware" building. The fisheries school is offering a new bachelors degree at UAF and UAS. The graduate school is still headquartered at UAF with its major facility here in Juneau.

Public Works and Facilities Committee: Chair Becker said the next meeting was set for October 23.

Docks and Harbors Board: Liaison Becker said the next meeting is set for November 2. The Aurora Harbor Phase II is delayed. Dredging at Statter Harbor is not happening until next fall. David Borg was named Alaska Harbormaster of the Year.

Chamber of Commerce: Liaison Becker attended the annual Chamber dinner and congratulated the award winners.

Committee of the Whole: Chair Nankervis said the next meeting is set for October 23, and the meeting on November 13 was rescheduled to November 20.

Public Safety Task Force: Chair Nankervis said the next meeting is set for October 24.

C. Presiding Officer Reports

7th Day Adventist Church School v. CBJ Assessor: Presiding Officer Jones said the Pre-Hearing Conference is set for October 30.

XIIIASSEMBLY COMMENTS AND QUESTIONS

All of the Assemblymembers took turns thanking Ms. White for her service and in welcoming Mr. Edwardson to the Assembly.

Mr. Nankervis spoke about "prosecutorial discretion" and said there was nothing in SB91 or SB54 that requires prosecution. He asked Ms. Gladziszewski if PRAC has ever discussed an "adopt-a-park" program. He listed community events he had attended.

Mr. Kiehl spoke about attending the installation of the new Catholic Bishop

Bellisario, meeting the Jesuit volunteers in service in the community, events he had attended, and he thanked the Juneau election workers.

Mr. Jones said he understood prosecutorial discretion but there were fewer prosecutors available. He thanked Rudy and Judy Ripley for their efforts and Travel Juneau / TBMP for taking on the effort to maintain the flags. The attorney/manager pay subcommittee meets October 17.

Ms. Gladziszewski asked about any ordinance regarding how windows downtown are maintained that may not being enforced. He thanked Larry Johansen for his efforts to live-stream video of the Assembly meetings and asked staff for ways to advertise the service. She gave her thanks to all involved in the recent election and encouraged voter turnout.

Ms. Weldon credited Alaska Committee for their participation with DBA on the downtown umbrella program. The Juneau Chapter of the State Fire Fighters is having a fundraiser and hosting a haunted house on October 20, 21, 27 and 28 at the Fire Training Center on Sherwood Drive. CCS will not be able to continue to run the child care assistance program without additional state funding.

MOTION, by Weldon, to authorization for the manager and lobbyist to check on this issue and coordinate with our legislative delegation and neighboring southeast communities to support the child care assistance program and report back. Hearing no objection, it was so ordered.

Mr. Gregory suggested that the Airport set up a waiting area for passengers to catch a ride from short term parking in light of winter weather. He spoke about events he had attended. He noted a reduction in homeless persons downtown. He spoke to AEL&P about their business and said he learned quite a bit.

Mr. Edwardson thanked everyone for the welcome and Ms. White for her service. He supports the pre-commissioning program at UAS with the USCG. He congratulated David Borg on his Harbormaster of the Year Award.

XIV.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Larry Johansen spoke about webstreaming and referred to a letter he sent to the Assembly. Video has a lot of potential and the community misses quite a bit - especially the recognitions at the beginning of the meeting and the assembly's comments - the decisions and policies are important and it is a disservice that this meeting is not being disseminated more widely. The news does not always capture all of the positive work being done. By streaming I am hoping to make this a better

community.

XV. EXECUTIVE SESSION

None.

XVIADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 9:40 p.m.

Signed: _____
Laurie Sica, Municipal Clerk

Signed: _____
Kendell D. Koelsch, Mayor

Presented by: The Manager
Introduced: November 6, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(S)

An Ordinance Appropriating to the Manager the Sum of \$1,513,730 as Funding for the Replacement of Buses for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, and by the Equipment Replacement Reserve's Fund Balance.

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 \$1,513,730 for the replacement of buses for Capital Transit.

Section 3. Source of Funds

Alaska Department of Transportation and Public Facilities	\$1,210,985
Equipment Replacement Reserve Fund Balance	\$ 302,745

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: November 6, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(T)

An Ordinance Appropriating to the Manager the Sum of \$2,148,195 as Funding for the Replacement of Buses for Capital Transit; Grant Funding Provided by Alaska Department of Transportation and Public Facilities, and by the Equipment Replacement Reserve's Fund Balance.

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 \$2,148,195 for the replacement of buses for Capital Transit.

Section 3. Source of Funds

Alaska Department of Transportation and Public Facilities	\$1,718,556
Equipment Replacement Reserve Fund Balance	\$ 429,639

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 11/6/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(U)

An Ordinance Transferring \$55,449 of Unexpended FY17 Marine Passenger Fees from the General Fund to the Open Space Waterfront Land Acquisition Capital Improvement Project.

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 \$55,449 as Funding for the Open Space Waterfront Land Acquisition Capital Improvement Project.

Section 3. Source of Funds. Unexpended Marine Passenger Fee funds that were transferred to:

General Fund	\$55,449
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 11/6/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(V)

An Ordinance Appropriating to the Manager the Sum of \$1,334,074 to begin Reconstruction of the Project Playground Rebuild Capital Improvement Project; Funding Provided by a Partial Insurance Settlement from Lexington Insurance Company.

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 \$1,334,074 as Funding for the Project Playground Rebuild Capital Improvement Project.

Section 3. Source of Funds:

Partial Insurance Settlement – Lexington Insurance Co. \$1,334,074

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 11/6/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(W)

An Ordinance Appropriating to the Manager the Sum of \$15,500 as Funding for the Local Emergency Planning Committee; Grant Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

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 \$15,500 to support Local Emergency Planning Committee activities.

Section 3. Source of Funds.

Alaska Department of Military and Veterans Affairs: \$15,500

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-32

An Ordinance Authorizing the Manager to Convey a Fraction of Lot 3, USS 3566, Located across Egan Drive from Centennial Hall, to the Alaska Department of Transportation and Public Facilities.

WHEREAS, the Alaska Department of Transportation and Public Facilities (ADOT&PF) applied for a direct, negotiated sale under CBJ 53.09.260 of 507 square feet of a Fraction of Lot 3, USS 3566 (also known as Tidelands Addition BL 74 LT 1), located across Egan Drive from Centennial Hall; and

WHEREAS, the ADOT&PF is implementing a road reconstruction project on Egan Drive from 10th Street to Main Street; and

WHEREAS the project includes resurfacing the pavement, improving intersections, upgrading intersection and pedestrian facilities, adding bike lanes, and reconstructing a retaining wall; and

WHEREAS, in order to complete the project, the ADOT&PF needs the subject parcel in fee, plus eight permanent easements and ten temporary construction easements; and

WHEREAS, the ADOT&PF is required to identify the fair market value of any property interest that must be acquired in relation to projects and accordingly included an appraisal report with its application to the CBJ; and

WHEREAS, the Lands Committee unanimously passed a motion of support for the disposal of a Fraction of Lot 3, USS 3566, and for granting the permanent and temporary construction easements to the ADOT&PF; and

WHEREAS, the Docks & Harbors Board reviewed the ADOT&PF request and made a recommendation that the board defer to the CBJ Lands & Resources Division to dispose of this property and the easements to the ADOT&PF necessary for the road reconstruction project on Egan Drive from 10th Street to Main Street; and

WHEREAS, the Planning Commission approved the project with multiple conditions related to bike improvements, pedestrian improvements, vegetation in median, and platting requirements (NOD CSP2017-0013); and

WHEREAS, the Planning Commission also recommended (NOR CSP2017-0013) the Assembly dispose of this property with the following two conditions:

1. That ADOT&PF work with the CBJ on the design of any reconstruction in the area of the Juneau Arts and Culture Center (JACC) and Centennial Hall facilities, and coordinate the timing of work in that area with planned events at either venue, to include allowing for temporary access arrangements if necessary.

2. That the disposal of the approximately 507 square feet on Egan Drive across from Centennial Hall contain a provision allowing for the CBJ to install a parking information sign in the future.

WHEREAS, an appraisal was complete on January 25, 2017, which calculated the fair market value of the property at \$15,210.00.

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

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Authorization to Convey. The Manager is authorized to negotiate and execute the sale of a Fraction of Lot 3, USS 3566 totaling approximately 507 square feet as depicted in Exhibit A.

Section 3. Purchase Price. The purchase price of the property shall be the fair market value, which has been determined by appraisal to be \$15,210.00.

Section 4. Other Terms and Conditions.

(a) The sales agreement must include the following two conditions:

(1) ADOT&PF shall coordinate with the CBJ in designing any reconstruction in the area of the Juneau Arts and Culture Center (JACC) and Centennial Hall facilities, and will coordinate the timing of work in that area with planned events at either venue to cause as little disruption as possible and to facilitate access to the venues, including but not limited to allowing for temporary access arrangements as deemed necessary.

(2) To the extent otherwise allowed by law, the CBJ shall be entitled to install a parking information sign on the subject property of approximately 507 square feet on Egan Drive across from Centennial Hall.

(b) The Manager may include such other terms and conditions as may be in the public interest and in accordance with CBJ Title 53.

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

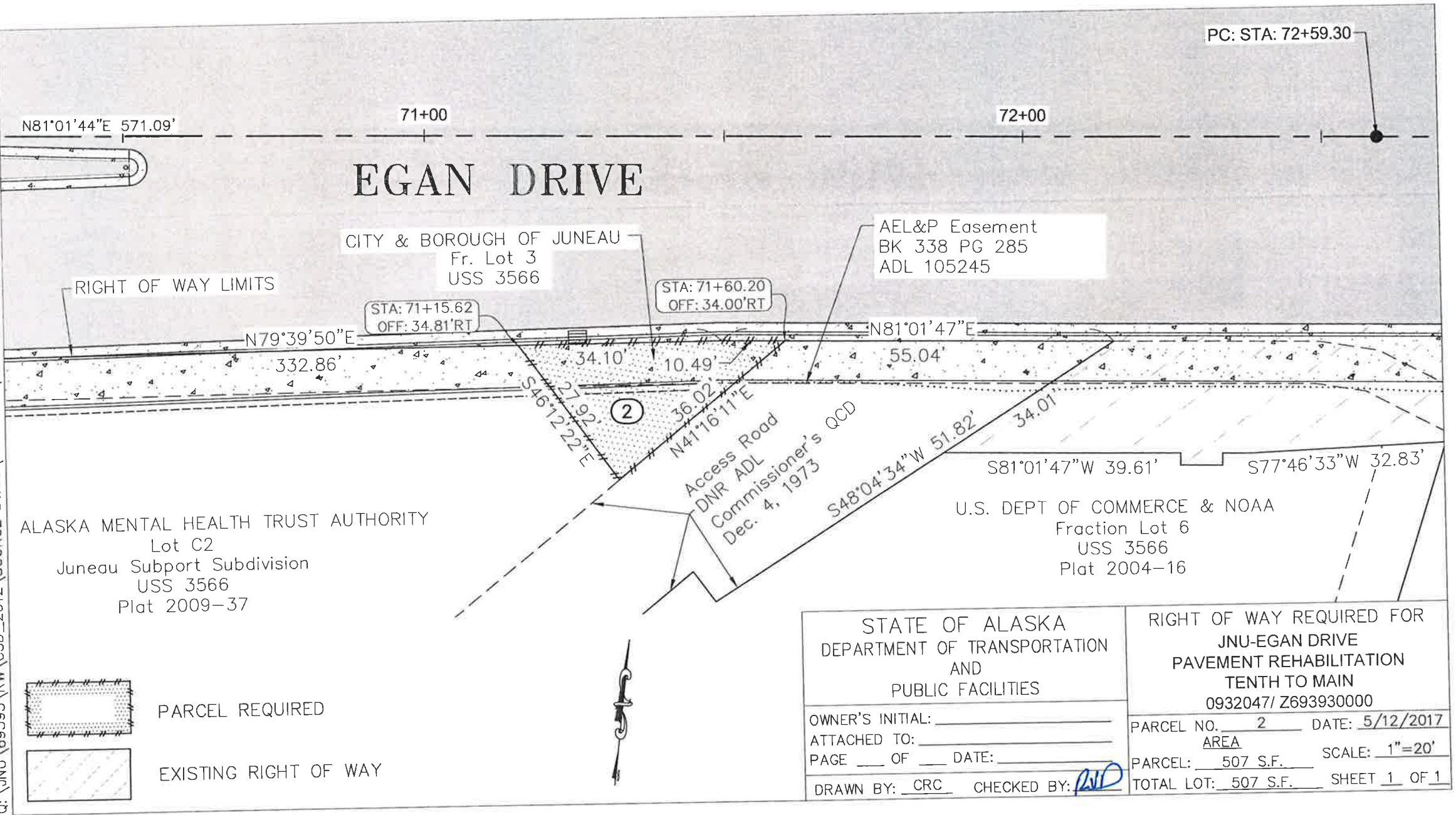
Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

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Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: August 8, 2016

File No.: CSP2017 0013

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a consistency review for State reconstruction of Egan Drive between Tenth St and Main St including provision of CBJ easements

Legal description: TIDELANDS ADDITION BL 74 LT 1; TIDELANDS ADDITION BL 67 LT 1, LTS 4 to 12, ATS 3

Hearing Date: August 8, 2017

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandums dated July 31, 2017, and August 7, 2017, and recommend Assembly approval to allow for easements on, or sale of, lots associated with the State reconstruction of Egan Drive between Tenth St and Main St [Seward St] including provision of CBJ easements, more particularly identified in Attachment E of the July 31, 2007 memorandum, with the following recommended conditions:

1. DOT&PF shall work with CBJ on the design of any reconstruction of this in the area of the Juneau Arts and Culture Center (JACC) and Centennial Hall and coordinate the timing of work in this area with planned events at both venues including temporary access arrangements if needed.
2. It is recommended that easements or sale of the portion of TIDELANDS ADDITION BL 74 LT 1 across Egan Drive from Centennial Hall to DOT&PF allows for its use to provide a CBJ parking information sign in the future.

Attachments: July 31, 2017 and August 7, 2017 memorandums from Tim Felstead, Community Development, to the CBJ Planning Commission regarding CSP2017 0013.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the

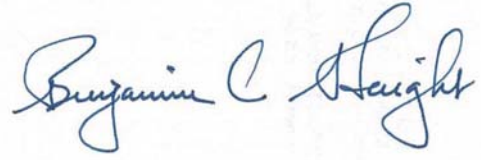
CBJ Assembly
File No.: CSP2017 0013
August 17, 2017
Page 2 of 2

recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

Project Planner:



Tim Felstead, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

August 21, 2017

Date

cc: Plan Review

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

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2810

A Resolution Authorizing the Manager to Convey Easements to the Alaska Department of Transportation and Public Facilities along Egan Drive from 10th Street to Main Street.

WHEREAS, the Alaska Department of Transportation and Public Facilities (ADOT&PF) is implementing a project to resurface Egan Drive from Main Street to 10th Street; and

WHEREAS the project includes resurfacing the pavement, improving intersections, upgrading intersection and pedestrian facilities, adding bike lanes where appropriate, and reconstructing an existing retaining wall; and

WHEREAS, in order to complete the project the ADOT&PF will need a parcel in fee, eight permanent easements, and ten temporary construction easements; and

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

Permanent easements:

E-12: A portion of Lot 1, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 595 square feet.

E-14: portion of Lot 4, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 406 square feet.

E-15: portion of Lot 5, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 501 square feet.

E-16: portion of Lot 6, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 501 square feet.

E-17: portion of Lot 7, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 503 square feet.

E-18: portion of Lot 8, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 510 square feet.

E-19: portion of Lot 9, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 152 square feet.

E-22: a portion of Tidelands Addition Subdivision of ATS 3 Plat 340 in a right-of-way of approximately 1209 square feet.

TEMPORARY CONSTRUCTION EASEMENTS:

TCE-12A: portion of Lot 1, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 655 square feet.

TCE-14A: portion of Lot 4, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 409 square feet.

TCE-15A: portion of Lot 5, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 501 square feet.

TCE-16A: portion of Lot 6, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 431 square feet.

TCE-17A: portion of Lot 7, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 432 square feet.

TCE-18A: portion of Lot 8, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 427 square feet.

TCE-19A: portion of Lot 9, Block 67, Tidelands Addition Subdivision of ATS 3 Plat 340 of approximately 242 square feet.

TCE-22A: a portion of Tidelands Addition Subdivision of ATS 3 Plat 340 in a right-of-way of approximately 1254 square feet.

TCE-34A: portion of Lot A, Juneau Subport Subdivision, Plat 2007-29, of approximately 1568 square feet.

TCE-35A: A fraction of Lot 3, USS 3566; a fraction of Lot 8, Block 74, Tidelands Addition Subdivision of ATS 3, Plat 340; a fraction of Lot 9, Block 74, Tidelands Addition Subdivision of ATS 3, Plat 340; and a fraction of Remainder Lot 2A, USS 3566; totaling approximately 1268 square feet.

WHEREAS, temporary construction easements are functional areas adjacent to the requested permanent easements that allow for the ADOT&PF to perform activities associated with the adjacent sidewalk installation, repairs, road construction and grading, and allow for temporary access to the property during construction; and

WHEREAS, the ADOT&PF is required to identify the fair market value of any property interest that must be acquired in relation to projects and has included an appraisal report with its application; and

WHEREAS, an appraisal was complete on January 25, 2017, which calculated the value of the easements at \$38,190.00; and

WHEREAS, on August 7, 2017, the Lands Committee unanimously passed a motion in support of granting the eight permanent easements and the ten temporary construction easements to the ADOT&PF for this project; and

WHEREAS, on August 8, 2017, the Planning Commission approved the project with multiple conditions related to bike improvements, pedestrian improvements, vegetation in median, and platting requirements (NOD CSP2017-0013); and

WHEREAS, on August 8, 2017, the Planning Commission also recommended (NOR CSP2017-0013) that the Assembly convey the easements with the following condition relevant to this resolution:

1. DOT&PF shall work with CBJ on the design of any reconstruction of this in the area of the JACC and Centennial Hall and coordinate the timing of work in this area with planned events at both venues including temporary access arrangements if needed.

WHEREAS, on August 31, 2017, the Docks & Harbors Board reviewed the ADOT&PF request and recommended conveyance of the easements to the ADOT&PF necessary for the 10th Street to Main Street Reconstruction Project; and

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

Section 1. Easement Authorization. The Manager is authorized to negotiate and execute the eight permanent easements and ten temporary construction easements identified above, and depicted in Exhibit A, to the Alaska Department of Transportation and Public Facilities. The easements shall be subject to the essential terms and conditions outlined in Section 2, below.

Section 2. Terms and Conditions.

- 1) The eight permanent easements shall be perpetual.
- 2) The ten temporary construction easements shall expire on December 31, 2019, or upon completion of the project unless extended in writing and approved by the Manager.

- 3) The eight permanent easements shall be revoked if the ADOT&PF does not use the easements for a period of more than five years.
- 4) The easements are not exclusive. The CBJ may grant other overlapping easements.
- 5) The ADOT&PF is responsible for construction and maintenance of any improvements.
- 6) The CBJ reserves the right of public access along the easements.
- 7) The ADOT&PF shall provide an as-built survey of the easements once construction is complete.
- 8) The ADOT&PF shall obtain all authorizations and permits necessary for construction.
- 9) All CBJ property subject to a temporary easement shall be returned to its original condition after construction is complete unless waived in writing by the Manager.
- 10) The ADOT&PF shall pay the CBJ fair market value for the easements as follows, for a total amount of \$ 38,190.00:
 - a. \$23,780: E-12, E-14, E-15, E-16, E-17, E-18, and E-19.
 - b. \$625: E-22.
 - c. \$2,345: TCE-12A, TCE-14A, TCE-15A, TCE-16A, TCE-17A, TCE-18A, TCE-19A.
 - d. \$65: TCE-22A.
 - e. \$11,375: TCE-34A, and TCE-35A.
- 11) The easement shall contain a requirement that the ADOT&PF coordinate with the CBJ in designing any reconstruction in the area of the Juneau Arts and Culture Center (JACC) and Centennial Hall facilities, and coordinate the timing of work in that area with planned events at either venue to cause as little disruption as possible and to facilitate access to the venues, including but not limited to allowing for temporary access arrangements as deemed necessary.

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Section 3. Effective Date. This resolution shall be effective immediately after its adoption.

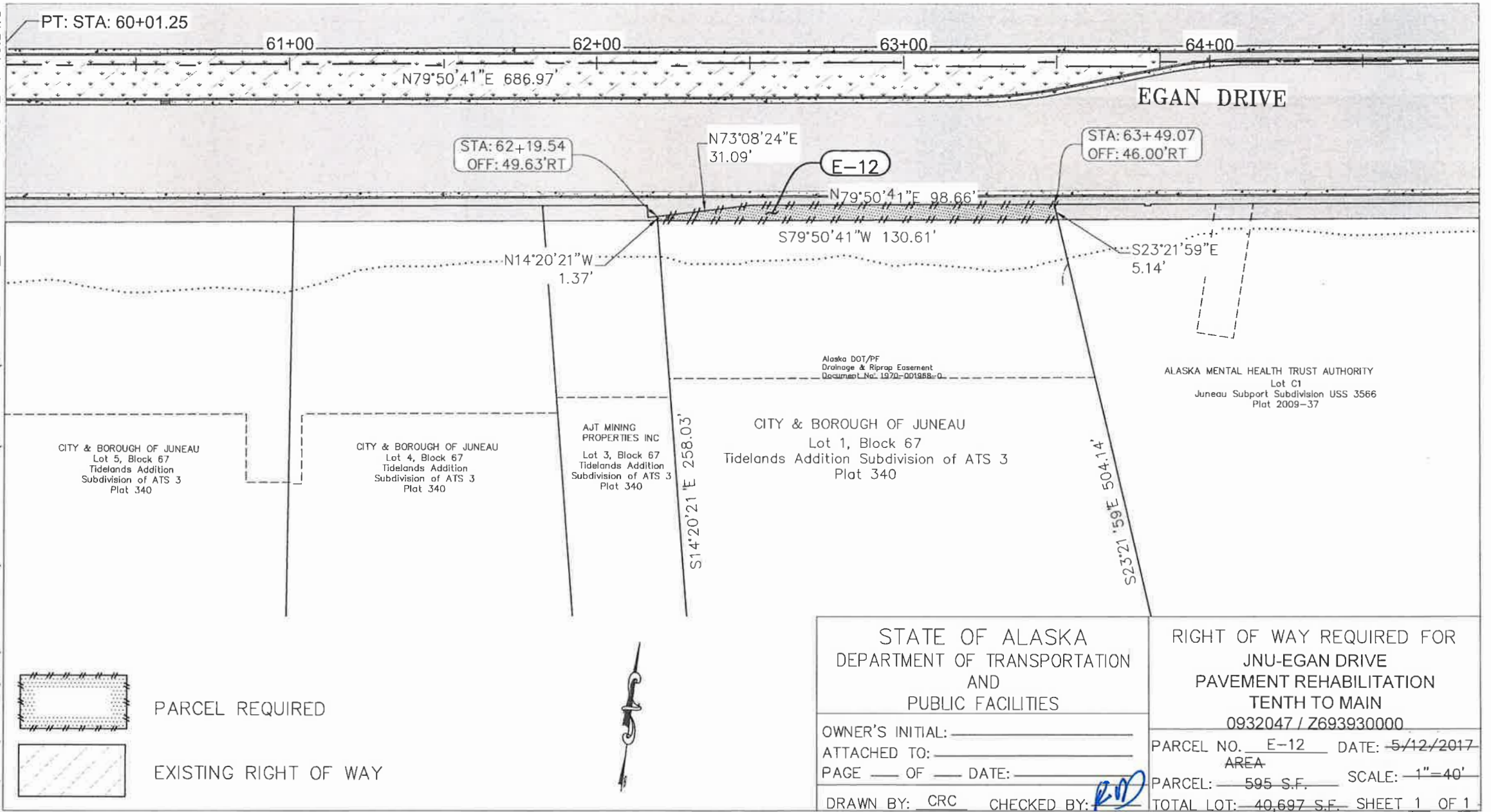
Adopted this _____ day of _____, 2017.

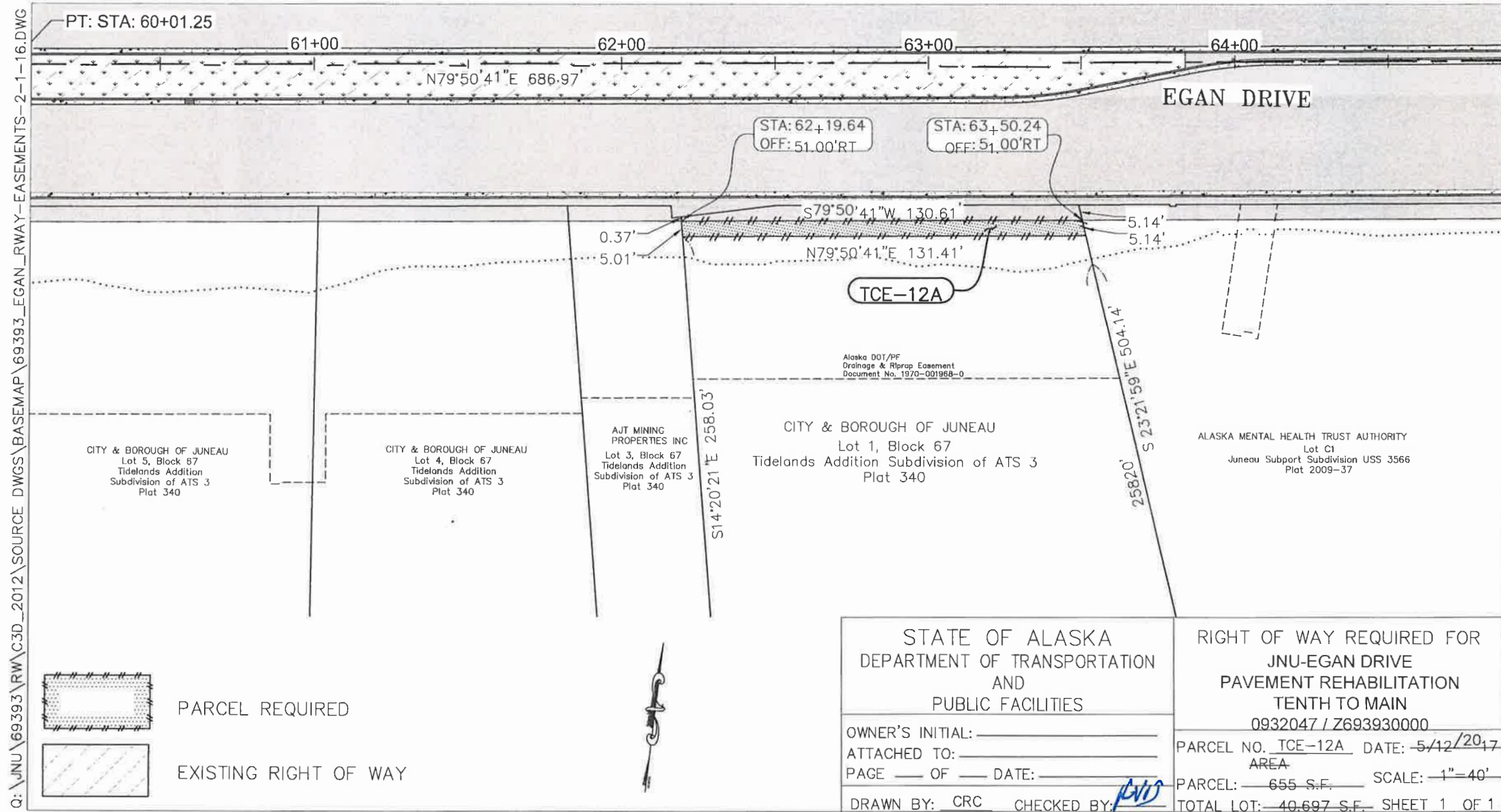
Kendell D. Koelsch, Mayor

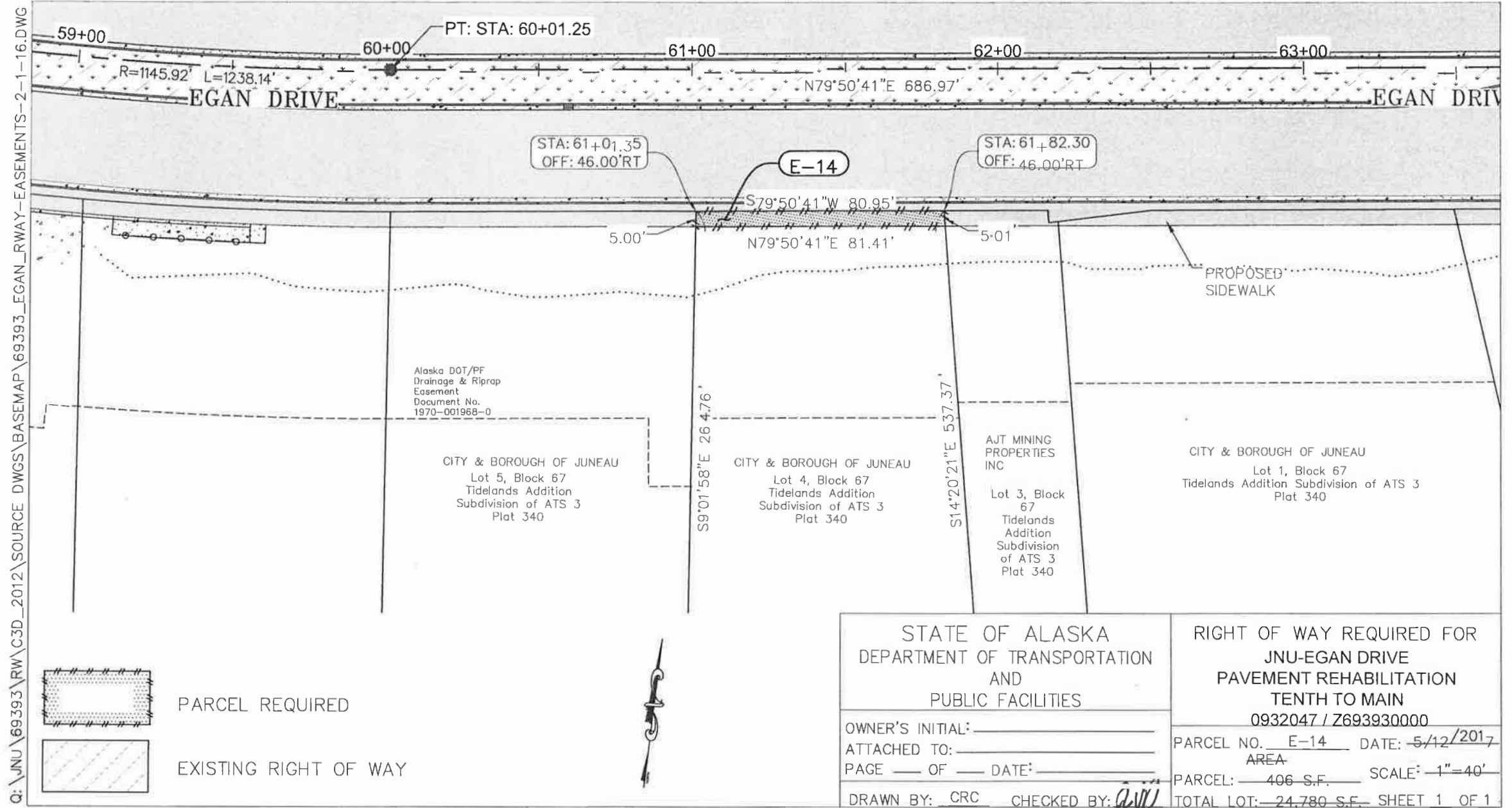
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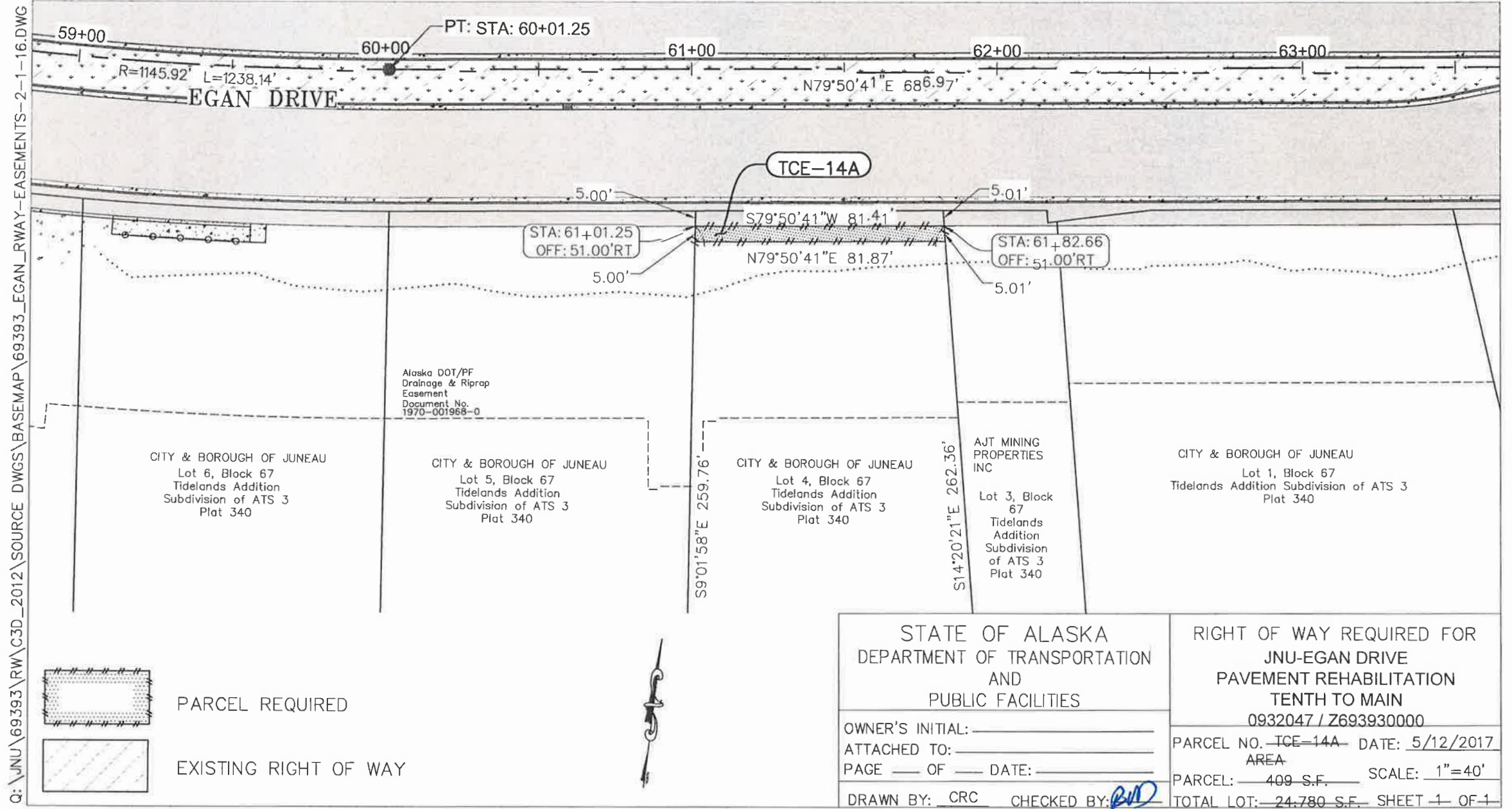
Laurie J. Sica, Municipal Clerk

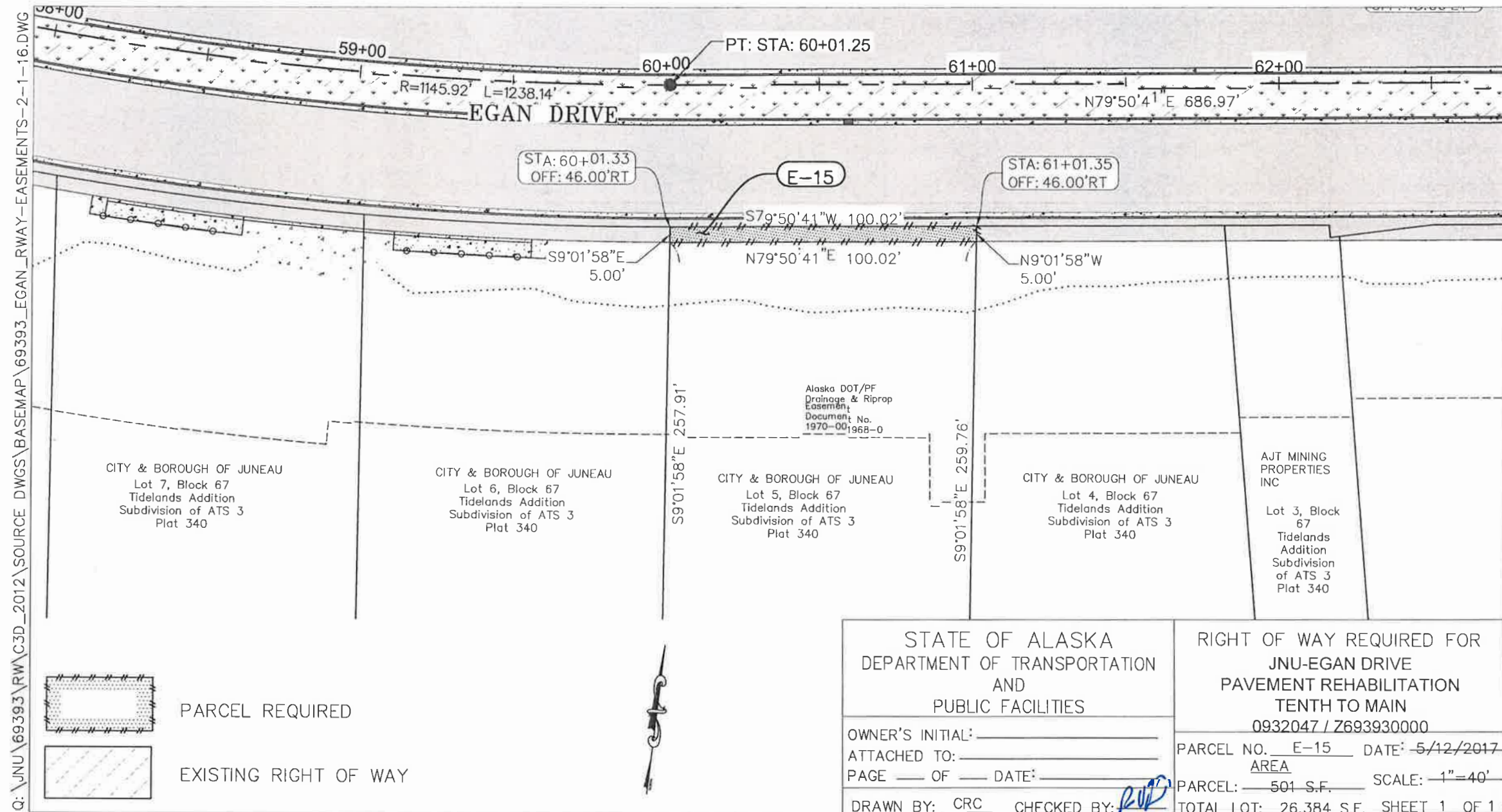
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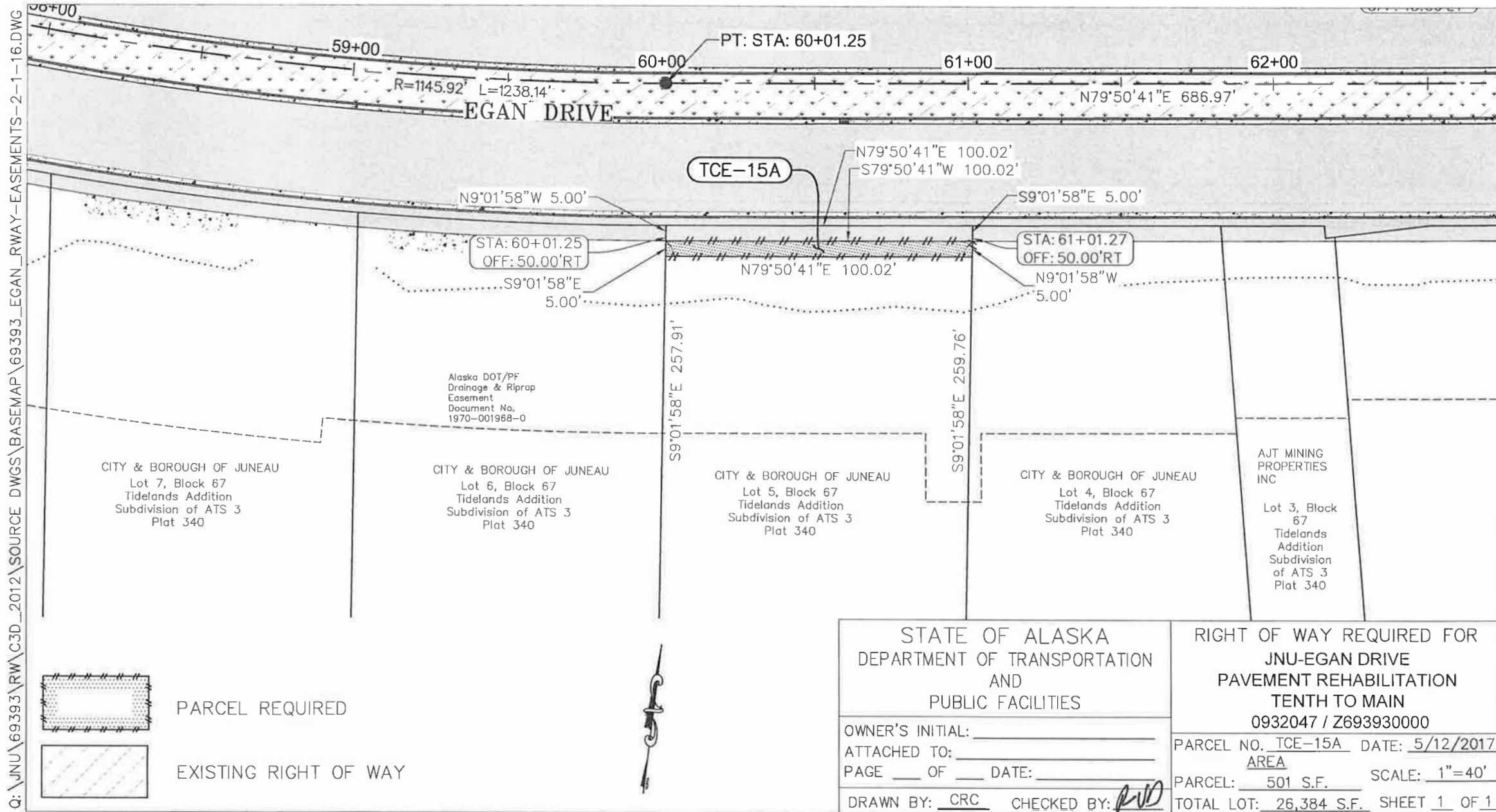




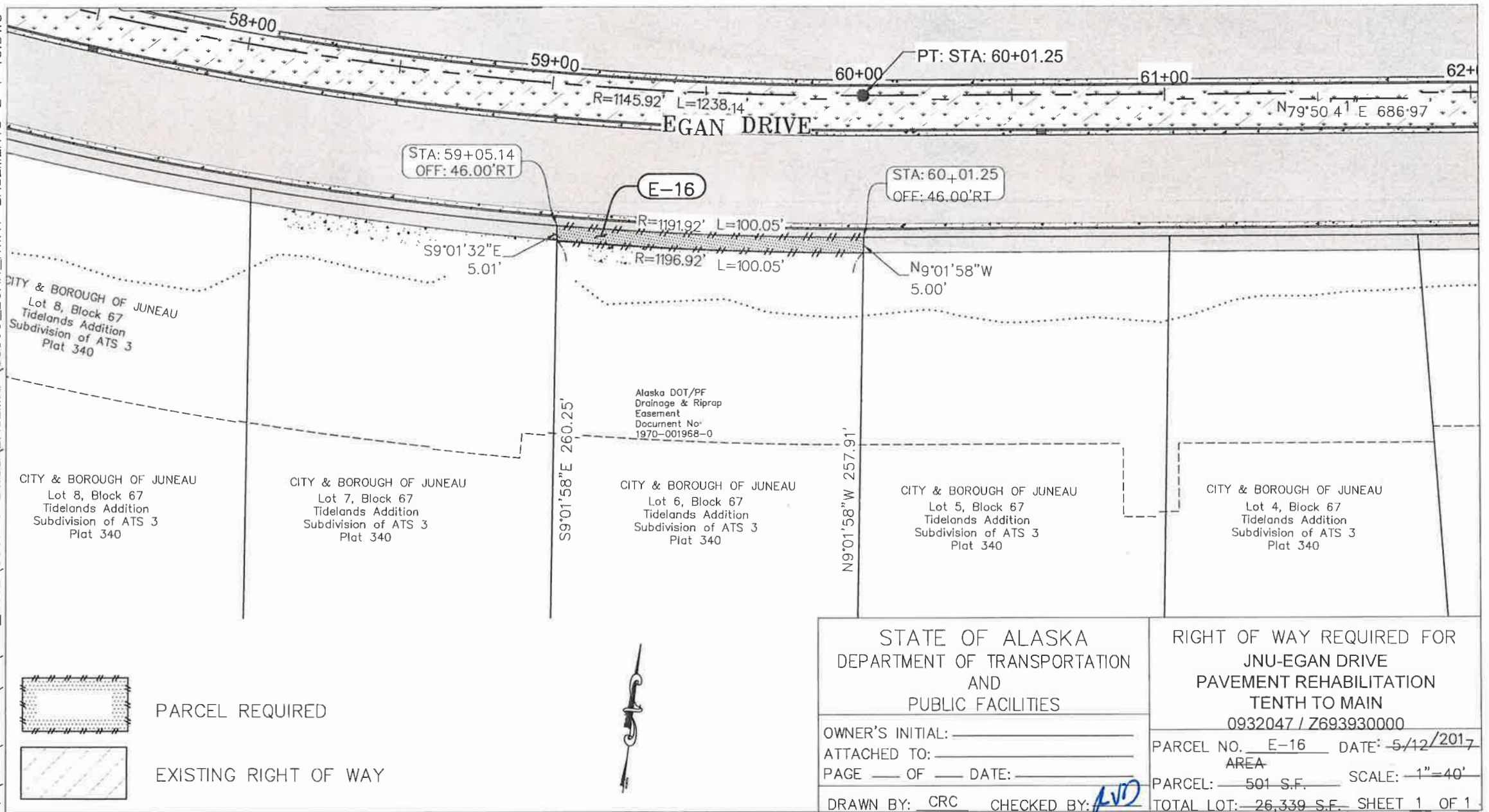


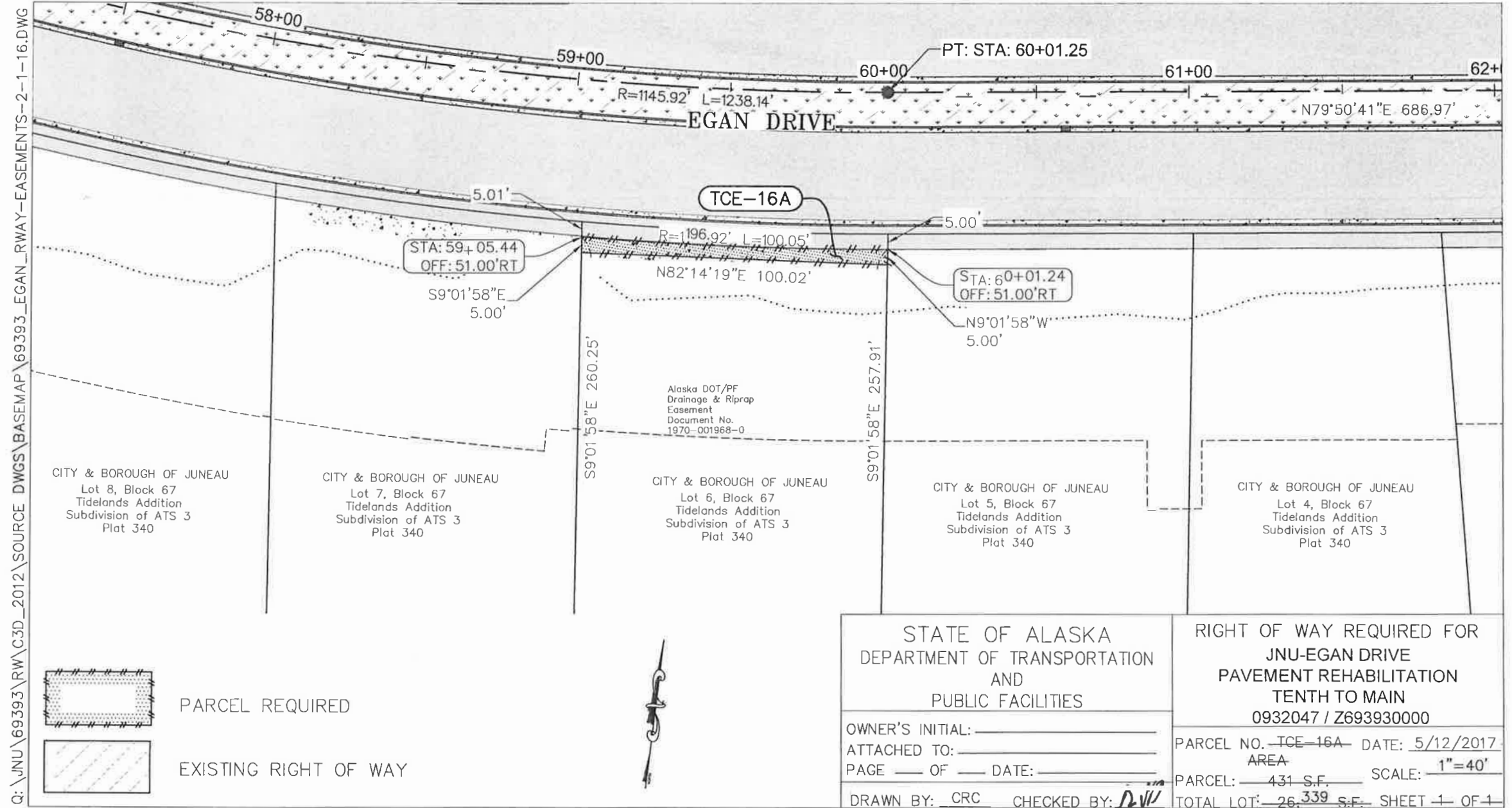




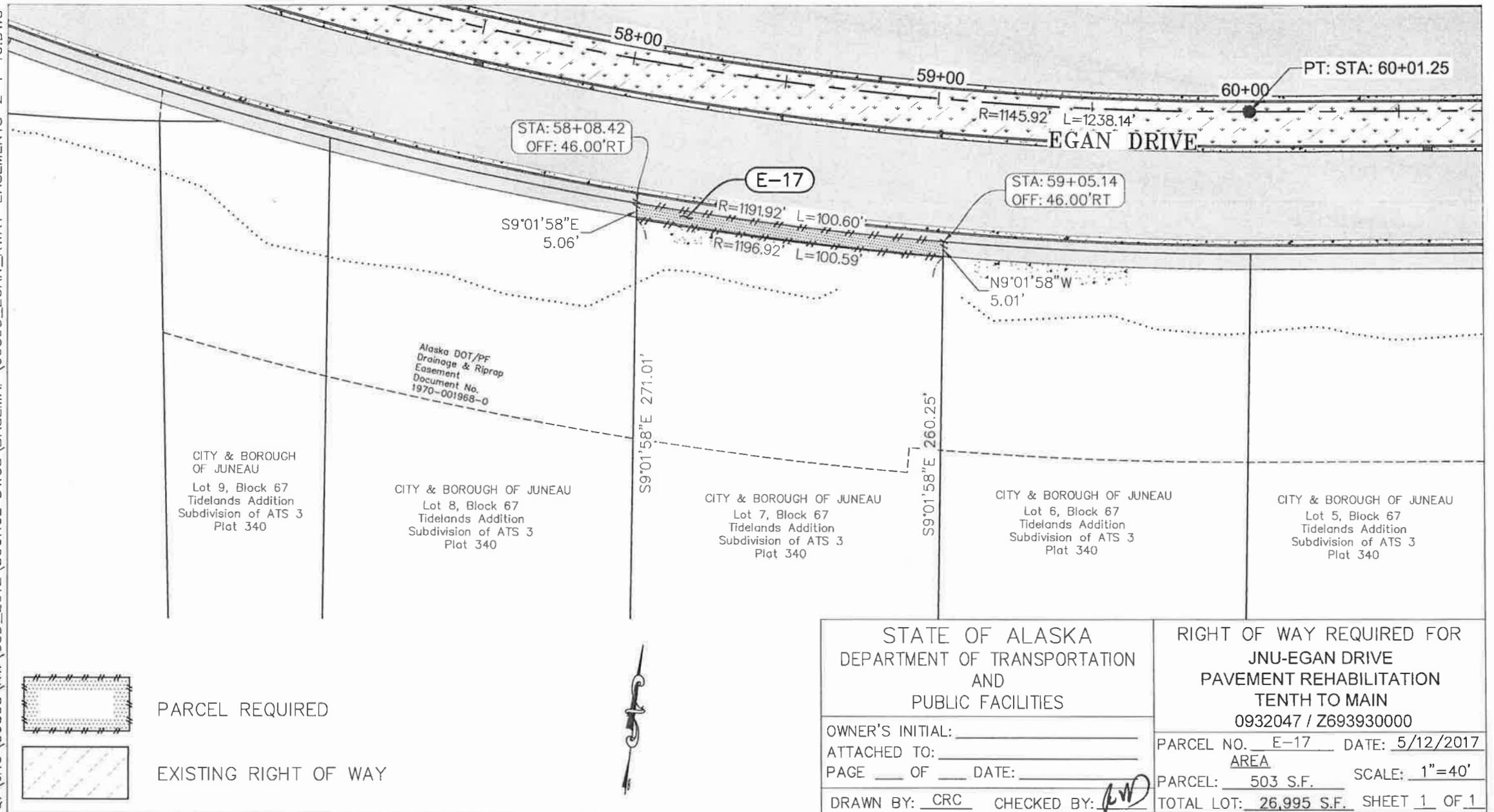


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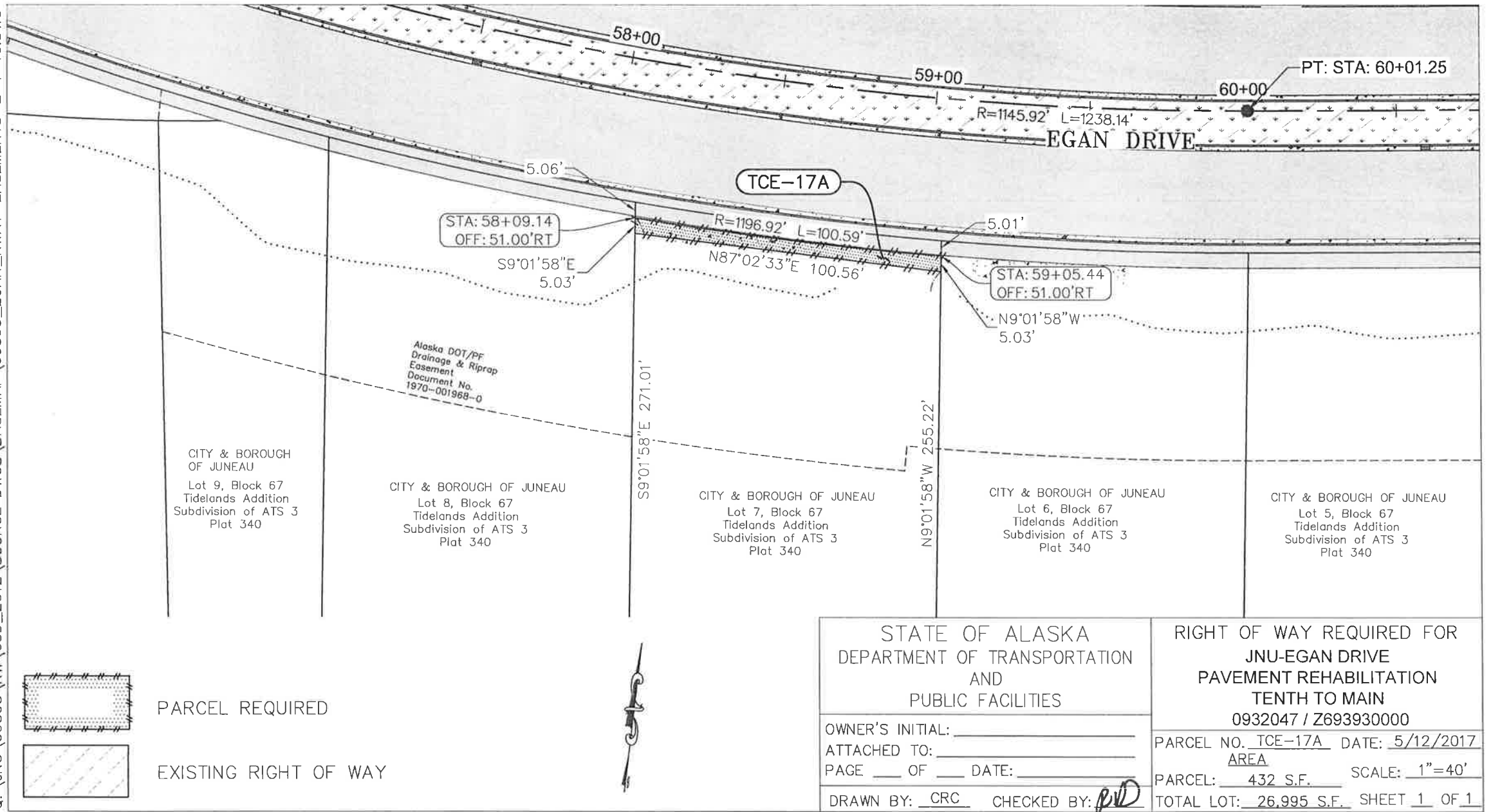




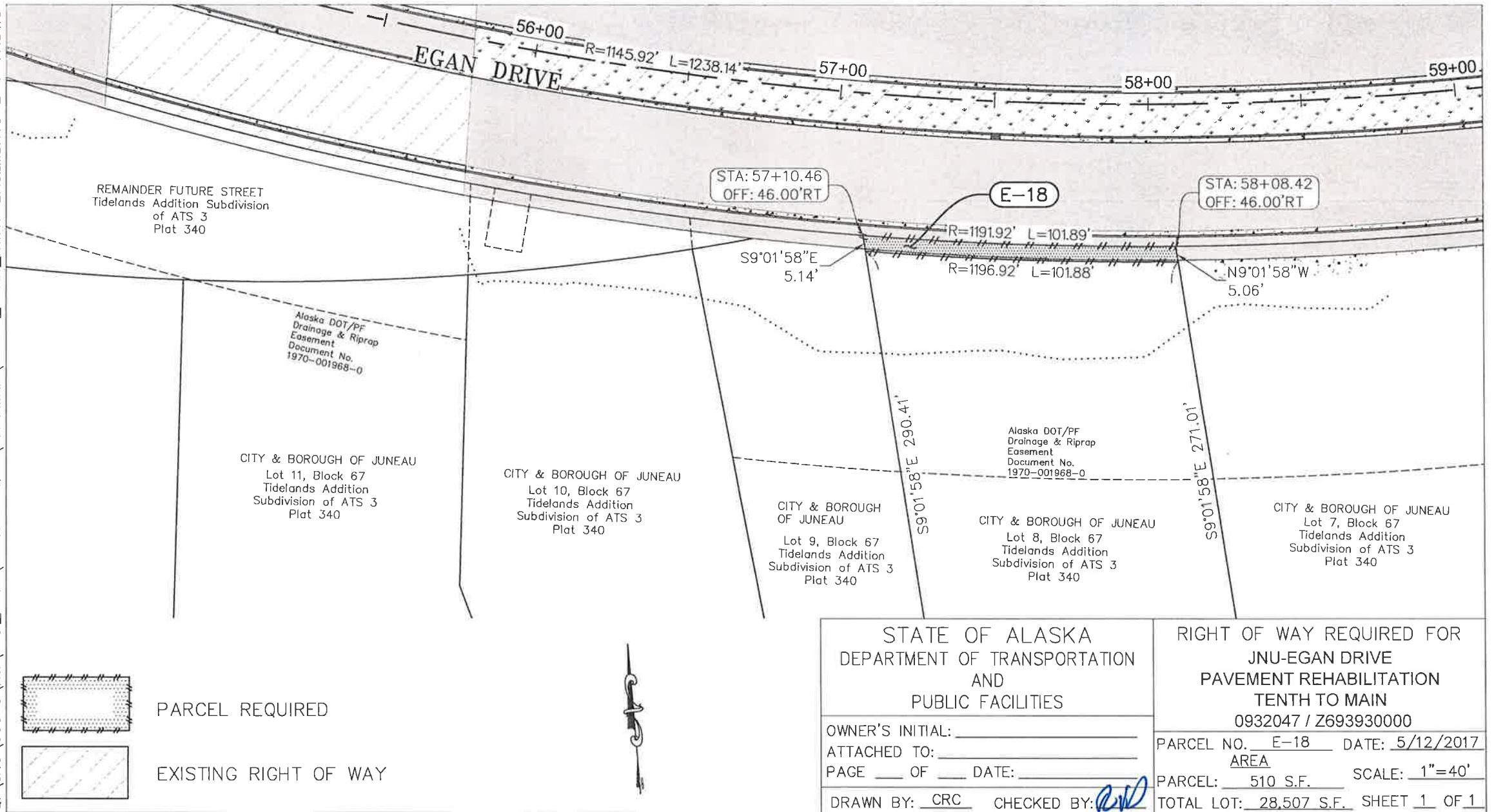
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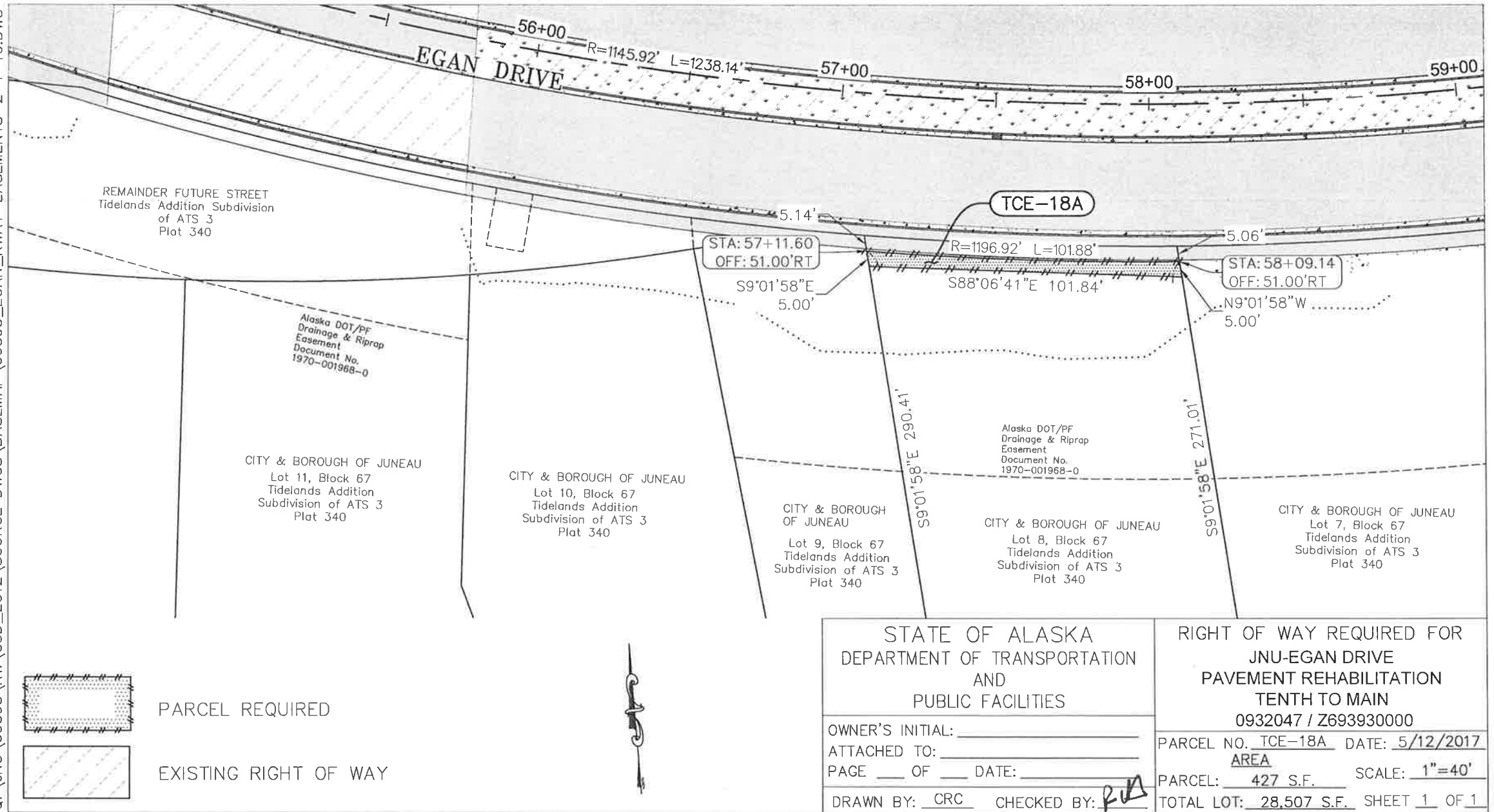
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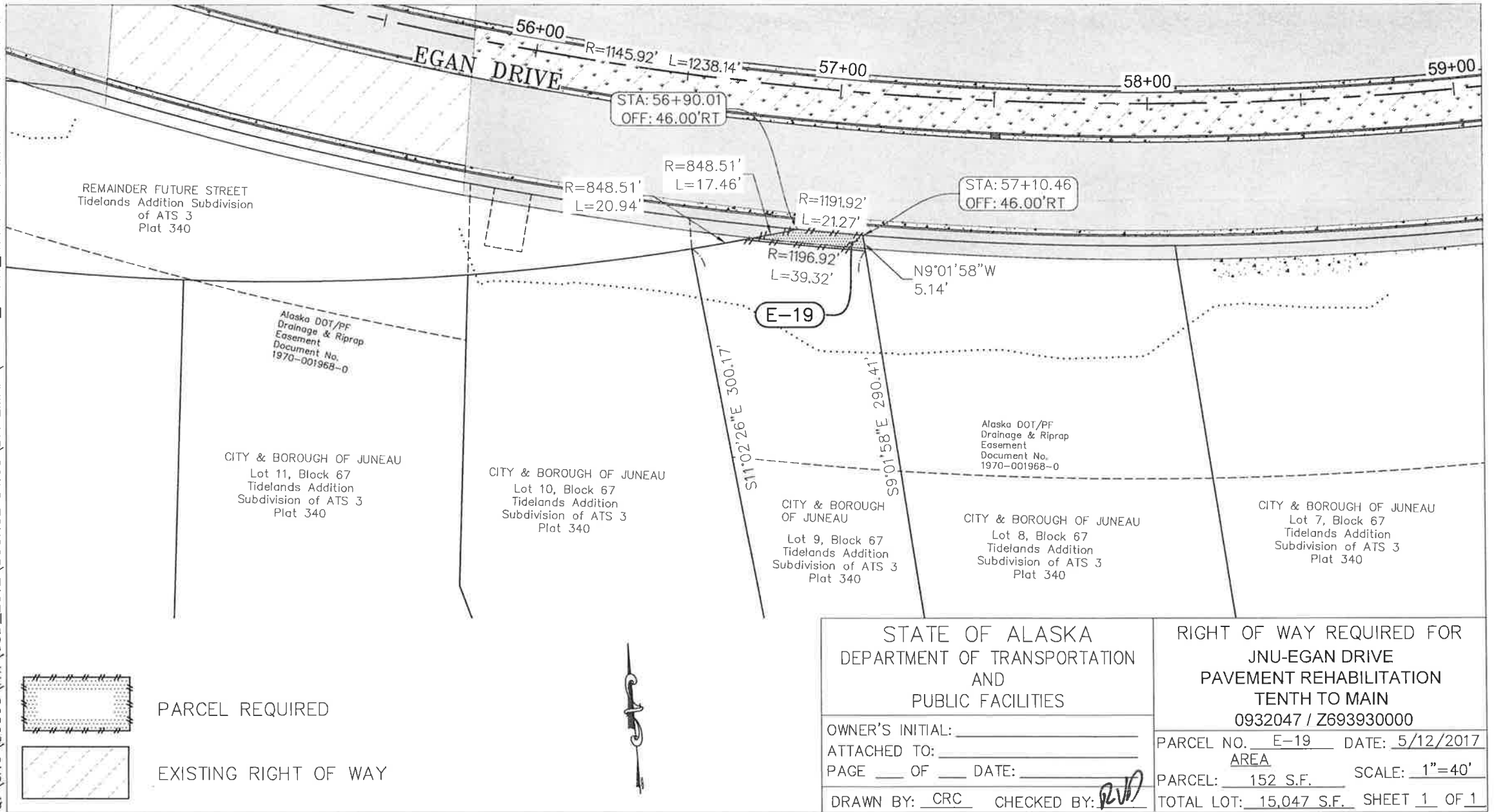
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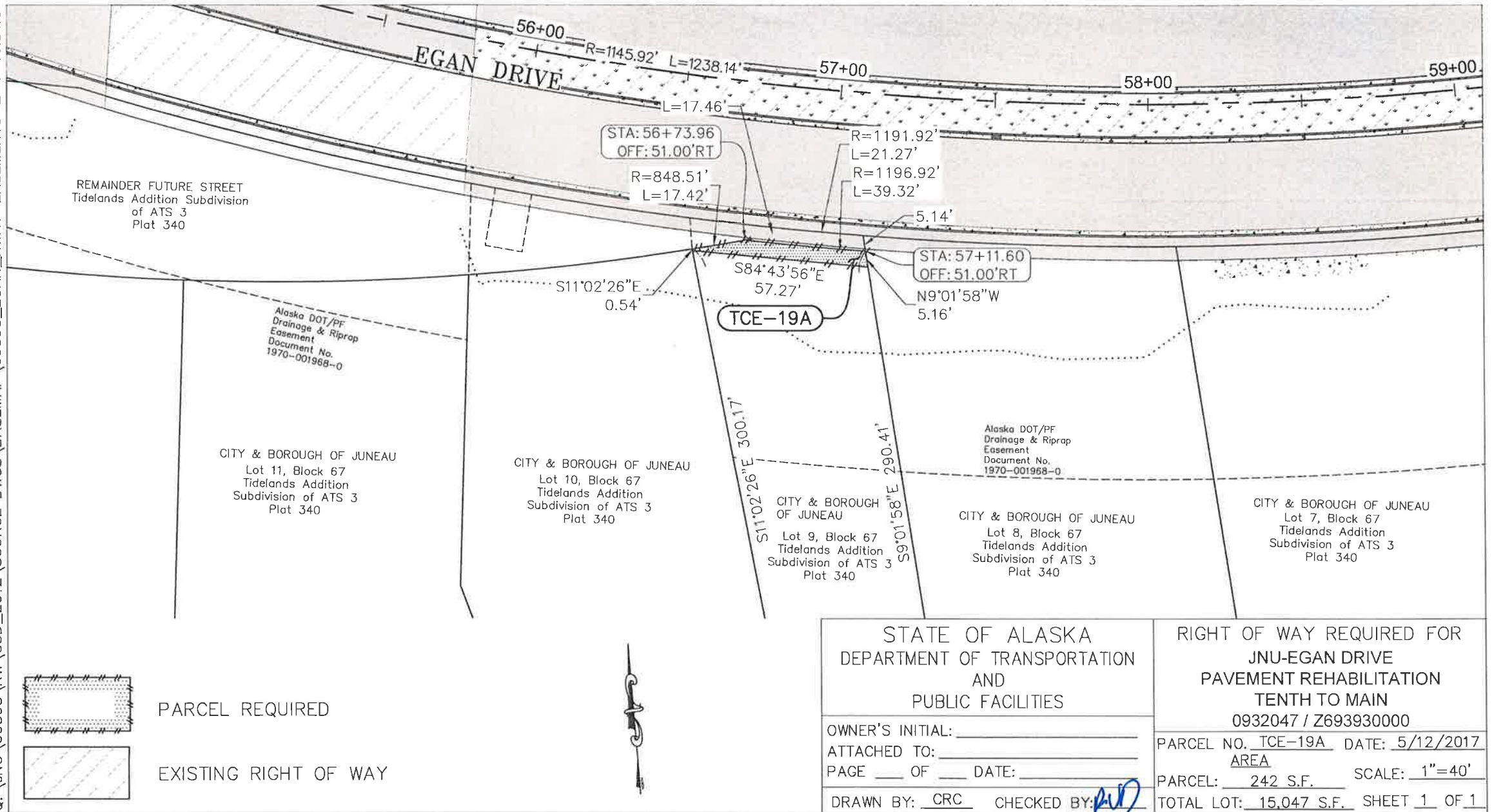
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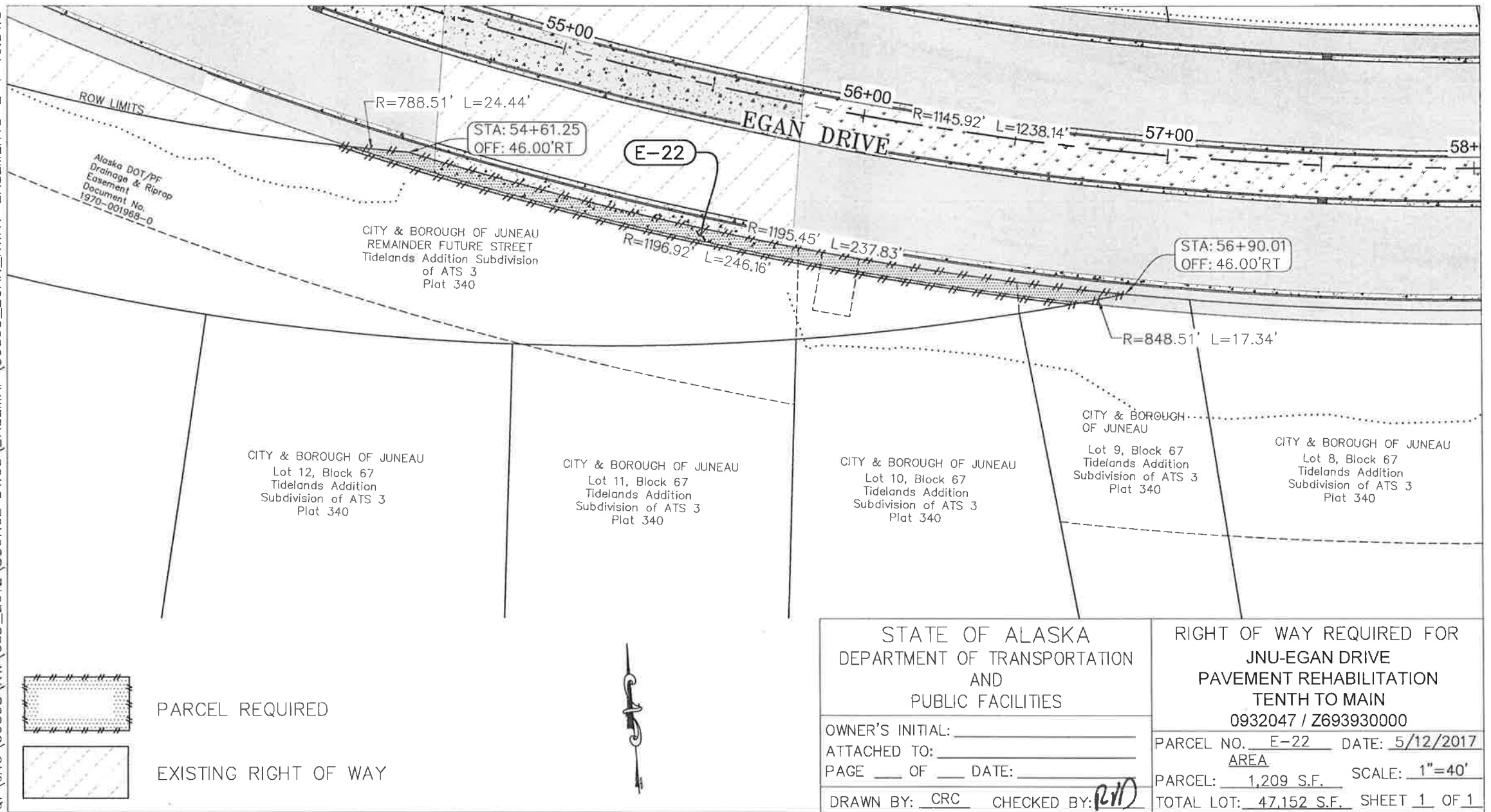
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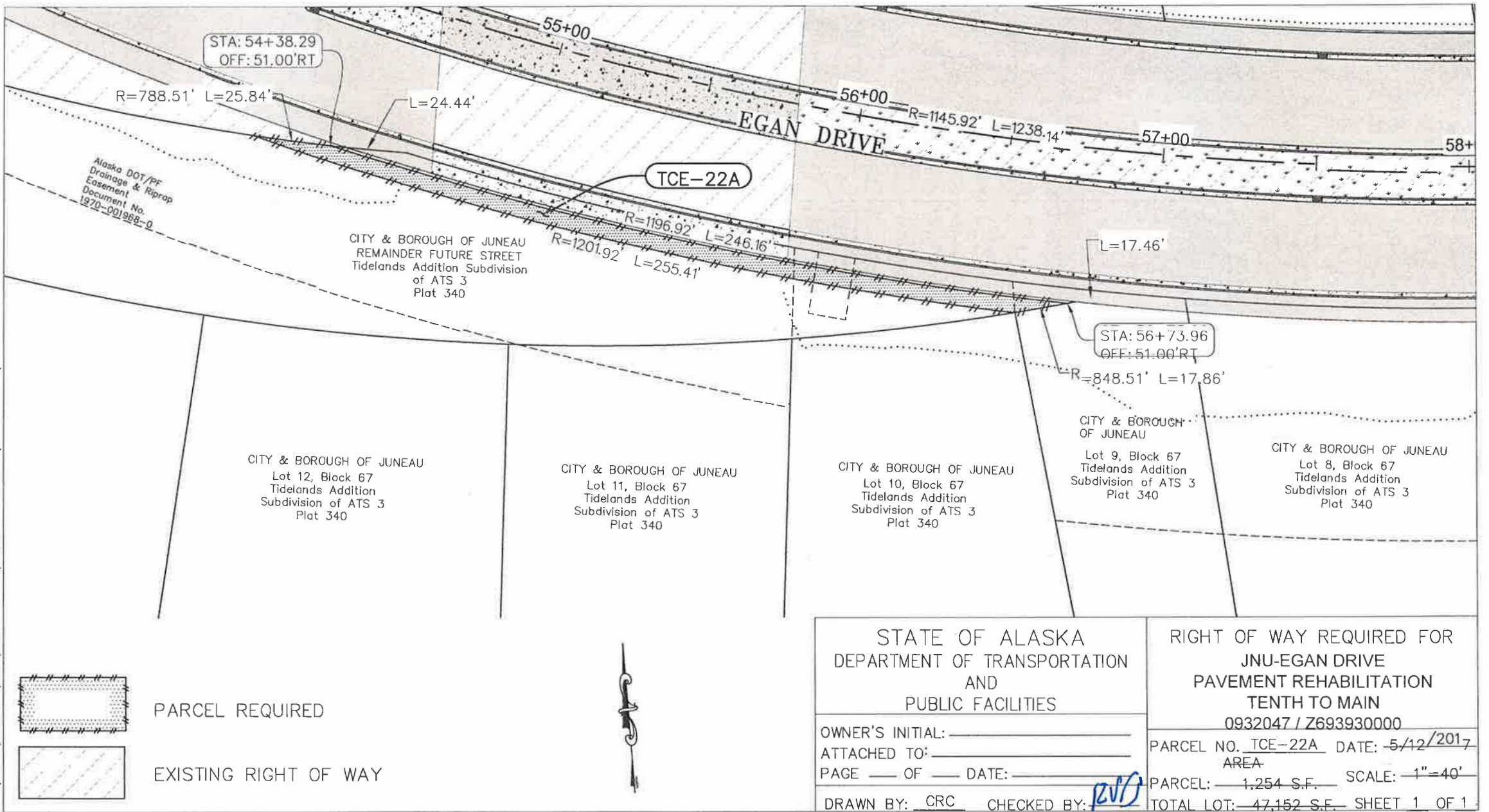
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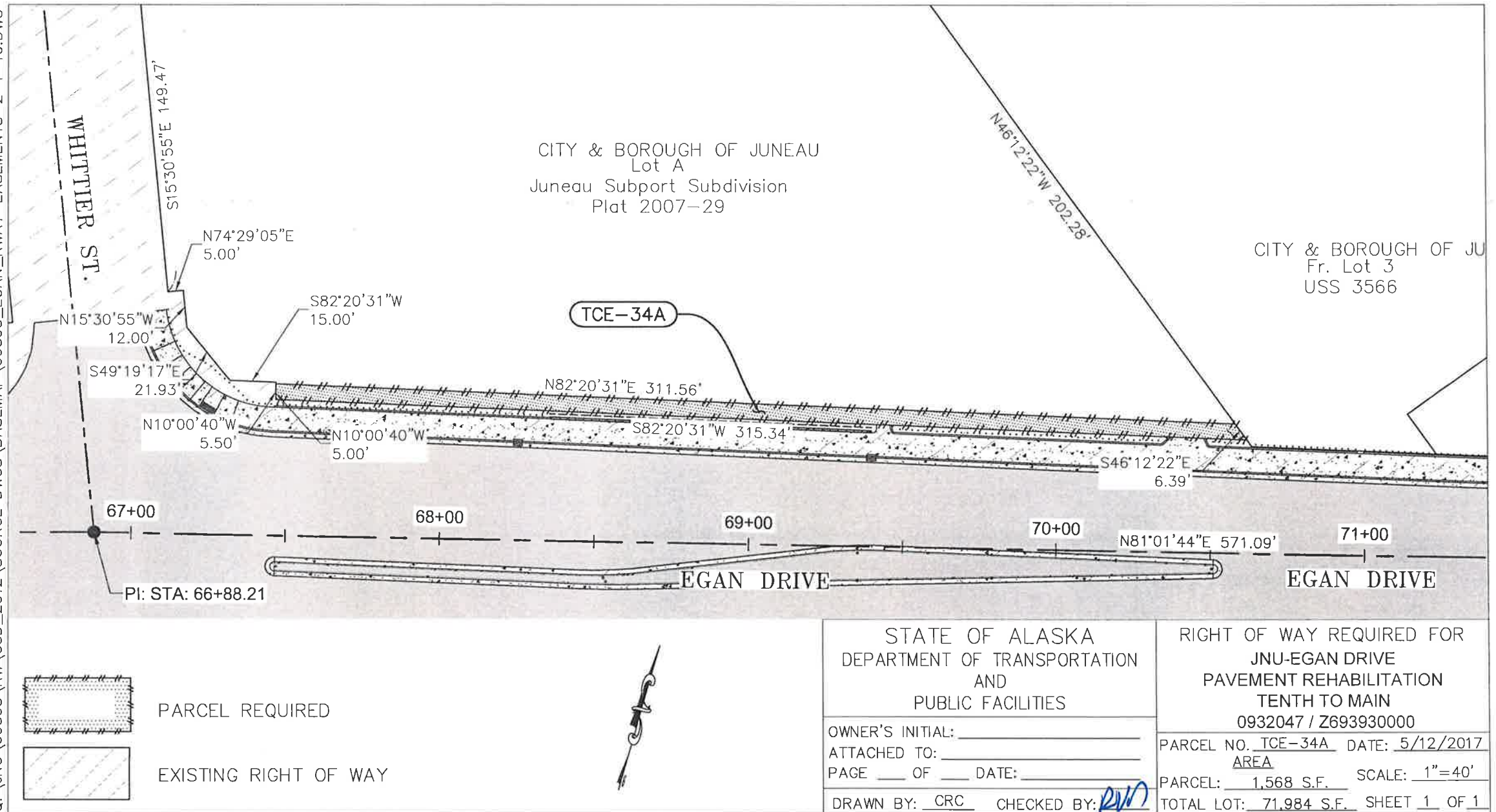
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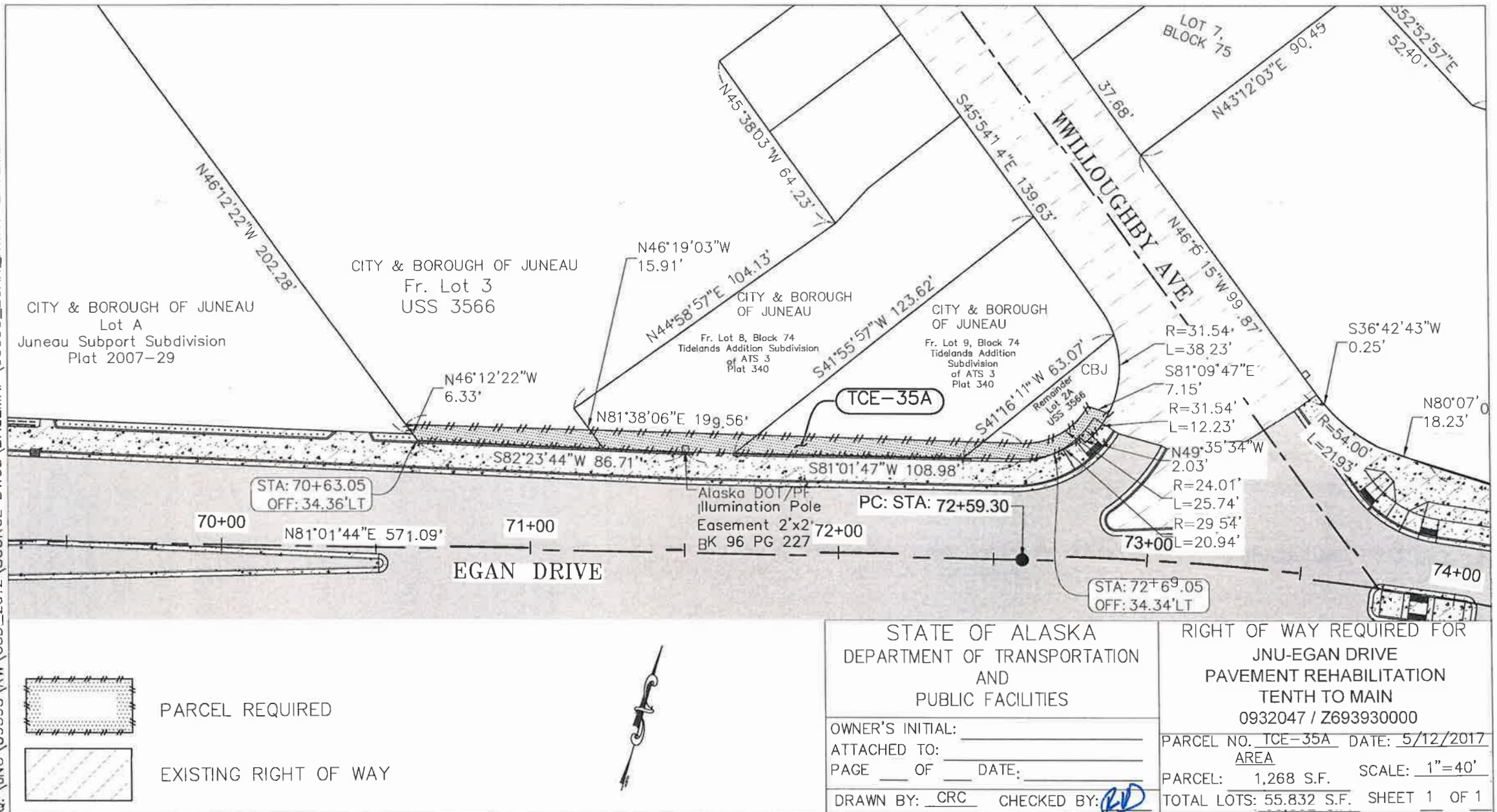
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Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2811

A Resolution Expressing Support for the Juneau Coordinated Transportation Coalition's Prioritization of Projects for Grant Funding by the Alaska Department of Transportation & Public Facilities.

WHEREAS, the City and Borough adopted the 2015 Juneau Coordinated Human Services Transportation Plan by Resolution 2730, as an addendum to the 2014 Transit Development Plan adopted by Resolution 2685; and

WHEREAS, the purpose of the 2015 Juneau Coordinated Human Services Transportation Plan is to identify available transportation services and to lay out strategies to address gaps in transportation services provided to those who are elderly, have disabilities, or who qualify as low-income and use public transportation for traveling to and from work; and

WHEREAS, the Alaska Department of Transportation & Public Facilities (ADOT&PF) makes available grant funding for mobility projects designed to close identified transportation gaps; and

WHEREAS, in order to be considered for grant funding, each community must prioritize their projects and that priority list must be endorsed by the local government; and

WHEREAS, the Juneau Coordinated Transportation Coalition is a coalition of community partners working to improve the effectiveness and efficiency of transportation in Juneau; and

WHEREAS, one of the Coalition's main roles is to rank funding requests from member agencies proposing transportation and mobility projects and to submit those recommendations to the Assembly; and

WHEREAS, the Juneau Coordinated Transportation Coalition and related agency representatives held a meeting on October 17, 2017, and voted to move forward the following list in order of priority for FY19 ADOT&PF grant funding:

1. Taxi Voucher Program
2. 4 x 4 Capable Lift Equipped Bus
3. Paratransit / Senior Services Lift Equipped Bus
4. Lift Equipped Taxi

WHEREAS, at its October 23, 2017, meeting, the Public Works and Facilities Committee voted to forward the FY19 prioritized list to the full Assembly for approval.

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

Section 1. The City and Borough of Juneau Assembly supports and endorses the following prioritized list to be considered for FY19 Alaska Department of Transportation & Public Facilities grant funding:

1. Taxi Voucher Program
2. 4 x 4 Capable Lift Equipped Bus
3. Paratransit / Senior Services Lift Equipped Bus
4. Lift Equipped Taxi

Section 2. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this ____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2812

A Resolution Authorizing the Manager to Apply for a Community Development Block Grant from the Alaska Department of Commerce, Community, and Economic Development, with AWARE, Inc., to Be Used for Accessibility Upgrades to AWARE's Existing Shelter.

WHEREAS, the City and Borough recognizes the importance of supporting local non-profit organizations in addressing the social and human needs of the community; and

WHEREAS, the City and Borough is eligible to apply for Community Development Block Grant (CDBG) funds for the benefit of qualifying low and moderate income persons served by local non-profit organizations; and

WHEREAS, the City and Borough has obtained and successfully administered CDBG grants in 2004 to construct a daycare facility for seniors with Alzheimer's Disease or a related disorder, in 2005 to construct seven units of homeless housing; and in 2007 refurbishment and livability upgrades at facilities owned and operated by Gastineau Human Services, the AWARE Shelter, St. Vincent de Paul and the Glory Hole; and

WHEREAS, City and Borough staff solicited proposals from non-profit organizations for projects eligible for funding in the 2017 CDBG grant cycle; and

WHEREAS, Aiding Women in Abuse and Rape Emergencies (AWARE) submitted a proposal to fund an accessibility upgrade project at their emergency shelter to better serve clients in need with disabilities; and

WHEREAS, AWARE has secured the required 25 percent local match for the project; and

WHEREAS, the City and Borough of Juneau will apply for a grant in the amount of \$315,000 from the Alaska Department of Commerce, Community, and Economic Development (hereinafter "Department"), under the CDBG Program; and

WHEREAS, the deadline for submission of a Community Development Block Grant application is December 1, 2017.

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

Section 1. The Assembly authorizes the Manager to negotiate and execute all necessary documents required for granting and managing funds on behalf of the benefiting organization, AWARE.

Section 2. The Manager is also authorized to execute any amendments to the grant agreement between the City and Borough and the Department as may be necessary for adjustments to the project scope of work and budget.

Section 3. Effective Date. This resolution shall be effective immediately after its adoption.

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

September 22, 2017

City & Borough of Juneau
Attn: Beth McEwen
Via Email: beth.mcewen@juneau.org
Cc: City.Clerk@juneau.org

License Type:	Package Store	License Number:	176
Licensee:	Breeze-In Corporation		
Doing Business As:	Breeze-In Liquor		

- ☐ **New Application**
☐ **Transfer of Ownership Application**
☐ **Transfer of Location Application**
☒ **Transfer of Controlling Interest Application**

We have received a completed 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 protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Jedediah Smith, Local Government Specialist
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the **current** licensee and licensed establishment.

Licensee:	Breeze-In Corporation	License #:	176
License Type:	Package	Statutory Reference:	AS 04.11.150
Doing Business As:	Breeze-In		
Premises Address:	8 Mile Glacier Highway		
City:	Juneau	State:	Alaska
		ZIP:	99801
Local Governing Body:	City and Borough of Juneau		

Transfer Type:

- ☒ Regular transfer
- ☐ Transfer with security interest
- ☐ Involuntary retransfer



OFFICE USE ONLY

Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		BRE:	



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the **new** applicant and/or location seeking to be licensed.

Licensee:	Breeze-In Corporation				
Doing Business As:	Breeze-In Liquor				
Premises Address:	8 Mile Glacier Highway				
City:	Juneau	State:	Alaska	ZIP:	99801
Community Council:	none				

Mailing Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Designated Licensee:	Allan Ahlgren			
Contact Phone:	907-957-1191	Business Phone:	907-789-7878	
Contact Email:	allan@breezein.com			

Seasonal License? Yes ☐ No ☒ If "Yes", write your six-month operating period: _____

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building



The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

Thunder Mountain High School - 6127.71 feet

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

First Church of God - 1423.36 feet



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application



Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Allan Robert Ahlgren , Trustee or his successor in trust, under the ALLAN AHLGREN LIVING TRUST dated October 21, 2014, and any amendments thereto				
Title(s):	Trustee-Shareholder	Phone:	907-957-1191	% Owned:	100%
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application



Entity Official:	Davida Joeann Ahlgren				
Title(s):	Secretary-Treasurer	Phone:	907-789-7878	% Owned:	0%
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Entity Official:	Allan R. Ahlgren				
Title(s):	President	Phone:	907-789-7878	% Owned:	0%
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	13912D	AK Formed Date:	1/2/1975	Home State:	Alaska
Registered Agent:	Baxter Bruce & Sullivan P.C.	Agent's Phone:	907-789-3166		
Agent's Mailing Address:	P.O. Box 32819				
City:	Juneau	State:	Alaska	ZIP:	99803

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application



Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

☒☐

If “Yes”, disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Allan Robert Ahlgren, Trustee, or his successor in trust, under the ALLAN AHLGREN LIVING TRUST dated October 21, 2014, and any amendments thereto, has an interest in package store liquor licenses Nos. 662 and 4543.

Section 7 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☒☐

If “Yes”, disclose the name of the individual and the reason for this authorization:

Attorneys and legal assistants with the law firm of Baxter Bruce & Sullivan P.C., because Baxter Bruce & Sullivan P.C. represents me in my affairs.



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

AUG 24 2017

ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Allan Ahlgren, President

Signature of transferor

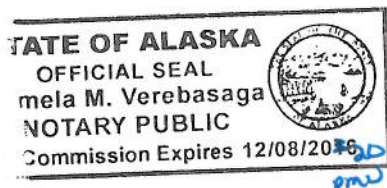
Allan Ahlgren, President of Breeze-In Corporation

Printed name of transferor

Subscribed and sworn to before me this 16th day of August, 2017.

Brenda M Verebasaga

Signature of Notary Public



Notary Public in and for the State of Alaska.

My commission expires: 12/8/2020

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20____.

Signature of Notary Public

Notary Public in and for the State of _____.

My commission expires: _____



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application



Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

AA

I certify that all proposed licensees have been listed with the Division of Corporations.

AA

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

AA

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

AA

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

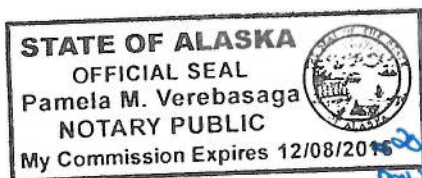
AA

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Allan R. Ahlgren
Signature of transferee

Allan Robert Ahlgren, Trustees or his successor in trust, under the ALLAN AHLGREN LIVING TRUST dated October 21, 2014, and any amendments thereto
Printed name

Subscribed and sworn to before me this 16th day of August, 2017.



Pamela M. Verebasaga
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 12/8/2020



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram**What is this form?**

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

☐ ☐**Section 1 – Establishment Information**

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Breeze-In Corporation	License Number:	176		
License Type:	Package Store				
Doing Business As:	Breeze-In Liquor				
Premises Address:	8 Mile Glacier Highway				
City:	Juneau	State:	Alaska	ZIP:	99801



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram



Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

Large empty rectangular box for drawing the premises diagram.





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

September 22, 2017

City & Borough of Juneau
Attn: Beth McEwen
Via Email: beth.mcewen@juneau.org
Cc: City.Clerk@juneau.org

License Type:	Package Store	License Number:	662
Licensee:	Breeze-In Corporation		
Doing Business As:	Douglas Island Breeze-In		

- ☐ **New Application**
☐ **Transfer of Ownership Application**
☐ **Transfer of Location Application**
☒ **Transfer of Controlling Interest Application**

We have received a completed 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 protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Jedediah Smith, Local Government Specialist
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the **current** licensee and licensed establishment.

Licensee:	Breeze-In Corporation	License #:	662		
License Type:	Package	Statutory Reference:	AS 04.11.150		
Doing Business As:	Douglas Island Breeze-In				
Premises Address:	3370 Douglas Highway				
City:	Juneau	State:	Alaska	ZIP:	99801
Local Governing Body:	City and Borough of Juneau				

Transfer Type:

- ☒ Regular transfer
☐ Transfer with security interest
☐ Involuntary retransfer



OFFICE USE ONLY

Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		BRE:	



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the **new** applicant and/or location seeking to be licensed.

Licensee:	Breeze-In Corporation				
Doing Business As:	Douglas Island Breeze-In				
Premises Address:	3370 Douglas Highway				
City:	Juneau	State:	Alaska	ZIP:	99801
Community Council:	none				

Mailing Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Designated Licensee:	Allan Ahlgren			
Contact Phone:	907-957-1191	Business Phone:	907-789-7878	
Contact Email:	allan@breezein.com			

Seasonal License? ☐ Yes ☒ No ☐ If "Yes", write your six-month operating period: _____

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building



The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

Harborview Elementary School- 2604 feet

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

Douglas Island Bible Church - 3217 feet



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Allan Robert Ahlgren, Trustee or his successor in trust, under the ALLAN AHLGREN LIVING TRUST dated October 21, 2014, and any amendments thereto				
Title(s):	Trustee-Shareholder	Phone:	907-957-1191	% Owned:	100%
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application



Entity Official:	Davida Joeann Ahlgren				
Title(s):	Secretary-Treasurer	Phone:	907-789-7878	% Owned:	0%
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Entity Official:	Allan R. Ahlgren				
Title(s):	President	Phone:	907-789-7878	% Owned:	0%
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	13912D	AK Formed Date:	1/2/1975	Home State:	Alaska
Registered Agent:	Baxter Bruce & Sullivan P.C.	Agent's Phone:	907-789-3166		
Agent's Mailing Address:	P.O. Box 32819				
City:	Juneau	State:	Alaska	ZIP:	99803

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

☒ ☐



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application



Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes

No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

☒
☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Allan Robert Ahlgren, Trustee, or his successor in trust, under the ALLAN AHLGREN LIVING TRUST dated October 21, 2014, and any amendments thereto, has an interest in package store liquor licenses Nos. 176 and 4543.

Section 7 – Authorization

Communication with AMCO staff:

Yes

No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☒
☐

If "Yes", disclose the name of the individual and the reason for this authorization:

Attorneys and legal assistants with the law firm of Baxter Bruce & Sullivan P.C., because Baxter Bruce & Sullivan P.C. represents me in my affairs.



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application



Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

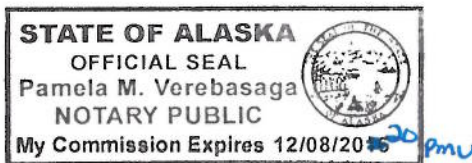
I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Allan Ahlgren, President
Signature of transferor

Allan Ahlgren, President of Breeze-In Corporation
Printed name of transferor

Subscribed and sworn to before me this 16th day of August, 2017.

Pamela M. Verebasaga
Signature of Notary Public



Notary Public in and for the State of Alaska.

My commission expires: 12/8/2020

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20____.

Signature of Notary Public

Notary Public in and for the State of _____.

My commission expires: _____



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application



Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.



I certify that all proposed licensees have been listed with the Division of Corporations.



I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.



I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.



I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.



As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

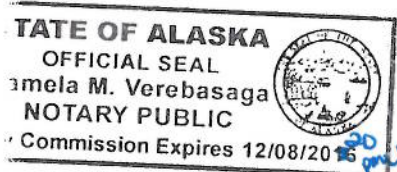
Allan R. Ahlgren
Signature of transferee

Allan Robert Ahlgren, Trustees or his successor in trust, under the ALLAN AHLGREN LIVING TRUST dated October 21, 2014, and any amendments thereto
Printed name

Subscribed and sworn to before me this 16th day of August, 20 17.

Jamela M. Verebasaga

Signature of Notary Public



Notary Public in and for the State of Alaska

My commission expires: 12/8/2020



Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

Packet Page 103 of 212

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

RECEIVED
AUG 24 2017

ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

☐ ☐

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Breeze-In Corporation	License Number:	662
License Type:	Package Store		
Doing Business As:	Douglas Island Breeze-In		
Premises Address:	3370 Douglas Highway		
City:	Juneau	State:	Alaska
		ZIP:	99801



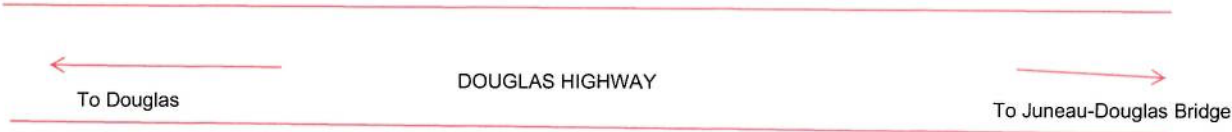
Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

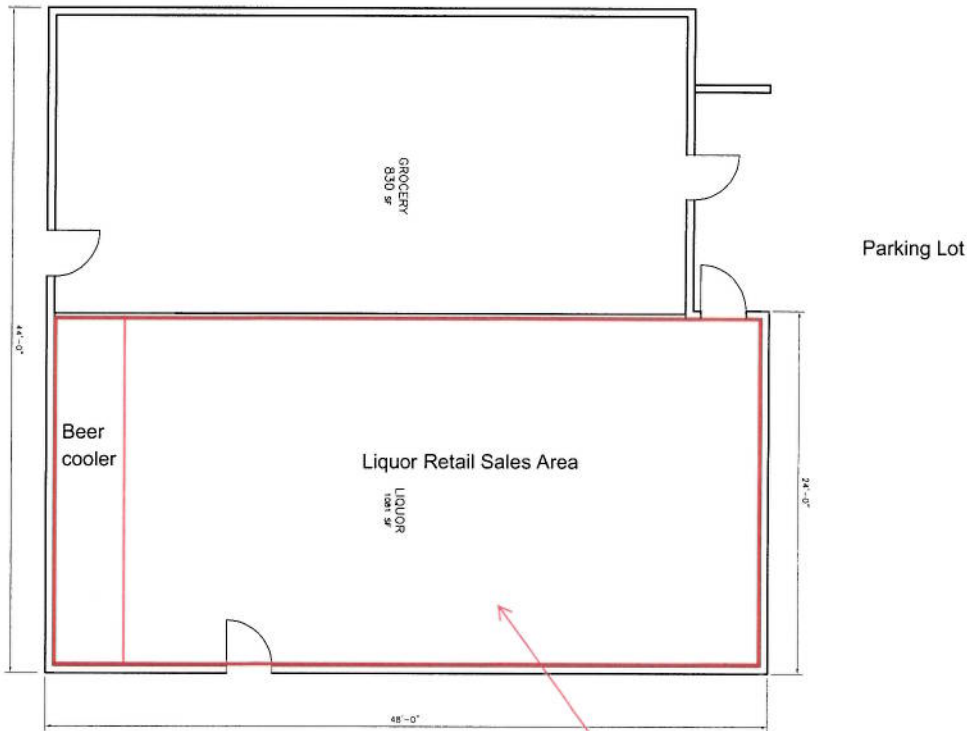


Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.



① DOUGLAS
Scale: 1/8" = 1'-0"



Gastineau Channel

Other than beer in the cooler there is no storage of liquor at this premises. Liquor is stored at the Breeze-In Corporation Warehouse located at 5720 Concrete Way, Juneau, Alaska, and delivered daily to the Douglas Breeze-In.

LIQUOR AREA
1081 SF

SHEET NO. 3	DATE JUNE 5, 2017 SHEET TITLE: DOUGLAS LIQUOR	BREEZE IN 5711 CONCRETE WAY JUNEAU, AK 99801 AREA PLANS FPD-1702	 FORBIDDEN PEAK DESIGN DESIGN@FORBIDDENPEAK.COM 907-723-8569
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THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**
ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

September 22, 2017

City & Borough of Juneau
Attn: Beth McEwen
Via Email: beth.mcewen@juneau.org
Cc: City.Clerk@juneau.org

License Type:	Package Store	License Number:	4543
Licensee:	Breeze-In Corporation		
Doing Business As:	Breeze-In		

- ☐ **New Application**
☐ **Transfer of Ownership Application**
☐ **Transfer of Location Application**
☒ **Transfer of Controlling Interest Application**

We have received a completed 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 protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Jedediah Smith, Local Government Specialist
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the **current** licensee and licensed establishment.

Licensee:	Breeze-In Corporation	License #:	4543		
License Type:	Package	Statutory Reference:	AS 04.11.150		
Doing Business As:	Breeze-In				
Premises Address:	5711 Concrete Way				
City:	Juneau	State:	Alaska	ZIP:	99801
Local Governing Body:	City and Borough of Juneau				

Transfer Type:

- ☒ Regular transfer
☐ Transfer with security interest
☐ Involuntary retransfer



OFFICE USE ONLY

Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		BRE:	



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the **new** applicant and/or location seeking to be licensed.

Licensee:	Breeze-In Corporation				
Doing Business As:	Breeze-In				
Premises Address:	5711 Concrete Way				
City:	Juneau	State:	Alaska	ZIP:	99801
Community Council:	none				

Mailing Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Designated Licensee:	Allan Ahlgren			
Contact Phone:	907-957-1191	Business Phone:	907-789-7878	
Contact Email:	allan@breezein.com			

Seasonal License? Yes ☐ No ☒ If "Yes", write your six-month operating period: _____

Section 3 – Premises Information

Premises to be licensed is:

☒ an existing facility ☐ a new building ☐ a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

Dzantik'i Heeni Middle School - 3647 feet, and Juneau SDA Christian School - 3067 feet

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

Church of Latter Day Saints - 2671 feet, and Church of all Nations - 506 feet





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Allan Robert Ahlgren, Trustee or his successor in trust, under the ALLAN AHLGREN LIVING TRUST dated October 21, 2014, and any amendments thereto				
Title(s):	Trustee-Shareholder	Phone:	907-957-1191	% Owned:	100%
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Davida Joeann Ahlgren				
Title(s):	Secretary-Treasurer	Phone:	907-789-7878	% Owned:	0%
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Entity Official:	Allan R. Ahlgren				
Title(s):	President	Phone:	(907) 789-7878	% Owned:	0%
Address:	P.O. Box 32318				
City:	Juneau	State:	Alaska	ZIP:	99803

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	13912D	AK Formed Date:	1/2/1975	Home State:	Alaska
Registered Agent:	Baxter Bruce & Sullivan P.C.	Agent's Phone:	907-789-3166		
Agent's Mailing Address:	P.O. Box 32819				
City:	Juneau	State:	Alaska	ZIP:	99803

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application



Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

☒☐

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Allan Robert Ahlgren, Trustee, or his successor in trust, under the ALLAN AHLGREN LIVING TRUST dated October 21, 2014, and any amendments thereto, has an interest in package store liquor licenses Nos. 176 and 662.

Section 7 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☒☐

If "Yes", disclose the name of the individual and the reason for this authorization:

Attorneys and legal assistants with the law firm of Baxter Bruce & Sullivan P.C., because Baxter Bruce & Sullivan P.C. represents me in my affairs.



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Packet Page 112 of 212
Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350



Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

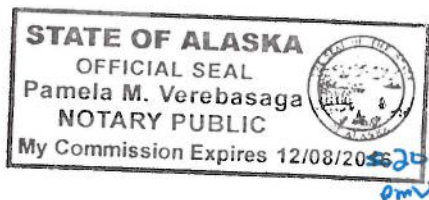
Allan Ahlgren, President
Signature of transferor

Allan Ahlgren, President of Breeze-In Corporation
Printed name of transferor

Subscribed and sworn to before me this 16th day of _____ August, 2017.

Pamela M. Verebasaga

Signature of Notary Public



Notary Public in and for the State of Alaska.

My commission expires: 12/8/2020

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20____.

Signature of Notary Public

Notary Public in and for the State of _____.

My commission expires: _____



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application



Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.



I certify that all proposed licensees have been listed with the Division of Corporations.



I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.



I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.



I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

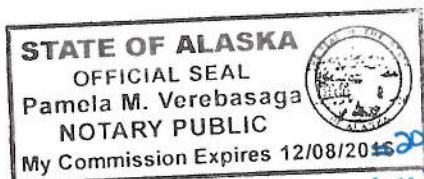


As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Allan R. Ahlgren
Signature of transferee

Allan Robert Ahlgren, Trustees or his successor in trust, under the ALLAN AHLGREN LIVING TRUST dated October 21, 2014, and any amendments thereto
Printed name

Subscribed and sworn to before me this 16th day of August, 20 17



Pamela M. Verebasaga

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 12/8/2020

Presented by: The Manager
Introduced: 11/6/2017
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-993

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$25,000 be transferred:

From: CIP

R72-053	Eagles Edge Utility CIP	\$25,000
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To: CIP

R72-115	Dunn Street CIP	\$25,000
---------	-----------------	----------

The \$25,000 consists of:

F215	Sales Tax Areawide	\$25,000
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Moved and Approved this _____ day of _____, 2017.

D. Rorie Watt, City Manager

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 11/6/2017
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-994

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$257,499 be transferred:

From: CIP

R72-124	Whittier St. Improvements CIP	\$257,450
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To: CIP

R72-116	Downtown Streets Improvements CIP	\$257,450
---------	-----------------------------------	-----------

The \$257,499 consists of:

F215	Sales Tax Temporary	\$257,450
------	---------------------	-----------

Moved and Approved this _____ day of _____, 2017.

D. Rorie Watt, City Manager

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: Oct. 16, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(H)

An Ordinance Appropriating to the Manager the Sum of \$281,020 as Funding for the Juneau International Airport RSA IIB (NW Quad Design & Construction) Capital Improvement Project; Funding Provided by the Passenger Facility Charges.

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 \$281,020 as Funding for the Juneau International Airport RSA IIB (NW Quad Design & Construction) Capital Improvement Project.

Section 3. Source of Funds

Passenger Facility Charges: \$281,020

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: October 16, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(K)

An Ordinance Appropriating to the Manager the Sum of \$816,000 as Funding for the Juneau International Airport Float Pond Improvements Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Sales Tax Revenue.

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 \$816,000 as Funding for the Juneau International Airport Float Pond Improvements Capital Improvement Project.

Section 3. Source of Funds

Federal Aviation Administration grant:	\$765,000
Sales Tax Revenue:	\$ 51,000

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: October 16, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(M)

An Ordinance Appropriating to the Manager the Sum of \$11,200,000 as Funding for the Juneau International Airport RSA 2C—NE/NW Quad Apron Construction Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Sales Tax Revenue.

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 \$11,200,000 as Funding for the Juneau International Airport RSA 2C—NE/NW Quad Apron Construction Capital Improvement Project.

Section 3. Source of Funds

Federal Aviation Administration grant:	\$10,125,000
Sales Tax Revenue:	\$ 1,075,000

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: October 16, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(N)

An Ordinance Appropriating to the Manager the Sum of \$5,145,121 as Funding for the Juneau International Airport Snow Removal Equipment Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Sales Tax Revenue.

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 \$5,145,121 as Funding for the Juneau International Airport Snow Removal Equipment Capital Improvement Project.

Section 3. Source of Funds

Federal Aviation Administration grant:	\$4,823,551
Sales Tax Revenue:	\$ 321,570

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: October 16, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(O)

An Ordinance Appropriating to the Manager the Sum of \$256,000 as Funding for the Juneau International Airport Ramp LED Lighting Capital Improvement Project; Funding Provided by the Federal Aviation Administration and Sales Tax Revenue.

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 \$256,000 as Funding for the Juneau International Airport Ramp LED Lighting Capital Improvement Project.

Section 3. Source of Funds

Federal Aviation Administration grant:	\$240,000
Sales Tax Revenue:	\$ 16,000

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: October 16, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(L)

An Ordinance Appropriating to the Manager the Sum of \$75,000 as Funding to Work with Existing Emergency Shelter Providers to Establish a Warming Center to be Operated when the Temperature Drops Below 32 Degrees During the Winter; Funding Provided by the Tobacco Tax Fund's Fund Balance.

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 \$75,000 as Funding to work with existing emergency shelter providers to establish a warming center to be operated when the temperature drops below 32 degrees during the winter.

Section 3. Source of Funds

Tobacco Tax Fund's Fund Balance: \$75,000

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: October 16, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(P)

An Ordinance Appropriating to the Manager the Sum of \$226,300 as Funding for the Juneau Police Department's Comprehensive Traffic Safety Plan; Grant Funding Provided by the State of Alaska, Department of Transportation and Public Facilities, Alaska Highway Safety Office.

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 \$226,300 for JPD's Comprehensive Traffic Safety Plan.

Section 3. Source of Funds

State of Alaska, DOT & PF	\$226,300
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

J U N E A U P O L I C E D E P A R T M E N T



MEMORANDUM

TO: Borough Assembly
FROM: Ed Mercer, Chief of Police
DATE: October 6, 2017
RE: Alaska Highway Safety Office Grant

The Juneau Police Department has been awarded \$226,300, plus a match, from the State of Alaska, Department of Transportation and Public Facilities, Alaska Highway Safety Office (AHSO) as part of their FFY18 grant period. Although JPD budgets for grants, this amount is beyond what is allocated for grants during FY18, and JPD requests it be appropriated.

There is a need to further develop our traffic accident response team by training staff and purchasing new traffic investigation technology. Juneau's unique geography and street layout creates significant issues for traffic crash investigation and scene safety. There are several main thoroughfares situated in such a way that when an accident happens, all traffic is blocked from going through that location. These bottlenecks occur at several areas and create the potential for delays, secondary accidents, officer safety risks, and road closures lasting hours. One example of this is the Egan Drive turn lane by Fred Meyer, where multiple accidents happen every year. When accidents occur here, it completely blocks all outbound traffic from Douglas, downtown Juneau, and Lemon Creek from heading into the Mendenhall Valley or out the road. During 2015, there were 26 accidents at this location just in the outbound lanes.

JPD will use the majority of grant funds to purchase a 3D scanner, along with supporting equipment, software and training. Currently, when there are major traffic accidents, JPD has a lengthy process that includes using a total station to collect data points, along with taking photographs and manually diagramming the scene with numerous measurements from the total station. This process is time consuming and subject to human errors. A 3D scanner will greatly reduce the human errors and the time it takes to process on-scene motor vehicle accidents. The scanner can collect 360 degrees of data with very minimal error. The digital scans can be combined to create a 3D model used to collect precise measurements, as well as create diagrams and animations.

LIDARs will be purchased with grant funds to enhance JPD's speed enforcement capabilities. LIDARs are used to measure the speed of moving vehicles and (unlike radars) are more portable, so they can be used in areas that are more difficult to enforce speed.

"In partnership with the people of Juneau, our mission is to make our city a place where people can live safely and without fear.

JPD will also purchase additional speed boards with grant funds. JPD currently has one speed board that is in high demand throughout Juneau during the summer months. Purchasing additional units will allow JPD to better meet the demand and will help make Juneau's neighborhoods safer, by making drivers aware when they are driving at unsafe speeds.

The grant requires a 10% match. JPD's application matched the awarded amount at \$23,600. JPD is not requesting any additional funds be appropriated for the grant match. \$7,300 of the match will be found within JPD's already appropriated budget. Radars, along with the LIDARs, will help with speed enforcement. This will reduce some costs in JPD's fleet replacement reserve, as they were scheduled to be replaced in FY19 for \$39,000. The remaining \$16,300 of the match will also come from JPD's operating budget for JPD's Juneau Major Accident Reconstruction Team (JMART) to receive needed training. Training for the JMART team includes two officers obtaining Event Data Recorder training, three officers obtaining Accident Reconstruction 3 training, and one officer obtaining Human Factors in Traffic Crash training. These are the next courses needed for JMART to learn new skills and broaden their abilities.

There are no required on-going costs for the scanner. There can be minimal costs if we want to upgrade the software each year, but it's not necessary for continued use of the equipment.

The grant period is for one year, October 1, 2017 through September 30, 2018. Throughout the one-year grant period, monthly financial reports and quarterly program updates will be required.

Radars and LIDARs are already on JPD's equipment replacement schedule and will continue to be in the coming years. At this time, there are no plans to add the speed boards to the equipment replacement schedule. Currently, JPD only plans to replace the 3D scanner if future grant funds become available.

The main struggle JPD foresees is being able to purchase the 3D scanner and supporting equipment. The AHSO awards these funds as pass-through grants from the National Highway Traffic Safety Administration. Since they originate from the federal agency NHTSA, the procurement is required to follow the federal requirement called the Buy America Act. All reputable scanner brands are made outside the U.S.A., which will require a waiver to the BAA. This process can be time consuming, and there is no guarantee of an approved waiver.

Presented by: The Manager
Introduced: October 16, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(Q)

An Ordinance Appropriating to the Manager the Sum of \$59,667 as Funding for the 2017 State Homeland Security Program / SHSP; Grant Funding Provided by the State of Alaska Department of Military and Veterans Affairs.

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 \$59,667 to support the goals and activities of the CBJ Emergency Management through funding, planning, training, exercise and equipment procurement.

Section 3. Source of Funds

State of Alaska Department of Military and Veterans Affairs \$59,667

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: 10/16/2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(R)

An Ordinance Appropriating to the Manager the Sum of \$160,000 as Funding for the Emergency Management Performance Grant; Funding Provided by the State of Alaska, Department of Military and Veterans Affairs.

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 \$160,000 as funding to reimburse the City and Borough of Juneau, Emergency Programs Division, for costs incurred in direct support of the goals and activities of the Emergency Management Performance Grant.

Section 3. Source of Funds

Alaska Department of Military and Veterans Affairs	\$160,000
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Section 4. Effective Date. This ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by: A.G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-25

An Ordinance Amending the Land Use Code Relating to Panhandle Subdivisions.

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 49.15.423 Panhandle lots, is amended to read:

(a) ~~The subdivision of a parcel creating a panhandle lot may be allowed in order to facilitate the subdivision of large parcels that are insufficiently wide but otherwise meet all other requirements for subdivision.~~ Panhandle lots may be created by subdivision under this section if the new lots meet the following requirements ~~detailed below~~.

(1) Lot 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 ~~30~~ feet wide.

(C) The panhandle portion of the lot shall not be longer than 300 feet in D-1 zones ~~or~~ ~~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.

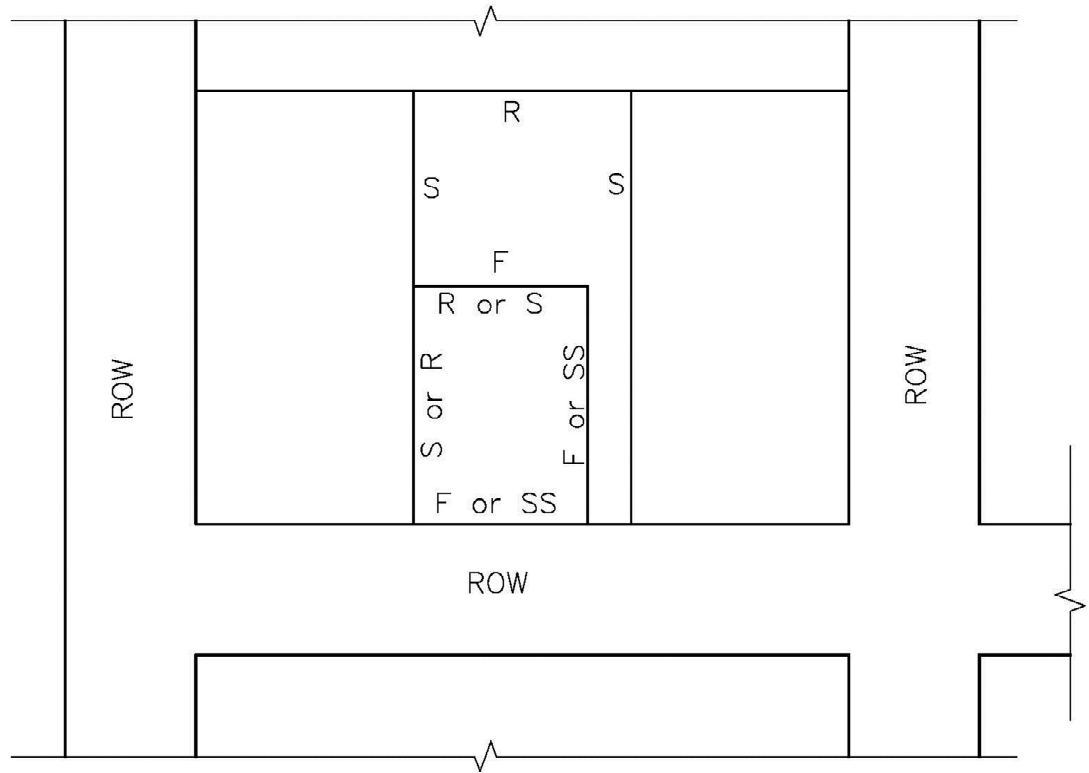
~~(F) The common property line between the lots two lots in any zoning district shall be limited to two changes in direction.~~

~~(F) (G)~~ The lot width for the panhandle lot shall be the distance between its side lot lines boundaries measured behind the back lot line of the front lot. ~~Such lot line shall also be considered the front lot line of the panhandle lot for the purpose of determining the front yard setback.~~

(2) Setbacks. ~~Minimum lot size. Each lot served by a public sewer system shall be 20,000 square feet. The minimum lot size for lots not served by a public sewer system shall be 36,000 square feet. Any marine outfall serving the lots shall extend to a point four feet below mean low water, and each lot using such disposal must abut the salt water to a minimum of 30 feet.~~

(A) A lot fronting on a right-of-way may establish a front yard setback or a street side yard setback adjoining the right-of-way or the panhandle. (See Figure 1)

(B) The front yard setback for the panhandle lot shall be measured from behind the back lot line of the front lot. (See Figure 1)



LEGEND:

F – FRONT
R – REAR
ROW – RIGHT OF WAY
S – SIDE
SS – STREET SIDE

Figure 1

(3) Access and parking.

(A) Access for the lots shall be located in the panhandle. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls the right-of-way. Access to each lot shall be designated on the plat in the form of an easement. Only one access to the public

~~right of way shall be permitted for the two lots. Such access shall be designated on the plat, in the form of an easement or plat note.~~

(B) Off street parking shall be provided in an amount sufficient to meet the requirements of CBJ 49.40, article II.

(C) A driveway and parking plan that shows the feasibility of off-street parking shall be submitted and approved by the director prior to recording the plat.

(D) Back out parking is prohibited unless approved by the director.

~~(E) The applicant must submit a plan that shows the feasibility of off street parking for the lots and a turnaround that will allow drivers to drive forward onto the road in front of their lot.~~

~~(E)~~(F) The applicant must provide assurance in the form of an easement, plat note referencing the maintenance agreement, and a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking areas will be constructed and maintained by all future property owners.

~~(F)~~ (G) Any portion of a driveway not located in a public right-of-way shall comply with emergency service access as required by CBJ 19.10 ~~have a maximum grade not exceeding 15 percent.~~ A profile of the proposed driveway centerline shall be submitted as part of the plat application, and must meet Alaska Department of Transportation and Public Facilities or CBJ driveway standards, as appropriate based on ownership of the right-of-way.

(G) ~~(H)~~ Existing driveways and access points not meeting the requirements of this section must be abandoned, and improvements thereto removed and relocated prior to plat recordation.

(H) The portion of the driveway in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater.

(b) No ~~Neither~~ lot resulting from a panhandle subdivision may be further divided into another panhandle subdivision.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



Community Development

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: September 18, 2017
File No.: AME2017 0003

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding proposed revisions to CBJ code 49.15.423 regarding Panhandle Lots

Hearing Date: September 12, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 1, 2017, and recommended that the City and Borough Assembly adopt the proposed revisions to CBJ code 49.15.423 regarding Panhandle Lots, with the following amendment:

49. 15. 423(1)(A) The front and panhandle lots must meet all the dimensional and area requirements of this title.

The Commission determined that allowing the stem of the panhandle lot to be included in the calculations for lot area, lot width, and lot depth will preserve the density of the neighborhoods. The Commission noted that for the single family zoning districts, the minimum lot width and depth results in a lot size less than the minimum lot area.

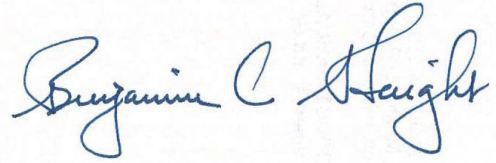
Attachments: September 1, 2017 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2017 0003.

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

City and Borough Assembly
File No.: AME2017 0003
September 18, 2017
Page 2 of 2

Project Planner: _____

Beth McKibben, AICP, Planning Manager
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

September 20, 2017

Date

cc: Plan Review

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



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

DATE: September 1, 2017

TO: Planning Commission

FROM: Beth McKibben, AICP, Planning Manager
Community Development Department

A handwritten signature in black ink, appearing to be "BMc", is written over the "FROM:" line.

FILE NO.: AME2017 0003

PROPOSAL: Proposed revision to CBJ code 49.15.423 regarding Panhandle Lots

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

ATTACHMENTS:

- Attachment A: Draft Ordinance – Amending Title 49
- Attachment B: February 1, 2017, Title 49 Committee meeting agenda
- Attachment C: June 28, 2017, Title 49 Committee meeting minutes

BACKGROUND

The proposed ordinance would amend CBJ 49.15.423, *Panhandle lots* to allow for reductions in panhandle lot sizes as well as reduce the minimum width required for the stem. Title 49 states that panhandle subdivisions may be allowed in order to facilitate the subdivision of large parcels that are insufficiently wide but otherwise meet all other requirements for subdivision. These requirements have been seen as too restrictive. Currently, the minimum lot size created by a panhandle subdivision is 20,000 square feet when served by City water and sewer and 36,000 square feet when sewer is not available. By allowing smaller lots to subdivide through the panhandle provisions, more “infill” lots may be created in the zoning districts that have smaller minimum lot size requirements. These lots would continue to be required to have frontage on a public right-of-way.

The Title 49 Committee of the Planning Commission considered the proposed amendments at their February and June meetings. The Planning Commission discussed the proposed amendment at their August 8, 2017 regular meeting.

Planning Commission
File No.: AME2017 0003
September 1, 2017
Page 2 of 9

DISCUSSION

Lot Area Reduced

The proposed amendment allows for any lot to subdivide through the panhandle provisions if the lots created meet the minimum dimensional standards of the underlying zoning district. This means that both the front lot and the panhandle lot will have the minimum square feet of lot area and meet both lot width and depth requirements. The flagpole/handle/stem of the panhandle lot is not used to calculate lot area, ensuring that the density requirements of the underlying zoning district are preserved. Additionally, the proposed amendment preserves the opportunity for lots in the D1 zoning district to use up to 30 feet of the width of the handle to calculate the width of the front lot. This is existing language in code. This consideration was created for lots that are very long and narrow yet are large enough to support an additional lot but are without sufficient lot width to accommodate the minimum lot width requirements.

Width Flagpole/Handle/Stem Reduced

The proposed amendment also reduces the minimum width of the flagpole/handle/stem of the panhandle lot from a minimum width of 30-feet wide to a minimum width of 20-feet. This reduction facilitates the subdivision of larger lots in zoning districts that have a smaller minimum lot size. At the same time, it ensures adequate access to the right-of-way and sufficient room for a driveway.

Driveway Grade

The current code requires the maximum grade of the driveway to be no more than 15%. As discussed in detail during the recent code changes regarding private shared access, this is inconsistent with the Fire Code. The Fire Marshal may approve grades of more than 10% on a case-by-case basis. The proposed ordinance removes the grade requirement and specifies “*as required by the Fire Code at CBJ 19.10.*” This means that the applicant may request that the Fire Marshal grant an exception to the Fire Code to have a driveway grade of more than 10%.

Driveways

The current code (CBJ 49.15.423) requires that panhandle lots share one access and that it be shown on the plat with an easement or plat note. The code further requires a maintenance agreement for the shared driveway. The Community Development Department’s (CDD) past practice has been to allow the shared access to be located anywhere within the lots created by the panhandle subdivision. The purpose of the stem has been considered as the means to meet the requirement for frontage on a publicly maintained right-of-way and not necessarily to provide access.

During our work with the CBJ Law Department, we were informed that allowing for access to panhandle lots anywhere outside the stem may create a legal problem. By requiring the stem for access and then allowing the driveway to be located elsewhere, we may have in effect “taken” the value of the stem because it cannot be used for anything other than access. Title 49 can

Planning Commission
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September 1, 2017
Page 3 of 9

dictate development requirements, but the takings doctrine provides limits on what Title 49 may require. For example, if the purpose of a panhandle is for vehicle access from a dwelling to a right-of-way, then the access should be in the panhandle and the panhandle should be capable of being developed for access. If a panhandle regulation requires the panhandle but the panhandle is too steep or if the access is located elsewhere, the CBJ may be subject to a taking because the panhandle serves no regulatory purpose other than to provide frontage on the publicly maintained right-of-way.

The proposed ordinance reflects this guidance and requires that the access to the rear lot be through the stem. If there is a shared driveway, it must be shown on the plat and a maintenance agreement must be recorded.

Additionally, the proposed ordinance allows the front lot to have its own access to the right-of-way if the driveway is approved by CBJ or the Department of Transportation and Public Facilities (DOT&PF) and may allow the front lot to retain its existing driveway even if that driveway is not shared with the panhandle lot.

Access for the lots shall be located in the panhandle. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls the right-of-way. Access to each lot shall be designated on the plat in the form of an easement.

This is similar to the bungalow subdivision requirements which allow for smaller lots to be created with each having separate access. Smaller lots on residential streets that meet the CBJ driveway requirements for separation from other driveways and intersections may continue to be allowed. Currently, many of these lots already have an approved second driveway access. It should be noted that when the draft ordinance was presented to the Planning Commission in August, it stipulated that a second driveway would only be permissible when the CBJ would approve a second driveway permit. The language in this version expands that option to any street if a driveway permit is obtainable from the city or the state. This allows DOT&PF to approve a second driveway if they find that one may be provided safely.

Additionally, the proposed ordinance adds language that requires the portion of the driveway in the right-of-way, or the first 20 feet from the edge of the public roadway, to be paved. This provides consistency with the recently adopted private shared access provisions as well as limits the potential for gravel to wash into the right-of-way, creating on-going maintenance challenges.

Furthermore, the current panhandle subdivision regulations prohibit back-out parking. The proposed ordinance adds language “unless approved by the director”. When considering the use of the panhandle subdivision as infill development and the potential to allow each lot to have its own driveway, there may be situations when a lot containing an existing single family

Planning Commission
File No.: AME2017 0003
September 1, 2017
Page 4 of 9

home in a residential district which has back-out parking may be subdivided as a panhandle lot and may receive a second driveway permit. In this situation, with the current language the existing back-out parking may no longer be allowed. The added language allows CBJ staff to review and consider each driveway individually and allow back-out parking when it is safe but prohibit it when it is unsafe.

Number of Lots

The proposed ordinance removes the prohibition limiting panhandle subdivisions to two lots. The intent is that panhandle subdivisions will only include pairs of lots. Existing code language limits stacked developments with the recently added limitation to the length of the stem. Furthermore, the intent is that when pairs of panhandle lots are created side by side, the access to the rear lots will be shared by the two rear lots within the stem. If the front lots do not receive driveway permits for direct access to adjacent streets, then they will also use the stem for access. A maintenance agreement will be required for the shared driveway.

Setbacks

The proposed ordinance requires that the front lot of a panhandle subdivision be treated as a corner lot and choose the front setback and street side yard setback from either the right-of-way or the stem of the panhandle lot. This provides consistency with corner lots.

Lot size and marine outfall

The proposed ordinance removes the lot size requirements for lots not on public sewer and specific dimensional requirements for lots using marine outfall for wastewater disposal. Staff discussed minimum lot size for lots not on public sewer as well as the requirements for marine outfall with the section manager of the Department of Environmental Conservation, Division of Water, Wastewater Engineering Support & Plan Review. He indicated that the state no longer has a minimum lot size requirement for lots with onsite wastewater disposal. Additionally, marine outfalls are still allowed by the state, but the requirements in the CBJ code may not be sufficient depending on the individual location of the lot and proposed outfall. By removing these specific requirements for panhandle subdivisions, the standard in CBJ 49.15.411(i)(3) Soils Report will now apply.

Illustrations

The proposed ordinance includes illustrations of where the front yard setback is measured from for the rear lot and clarifying the front yard setback and the side yard setbacks. The intent is that the illustrations provide clarity and remove the opportunity for multiple interpretations.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

The following discussions, policies, and objectives in the 2013 Comprehensive Plan are relevant to the amendment to allow for panhandle subdivision of smaller lots as infill development:

From COMPREHENSIVE PLAN VISION AND GUIDING PRINCIPLES (Page 2):

The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.

To achieve this vision, the CBJ followed these principles in formulating its Comprehensive Plan:

- ***A safe place to raise a family.*** Maintain safe neighborhoods and circulation systems; provide public spaces and facilities that foster community interaction and cohesiveness.
- ***Quality education from Pre-school to University levels.*** Promote quality educational programs and experiences in the schools and lifelong learning for our residents as well as a healthy lifestyle with adequate recreational facilities, resources and programs. Support a vital arts community, celebrating our diverse cultural heritage and unique historic resources.
- ***A balanced economy.*** Ensure a balanced, sustainable and diverse economy, actively encouraging employment opportunities for residents of all levels and ages that provide a livable wage and a dependable municipal tax base.
- ***Natural resources.*** Highlight and protect our scenic beauty, protect our streams and fish and wildlife habitat and foster the sustainable use of our natural resources.
- ***A balanced community.*** Ensure a balance between natural resource protection and the built environment, the efficient provision of infrastructure and goods and services, and housing affordable to all income levels.
- ***Neighborhood livability and housing.*** Maintain the identity and vitality of our neighborhoods, actively pursuing affordable housing for a diversity of households while promoting compatible livability and high quality design in new buildings.
- ***Mobility.*** Provide an accessible, convenient and affordable transportation system that integrates vehicle, vessel, rail and aircraft transport with sustainable and innovative transportation options— including convenient and fast public transit service, particularly for commuters to work, and bicycle and pedestrian networks throughout the community.

- ***Involved citizenry.*** Solicit resident participation and leadership in implementing the Plan policies and actions from all sectors of the community, encouraging mutual understanding and cooperation among all.

From CHAPTER 3 – COMMUNITY FORM:

(Page 14) New development within the 20-year planning horizon of this Plan should occur as in-fill development on vacant or underutilized parcels within the Urban Service Area. In the future, new development could occur as new towns or satellite communities in the Echo Cove and West Douglas New Growth Areas designated in this Plan.

Compact “In Fill” Development Within the Urban Service Area: This Plan designates an approximately 23.9 square mile area within the urban and suburban areas of the City and Borough of Juneau boundaries as an Urban Service Area, within which water, sewer, access roads and other community services are provided or will be in the near future. Providing community services to this compact area is efficient and convenient for users. There are over 100 vacant parcels within the Urban Service Area boundary (USAB) of which from 30 to 60 can be deemed vacant buildable parcels, ranging in size from 1 to 150 acres. Buildable land is considered to be vacant or underused land that is relatively flat and dry; that is, with slopes of less than 18 percent and without high value (Class A and B) wetlands.

Land within the USAB should be efficiently developed before its boundaries are extended to properties outside of the USAB. An efficient development would build to the maximum density allowed by the zoning district within which the property lies, provided that road and intersections serving the new development have adequate capacity and levels of service to accommodate the proposed intensity of development. Buildable lands should be developed as medium- to high-density affordable housing or mixed residential and commercial developments wherever possible and practicable. This is particularly true for lands located within walking distance (approximately one-quarter mile) of public transit service.

POLICY 3.1 TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY’S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

POLICY 3.2 TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND

RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

Standard Operating Procedures

3.2 – SOP1 As part of an orderly update of the Comprehensive Plan, the CBJ government reviews and maintains an Urban Service Area boundary that defines the limits within which the full range of urban services, such as water and sewer, will be provided by the CBJ government. Such services should not be provided outside the Urban Service Area. After a thorough review of buildable land within the Urban Service Area, the CBJ government may seek to extend the Urban Service Area boundary to provide adequate land for compact development at a minimum residential density of 10 units per gross acre.

From CHAPTER 8 – TRANSPORTATION CHAPTER:

POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

Development Guidelines

8.5 - DG4 Minimize access roadways or driveways onto major and minor arterial roadways or highways by requiring shared access points, such as a frontage road, and connections to adjacent subdivisions' roadways that lead to a "downstream" controlled or grade-separated intersection.

From CHAPTER 10 – LAND USE CHAPTER:

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR

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AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.

Standard Operating Procedures

10.5 - SOP2 Maintain the provisions in the Land Use Code that require developers to provide for access, facilities, and services prior to final plat approval.

10.5 - SOP3 Amend the Land Use Code to allow appropriate urban densities in areas served by community sewer and water systems, being cognizant of the desire to maintain the rural, suburban or urban character of the existing surrounding neighborhoods.

From CHAPTER 12 – PUBLIC AND PRIVATE UTILITIES AND FACILITIES:

POLICY 12.9. TO REQUIRE IMPROVEMENTS TO RIGHTS-OF-WAY TO MEET MINIMUM STANDARDS FOR PUBLIC SAFETY AND MAINTENANCE, AND TO ENSURE THAT EXISTING RIGHTS-OF-WAY ARE MAINTAINED AND PROTECTED FROM ENCROACHMENT SO AS TO FACILITATE THEIR USE IN PROVIDING ACCESS AND THE PROVISION OF URBAN SERVICES.

Additionally, the Housing Action Plan, adopted by Resolution 2780 in December 2016, indicates that for Juneau’s housing market to become “unstuck”, more units of all types must be added. Furthermore, the plan suggests that Juneau’s land is not used as efficiently as it could be. The plan further states that Juneau cannot afford to build infrastructure and then allow low-intensity development to use it and recommends that the city must instead create and enforce a policy that directs new development to areas with existing infrastructure.

The 2015 Juneau Economic Development Plan found that Juneau’s housing supply does not meet demand in terms of housing type, size, price, or location. One of its ten initiatives is to “Promote Housing Affordability and Availability”. The Juneau Economic Development Plan further strengthened the case for the critical need of housing for all ages and income groups in order to obtain and maintain a strong and stable economy.

Discussion

Providing panhandle subdivisions as an option for smaller lots creates the opportunity for infill development on underutilized lots. It facilitates the implementation of more compact development within the Urban Service Area, using existing infrastructure, while still preserving the ability to minimize access points on major and minor arterials and maintaining the existing density. It creates another development option that provides safe and livable neighborhoods. The Comprehensive Plan policies speak to a balance of services and private/public partnerships to attain the overall goal of development flexibility to provide housing. The proposed

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amendment has been drafted to ensure driveways meet International Fire Code standard minimums and requires that all owners share in the maintenance, thus achieving our adopted health, safety, and welfare minimum standards. The amendment, if approved, may provide a development option for smaller, infill parcels that might otherwise not be available for subdivision. The proposed amendment balances the varied Comprehensive Plan policies and is generally consistent with the overall vision.

COMPLIANCE WITH CBJ LAND USE CODE

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. As stated in CBJ 49.05.100, the purposes and intent of Title 49 are as follows:

- 1. To achieve the goals and objectives, and implement the policies of the Juneau comprehensive plan, and coastal management program;*
- 2. To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
- 3. To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
- 4. To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- 5. To provide adequate open space for light and air; and*
- 6. To recognize the economic value of land and encourage its proper and beneficial use.*

The panhandle subdivision amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes, especially numbers 2, 3, 4, and 6.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan, the Juneau Economic Development Plan, the Housing Action Plan, and Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

Presented by:
Introduced:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-25 PC v.1

An Ordinance Amending the Land Use Code Relating to Panhandle Subdivisions

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 49.15.423 Panhandle lots, is amended to read:

(a) ~~The subdivision of a parcel creating a panhandle lot may be allowed in order to facilitate the subdivision of large parcels that are insufficiently wide but otherwise meet all other requirements for subdivision.~~ Panhandle lots may be created by subdivision under this section if the new lots meet the following requirements ~~detailed below~~.

(1) Lot Dimensional requirements.

- (A) The front and panhandle lots, excluding the panhandle, 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 ~~30~~ feet wide.
- (C) The panhandle portion of the lot shall not be longer than 300 feet in D-1 zones or ~~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.

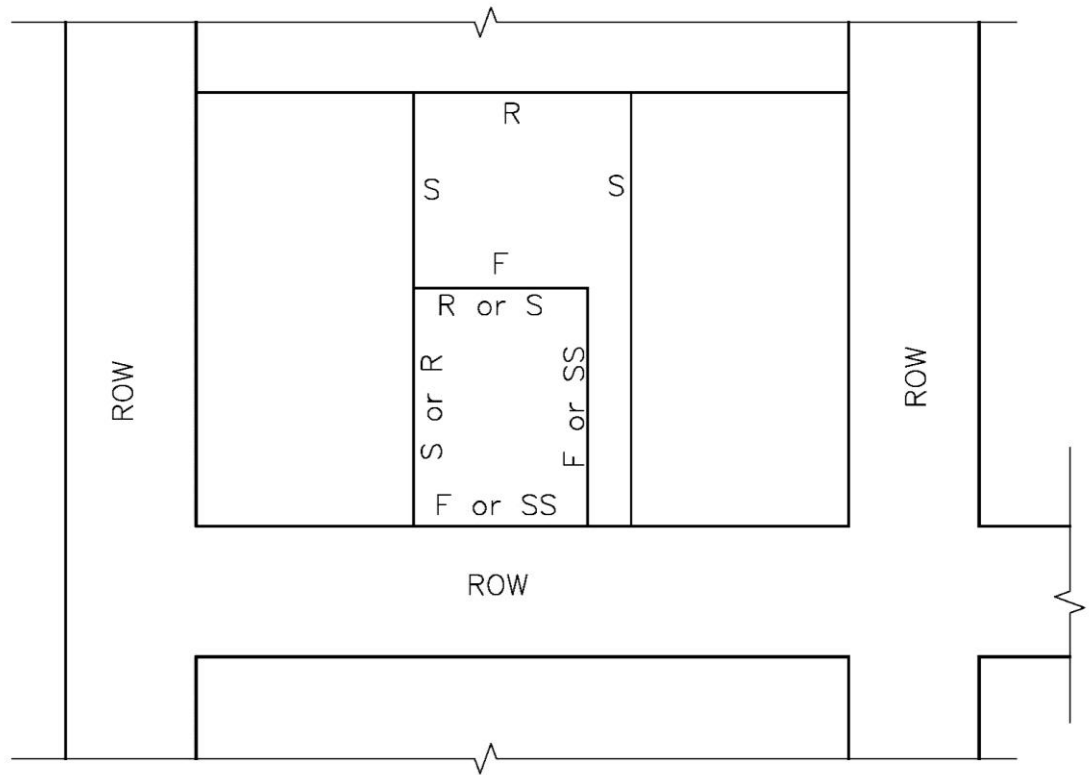
~~(F) The common property line between the lots two lots in any zoning district shall be limited to two changes in direction.~~

~~(F) (G) The lot width for the panhandle lot shall be the distance between its side lot lines boundaries measured behind the back lot line of the front lot. Such lot line shall also be considered the front lot line of the panhandle lot for the purpose of determining the front yard setback.~~

(2) ~~Setbacks. Minimum lot size. Each lot served by a public sewer system shall be 20,000 square feet. The minimum lot size for lots not served by a public sewer system shall be 36,000 square feet. Any marine outfall serving the lots shall extend to a point four feet below mean low water, and each lot using such disposal must abut the salt water to a minimum of 30 feet.~~

(A) A lot fronting on a right-of-way may establish a front yard setback or a street side yard setback adjoining the right-of-way or the panhandle. (See Figure 1)

(B) The front yard setback for the panhandle lot shall be measured from behind the back lot line of the front lot. (See Figure 1)



LEGEND:

F — FRONT
R — REAR
ROW — RIGHT OF WAY
S — SIDE
SS — STREET SIDE

Figure 1

(3) Access and parking.

- (A) ~~Only one access to the public right-of-way shall be permitted for the two lots. Such access shall be designated on the plat, in the form of an easement or plat note.~~ Access for the lots shall be located in the panhandle. A lot fronting a right-of-way may have a separate and additional access if approved by the government entity that controls the right-of-way. Access to each lot shall be designated on the plat in the form of an easement.
- (B) Off street parking shall be provided in an amount sufficient to meet the requirements of CBJ 49.40, article II.

- (C) A driveway and parking plan that shows the feasibility of off-street parking shall be submitted and approved by the director prior to recording the plat.
- (D) Back out parking is prohibited unless approved by the director.
- (E) ~~The applicant must submit a plan that shows the feasibility of off street parking for the lots and a turnaround that will allow drivers to drive forward onto the road in front of their lot.~~
- (F) The applicant must provide assurance in the form of an easement, plat note referencing the maintenance agreement, and a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking areas will be constructed and maintained by all future property owners.
- (F) ~~(G)~~ Any portion of a driveway not located in a public right-of-way shall comply with emergency service access as required by CBJ 19.10 have a maximum grade not exceeding 15 percent. A profile of the proposed driveway centerline shall be submitted as part of the plat application, and must meet Alaska Department of Transportation and Public Facilities or CBJ driveway standards, as appropriate based on ownership of the right-of-way.
- (G) ~~(H)~~ Existing driveways and access points not meeting the requirements of this section must be abandoned, and improvements thereto removed and relocated prior to plat recordation.
- (H) The portion of the driveway in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater.

(b) ~~No~~ ~~Neither~~ lot resulting from a panhandle subdivision may be further divided into another panhandle subdivision.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Meeting Agenda of the
City and Borough of Juneau
Title 49 Committee of the Planning Commission

Wednesday, February 1, 2017
Community Development Department, Large Conference Room
3:00 p.m. to 4:30 p.m.

Members:

☐ Dan Miller	☐ Carl Greene	☐ Dan Hickok, Alternate
☐ Paul Voelckers	☐ Kirsten Shelton-Walker	

Staff:

☐ Laura Boyce (CDD)	☐ Beth McKibben (CDD)
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- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes:
- IV. New Business
 - 1. Overview - Purpose of Committee
 - 2. Election of Officers
 - 3. Panhandle Subdivisions - Proposed Code Changes
 - 4. Variances Update – Proposed Code Changes
- V. Committee Member Comments
- VI. Next Meeting –
- VII. Adjournment

Meeting Agenda of the
City and Borough of Juneau
Title 49 Committee of the Planning Commission

Wednesday, June 28, 2017
Community Development Department, Large Conference Room
3:15 p.m. to 4:30 p.m.

Members Present:

Dan Miller, Carl Greene, Paul Voelckers, Dan Hickok (Alternate)

Members Absent:

Kirsten Shelton-Walker

Staff Present:

Laura Boyce (CDD), Jill Maclean (CDD), Beth McKibben (CDD), Marjorie Hamburger (CDD)

Public Present:

I) Call to Order

Meeting called to order at 3:15 pm.

II) Approval of Minutes

April 26, 2017 Draft Minutes

MOTION: *by Mr. Voelckers to approve the April 26, 2017 minutes.*

The motion passed with no objection.

III) New Business

a) Non conforming code

This was a follow up from the previous night's Planning Commission meeting where the Director's report included a review of Title 49's nonconforming development policies. Ms. McKibben asked if the committee wanted to incorporate this topic into the Title 49 Committee's workload or establish an ad hoc committee to address the topic. Discussion ensued about what the committee currently has on its plate or anticipates addressing the near future.

Mr. Voelckers suggested that the committee start work on the third Wednesday of July and then determine if additional meetings might be needed. Members checked their calendars and determined that Mr. Miller, Mr. Greene and Mr. Voelckers will be in attendance then, also it is likely that Mr. Hickok will be able to attend as well..

Ms. McKibben had some policy questions to bring to the committee and said there is a need to look at the issue in light of what financing institutions are doing or not doing when nonconforming property is being sold. What is new, asked Mr. Voelckers, in this respect? We need to figure out if the financial institutions need some particular language from the city to support the lending of mortgage money, said Ms. McKibben.

At a conceptual level, said Mr. Voelckers, it is easy to add density but what if it is an "icky" use that we don't want to roll into perpetuity. It is our job to monitor use and qualities of a neighborhood, he said. How do we decide when something is on the bad side of the ledger? Other communities ask this question too, said Ms. McKibben. It is a key thing to focus on,

she said. Mr. Miller said a working on nonconforming development policies is a piece of the puzzle that fits with the recently created overlay districts and builds in flexibility and relief value when every house in an area is nonconforming.

Ms. McKibben said it is necessary to break the task into three categories: lots, structures and uses. The uses will be the hardest to deal with, she said. CBJ code does not do a good job of separating these categories.

b) Panhandle Code Changes

Committee Members received a memo on the topic of the proposed changes to city code governing panhandle lots. Ms. McKibben summarized by saying that staff looked at amending the panhandle section to create more flexibility and options for subdivision development. Key concepts are indicated with italics in the memo. There is a buffet menu of development options. Lot areas are reduced and meet minimum dimensions, she said.

Mr. Voelckers said that some funky old language in the code is begging to be corrected. When subdivision rules were changed, the code was shed of minimum rectangle rules. So this needs to be applied to smaller lots around town, he said.

Ms. McKibben led the Committee through a number of points outlined in the memo:

- The flagpole stem is reduced from 30 to 20 feet. There was discussion about the driveway grade. Language has been modified as required by the fire code; the Fire Marshall can have flexibility to set this.
- Page 9 of the panhandle memo, Lot size and marine outfall: Current code requires a 36,000 sq. ft. lot. This is a hold out from when the Department of Environmental Conservation (DEC) maintained minimum lot sizes, however DEC has suggested that this requirement be removed. Based on this conversation, it is recommended that paragraph A2 be amended as described in the memo.
- Illustrations: Staff likes including illustrations in the code for circumstances such as panhandles. Ms. McKibben wants to find examples to use for these sorts of things. Mr. Voelckers and Mr. Greene said they were in favor of such an addition.
- Page 3 of the panhandle memo, Setbacks: Staff met with Law and they recommended that the setback for front lots be consistent with private shared access. Ms. McKibben wondered why this is treated differently from corner lots. Mr. Palmer thought this was a good question and suggested amending private shared access in this way. Ms. McKibben stated that there is not yet draft language for the committee, but if the concept is deemed a good one, staff will continue to work on the draft. Ms. McKibben drew pictures for the Committee to illustrate how this would work for panhandles.
- Ms. McKibben had concept maps from Quinn Tracy (CDD cartographer) about how it would look if these concepts were applied to a panhandle. Mr. Voelckers requested that the committee receive some more information and drawings from staff, then that they respond if they think the committee needs more time with the revisions or if they are ready for the Committee of the Whole.
- There is another section of code that will need to be linked between the two sections, regarding a 30 feet setback. Ms. Boyce is familiar with this and took note of this task.
- Specifying how many lots: If you put in that language it is not going to prohibit pairs of panhandle lots existing side by side. Also include language about shared driveways. Staff reports will indicate the intent.

Is keeping in two acceptable, asked Ms. McKibben? Mr. Voelckers thought that with shared access, this language should be acceptable.

- Driveways: Allow the director the discretion to approve driveways; however Law said that the City is at risk for takings if this is done.
- The Committee directed Ms. McKibben to work on language and schedule a time to come before the Committee again. It is important to talk about the why of these revisions such as presenting options for infill development and for other subdivision development. These revisions can implement policies for housing from the Comprehensive Plan.
- Text question in the draft ordinance, item (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*: Why is there something specific about D-1, asked Mr. Voelckers? This is old language because we used to require a larger lot size. It was added in specifically for some lots in N. Douglas. Why not apply to any of the lots, asked Mr. Voelckers? This needs to be looked at to determine if it should stay in. It seems “precious”, said Mr. Voelckers. There is not yet consensus about keeping it in or not, said Ms. McKibben.
- Page 21, item (I) *The portion of the driveway in the right of way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater*: Mr. Voelckers asked if this was consistent with private easement access. Yes, said Ms. McKibben, the Assembly did this.

c) Proposed minor change to privately maintained access roads in public rights-of-way

Ms. Boyce stated that the proposed code change to Privately Maintained Access Roads (PMAs) is a minor change with a big impact. This concept was proposed along with the subdivision rewrite. When the rewrite was presented to the Assembly, they talked about gravel roads not being an urban amenity and they made a change. Since then, the Assembly has reconsidered and they want the Planning Commission to add language saying that gravel PMAs are permissible in the urban service area. If the Committee approves this, it will move on to the full Planning Commission so that they may make a recommendation to the Assembly, said Ms. Boyce.

Mr. Voelckers had question about 49.35.273(b)(5). He said that it seems to say that privately maintained access is required in order to be consistent with fire code.

d) Variances

Mr. Miller requested consideration of this topic. The new interpretation of how variances are applied is a change from case law, he said. At the previous night’s Planning Commission meeting, he said he asked Mr. Palmer questions pertaining to the Olmo decision. Mr. Palmer indicated that it only references court cases from 1979. Is this what he is hanging his hat on, asked Mr. Miller? Yes, replied Mr. Palmer. That was 38 years ago, said Mr. Miller. In 1995 another Planning Commission revised the variance criteria with the benefit of the court case to make that revision. Title 49 states clearly that it is the Board of Adjustment’s (BOA) job to interpret the text of code. Mr. Miller’s opinion is that it is the 6 criteria that the BOA must apply that define a unique circumstance, rather than determining the unique circumstance first and then applying the six criteria.

Mr. Voelckers said he essentially agrees. The key point is the Assembly appeal of Olmo was that you had to meet the first threshold about a unique circumstance before proceeding. These are our new marching orders, as relayed to the commissioners, said Mr. Voelckers.

Ms. Maclean said she thinks it best to move forward as suggested by Mr. Levine. Fix the variance section to read the way we want it to read instead of fighting a battle with law or case law. Mr. Voelckers said that last year the Title 49 Committee had simplified the criteria to 5 elements and discussion ensued about continuing work to rephrase the unique criteria. Would law support this, asked Mr. Voelckers? Ms. Boyce said that the final draft would need to be submitted to Law for review.

Mr. Voelckers said that previous language concerning variances has been awkward but has the potential to be cleaned up. Mr. Miller said that the drive at present is a response to what the applicant at last night's Planning Commission meeting said – variances are impossible to get so they had to ask for the rezone. That is worrisome, said Mr. Miller. They need two variances for their project, that should be easy to give, said Mr. Greene, because the property is completely non-conforming plus they could claim financial hardship. Mr. Greene said if the case had been heard by the Board of Adjustment last night, it would have been approved.

The city could be vulnerable, said Mr. Voelckers, due to inconsistency. Mr. Miller agreed it was worrisome and said he though Ms. Maclean's advice was sound. He suggested the Planning Commission redouble their efforts to get this moving forward. Get rid of criteria No. 2, he said. No one has ever met this criteria in the history of variances, said Mr. Miller.

The Title 49 Committee requests a Committee of the Whole meeting for July 25 to look at variances. (*Ed note – later this was put on the schedule to take place on August 8.*) Mr. Voelckers pushed for new variance language using the word “compelling” rather than “unique” circumstances. He said that revising the language now also points to all the research that has been done based on the Olmo decision and other actual situations in the recent past. This will allow for common sense to enter into the decision, he said. Mr. Voelckers brought up the Tyler rental case as an example of something the commissioners wanted to approve. There were unique features in that location and for that use like the size of the equipment.

VI. Next Meeting

Wednesday, July 19, 3:15 pm

VII. Adjournment

The meeting adjourned at 4: 23pm.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-31

An Ordinance Amending the Comprehensive Plan Land Use Maps of the City and Borough to Change the Land Use Designation of Block 25, Juneau Townsite, Entirely Bounded by Fifth and Sixth Streets and Gold and Harris Streets in Downtown Juneau, from Medium Density Residential to Traditional Town Center.

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

WHEREAS, the Land Use Maps of the Comprehensive Plan designate the subject parcels as Medium Density Residential (MDR); and

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

WHEREAS, the MDR designation is not appropriate for the subject parcels because the uses of this parcel more closely comply with Traditional Town Center; and

WHEREAS, the property adjacent to the parcels to be re-designated is identified in the Land Use Maps as Traditional Town Center (TTC), which is described as appropriate for non-residential land uses in downtown areas as well as other areas suitable for a mixture of retail,

office, general commercial, and high density residential uses at densities at 18 or more residential units per acre; and

WHEREAS, the TTC designation that is adjacent to the subject parcels is more appropriate to the subject sites than their current MDR designation and appears to have been a mapping oversight to not include this block as TTC; and

WHEREAS, the subject property is located within Subarea 6 of the Comprehensive Plan (where the CBJ is divided into different subareas and where for each subarea, the Comprehensive Plan identifies factors and considerations designed to influence future decision-making for each subarea), and is described as “urban” and characterized as “mixed use community” with a wide range of land use designations in the core downtown area, including both MDR and TTC areas; and

WHEREAS, on September 12, 2017, the Planning Commission recommended the Assembly adopt this ordinance.

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 the eight parcels in Block 25, Juneau Townsite, entirely bounded by Fifth and Sixth Streets and Gold and Harris Streets in downtown Juneau, from Medium Density Residential (MDR) to Traditional Town Center (TTC). The described amendment is shown on the attached Exhibit A.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

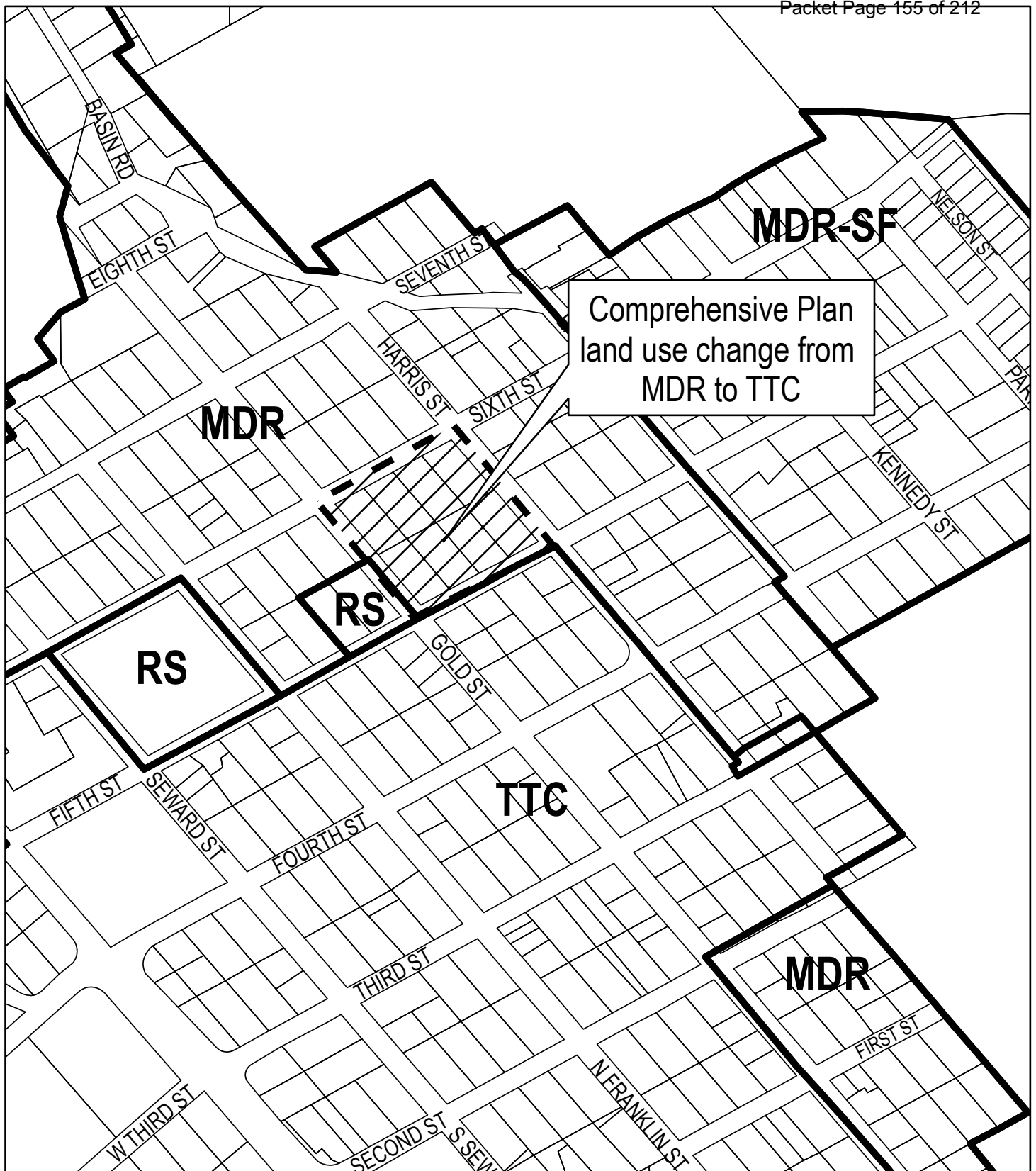


Exhibit A - Ordinance No. 2017-31
 Comprehensive Plan land use change
 for Lots 1 - 8 Juneau Township from
 MDR (Medium Density Residential)
 to TTC (Traditional Town Center)

0 125 250
 Feet



Presented by: The Manager
 Introduced:
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-28

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Block 25, Juneau Townsite, Entirely Bounded by Fifth and Sixth Streets and Gold and Harris Streets in Downtown Juneau, from D-18 to MU.

WHEREAS, Lots 1 – 8, Block 25, Juneau Townsite, consisting of 0.899 acres, located at 400 Fifth Street, 415 Fifth Street, 416 Sixth Street, and 419 Sixth Street, are zoned D-18 according to the official zoning map of the City and Borough, adopted as part of CBJ 49.25.110; and

WHEREAS, the applicant wishes to rezone the subject property from D-18 to Mixed Use (MU), consistent with the zoning designation of the adjacent properties and in substantial conformance with the land use maps of the Comprehensive Plan; and

WHEREAS, the land use maps of the Comprehensive Plan currently identify the area of the proposed rezone as MDR (Medium Density Residential); 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; and

WHEREAS, the subject property is located within Subarea 6 of the Comprehensive Plan (where the CBJ is divided into different subareas and where for each subarea, the Comprehensive Plan identifies factors and considerations designed to influence future decision-making), and is described as “urban,” and characterized as “mixed use community” with a wide range of land use designations in the core downtown area, including MDR; and

1 WHEREAS, MU is described as accommodating “a mix of appropriate commercial and
2 residential uses....The MU, mixed use district, reflects the existing downtown development
3 pattern and is intended to maintain the stability of the downtown area. Multifamily residential
4 uses are allowed and encouraged;” and

5
6 WHEREAS, MU is an appropriate zoning district under the MDR designation for the
7 subject parcels within Subarea 6 because existing development on the property conforms more
8 closely to MU than D-18, the MDR designation also allows for non-residential development
9 consistent in scale with residential neighborhoods, development under MU is of the same
10 character with the urban form of the neighborhood and because the development pattern and
11 established uses on the subject parcels are more consistent with the look and character of the
12 mixed use development along Fifth and Fourth Streets than the neighboring D-18 zoned
13 parcels; and

14
15 WHEREAS, the proposed rezone to MU would also be consistent with the land use re-
16 designation of the area from MDR to Traditional Town Center (TTC) being proposed by
17 Ordinance 2017-31; and

18
19 WHEREAS, TTC is described as lands characterized by high density residential and non-
20 residential land uses in downtown areas as well as other areas suitable for a mixture of retail,
21 office, general commercial, and high density residential uses at densities at 18 or more
22 residential units per acre; and

23
24 WHEREAS, MU is an appropriate zoning district under TTC because MU is established
25 to accommodate a mix of appropriate commercial and residential uses, reflects the existing
downtown development pattern, is intended to maintain the stability of the downtown area,
and does not have an upper density limit; and

WHEREAS, the area where the adjacent MU parcels are located is designated TTC under the Comprehensive Plan; and

WHEREAS, the proposed rezone meets the requirements of CBJ 49.75.120.

NOW THEREFORE, 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 Block 25, Juneau Townsite, from D-18 to MU. The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

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

Adopted this _____ day of _____, 2017.

Attest:

Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk

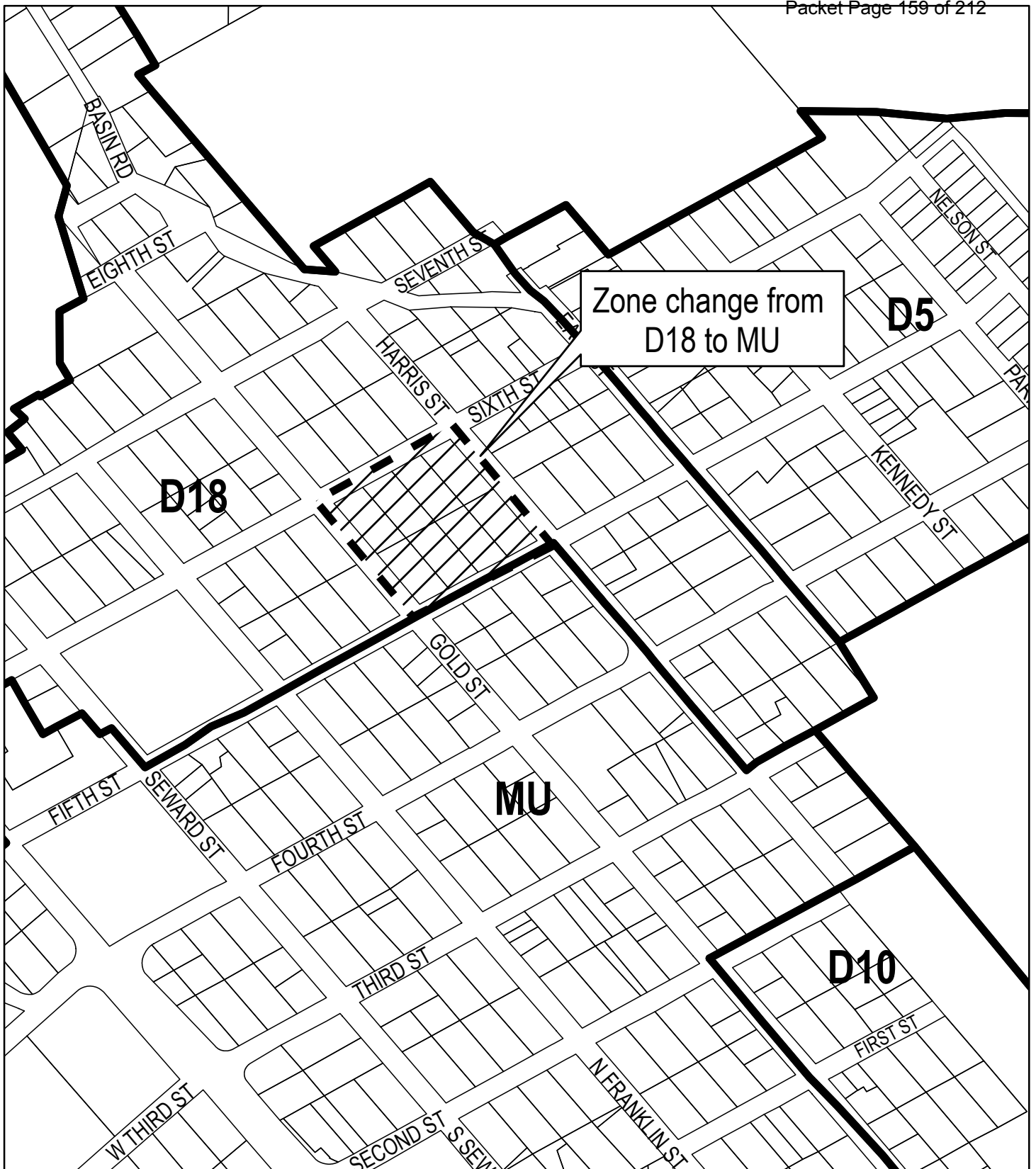


Exhibit A – Ordinance No. 2017-28

Zoning change for Lots 1 - 8, Block 25
Juneau Townsite from
D18 (residential) to MU (mixed use)

0 125 250
Feet





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

**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: July 19, 2017
File No.: AME2017 0002

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a request to rezone approximately 0.899 acres from D-18 to Mixed Use (MU).

Property Address: 400 Fifth Street; 416 Fifth Street; 415 Sixth Street, 419 Sixth Street

Legal Description: Lots 1 - 8, Block 25, Juneau Town Site

Parcel Code Number: 1-C04-0-A25-001-0; 1-C04-0-A25-002-0; 1-C04-0-A25-003-0, 1-C04-0-A25-003-1

Hearing Date: July 11, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 22, 2017, and recommended that the City and Borough Assembly adopt staff's recommendation for approval to rezone approximately 0.899 acres from D-18 (Multifamily, 18 dwelling units per acre) to MU (Mixed Use). The Planning Commission found that this proposed expansion of the adjacent Mixed Use (MU) zone district substantially conforms to the maps of the Comprehensive Plan.

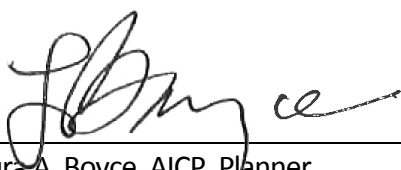
Attachments: June 22, 2017 memorandum from Laura A. Boyce, AICP, Senior Planner, Community Development, to the CBJ Planning Commission regarding AME2017 0002.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the

City and Borough Assembly
File No.: AME2017 0002
July 19, 2017
Page 2 of 2

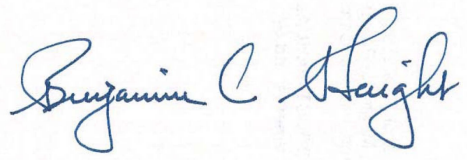
recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

Project Planner: _____


Laura A. Boyce, AICP, Planner
Community Development Department



Filed With City Clerk



Benjamin Haight, Chair
Planning Commission

July 21, 2017

Date

cc: Plan Review

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



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

DATE: June 22, 2017

TO: Planning Commission

FROM: Laura A. Boyce, AICP, Senior Planner
Community Development Department

A handwritten signature in black ink, appearing to read 'L. Boyce', is positioned to the right of the 'FROM:' field.

FILE NO.: AME2017 0002

PROPOSAL: Request to rezone approximately 0.899 acres from D-18 (Multifamily, 18 dwelling units per acre) to Mixed Use (MU)

GENERAL INFORMATION

Applicant: Corporation of the Catholic Bishop of Juneau

Property Owner: Corporation of the Catholic Bishop of Juneau

Property Address: 400 Fifth Street; 415 Fifth Street; 416 Sixth Street; 419 Sixth Street

Legal Description: Lots 1 - 8, Block 25, Juneau Townsite

Parcel Code Nos.: 1C040A250010, 1C040A250020, 1C040A250030, 1C040A250031

Site Size: 39,144 Square Feet (0.8988 acres)

Current Zoning: D-18 (Multifamily, 18 du/acre)

**Comprehensive Plan Future
Land Use Designation:** Medium Density Residential

Utilities: CBJ Water and Sewer

Access: Fifth Street, Harris Street, and Gold Street

Existing Land Use: Religious Worship Facility and Associated Uses

Surrounding Land Use: North - Residential, Single- and Multifamily (D-18)
South - Mixed Uses (MU)

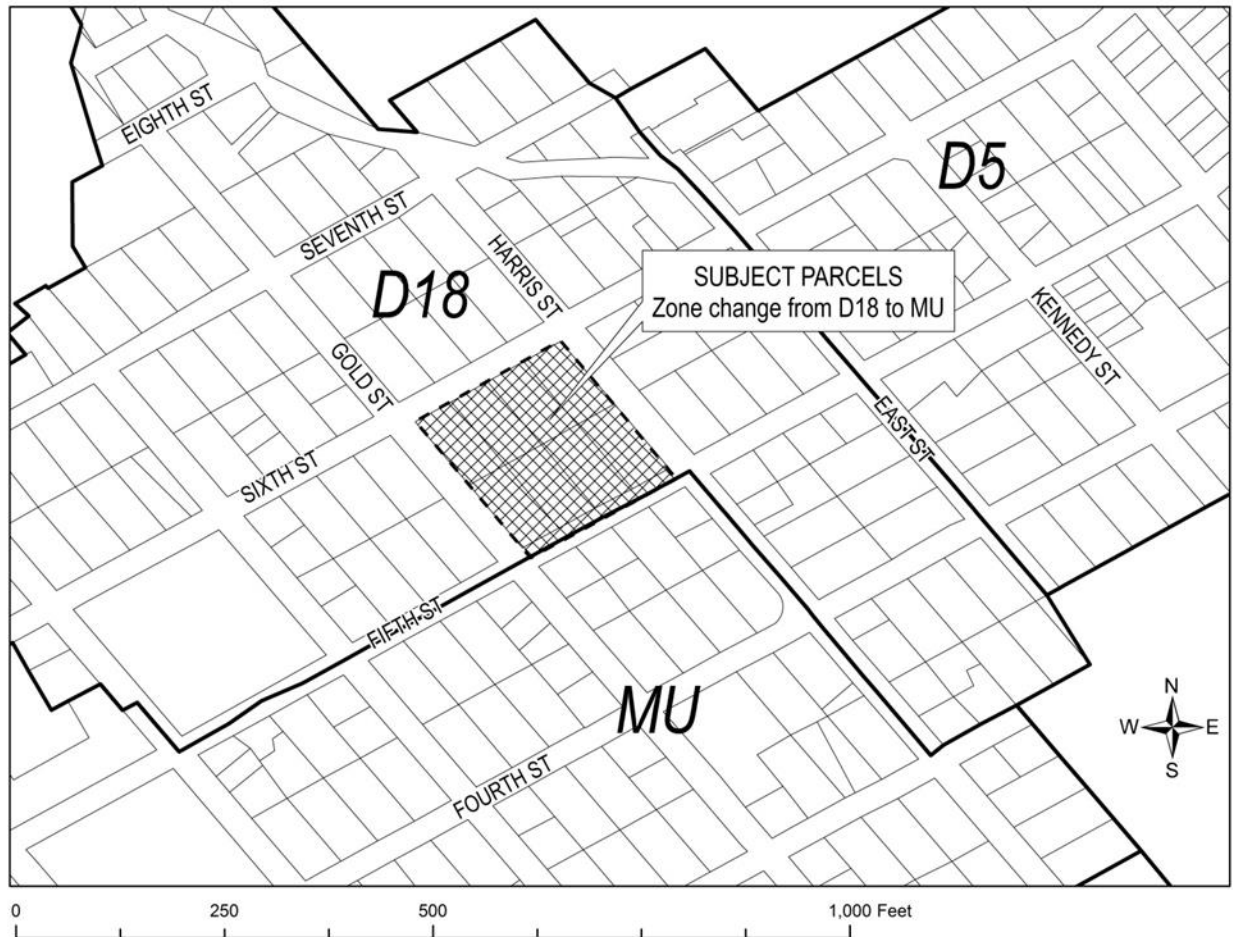
Planning Commission
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East - Residential, Single- and Multifamily (D-18)
West - Multifamily, Religious uses (D-18)

ATTACHMENTS

- | | |
|--------------|--|
| Attachment A | Rezone Application, including Project Narrative |
| Attachment B | Neighborhood Meeting Materials |
| Attachment C | Land Use Mapping Analysis – Zone District by Comprehensive Plan Land Use Designation |
| Attachment D | Previous Comprehensive Plan Amendment Map Excerpts |

VICINITY MAP



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INTRODUCTION

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

PROPOSAL

The Corporation of the Catholic Bishop of Juneau submitted an application requesting that their property (the entirety of Block 25, Juneau Townsite, bounded by Fifth, Gold, Harris, and Sixth Streets) be rezoned from D-18 to Mixed Use. The parcels within the entire block are owned by the Corporation and are used for religious worship facilities and related uses, including a place of worship (Cathedral of the Nativity), parish hall (St. Ann's Parish Hall), the Rectory, offices, and associated uses. The Corporation leases out space for business and professional offices as well.

In the Project Narrative, the applicant states that the property is built out but improvements are needed to upgrade or improve the existing structures. The buildings on the property pre-date current zoning requirements, especially setbacks. Existing development is built closer to the property boundaries than current zoning allows. Since the buildings encroach into the current D-18 setbacks, variances would be needed in order to modify the buildings. The existing development, both in building massing and scale as well as uses, is more consistent with the adjacent Mixed Use (MU) zone district than with the existing D-18 zone district.

The applicant's Project Narrative includes that a modification of the Comprehensive Plan would also be proposed, changing the Medium Density Residential (MDR) designation to Traditional Town Center (TTC). Staff's analysis shows that a Comprehensive Plan amendment is not needed in order to approve this rezone request.

BACKGROUND

Development on Block 25 of the Juneau Townsite occurred as early as 1890. Exact dates are not known, but historical records state that the existing church and rectory were built between 1890 and 1918, during Juneau's initial development period. Other buildings on the block were constructed in 1933, 1954, and 1976. One of the buildings was removed in 1991 due to fire damage, and a new building – the St. Ann's Center on the corner of Fifth and Harris Streets - was constructed in 1993-1994. A number of the buildings pre-date zoning requirements and do not meet current zone district development standards. Uses on the property are related to religious worship facilities including a rectory, a parish hall, and a place of worship as well as associated office use such as Catholic Community Services. The property owner also leases out space for business and medical offices.

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A variance (VR-76-08) was approved in 1976 to reduce the front yard setbacks to 7 feet along Sixth Street and 4 feet along Gold Street from the then-required 15 foot setback for the building. (Different zoning applied then; now the requirement is 20 feet.) Another variance was approved (VR-91-24) that resulted in a reduction from the required 30% vegetative cover to 15%. Conditional Use Permits were approved in 1971, 1975, and 1976 for a nursing home, a day care facility, and business offices.

Much of the development occurred prior to the existence of zoning requirements in the CBJ and is nonconforming. In the borough-wide rezoning in 1987, the current D-18 zone district was applied to this property which requires a minimum of a 20 foot front yard setback. This rezone request, if granted, would bring existing development into conformance with the Land Use Code.

ZONE CHANGE INITIATION

The Land Use Code outlines the procedure and requirements regarding rezone requests at CBJ 49.75 *Article I, Rezoning*s. The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

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

1. Was the proposed zone change initiated by the property owner during the appropriate time frame OR was the zone change initiated by the commission, assembly or director?

YES. The application for the subject zone change was initiated by the property owner in January, 2017.

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

YES. A Notice of a Neighborhood Meeting regarding the rezone request was mailed to all property owners within 500 feet of the subject parcel on March 1, 2017. A Notice of Public Hearing was mailed to the same owners advising them of a June 13 hearing date, and a second notice was sent on June 1, 2017 when the hearing was rescheduled. Public notice of this project was provided in the June 16, 2017 and June 26, 2017 issues of the Juneau Empire in the "Your Municipality" section.

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Moreover, a public notice sign was posted on the site on Monday, June 12, visible from the right-of-way, which was at least two weeks prior to the scheduled Planning Commission hearing.

RESTRICTIONS AND PROCEDURE

The CBJ Land Use Code provides restrictions for zone district change requests.

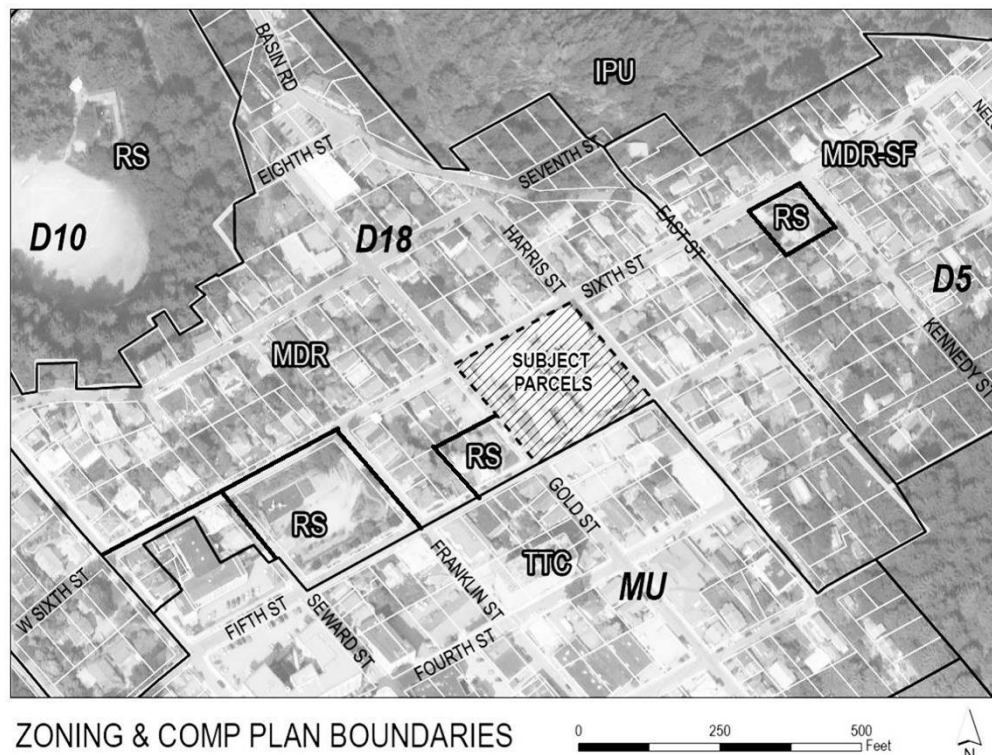
CBJ 49.75.120. Restrictions on Rezoning. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zone district and the used allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

This proposal conforms to these restrictions:

1. It is an expansion of an existing abutting district.
2. There has not been a similar request made for the property within the past year.

COMPLIANCE WITH THE 2013 JUNEAU COMPREHENSIVE PLAN

The Comprehensive Plan land use designations and zoning districts are shown on the map below:



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The subject property is zoned D-18 and the 2013 Comprehensive Plan land use designation is Medium Density Residential (MDR). The Mixed Use (MU) zone district – the requested zone district – is located just south of the property, within the Traditional Town Center (TTC) Comprehensive Plan land use designation. The TTC land use designation was introduced with the 2013 update to the Comprehensive Plan. That designation was Mixed Use (MU) prior to the 2013 update.

In Chapter 11, Comprehensive Plan Land Use Maps, the following guidance is offered in regard to rezoning:

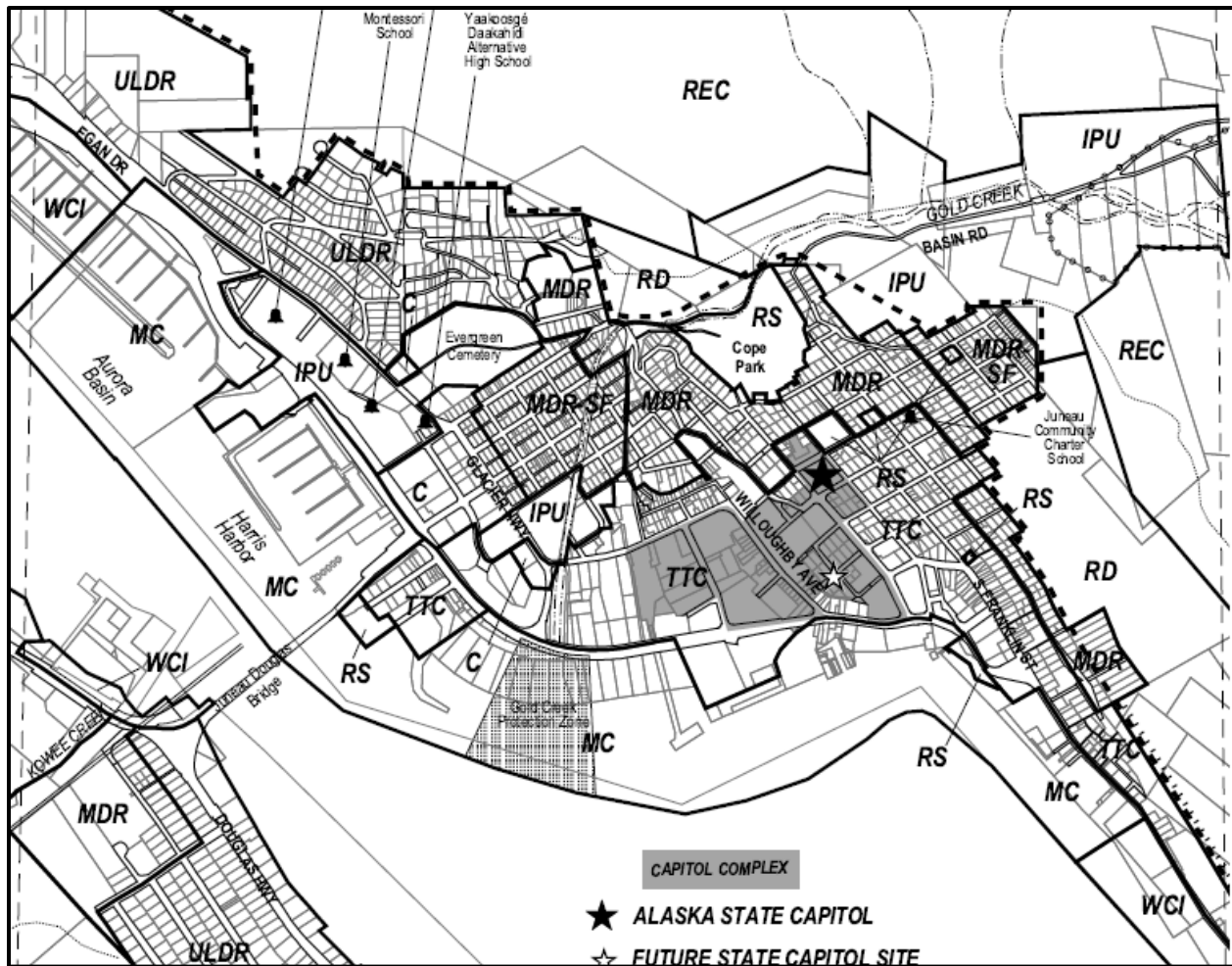
In considering a rezoning request, the Planning Commission and the Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation, flood control, or providing a buffer between development and areas subject to natural hazards. (p. 143)

Chapter 1 of the Comprehensive Plan supports the flexibility of the Plan, and emphasizes that it should be used when considering community growth, along with other current information. Specifically, the Plan states:

Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. ... [The Plan] should ... bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the data in the Plan is out of date. [The Plan] ... provides a logical, consistent, and purposeful approach to managing community growth and development. (p. 1)

When considering this request it is important to understand what the Comprehensive Plan intends when describing land use designations. The Plan states that the designations are intended to describe the overall character of development for each land use category. The Plan definitions are not intended to be firm or restrictive definitions. In contrast, zoning uses that are allowed outright, or allowed through a Conditional Use permit, are firm and restrictive. The designations and their allowed uses reflect cultural values and economic and societal needs, and over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances. (p. 144) The Comprehensive Plan map for this area is shown below.

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CBJ 49.75.120 partially incorporates those Comprehensive Plan policies and guidance and directs that *A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the Comprehensive Plan.* Therefore, the question is whether this rezone request substantially conforms with the land use maps of the Comprehensive Plan.

“Substantial conformance with the land use maps of the Comprehensive Plan” means the proposed zoning district (Mixed Use) needs to substantially conform with the Comprehensive Plan land use designation (Medium Density Residential). The term “substantial conformance” means that the proposed zoning district may deviate slightly from the Comprehensive Plan land use designation; it does not have to precisely match the maps but must materially be the same.

The proposed zone change to Mixed Use does substantially conform to the Medium Density Residential designation, as described in the next section.

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Comprehensive Plan Land Use Designations

The property is located in Subarea 6 of the 2013 Comprehensive Plan (Map M). The plan designates this property as MDR, Medium Density Residential. Medium Density Residential is described as:

These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBI 49.25.300).

The area immediately south of the property is identified as Traditional Town Center (TTC) and is described as follows:

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of land.

Subarea 6 of the Comprehensive Plan is described as “Urban” which is the existing character outlined in Chapter 3, Community Form, as:

Urban areas are represented by downtown Juneau and Douglas, West Juneau, medium-density areas of Lemon Creek and Switzer Village, the mixed use area around and between the Mendenhall Mall and Nugget Mall, and the village area around Auke Bay Harbor and the University. In these urban areas, residential, commercial, mixed use and/or public facilities share land and utilities in a compact area. Urban areas are characterized by low- to mid-rise residential and commercial structures, often with the uses mixed within the same structure or with commercial uses lining the edges of residential neighborhoods. Typical mass and scale of these urban neighborhoods are 2 to 3-story structures separated by parking lots, roads, sidewalks and landscaping or small yards. Medium to high residential densities of 10 to nearly 400 residential uses per acre can be found in the downtown Juneau area; densities of 14 units per acre can be found in the West Juneau Area; densities of seven units per acre can be found in the Lemon Creek and Switzer Creek areas and in the Auke Bay area.

Subarea 6, which includes the subject property and nearby properties, is described as ... *a mixed use community with land use designations in the core downtown area ranging from the rural Resource Development (RD), to Recreation Resource (REC) on the steep northern edges of*

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the core area and tiering down the slopes to the Channel with the more urban Medium Density Residential (MDR), Medium Density Residential/Single Family (MDR/SF), Urban Low Density Residential (ULDR), Traditional Town Center (TTC), Commercial (C), Institutional and Public Use (IPU) and Waterfront Commercial (WC) districts.

... The downtown area includes special overlay districts, including parking districts, an historic district, a Waterfront District that is the subject of the Long Range Waterfront Master Plan, along with the Landslide and Avalanche Hazard Zone designations. (p. 184)

The following zone districts are located in the various MDR land use designations found throughout the CBJ: D-1(T)D-3, D-3, D-5, D-5(T)D-18, D-10, D-10(T)D-18, LC, GC, MU, and WC. Approximately 36 acres of MDR lands are zoned for commercial uses (LC, GC, MU, and WC). Because approximately 3 acres of MU zoning is already found within the MDR designation, it would not be an anomaly to rezone this block, consisting of less than one acre, to MU. (See Attachment C)

When reviewing all MDR designated properties collectively, if all zone districts were built out to the maximum residential density called for (arbitrarily assuming a practical limit of 100 du/acre for MU, although it has no upper limit), the resulting densities would be 13.6 dwelling units per acre. MDR allows for densities between 6 and 20 units per acre. This request, if granted, would have minimal impact to the resulting overall density; it would still be fewer than 14 dwelling units per acre if all properties were development to their maximum residential potential. However on a micro level – specifically analyzing just the subject parcels – the residential density could potentially increase if the zone district request is approved. Although there are no residential units currently anticipated for the property, in the event that the current owner sells to someone else, development in the future may increase on the site. MDR allows for multi-family development up to 18 units per acre. The MU zoning district does not have a limit on the number of residential units per acre, but there is a limit on the feasibility of how many units can be accommodated on a site. Parking requirements, specifically, would limit further development potential on this block. This property is not located within a parking district overlay area so parking reductions afforded by these districts are not applicable. It is unlikely that the site could be redeveloped for residential uses at a density much higher than the surrounding neighborhood, even if the zoning remained D-18 due to the constraints of the site and its ability to provide required parking. However, the parking waiver was recently approved (2017) and could be used to provide some parking flexibility.

Regarding non-residential uses, which will be covered in more detail below, the requested zone district of MU and the existing D-18 district include many of the same uses allowed outright or with approval of a Conditional Use Permit. This is discussed in more detail below. The requested zone district may be found to be substantially in conformance with the Comprehensive Plan regarding the non-residential uses portion of the request.

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The following zone districts are currently found in the downtown MDR Comprehensive Plan land use designation: D-5, D-10, D-18, LC (Light Commercial), and MU (Mixed Use). All of the existing MU zone districts found within the MDR designation are located downtown. The requested rezone would be comparable to what already exists. Additionally, it would be an expansion of an existing zoning district.

Previous Comprehensive Plans have amended the line between the MDR and the TTC (then MU) designated areas, specifically along Sixth Street. (See Attachment D) As is evident now, the line dips below and returns to Sixth Street, as shown on the map earlier in this report. The 1976 Downtown Plan identified this property as Medium Density Residential which described densities up to 70 units per acre (p. 27). The existing land uses on this block were identified as "Public" which included religious uses.

The 2013 Comprehensive Plan (the Plan) provides guidance to residents and local officials as to the location, intensity, and timing of future public and private development as well as conservation measures. This property is located within the urban service area boundary (USAB). The Plan discusses compact infill development within the USAB. A development would build *...to the maximum density allowed by the zoning district within which the property lies, provided that road and intersections serving the new development have adequate capacity and levels of service to accommodate the proposed intensity of development. Building lands should be developed as medium- to high-density affordable housing or mixed residential and commercial developments wherever is possible and practicable. This is particularly true for lands located within walking distance (approximately one-quarter mile) of public transit service. (p. 15.)*

As stated in CBJ 49.75.130(a), the Commission may approve, approve with modifications, or deny a rezone request. The Commission may recommend approval to the Assembly for different zone districts than what is requested by the applicant or recommended by staff.

COMPLIANCE WITH CBJ LAND USE CODE

According to the Land Use Code, the existing D-18 zone district is described as follows:

The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.

The requested zone district, Mixed Use (MU), is described as follows:

The mixed use and mixed use 2 districts are established to accommodate a mix of appropriate commercial and residential uses....The MU, mixed use district, reflects the

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existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.

D-18 and MU allow for the potential for many of the same uses. The uses that are not allowed in the D-18 zone district but may be allowed in MU require a Conditional Use Permit. A sample of permissible uses in the D-18 and Mixed Use zone districts is shown in the table, below:

Use	D-18 Zone District	Mixed Use Zone District
RESIDENTIAL USES		
Single-family residential, duplexes	Department Approval	Department Approval
Multifamily	Department Approval CUP approval	Department Approval CUP approval
Bed and Breakfasts, Rooming Houses	Department Approval CUP approval	Department Approval
Hotels, motels	Not allowed	Department Approval CUP approval
SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT		
Storage and display of goods and outdoor merchandising of goods	Not allowed	Department approval CUP approval
Marijuana retail store	Not allowed	CUP approval, but not allowable given current adjacent uses
PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES		
Offices not greater than 2,500 sf	CUP approval	Department approval
Offices greater than 2,500 sf	Not allowed	Department approval CUP approval
Research, lab uses	Not allowed	Department approval CUP approval
Marijuana testing facility	Not allowed	CUP approval, but not allowable given current adjacent uses
MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING PAINTING, CLEANING, ASSEMBLING OF GOODS		
Light manufacturing	CUP approval	Department approval CUP approval
Medium manufacturing	Not allowed	CUP approval

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Marijuana product manufacturing facility	Not allowed	CUP approval, but not allowable given current adjacent uses
EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES		
Trade school, vocational schools, commercial schools	Not allowed	CUP approval
Churches, synagogues, temples	CUP approval	Department approval CUP approval
Social, fraternal clubs, union halls	Not allowed	Department approval CUP approval
INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES		
Hospital	Not allowed	CUP approval
Health care clinics, assisted living, day care centers, child care centers, correctional facilities	CUP approval	Department approval CUP approval
RESTAURANTS, BARS, NIGHTCLUBS		
Small restaurants, less than 1,000 sf with no drive-through	CUP approval	Department approval
Restaurants, bars, seasonal open air food service with no drive-through	Not allowed	Department approval CUP approval
OTHER		
Motor vehicle, mobile home sale or rental	Not allowed	CUP approval
Vet clinic, Day animal services	Not allowed	CUP approval
Commercial agriculture, excluding farm animals	CUP approval	Not allowed
Spring water bottling	CUP approval	Not allowed
Full service dry cleaner	Not allowed	CUP approval
Funeral home	Not allowed	CUP approval

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Another way to evaluate the differences between the current zone district requirements and the requested zone district is to review the dimensional standards of both districts, as shown below:

	D-18	Mixed Use (MU)
<i>Setbacks</i>		
<i>Front</i>	20 feet	0 feet
<i>Rear</i>	10 feet	0 feet
<i>Side</i>	5 feet	0 feet
<i>Street Side</i>	13 feet	0 feet
<i>Lot Coverage – Maximum</i>	50%	None
<i>Building Height maximum</i>		
<i>Primary Uses</i>	35 feet	No Limit
<i>Accessory Uses</i>	25 feet	No Limit
<i>Vegetative Coverage</i>	30%	None
<i>Density</i>	18 du/acre	No Limit

Existing development on the properties conforms more closely to the requested MU district in building bulk, massing, height, and uses than with the D-18 zone district. In the applicant's project narrative, it is stated that no further development is planned. However in the case that the property ownership changes or if plans change, development may become more intense.

A number of setback exceptions exist in the Land Use Code, such as CBJ 49.25.430(3), which addresses lots that have multiple frontages; however, none of the existing setback exceptions would allow for additions to the front facades of the buildings. A variance request is one of the potential remedies to make improvements to the portions of the buildings that encroach into the setbacks. ADA requirements, a part of federal law, may be allowed within the setbacks in certain instances. Required improvements such as these may supersede our Code in certain instances.

Although the subject properties are within the current draft Alternative Development Overlay District (ADOD) boundaries, that ordinance, if adopted, only provides the Commission to review and consider alternative setback and lot coverage scenarios for residential development.

Planning Commission
File No.: AME2017 0002
June 22, 2017
Page 14 of 15

The adjacent Mixed Use zone properties south of Fifth Street are located within the parking special overlay districts of PD-1 and Fee-In-Lieu. The existing Mixed Use zone properties between Fifth and Sixth Streets are not located within those parking districts. While the majority of downtown MU-zoned properties are within the downtown parking districts, not all of them are. Rezoning the subject properties to MU would not create any inconsistencies with the existing parking district overlays nor necessitate amendments to those boundaries to accommodate the property.

PUBLIC COMMENT

At the March 7, 2017, neighborhood meeting, approximately twelve people attended, including staff and the applicants. Staff provided an overview of the rezone process and the applicant discussed the proposal. There were questions and concerns regarding compatibility with the adjacent residential neighborhoods. Specifically, marijuana establishments were mentioned as a concern. While not mentioned at the meeting, the Mixed Use (MU) zone district does allow for marijuana establishments with approval of a Conditional Use Permit however the likelihood of this happening is low. State law prohibits marijuana establishments within 500 feet of schools and places of worship. Both are located either on or within 500 feet of the site. Therefore, current laws would not allow for the permitting of marijuana establishments on the subject properties.

Other concerns mentioned were the continuation of Mixed Use “creep” into the D-18 district, such as with the Terry Miller building, and the change in dimensional standards, such as height, setbacks, and vegetative cover, that would occur if the zone change were approved.

The Neighborhood Meeting Materials, including the meeting sign in sheet, are located in Attachment B.

To date, staff has not received correspondence regarding the proposed rezone request.

FINDINGS

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

1. The request meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code as the application was submitted timely and is an expansion of an existing zone district.
2. Based upon the analysis above, this proposal substantially conforms to the Land Use Maps of the Comprehensive Plan.

Planning Commission
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June 22, 2017
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3. A broad range of zone districts currently exist within the Comprehensive Plan's MDR land use designation. The requested zone district of MU is consistent with land use designations of the Comprehensive Plan.

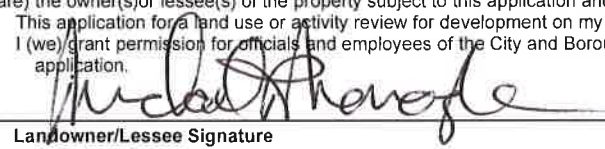
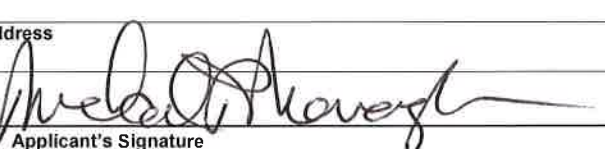
STAFF RECOMMENDATION

Staff recommends that the Planning Commission concur with the Director's analysis and findings and recommend approval to the Assembly for a rezone of the 0.8988 acres for the entirety of Block 25 from D-18 to MU (Mixed Use).

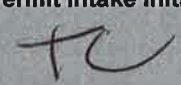
DEVELOPMENT PERMIT APPLICATION

Packet Page 177 of 212

Project Number AME20170002	CITY and BOROUGH of JUNEAU	Date Received: 1/27/16
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Zone Change Request		
	PROPERTY LOCATION		
	Street Address 416 5th Street	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Juneau Town Site; block 25 lots 1 & 2; block 25 lots 3 & 4; block 25 lots 5,6,7 & 8		
	Assessor's Parcel Number(s) 1C040A250010, 1C040A250020, 1C040A250030		
	LANDOWNER/ LESSEE		
	Property Owner's Name CORPORATION OF THE CATHOLIC BISHOP OF JUNEAU	Contact Person: Michael Monagle	Work Phone: 586-2227 x27
	Mailing Address 415 6th St Ste 300 Juneau AK 99801	Home Phone:	Fax Number: 463-3237
	E-mail Address businessmanager@dioceseofjuneau.org	Other Contact Phone Number(s): (907) 209-2080	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X  Landowner/Lessee Signature		1/25/2017 Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name SAME		Contact Person:	
Mailing Address		Home Phone:	
E-mail Address		Other Contact Phone Number(s):	
X  Applicant's Signature		1/25/2017 Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	X	Zone Change Application		1/27/17	AME20170002
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials 

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number AME 20170003	Date Received 1/27/17																																								
LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED: <u>ALL OF BLOCK 25, JUNEAU TOWN SITE. BLOCK CONSISTS OF PARCEL 1C040A250010, LOTS 1 AND 2; 1C040A250020, LOTS 3 AND 4; 1C040A250030, LOTS 5, 6, 7, and 8. SEE ATTACHED SITE PLAN.</u>																																											
IS THIS AN EXPANSION OF AN EXISTING ZONE?		☒ Yes ☐ No																																									
Total Land Area of Proposed Change <u>1.23</u> acres		Comp Plan Designation <u>MDR</u>																																									
Current Zone(s) <u>D-18</u>		Comp Plan Map <u>MAP M</u>																																									
New Zone Requested <u>MU</u>																																											
TYPE OF ZONE CHANGE REQUESTED: ☒ Regular ☐ Transition																																											
HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS? ☐ Yes ☒ No																																											
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																																											
PURPOSE OF THE REQUESTED ZONE CHANGE: <u>SEE ATTACHED MEMO.</u>																																											
IS THERE A PROPOSED USE OF THE LAND? (BUILT-OUT) ☒ Yes ☐ No																																											
PROPOSED BUFFERS TO ADJACENT ZONES? (N.A.) ☐ Yes ☒ No																																											
DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT): <u>SEE ATTACHED MEMO.</u>																																											
DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:																																											
STREETS: <u>NEGLECTIBLE OR NONE</u>																																											
WATER: <u>(DITTO)</u>																																											
SEWER: <u>(DITTO)</u>																																											
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5">ZONE CHANGE FEES</th> </tr> <tr> <th></th> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <u>600</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td>\$</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ <u>50</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ <u>100</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td>\$ <u>750</u></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			ZONE CHANGE FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ <u>600</u>				Admin. of Guarantee	\$				Adjustment	\$				Pub. Not. Sign Fee	\$ <u>50</u>				Pub. Not. Sign Deposit	\$ <u>100</u>				Total Fee	\$ <u>750</u>			
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

MRV ARCHITECTS

1420 GLACIER AVENUE, JUNEAU, AK 99801 (907) 586-1371

Re: Zone Change Request, Block 25, Juneau Town Site
 Attn: Mr. Rob Steedle, Director
 CBJ Community Development
 By: Paul Voelckers, for the Roman Catholic Diocese of Juneau
 Date: January 13, 2017

Dear Mr. Steedle,

As we have discussed, the Roman Catholic Diocese of Juneau has been studying potential upgrades to the Cathedral of the Nativity, located within Block 25 of the Juneau Town Site. Such upgrades, which are intended to include new and improved ADA access and other functional necessities, will potentially create permitting and variance concerns due to the underlying zoning of this block as D-18, a medium-density residential zone. All buildings within this block, including the Cathedral, have perimeter walls located within the required setbacks for D-18.

Rather than anticipate a series of variances which would likely be required for even simple modifications, the way forward is perhaps best addressed by a re-zone of the property. Other property immediately contiguous to Block 25 along the downhill or southeasterly boundary is zoned Mixed-Use (MU), as is most of the adjoining urban center of Juneau.

Briefly, Title 49 describes D-18 zoning as *"intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre"*. 49.25.220 describes Mixed-use districts, with MU zoning intended to *"reflect the existing downtown development pattern and maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged."*

A convincing case can be made that Block 25 is much closer in development type, scale, and use to MU than to D-18 residential zoning. Block 25 has been fully developed for many decades, with institutional church and mixed-use buildings. The largest structure, fronting 6th Street, is the former Saint Ann's Hospital, which now houses Diocese offices and a variety of other commercial tenants. Other principal structures include the Cathedral of the Nativity, St. Ann's Parish Hall, and the Rectory supporting the Cathedral. In general, Block 25 is fully built-out, with only limited changes to the general scope and feel of the buildings likely for a significant period of time.

An attached site plan (prepared in 2001 for other purposes), is still accurate in its depiction of buildings, parking, and walks. A proposed re-alignment of the MU and D-18 districts is illustrated, with an affected size of 1.23 acres. A concurrent modification of the Comprehensive Plan would also be proposed, with MDR residential uses modified to TTC, Traditional Town Center.

Please let me know if any more information on potential upgrades to the Cathedral would be useful to this discussion. We anticipate virtually no impact on CBJ utilities, street structures, or other responsibilities as part of this re-zone, if successful. Thank you for your consideration.

Sincerely,

Paul Voelckers
MRV Architects



PROPOSED
BOUNDARY
TO D-18

Statutory Warranty Deed

Deed Book 29 Page 130
Juneau Recording Dist.

THE GRANTOR THE SISTERS OF ST. ANN OF JUNEAU, ALASKA,
835 Humboldt Street
residing at Victoria, British Columbia, Canada
for and in consideration of TEN DOLLARS (\$10.00) and other valuable consideration,
in hand paid, conveys and warrants to CORPORATION OF THE CATHOLIC BISHOP
OF JUNEAU, a religious corporation sole,

the following described real estate:
REAL PROPERTY: Lot 3 of Block 26; Lots 5, 6, 7 and 8 of Block 25; those certain portions of Lots 1 and 2 of Block 25 more particularly described as follows: Beginning at Cor.No. 1, the most westerly corner of Lot 1, Block 25, Townsite of Juneau, thence from Cor.No. 1 by metes and bounds, S. 41° 17' E., 17.00 feet to Cor.No. 2; N. 60° 35' E., 68.5 feet to Cor.No. 3; N. 29° 25' W., 16.64 feet to Cor.No. 4; S. 60° 35' W., 72.00 feet to Cor.No. 1, the point of beginning; together with the building and structures thereon. It is understood that the structures on the above described property minutely encroach upon adjoining land of the Corporation of the Catholic Bishop of Juneau. Additionally, minute portions of the structure located on Lot 5 of said Block 25 encroach upon Harris Street, a public street, for which the grantor makes no covenants or warranties of ownership.

PERSONAL PROPERTY: All personal property existing in the structure constructed upon said Lots 5, 6, 7 and 8 and portions of Lots 2 and 3 of said Block 25, consisting of furniture, fixtures, equipment used in the operation of St. Ann's Hospital which remain in the structure for a period of ninety (90) days from the date the above described premises are delivered to grantee by the grantor, except personal property described as:

- (a) X-ray equipment on the ground floor of the structure owned by the U.S. Public Health Service;
- (b) All personal property regardless of its nature contained in the structures which is owned respectively by Dr. Robert Smalley, Dr. T. A. Stengl, Dr. Gary Hedges and Dr. John A. Banholzer;
- (c) All personal property regardless of its nature contained in the structures which is owned by the U. S. Public Health Service and the State of Alaska Division of Mental Health;
- (d) All equipment and the contents thereof consisting primarily of vending machines and other equipment owned by Charles H. Lepro.

situated in the State of Alaska.

DATED this 1st day of September 1971
THE SISTERS OF ST. ANN OF JUNEAU, ALASKA
BY: [Signature] (seal)

ACKNOWLEDGEMENT

STATE OF ALASKA
CITY OF

THIS CERTIFIES that on this 10 day of before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and (individually) acknowledged to me that executed the same freely and voluntarily for the uses and purposes therein mentioned.

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

Notary Public for Alaska.
My commission expires

MINER PUBLISHING COMPANY

JUNE 11-332-2

AGENDA

Neighborhood Meeting For Proposed Rezone of 1.23 acres FROM: D-18 TO: Mixed Use (MU)

March 7th, 2017
Downtown Library
6:00pm

- Welcome – Introductions
- Why we are here? – Application and Rezone Process
- Proposed Project –
 - o Applicant
- What happens next? –
 - o Review and Staff Report – Please send comments to:
Laura A. Boyce, Senior Planner or laura.boyce@juneau.org
155 S. Seward St.
Community Development Department
Juneau, AK 99801
Ph: (907)586-0753
 - o Planning Commission public hearing (notice will be mailed to you) **(TBD)**
 - o Assembly meetings – two meetings
 - Ordinance Introduction
 - Ordinance Public Hearing
 - If approved – ordinance goes into effect 30 days after public hearing
- Questions, Comments, and Concerns -

Meeting – Request for Rezone, from D-18 to Mixed Use (MU)

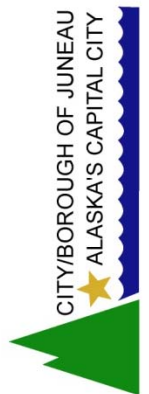
Property Location – 415 5th Street

Downtown Library March 7th, 2017 6:00 p.m.

NAME	ADDRESS	PHONE NUMBER		
Hans Chester	326 Sixth St.	209-7011	nootil.aan@gmail.com	
Pfister	" "	419-7889	steviejohn@gci.net	
Mike Monagle	415 6th St Ste 300	586-2227	mpmonagle@gmail.com	
Eve Soutiere	634 6th St	388-0755	yvette.soutiere@claska.gov	
Paul Korchin	" "			
Keith Levy	534 5th St.	586-1427	keithblevy@gmail.com	
BRIAN GOETTLER	(CATHEDRAL)	209-6894		
CARL UHNDIL	2921 Bloderny Hills	523-5091		
PAUL KORCHIN	634 6th St		pdkorchine@gmail.com	

Proposed Rezone of Property Corp. of the Catholic Bishop of Juneau

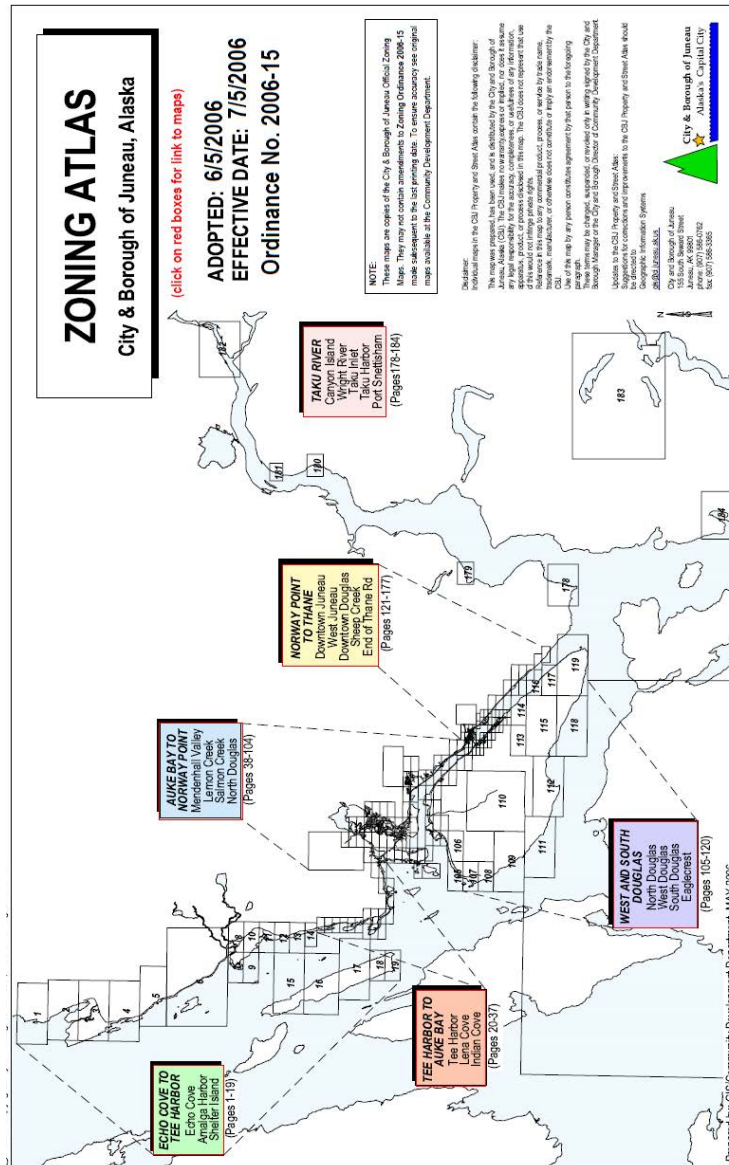
**Neighborhood Meeting
March 7, 2017**



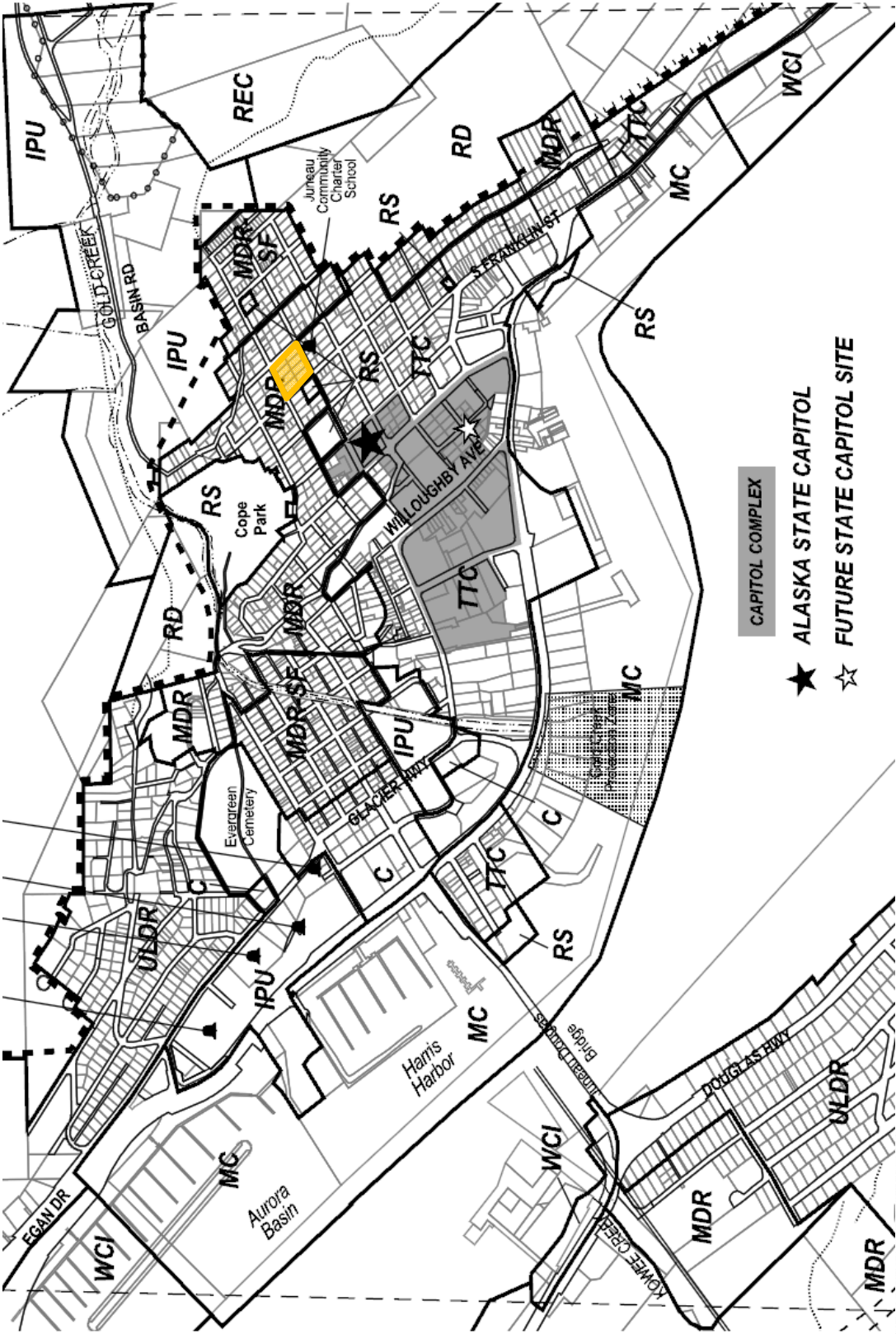
Proposed Rezone

What is proposed?

A revision to the official Zoning Atlas of the CBJ

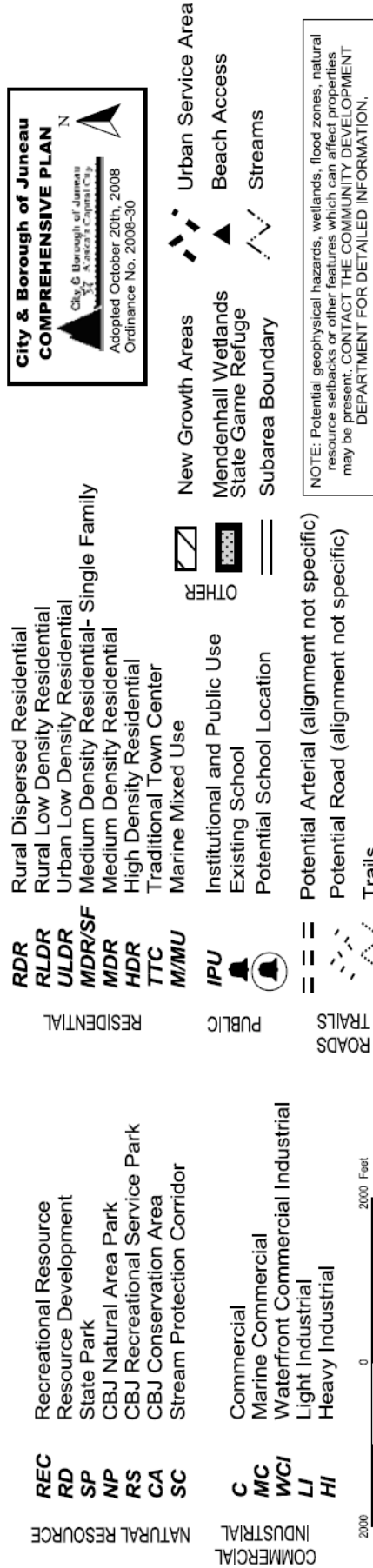


Comprehensive Plan Land Use Designation



CITY/BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

Comprehensive Plan Land Use Designation



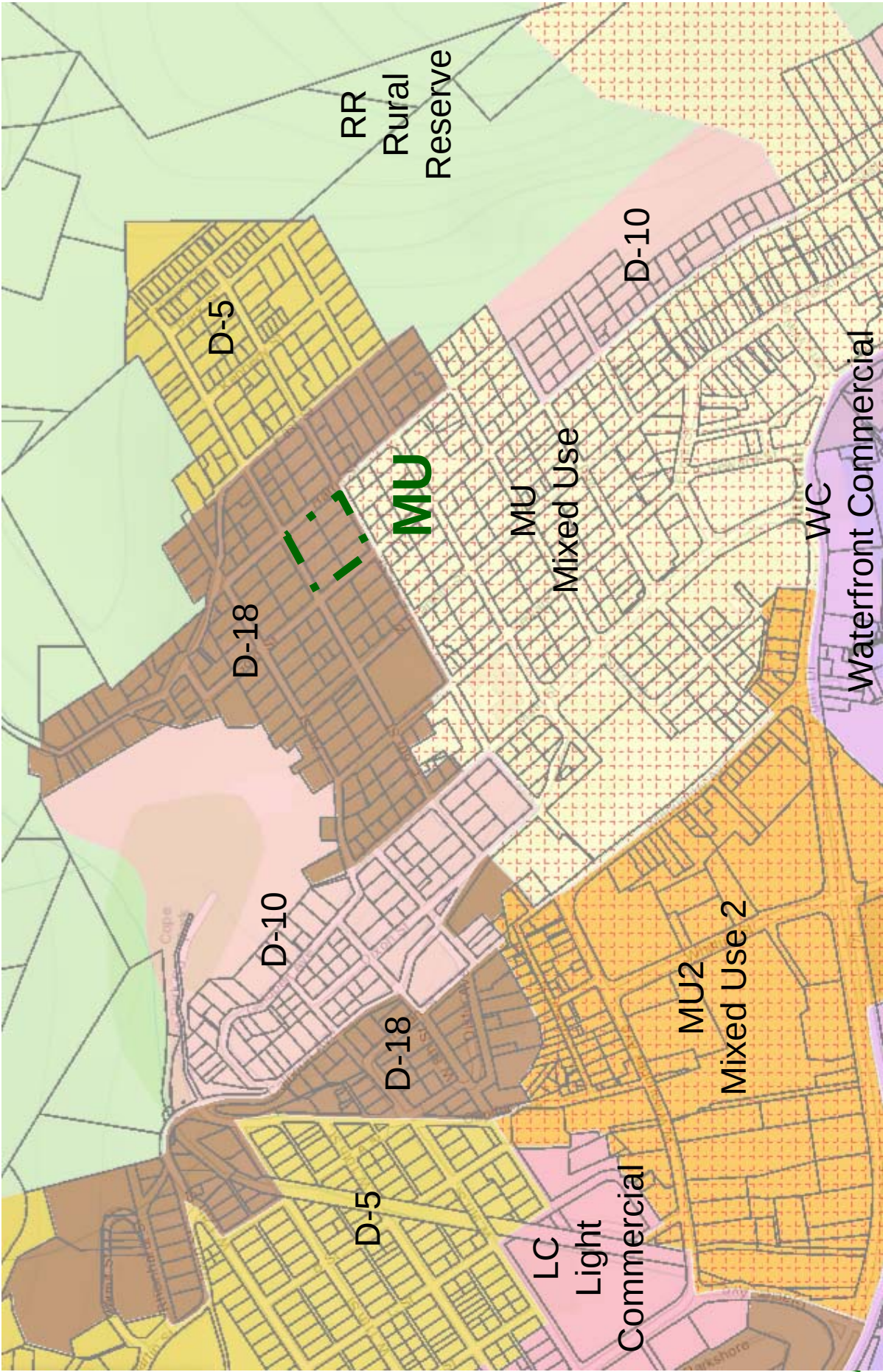
Medium Density Residential (MDR).

These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

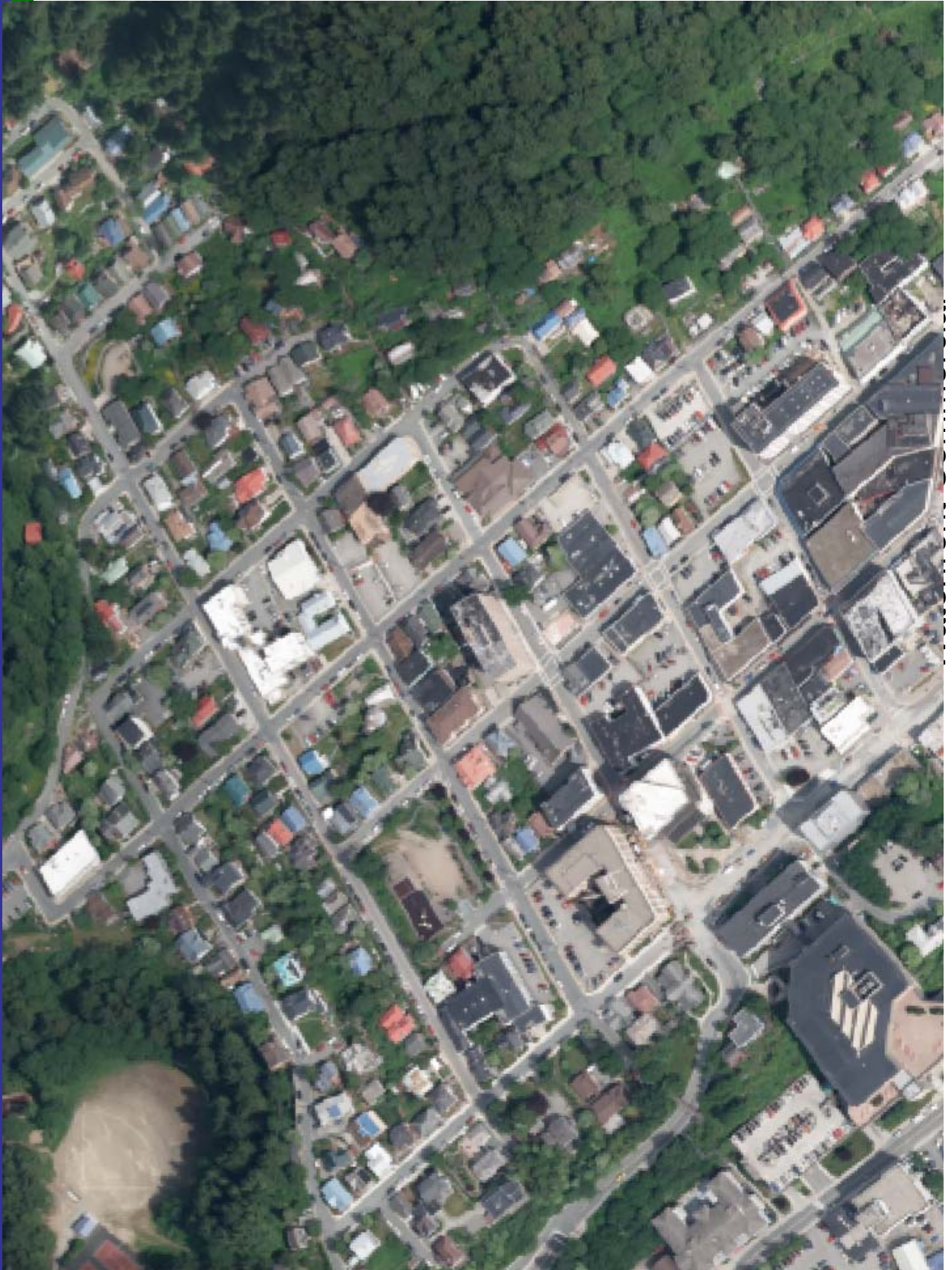
Traditional Town Center (TTC).

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

Proposed Rezone



2013 Aerial Photograph



Rezone Request

FROM:

49.25.210 Residential districts.

The following districts are established to provide a healthy, safe and pleasant environment for residential living protected from incompatible and disruptive activities:

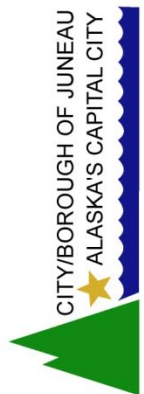
- (a) The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.

TO:

49.25.220 Mixed use districts.

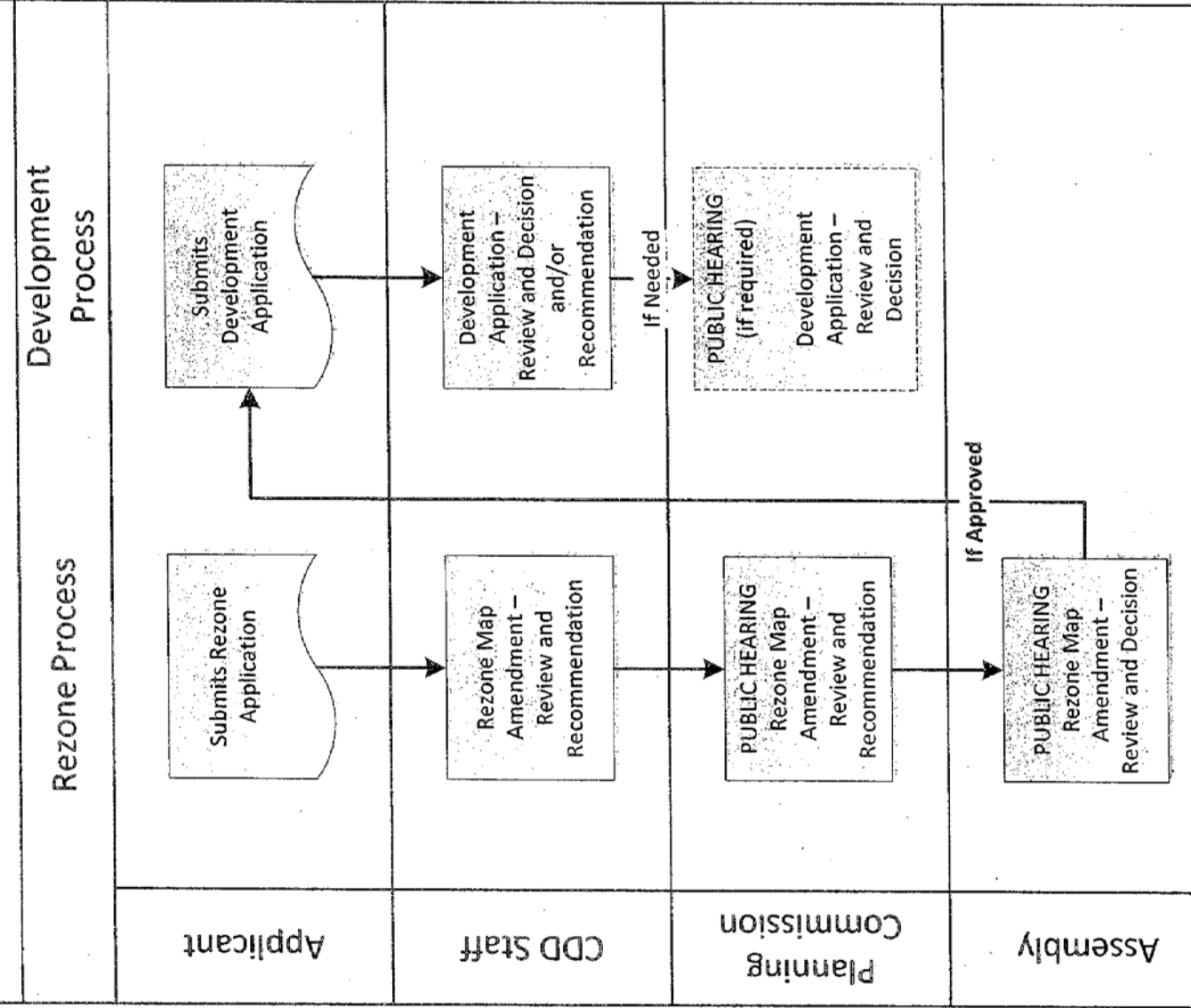
The mixed use and mixed use 2 districts are established to accommodate a mix of appropriate commercial and residential uses.

- (a) The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.

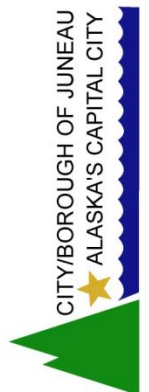


Rezone Request

Table of Dimensional Standards		MU
Existing site 1.23 acres		Mixed Use (1.23 acres)
		D-18 (18 du/acre) (1.23 acres)
Maximum Number of Units	23	No Limit
Maximum Height Limit	35 feet	None
Maximum Lot Coverage	50%	None
Vegetative Cover	30%	None
Minimum Lot Size	5,000 sq. ft.	4,000 sq. ft.
Minimum Lot Width	50 ft.	50 ft.
Minimum Lot Depth	80 ft.	80 ft.



Any questions?

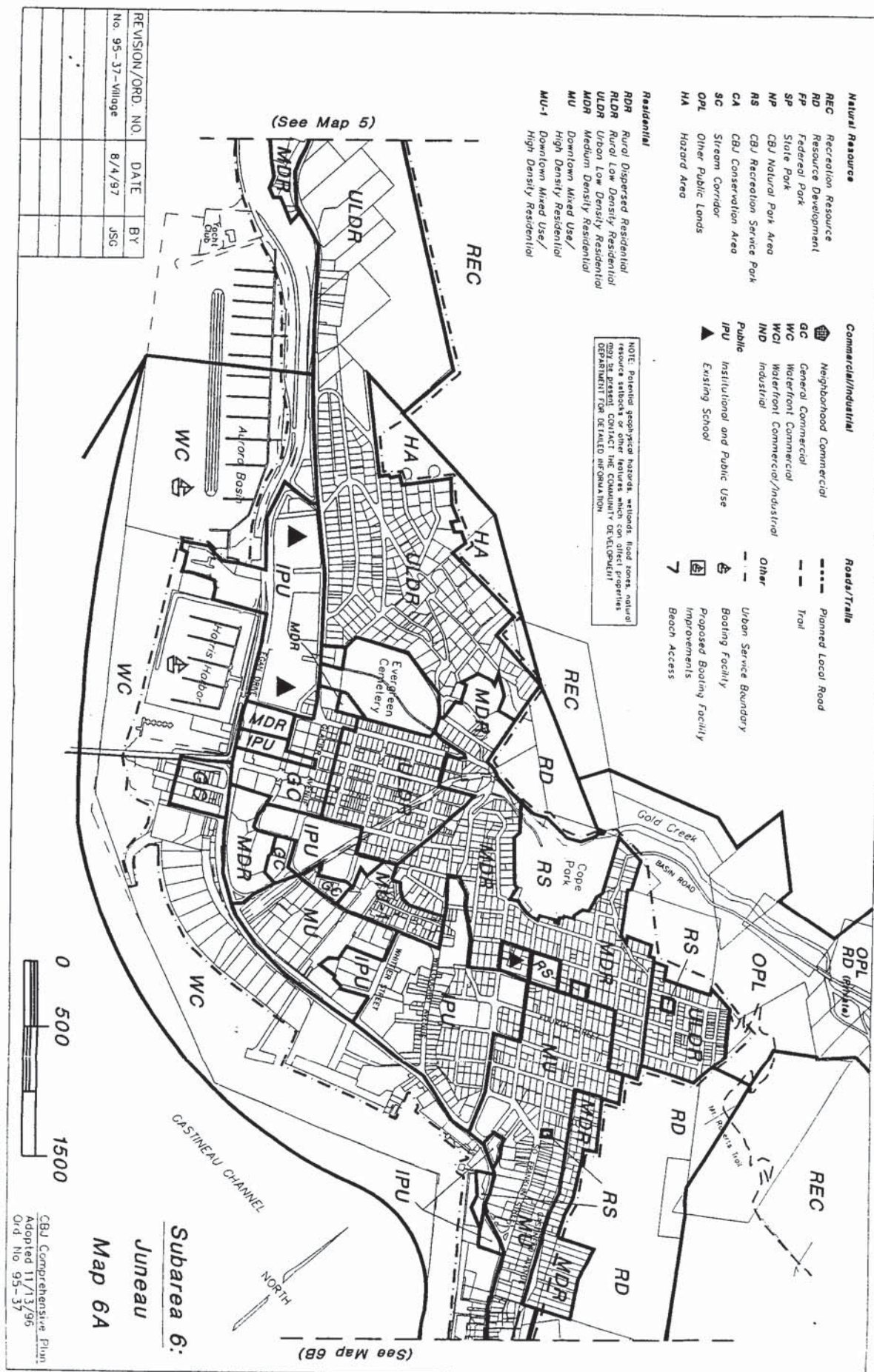


Existing Zone Districts within the MDR Comprehensive Plan Land Use Designation – 2017 Analysis

Zone District	Total Acreage	Zone District Description
D-1(T)D-3	2.39 acres	The D-1, residential district, is intended to accommodate primarily single-family and duplex residential development in areas outside the urban service boundary at a density of one dwelling unit per acre. Certain D-1 zoned lands, however, may exist within the urban service boundary in transition areas if public sewer or water are absent but planned for. The D-1 classification will be changed to a higher density upon provision of services.
D-3	108.36 acres	The D-3, residential district, is intended to accommodate primarily single-family and duplex residential development at a density of three dwelling units per acre. D-3 zoned lands are primarily located outside the urban service boundary where public utilities are not provided. The density reflects the existing pattern of development of properties in the district. There is a limited amount of D-3 zoned lands located within the urban service boundary. These are lands for which a lower density is deemed appropriate or, in the case of transition zones, where the zoning will be changed to a higher density when sewer and water are provided.
D-5	156.47 acres	The D-5, residential district, is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.
D-5(T)D-18	1.15 acres	The D-5, residential district, is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.
D-10	158.92 acres	The D-10 and D-15, residential districts, are intended to accommodate primarily multifamily residential development at ten and 15 units per acre respectively. These are relatively low-density multifamily districts.
D-10(T)D-15	11.36 acres	The D-10 and D-15, residential districts, are intended to accommodate primarily multifamily residential development at ten and 15 units per acre respectively. These are relatively low-density multifamily districts.
D-15	652.72 acres	The D-10 and D-15, residential districts, are intended to accommodate primarily multifamily residential development at ten and 15 units per acre respectively. These are relatively low-density multifamily districts.
D-18	357.41 acres	The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.
LC	17.26 acres	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.
GC	5.95 acres	The GC, general commercial district, is intended to accommodate most commercial uses. Commercial activities are permitted outright in the zone except for those few uses that are listed as conditional uses to ensure compatibility. Residential development is allowed in mixed- and single-use developments in the general commercial district.

Existing Zone Districts within the MDR Comprehensive Plan Land Use Designation – 2017 Analysis

MU	3.04 acres	The mixed use and mixed use 2 districts are established to accommodate a mix of appropriate commercial and residential uses. The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.
WC	5.36 acres	The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands: The WC, waterfront commercial district, is intended to provide both land and water space for uses which are directly related to or dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented. Residential development is allowed in mixed- and single-use developments in the waterfront commercial district.



Urban/Low Density Residential. Urban/suburban residential land for detached single-family units, duplex and zero-lot-line units at densities of one to six units per acre; may include mobile homes where specifically permitted.

Medium Density Residential. Urban/suburban residential land for multifamily dwelling units at densities ranging from 7 to 20 units per acre; may include subdivisions of mobile home parks where specifically permitted.

Mixed Use (Including High Density Residential). Land in the downtown and other areas intended for a mixture of retail, office, general commercial, and high density residential uses at a density of 60 residential units per acre downtown, and a density of 40 units per acre elsewhere. These uses could be combined within a single building.

Transition Area. Predominately undeveloped or low density residential areas within the urban service boundary that do not have public sewer and water services. A transition area is shown as a lower density classification that would undergo a transition (T) to a higher density classification. The transition classification intended to limit development to the lower density until sewer and water are available.

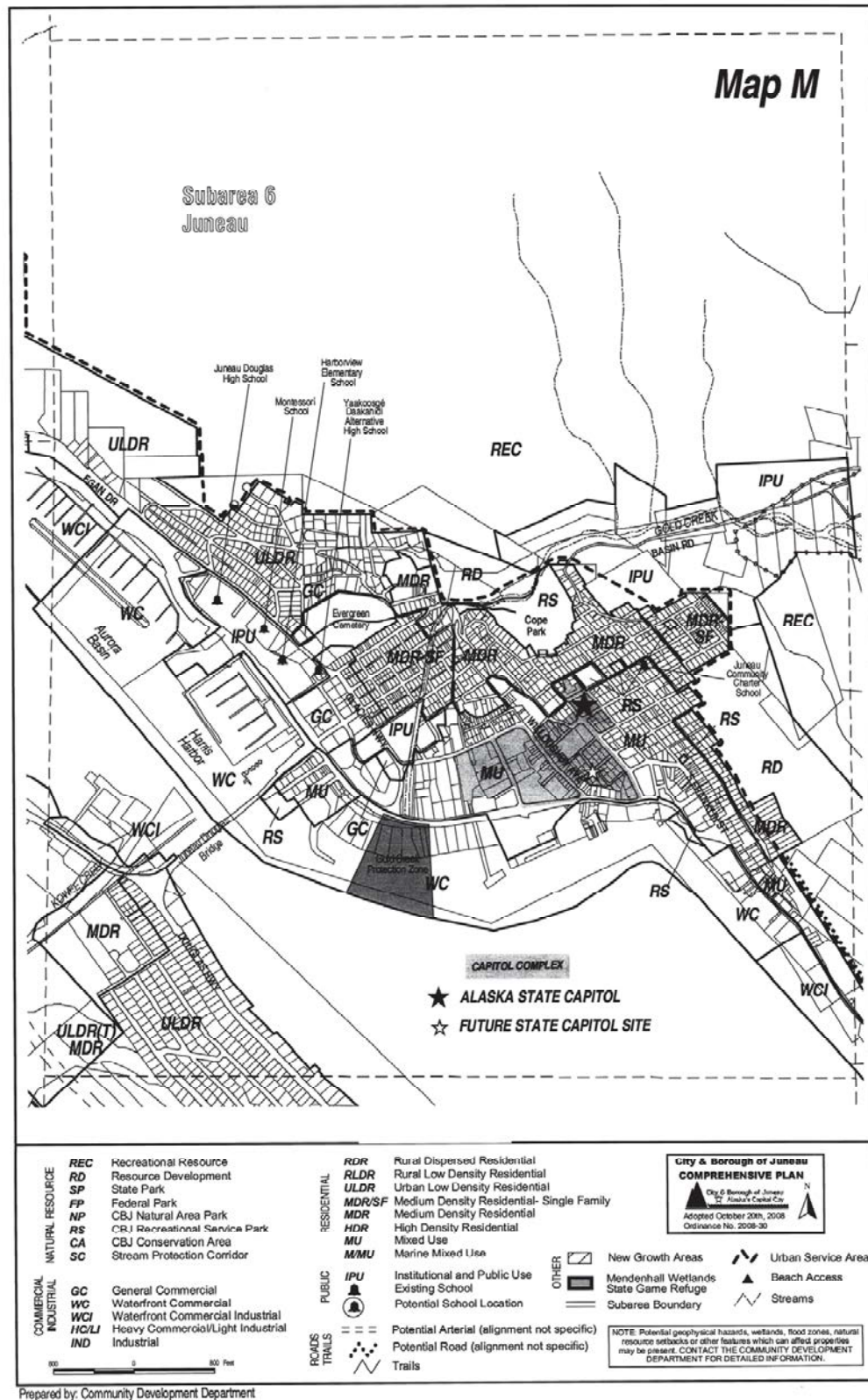
Neighborhood Commercial. Neighborhood commercial areas generally sell goods necessary to meet daily needs, and occupy less than two acres. Such uses include small grocery stores, dry cleaners and beauty/barber shops. Areas shown on the map are conceptual unless existing use is neighborhood commercial.

General Commercial. Land for retail uses, including neighborhood retail and community commercial, such as shopping centers, mixed retail/residential/office uses, especially in downtown Juneau and Douglas, and office use, including leased government office space.

Industrial. Land to be developed for general industrial uses such as manufacturing, warehousing, repair and maintenance, wholesaling, and as presently allowed by conditional use permit under the Land Use Code, an array of sales and service uses.

Waterfront Commercial. Land to be used primarily for water-dependent and water-related commercial uses and, in special cases, for water-related mixed uses including hotel and residential use.

Waterfront Commercial/Industrial. Land to be used primarily for water-dependent and water-related commercial and industrial uses such as marine transportation terminals, small boat marinas, marine freight handling areas, fish buying and processing plants and marine parks.



six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood.

Medium Density Residential (MDR). These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood.

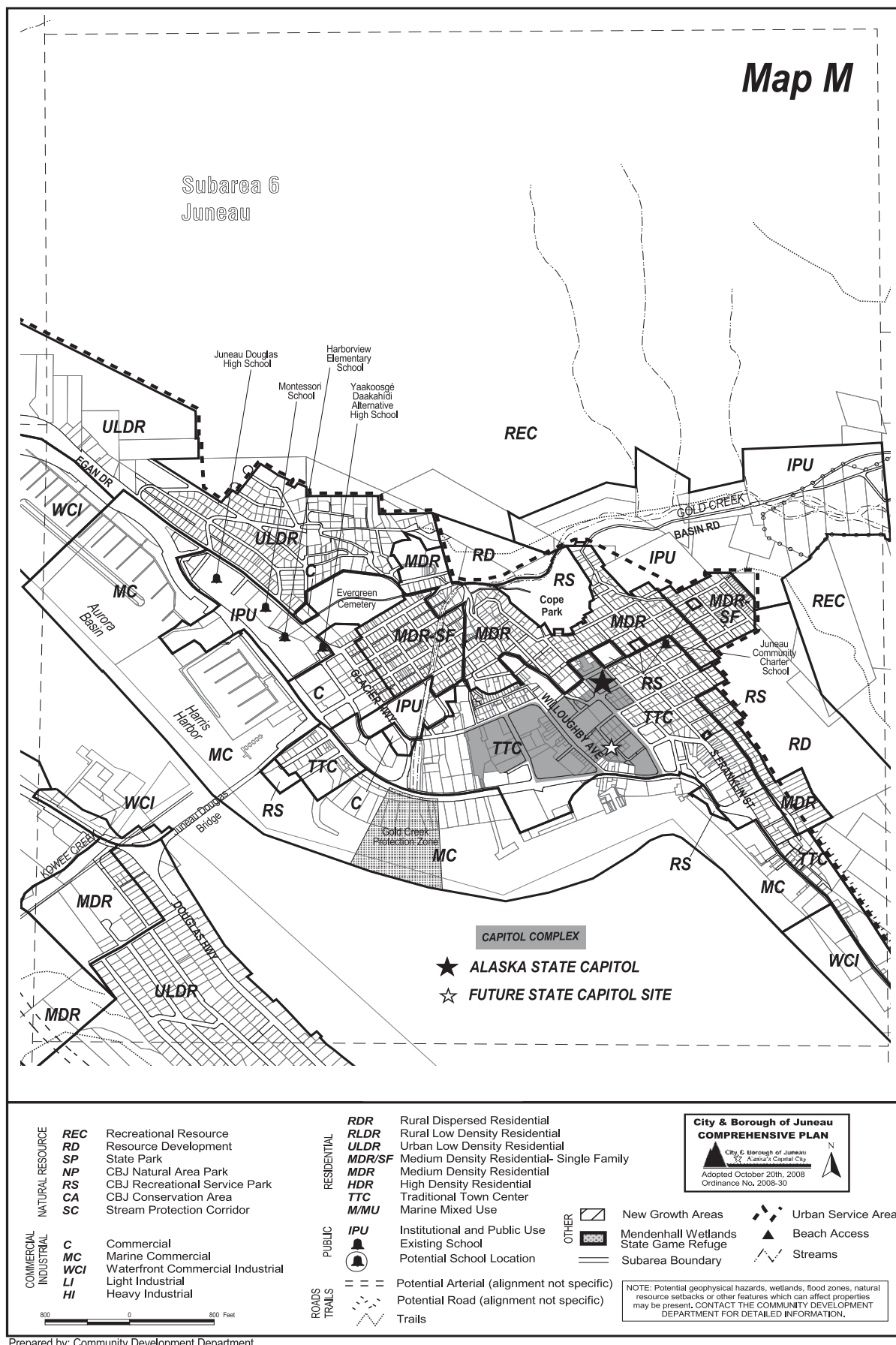
Medium Density Residential—Single Family Detached (MDR/SF). These lands are characterized by single-family detached homes at densities ranging from 10 to 20 units per acre. Only single-family detached homes, single-family detached homes with an accessory apartment, cottage houses and bungalow houses are permitted within this zone. Any commercial development should be of a scale consistent with a single-family residential neighborhood.

High Density Residential (HDR). These lands are 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.

Mixed Use (MU). These lands are characterized by high density residential and non-residential land uses in Downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities ranging from 18 to 60 residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

Marine Mixed Use (M/MU). These lands are characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Suitable locations include Auke Bay, Downtown Juneau, Downtown Douglas, and the waterfront areas of the West Douglas and Echo Cove New Growth Areas when Master Development Plans are developed. Typically, neighborhood-serving and marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium- and high-density residential uses at densities ranging from 10 to 60 residential units per acre. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to berthing locations, are appropriate for these areas.

Transit Oriented Development (TOD). These lands are located with one-quarter mile of a bus transfer point, express bus stop, or along a major bus route with short headways and long service hours. This area is characterized by high density residential and non-residential land uses in Downtown areas, in or near shopping centers, near the University and major employment centers. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.



Land to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development. As resources are identified or extracted from these lands, they should be re-designated and re-zoned appropriately.

Rural Dispersed Residential (RDR).

These lands are characterized by dispersed, very low density development not provided with municipal sewer or water. Densities are intended to permit one dwelling unit per acre or larger lot sizes, based on existing platting or the capability of the land to accommodate on-site septic systems and wells. Uses may also include small-scale, visitor-oriented, seasonal recreational facilities.

Rural/Low Density Residential (RLDR).

Rural residential land at densities of one to three dwelling units per acre, based on existing platting and capability of the land to accommodate on-site septic systems and wells or whether the land is served by municipal water and sewer service.

Urban/Low Density Residential (ULDR).

These lands are characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

Medium Density Residential (MDR).

These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

Medium Density Residential—Single Family Detached (MDR/SF).

These lands are characterized by single-family detached homes at densities ranging from 10 to 20 units per acre. Only single-family detached homes, single-family detached homes with an accessory apartment, cottage houses and bungalow houses are permitted within this zone. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

High Density Residential (HDR).

These lands are 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).

Traditional Town Center (TTC).

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-30

An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Millsite Addition to Douglas Townsite, Block 32, Tract A, Located at 824 Front Street, from WI to LC.

WHEREAS, the CBJ Comprehensive Plan supports the facilitation of housing; and

WHEREAS, the Land Use Maps of the CBJ Comprehensive Plan identifies the subject area proposed for rezoning as Marine Mixed Use (M/MU); and

WHEREAS, M/MU is described as appropriate for lands characterized by high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas; and neighborhoods serving marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium - and high density residential uses at densities ranging from 10 to 60 residential units per acre; and

WHEREAS, the current zoning designation of Waterfront Industrial (WI) is intended for industrial and port uses which need or substantially benefit from a shoreline location, and where residential uses are restricted to caretaker residences; and

WHEREAS, LC zoning districts accommodate residential development alongside mixed-use development; and

WHEREAS, the area of the proposed rezone is directly adjacent to an existing LC zoning district; and

WHEREAS, LC zoning provides for up to 30 units per acre; and

WHEREAS, rezoning the lot from WI to LC conforms to the maps of the Comprehensive Plan.

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 Millsite Addition to Douglas Townsite, Block 32, Tract A, from WI to LC.

The described rezone is shown on the attached Exhibit "A" illustrating the area of the proposed zone change.

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

Adopted this _____ day of _____, 2017.

Attest:

Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk

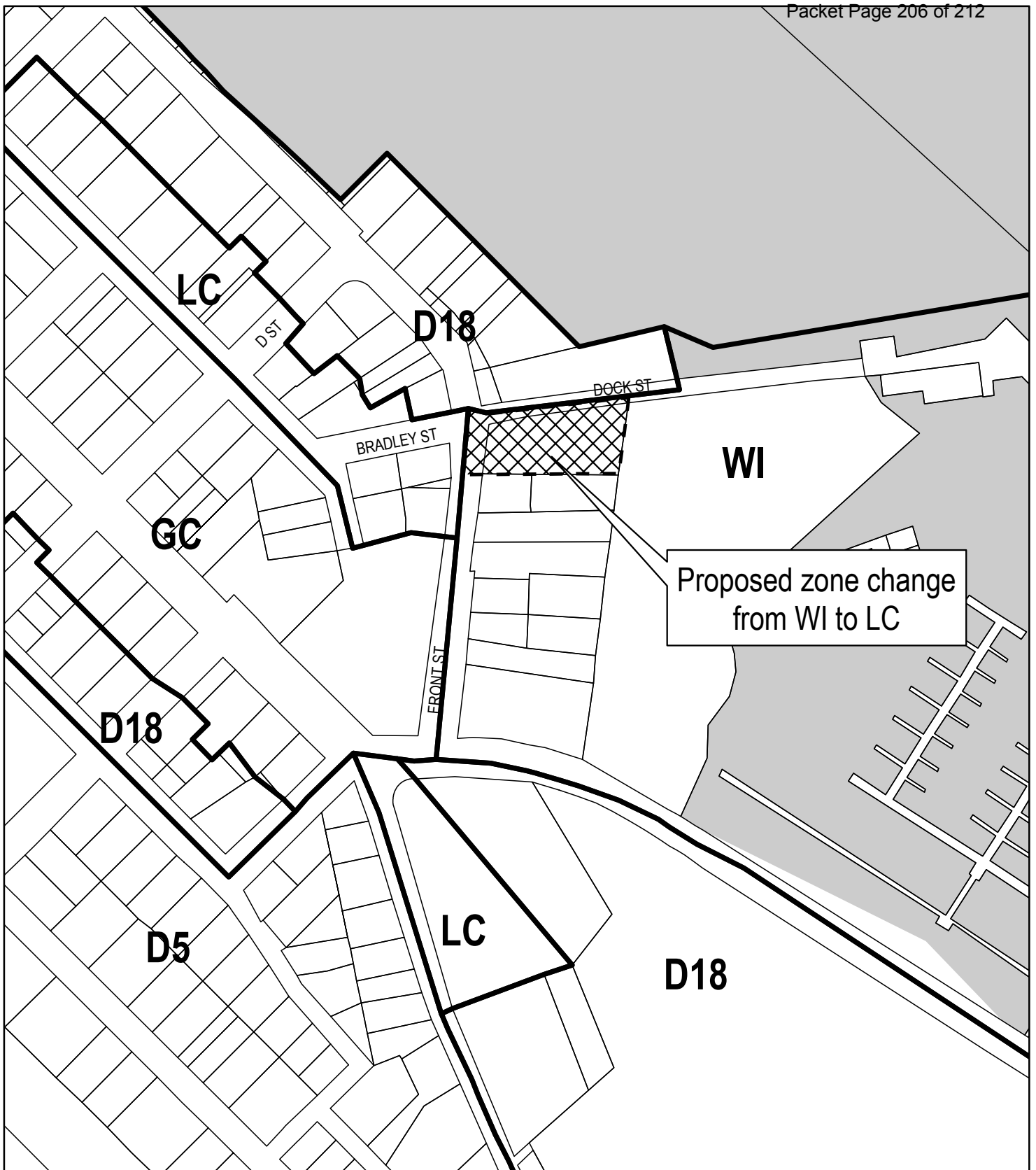
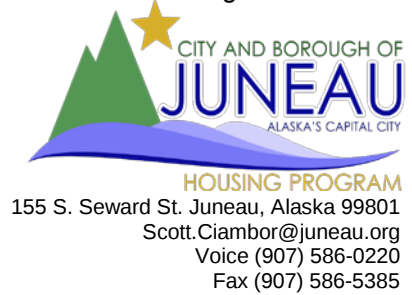


Exhibit A - Ordinance No. 2017-30
 Zone Change for TRACT A, BLOCK 32,
 MILLSITE ADDITION to DOUGLAS TOWNSITE
 from WI (Waterfront Industrial) to LC (Light Commercial)

0 125 250 Feet



MEMORANDUM



TO: CBJ Assembly

FROM: Scott Ciambor, Chief Housing Officer 

DATE: November 6, 2017

SUBJECT: Eagle Rock Ventures - 2nd and Franklin Negotiated Sale

Eagle Rock Ventures (ERV) notified CBJ staff in July 2017 of their intention to pursue financing through the [Alaska Housing Finance Corporation \(AHFC\) Low-Income Housing Tax Credit program \(LIHTC\)](#) for the proposed workforce housing project on the 2nd and Franklin site.

The LIHTC program has been the most significant source of multifamily housing development in the country during the past 25 years and is one example of public-private partnerships for the development of affordable housing.

One requirement of the LIHTC program is that the applicant must indicate site control through the competitive funding round. ERV requests an extension of the current Purchase and Sales Agreement from March 31, 2018 to May 17, 2018 in order to meet this requirement. ([Memo, 2017-10-23LC_ERVmemo_PSAextension](#))

Unit Type and Income Mix

The current targets for the ERV proposal are:

40 total units

- 34 studios
- 6 one-bedroom

38 of the units would be targeted at income and rental limits at 60%AMI.

2 studio units would be targeted at income and rental limits at 30%AMI.

LIHTC Income Limits for 2017 – Juneau, Alaska			
	30% AMI	60% AMI	120%
1 person	\$21,330	\$42,660	\$85,320
2 person	\$24,360	\$48,720	\$97,440

LIHTC Rent Limits for 2017 – Juneau, Alaska				
	30% AMI	60% AMI	120%	Fair Market Rent
Efficiency	\$533	\$1,066	\$2,133	\$930
1 bedroom	\$571	\$1,142	\$2,284	\$1,103

Workforce Housing

Workforce housing is generally defined as housing that is affordable to households earning between 50% and 120% of AMI and targeting households that do not qualify for rental assistance subsidies, but whose incomes are too low for market-rate rents to be affordable.

- 38 of 40 units in the ERV proposal are in the workforce housing range at 60% AMI. (The other 2 studio units at the 30% AMI income level are a requirement from AHFC based on state housing policy).

To provide an idea of occupations at the 60% AMI level, the tables below provide state wage data and a list of positions at the City and Borough of Juneau in this range.

Examples of occupations with hourly wage rates below 60%AMI	
Childcare Workers	Pharmacy Technicians & Aides
Museum Technicians	Home Health Aides
Substitute Teachers	Nursing Assistants
Library Technicians	Transportation Security Screeners
Bartenders	Chefs, head cooks
Dishwashers	Baristas
Community Health Workers	Landscaping/grounds maintenance staff
Maids, housekeeping	Cashiers
Customer Services	Travel agents
Data Entry	Transportation (taxi, school bus)

Source: Alaska Department of Labor and Workforce Development, May 2016 Wages in Alaska,
<http://live.laborstats.alaska.gov/wage/>

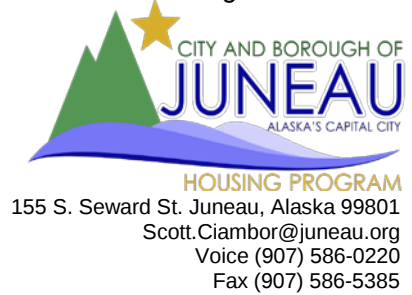
Examples of CBJ positions with hourly wage rates below 60% AMI	
Administrative Assistants I-II	Laborer
Asst. Library Technicians	Building Custodian
Youth Development Leader I-III	Lifeguard
Park Ranger	Permanent Technicians I-II

Final Notes

- Alaska Housing Finance Corporation typically makes LIHTC award announcements in January/February.
- If ERV is successful in acquiring LIHTC financing, final plans for permit review would need to be submitted to CBJ Community Development Department and taken to the Planning Commission.

The recommendation to the CBJ Assembly is to grant the PSA extension and for the Manager to sign a letter of support to AHFC on behalf of Eagle Rock Venture's proposal.

MEMORANDUM



TO: CBJ Lands Committee

FROM: Scott Ciambor, Chief Housing Officer 

DATE: October 23, 2017

SUBJECT: 2nd and Franklin Negotiated Sale Update

Purchase and Sales Agreement Extension

Eagle Rock Ventures (ERV) has contacted the City and Borough of Juneau to request an extension to the Purchase and Sale Agreement (PSA) for the 2nd and Franklin property. The current PSA has a mutual execution date of March 31, 2018.

ERV has been invited to participate in the competitive funding round for the Alaska Housing Finance Corporation (AHFC) LIHTC (Low Income Housing Tax Credit) program which serves people with incomes up to 60% area median income. (In Juneau, 60% AMI for a 1-person household is \$42,660 and a 4-person household is \$60,900.) One requirement of the AHFC LIHTC program is to show evidence of site control for all applicants through May 17, 2018. ERV requests an extension of the Purchase and Sales Agreement to May 18, 2018 in order to be eligible to compete for AHFC LIHTC financing.

Background

After engaging in a public process pursuant to CBJ 53.09.260 for the negotiated sale of CBJ property, the Assembly adopted Ordinance 2016-39(b) authorizing the Manager to enter into a purchase and sale agreement with Eagle Rock Ventures.

The original Purchase and Sales agreement was signed and recorded on March 30th, 2017 with a closing date of June 27, 2017.

The Purchase and Sale agreement requires ERV to develop the property consistent with its June 13, 2016 Letter of Intent and July 28, 2016, proposal to build workforce housing (*letter and proposal attached*). (Paragraph 17.1) ERV's communications described their updated proposal as:

- *A mixed use development with "safe, clean, affordable and well-located apartments for working people in Juneau."*
- *Studio apartments on floors two and above and commercial (e.g. retail/restaurant) space on the first floor and/or live/work units.*
- *The apartments would be relatively small residential units furnished with bed, desk, and chair, with a private bathroom and an "amenity area" (sink, refrigerator, and microwave).*

Eagle Rock Ventures (ERV) did meet with the Community Development Department (CDD) for a pre-application conference meeting on April 17, 2017. Note that *the developer did not submit final plans for permit review.*

The Purchase and Sales agreement includes language on the Investigation Period and the Closing Date. In June 2017, ERV requested an extension to continue its work on the project and address issues discussed at the pre-application conference with CDD. ERV has contacted staff about

Page 2

continued work on housing demographics, financing, design/fire code, soil testing, and loan and state tax credit options. Based on the following language and because ERV demonstrated due diligence, the Manager agreed to a new closing date of April 30, 2018:

7. Closing

7.1 Closing Date. The purchase and sale transaction contemplated in this Agreement will close ("Closing") on or before the later of (i) June 27, 2017, or (ii) such later date as Seller (specifically the City Manager) may consent to from time to time, which consent shall not be unreasonably withheld, conditioned, or delayed. It will be deemed unreasonable for Seller to withhold its consent to any Closing Date extension requested by Buyer if (1) Buyer has (a) made reasonably diligent efforts to obtain Final Approval of the Development Approvals, (b) kept Seller reasonably informed regarding Buyer's progress with respect to obtaining Final Approval of the Development Approvals, and (c) responded to Seller's inquiries regarding the Development Approvals; or (2) absent such extension, the Closing would be scheduled to occur fewer than 30 days after Buyer's delivery of the Development Approval Notice. The Property will be delivered to Buyer on the date of Closing (the "Closing Date").

Alaska Housing Finance Corporation LIHTC program

ERV has indicated from the outset the intent to pursue a wide-range of financing options in order to develop workforce housing in Juneau. With the announcement of the LIHTC funding round in July, ERV indicated a desire to pursue this potential funding stream.

LIHTC funding availability will shape the final outcome of the ERV project. The current goal is to provide 46 units of workforce housing consistent with the original proposal. Based on the requirements of the funding source, 40 units would be income restricted at no higher than 60% Area Median Income. 6 units would be fair market rentals. The developer has not submitted architectural plans and would prepare those for review based upon the success (or not) of obtaining LIHTC approval.

If ERV is successful in acquiring LIHTC financing, final plans for permit review would need to be submitted to CDD and taken to the Planning Commission.

The most recent LIHTC project developed in Juneau is Phase II of the Terraces at Lawson Creek operated by Volunteers of America.

I have raised this issue with the City Manager and we agree that the applicant has continued to make diligent efforts to develop a project and that the closing deadline should be extended as requested to May 18, 2018. This item is informational today, so that the Assembly is aware of this change.

City and Borough of Juneau
FINANCE DEPARTMENT
CBJ LIHTC Program Summary
October 30, 2017

Issue: Low Income Housing Tax Credit (LIHTC) Program

Eagle Rock Ventures (ERV) is applying to Alaska Housing Finance Corporation (AHFC) for a portion of Alaska's LIHTC allocation, to assist in the financing plan for a potential housing development in Juneau at 2nd & Franklin Streets.

Background:

LIHTC is a federal housing/IRS program administered, sometimes, through state housing agencies (AHFC). One component/benefit of the program is a "credit" against local property taxes. Alaska Statute 29.45.110(d) authorizes the partial property exemption. The State Assessor treats it as a "mandatory exemption" for determining CBJ Full and True Value (as it relates to education funding). CBJ code 69.10.020(7) authorizes the partial local property value exemption/tax credit. The exemption and related rent limitations are required for a minimum of 15 years and can be for up to 30 years.

The State and CBJ Assessor have developed procedures and forms property owners must complete annually as they reapply for the tax credits. The amount of the credit is based, in part, on the property owners overall net rental income (total rent less eligible expenses) combined for all the units. Tax credit rents are not based on the income of the tenants. Although tax credit units must be affordable to households at either 50 percent or 60 percent of the AMI, rents do not vary with actual tenant incomes—nor is rent limited to 30 percent of the tenants' income, an amount considered affordable. As a result, the program reaches a somewhat higher income group. The LIHTC program has been the most significant source of multifamily housing development in the country during the past 25 years and is one example of public-private partnerships for the development of affordable housing.

Current Status:

For 2017 CBJ authorized LIHTC for 74 properties providing 369 living units. 58 properties are single family homes (administered by Tlingit & Haida Regional Housing Authority) and 16 are multi-unit housing. The total assessed property value was \$49 million and \$28 million (57%) in value was exempted under LIHTC. The range of exempt value varies, by property, from 21% to 94%. The FY18 (2017 LIHTC eligible properties) property tax revenue not collected was approximately \$300,000.

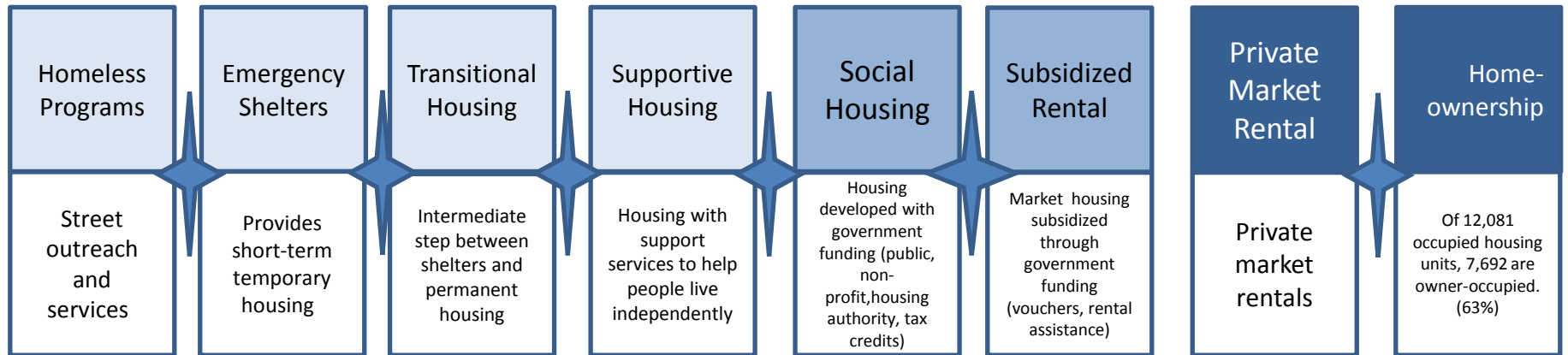
The 2017 value exempted was \$2.2 million (8.5%) higher than 2016. The increase was primarily from the Volunteers of America project becoming partially occupied (additional VOA properties are still under construction).

Proposal:

ERV is proposing a new 40 unit rental property development, with a very preliminary construction cost estimate of \$10 million. If this property qualifies for LIHTC (and we assume the net rental income would support a 50% exemption) we would have a new \$10 million property added to the assessment roll with \$5 million exempted under LIHTC. The exemption/tax credit could reduce the owner/investor's property tax cost by \$54,000 a year.



City and Borough of Juneau Housing Continuum



 **Special Needs Housing (homeless, seniors, persons with disabilities, youth)**

 **Affordable Housing**

NON-MARKET HOUSING

80% AMI

MARKET HOUSING

Income Line

**Extremely Low
(0 to 30% AMI)**

**Very Low
30% to 50% AMI**

**Low
(50% to 60% AMI)**

**Moderate
(60% to 80% AMI)**

**Workforce Housing
(50% to 120% AMI)**

Warming Center
Emergency Shelters
Transitional Housing
Housing First Permanent
Supportive Housing

Public Housing
Housing Choice Vouchers
Special Needs Housing
Affordable Housing
Projects

LIHTC Tax Credit Projects

- Volunteers of America
- Trillium Landing
- Eagle Rock Ventures

Renninger Subdivision
Pederson Hill