

**ASSEMBLY REORGANIZATION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

October 16, 2017 7:00 PM

City Hall - Assembly Chambers
Regular Meeting 2017-19

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. SPECIAL ORDER OF BUSINESS ASSEMBLY REORGANIZATION

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

- A. Proclamation: Honoring Rudy and Judy Ripley
- B. Proclamation: Bahai Anniversary
- C. Acknowledgement of Community Partners in Lemon Creek Cleanup Event

IV. APPROVAL OF MINUTES

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. CONSENT AGENDA

- A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
- B. Assembly Requests for Consent Agenda Changes
- C. Assembly Action
 - 1. Ordinances for Introduction
 - a. Ordinance 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

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.

- 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.

- 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.

- 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.

- 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.

- 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.

- 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.

- 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.

- 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.

- 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.

- 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.

- 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.

- 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.

IX. UNFINISHED BUSINESS

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

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.

B. Senate Bill 54

XI. STAFF REPORTS

XII.ASSEMBLY REPORTS

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

XIIIASSEMBLY COMMENTS AND QUESTIONS

XIV.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. EXECUTIVE SESSION

XVIADJOURNMENT

XVISUPPLEMENTAL 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

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



MEMORANDUM

TO: Borough Assembly
FROM: Ed Mercer, Chief of Police
DATE: October 3, 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 come from JPD's fleet replacement reserve. Radars, along with the LIDARs, will help with speed enforcement. The remaining \$16,300 of the match will come from JPD's already appropriated 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.

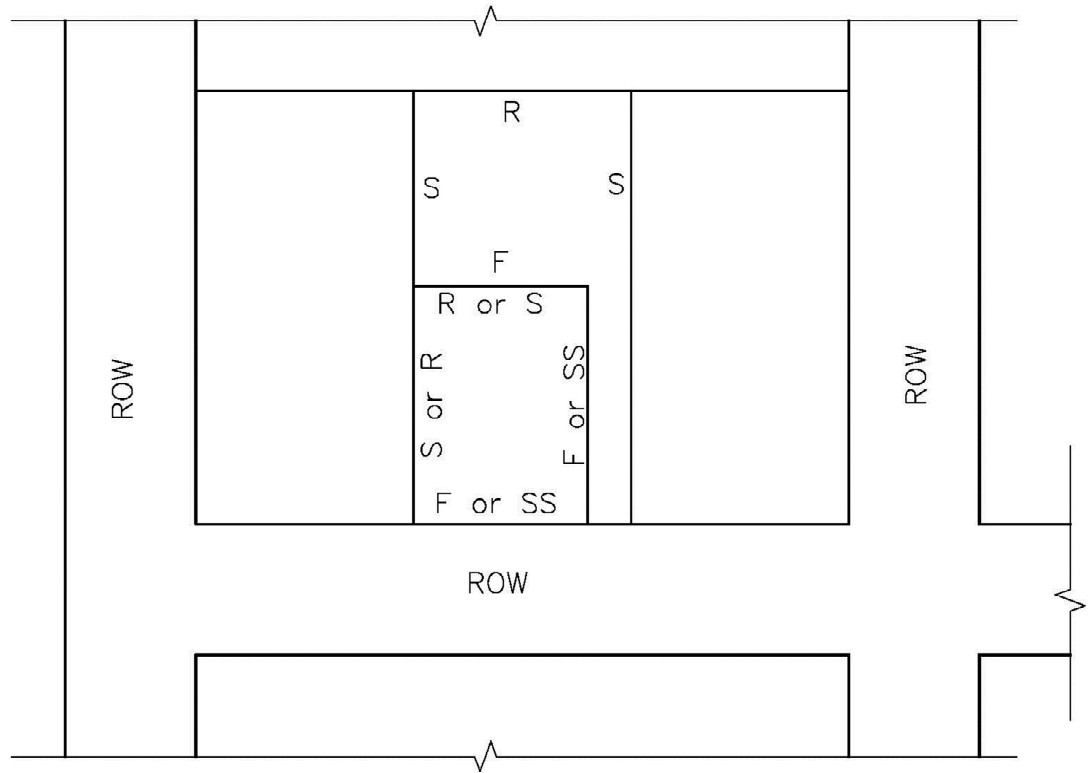
~~(F) The common property line between the lots two lots in any zoning district shall be limited to two changes in direction.~~

~~(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.

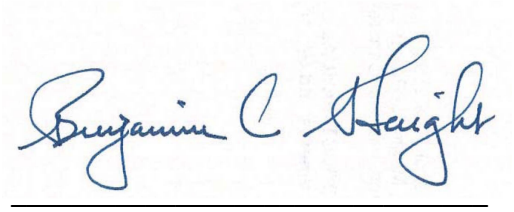
The Commission determined that allowing the stem of the panhandle lot to be included in the calculations for lot area, lot width, and lot depth will preserve the density of the neighborhoods. The Commission noted that for the single family zoning districts, the minimum lot width and depth results in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

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

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

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

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

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.

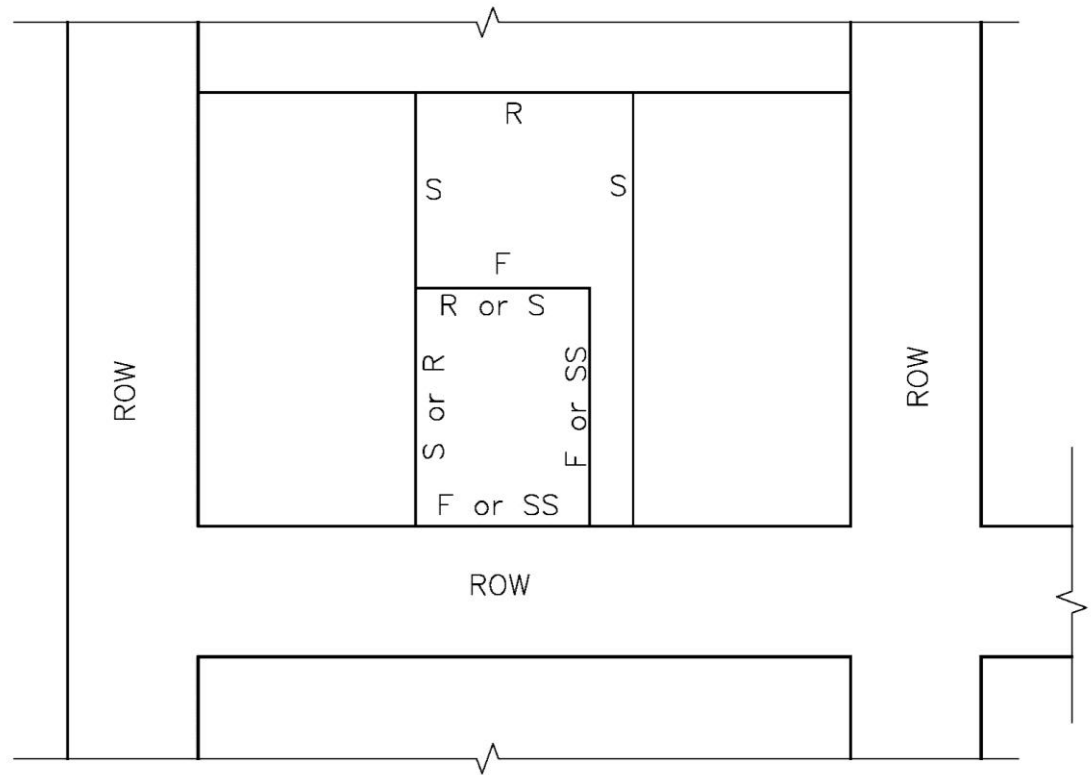
~~(F) The common property line between the lots two lots in any zoning district shall be limited to two changes in direction.~~

~~(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.

Adopted this _____ day of _____, 2017.

Attest:

Ord. 2017-31

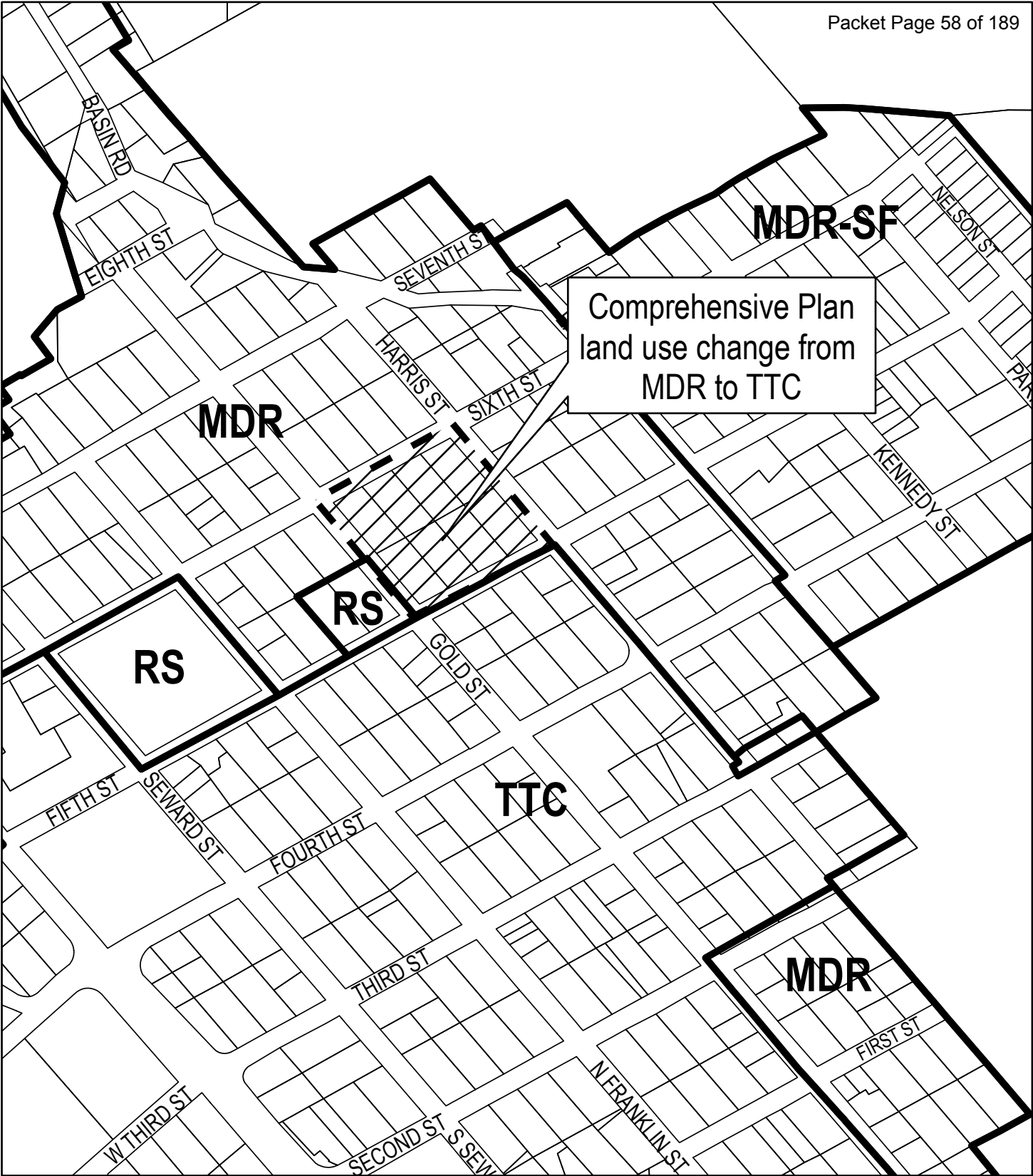
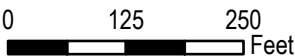


Exhibit A - Ordinance No. 2017-31
Comprehensive Plan land use change
for Lots 1 - 8 Juneau Townsite from
MDR (Medium Density Residential)
to TTC (Traditional Town Center)



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

1 WHEREAS, the area where the adjacent MU parcels are located is designated TTC under
2 the Comprehensive Plan; and

3 WHEREAS, the proposed rezone meets the requirements of CBJ 49.75.120.
4

5
6 NOW THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF
7 JUNEAU, ALASKA:
8

9 **Section 1. Classification.** This ordinance is of a general and permanent nature and
10 shall become a part of the City and Borough of Juneau Municipal Code.
11

12 **Section 2. Amendment to the Official Zoning Map.** The Official Zoning Map of
13 the City and Borough, adopted pursuant to CBJ 49.25.110, is amended to change the zoning of
14 Block 25, Juneau Townsite, from D-18 to MU. The described rezone is shown on the attached
15 Exhibit "A" illustrating the area of the proposed zone change.
16

17
18 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its
19 adoption.
20

21 Adopted this _____ day of _____, 2017.
22

23 Attest: _____
Kendell D. Koelsch, Mayor
24

25 _____
Laurie J. Sica, Municipal Clerk

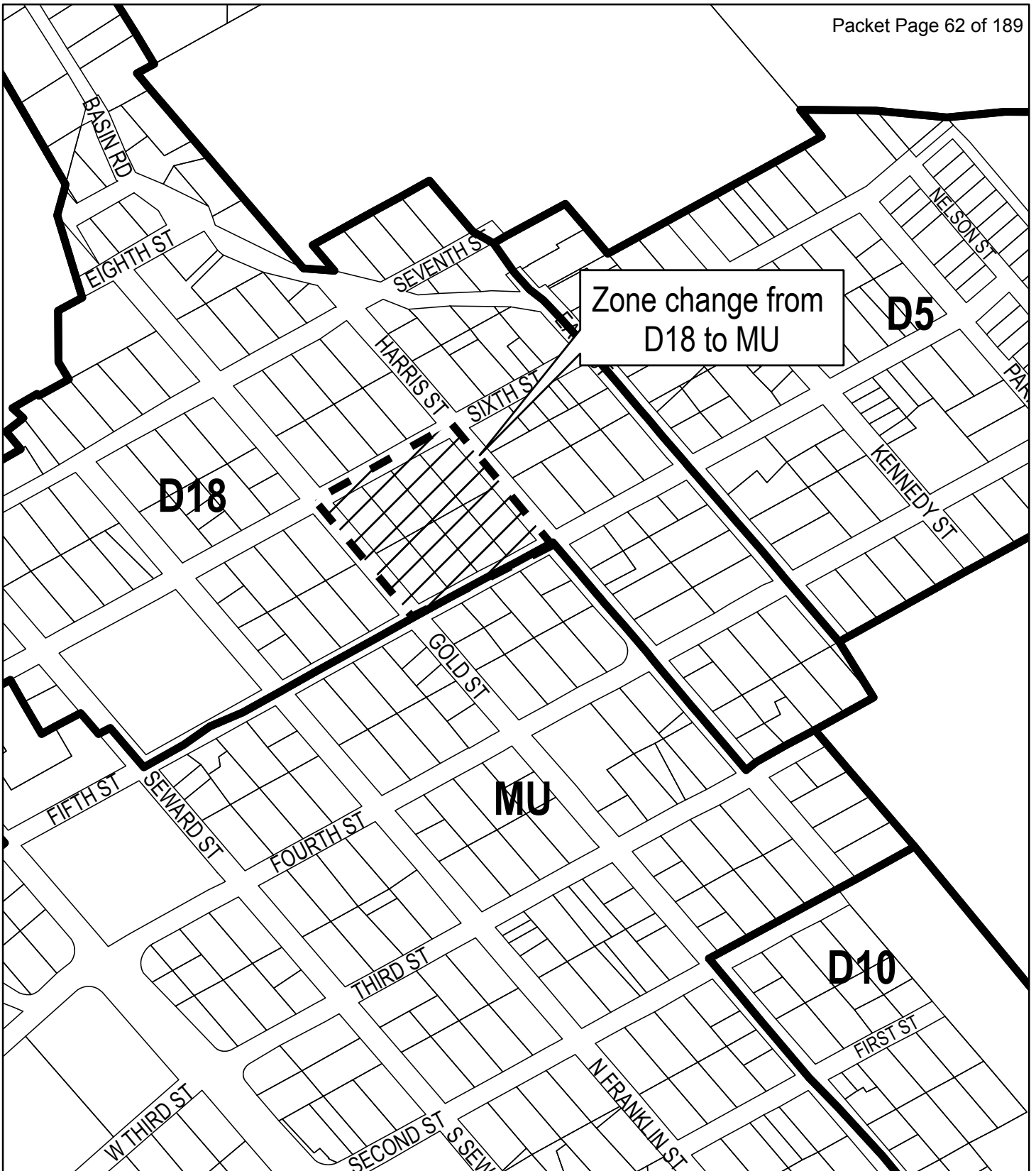


Exhibit A – Ordinance No. 2017-28

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.

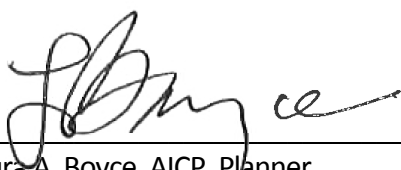
Attachments: June 22, 2017 memorandum from Laura A. Boyce, AICP, Senior Planner, Community Development, to the CBJ Planning Commission regarding AME2017 0002.

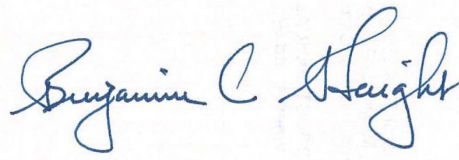
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the

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



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

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)

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



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.

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.

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.

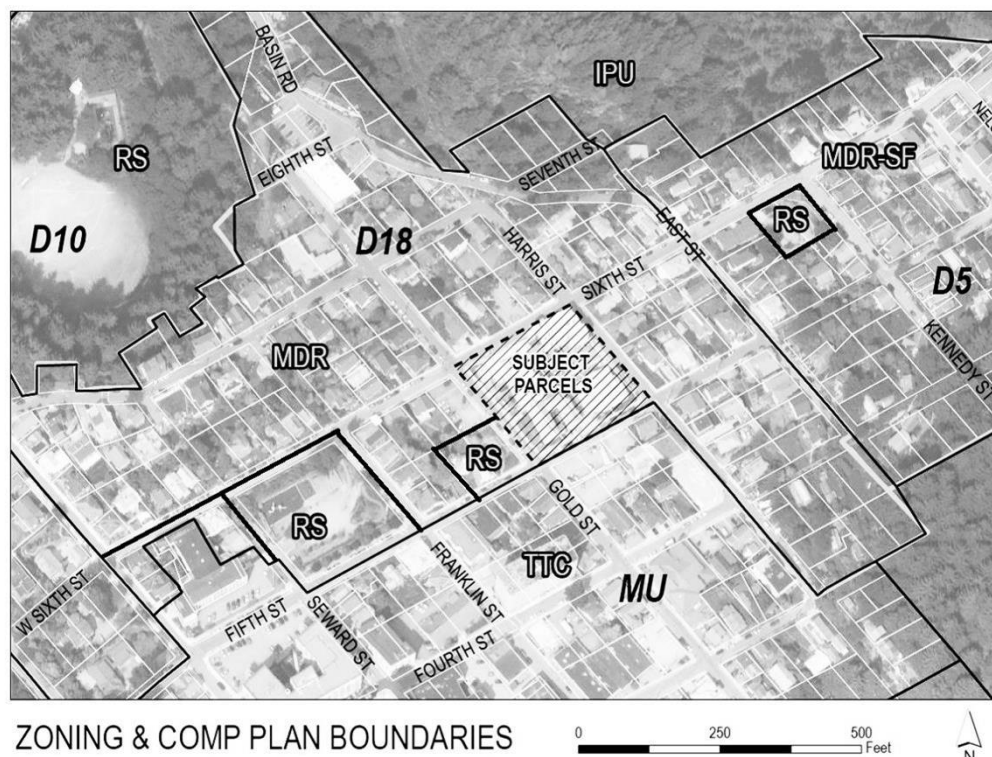
CBJ 49.75.120. Restrictions on Rezoning. Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not 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:



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.

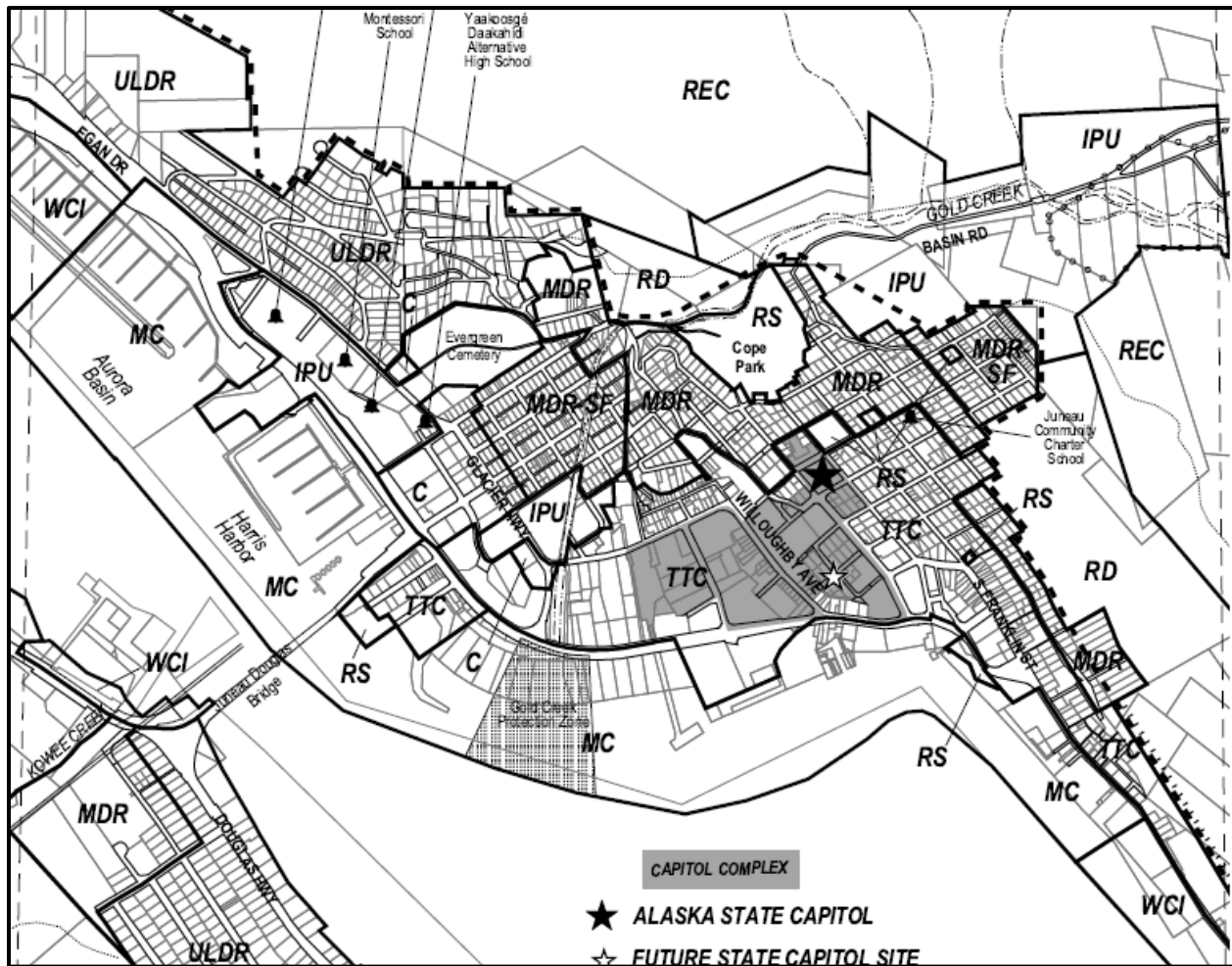
In Chapter 11, Comprehensive Plan Land Use Maps, the following guidance is offered in regard to rezoning:

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.



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.

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 (CBJ 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*

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.

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

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

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

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.

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.

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.

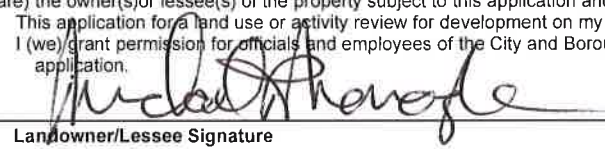
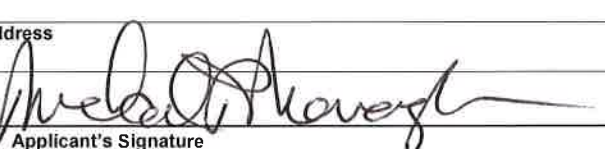
STAFF RECOMMENDATION

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).

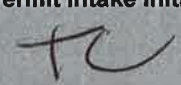
DEVELOPMENT PERMIT APPLICATION

Packet Page 80 of 189

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:	Work Phone:	
Mailing Address	Home Phone:	Fax Number:	
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 

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS

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.

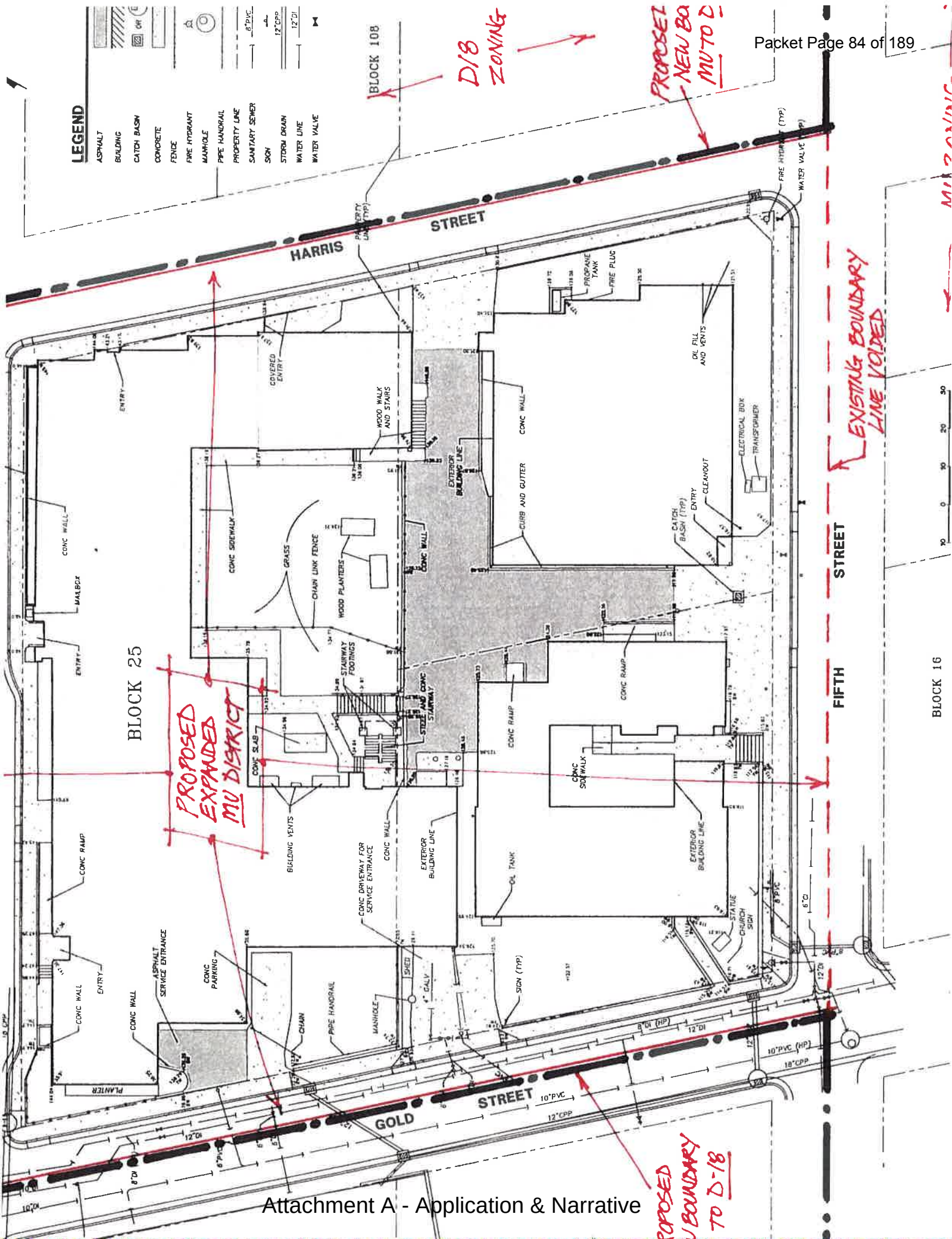
Please let me know if any more information on potential upgrades to the Cathedral would be useful to this discussion. We anticipate virtually no impact on CBJ utilities, street structures, or other responsibilities as part of this re-zone, if successful. Thank you for your consideration.

Sincerely,

Paul Voelckers
MRV Architects

LEGEND

- ASPHALT
- BUILDING
- CATCH BASIN
- CONCRETE
- FENCE
- PIPE HYDRANT
- MANHOLE
- PIPE HANDRAIL
- PROPERTY LINE
- SANITARY SEWER
- SOIL
- STORM DRAIN
- WATER LINE
- WATER VALVE



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. Lupro.

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

WINKER 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)

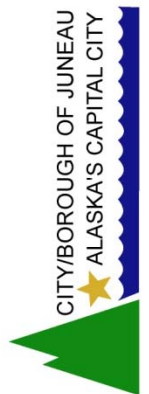
Property Location – 415 5th Street

Downtown Library March 7th, 2017 6:00 p.m.

NAME	ADDRESS	PHONE NUMBER		
Hans Chester	326 Sixth St.	209-7011	nookil.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 Blademy Hills	523-5091		
PAUL KORCHIN	634 6th St		pdkorchine@gmail.com	

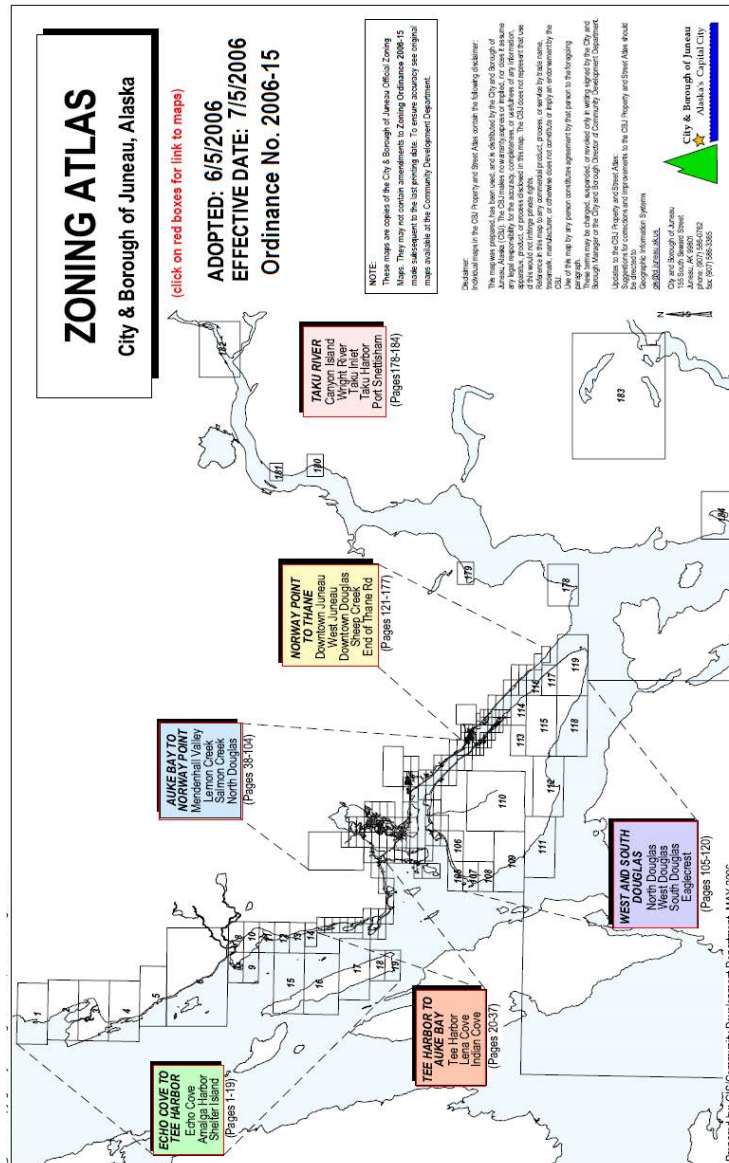
Proposed Rezone of Property Corp. of the Catholic Bishop of Juneau

**Neighborhood Meeting
March 7, 2017**

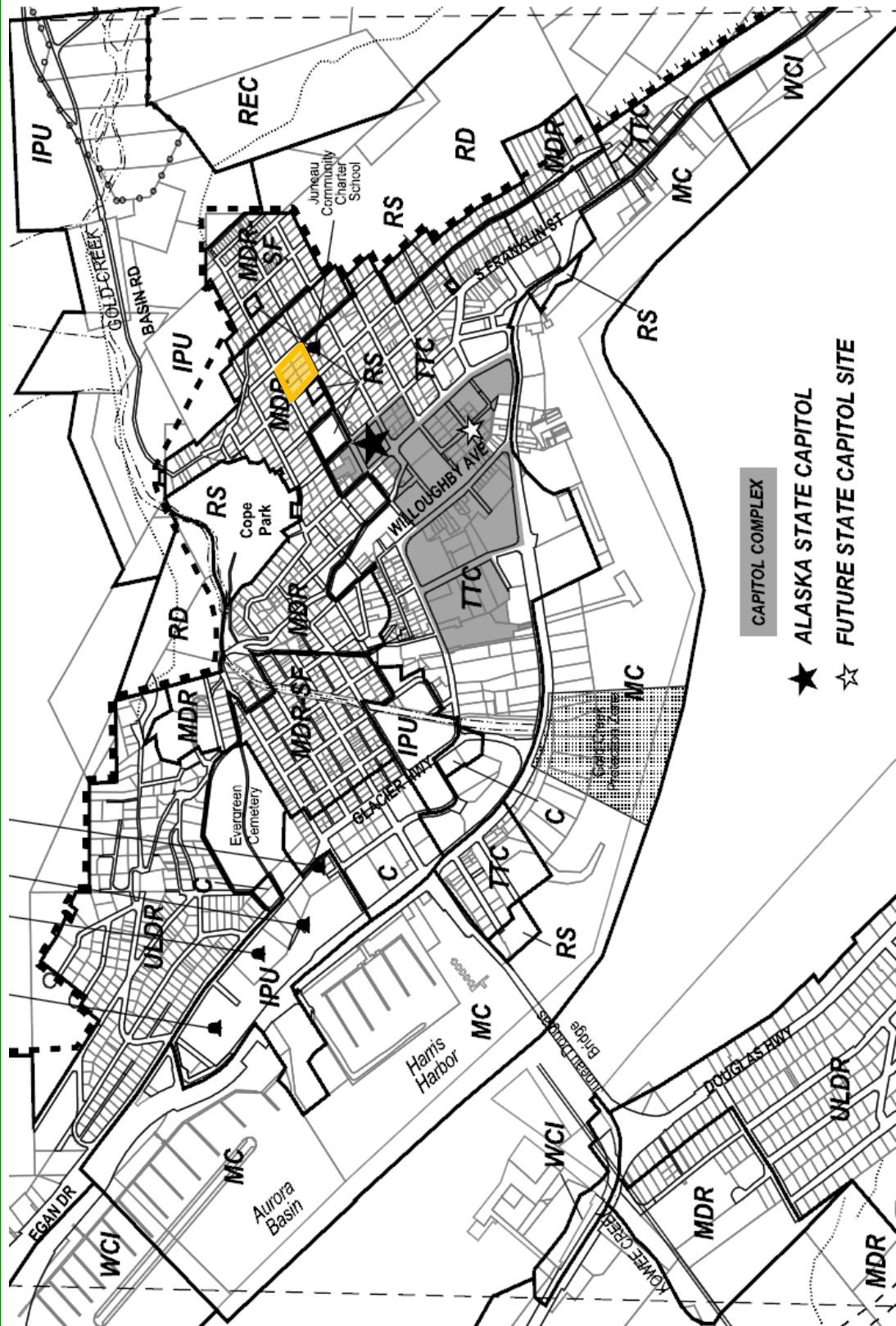


What is proposed?

A revision to the official Zoning Atlas of the CBJ

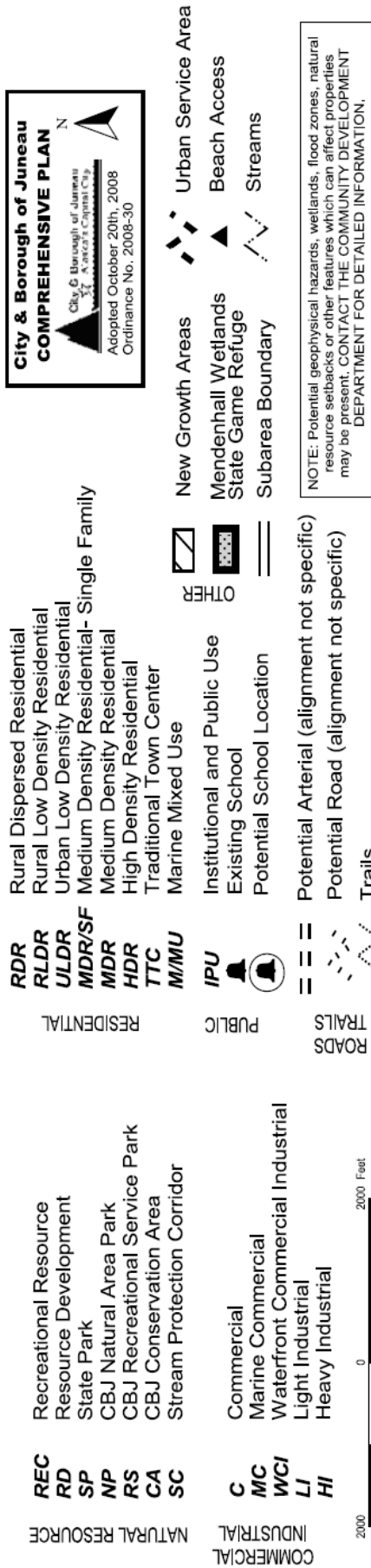


Comprehensive Plan Land Use Designation



CITY/BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY

Comprehensive Plan Land Use Designation



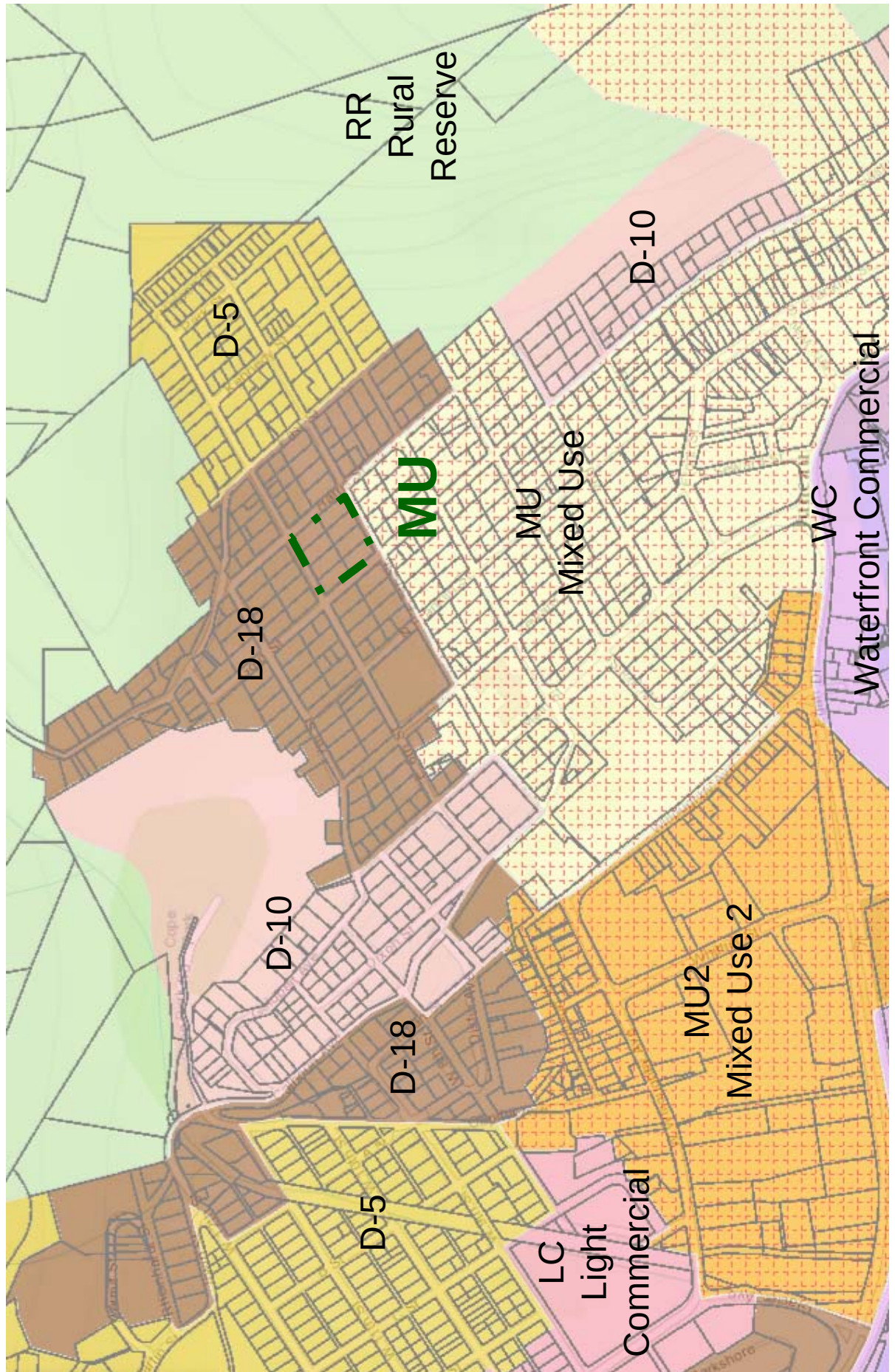
Medium Density Residential (MDR).

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).

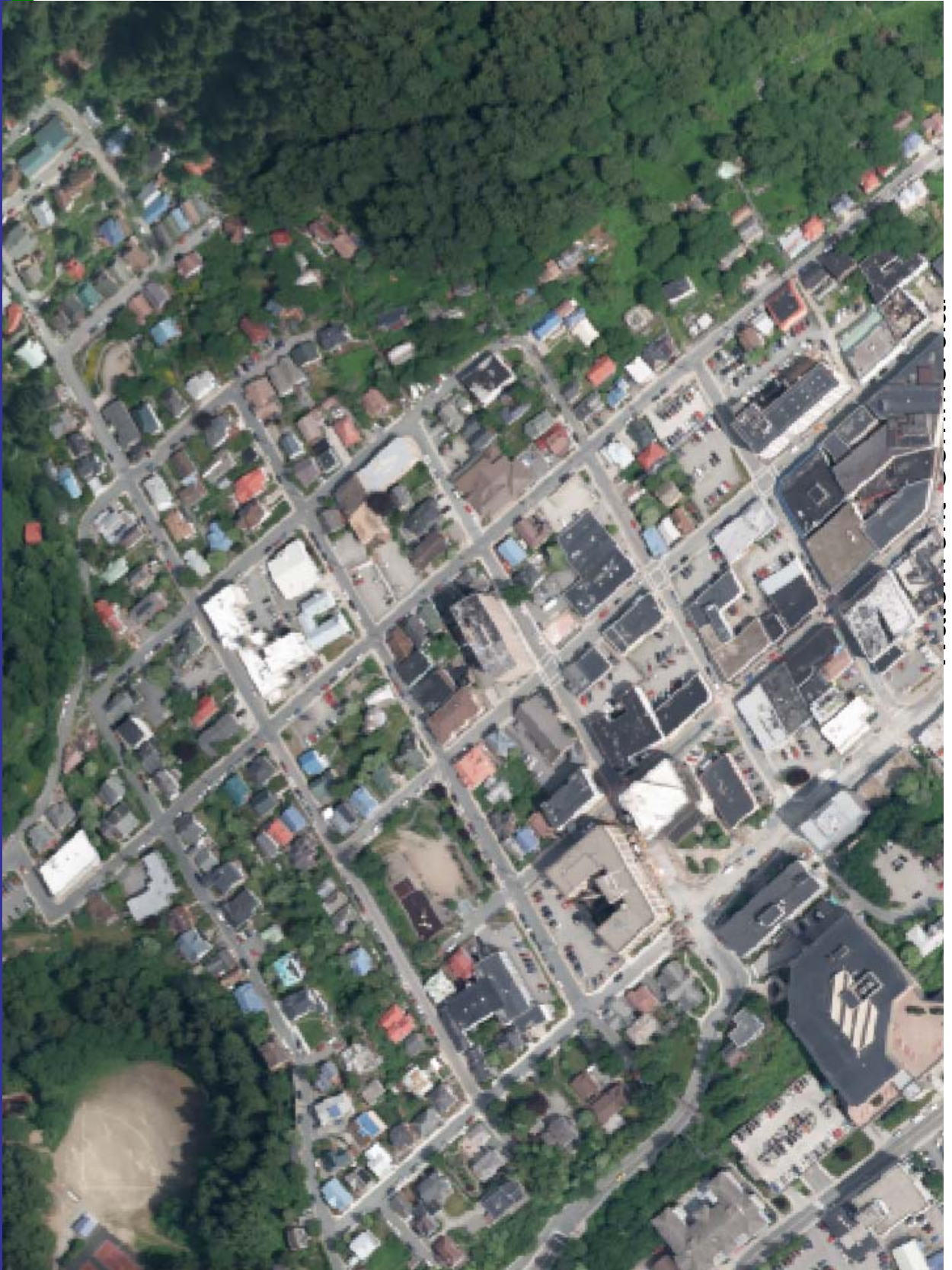
Traditional Town Center (TTC).

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



CITY OF
FARMINGTON

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:

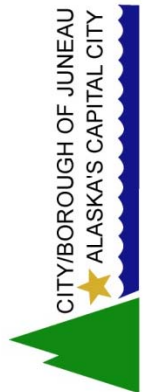
- (a) The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.

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.

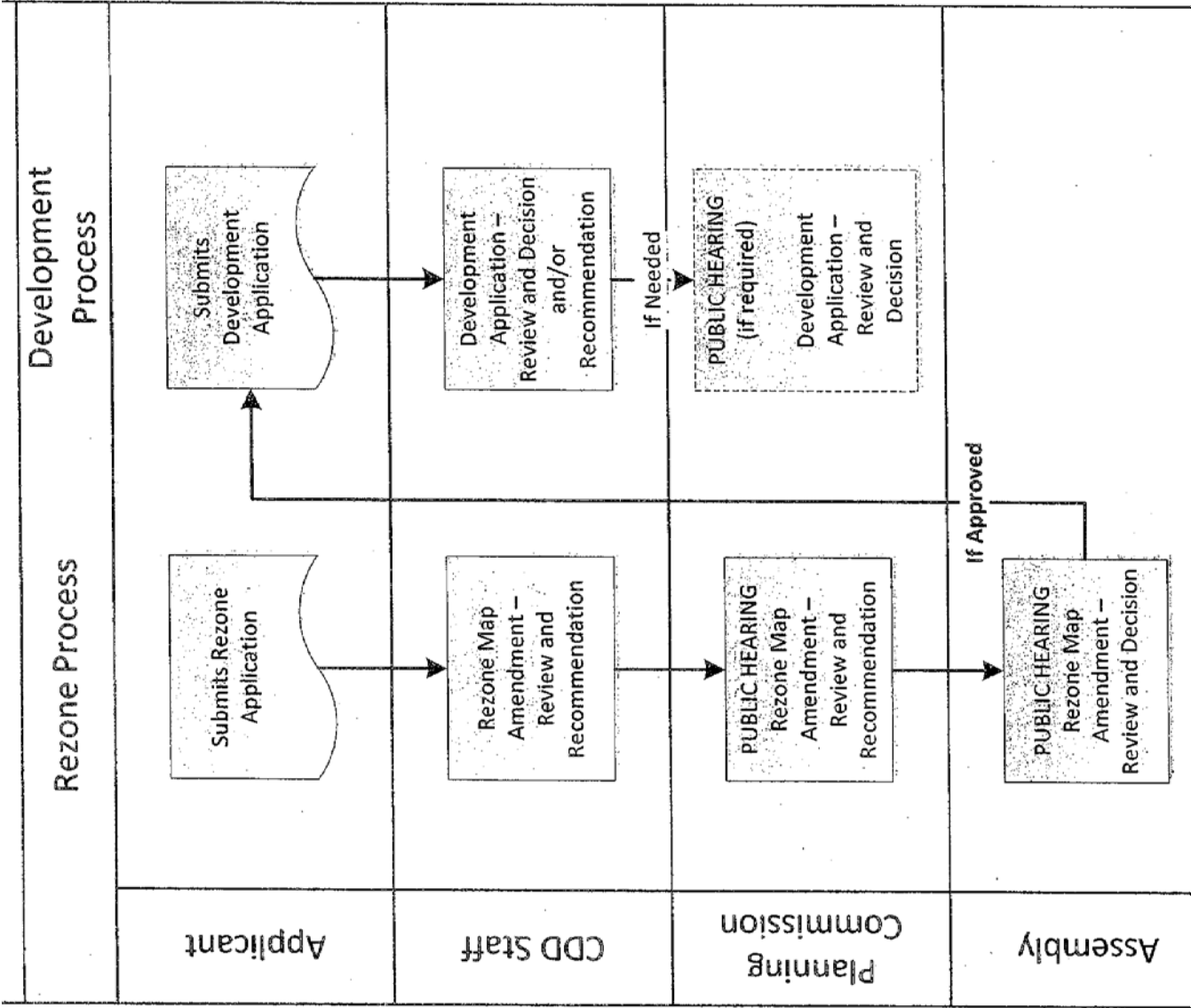
- (a) The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.



Rezone Request

Table of Dimensional Standards	D-18 (18 du/acre) (1.23 acres)	MU Mixed Use (1.23 acres)
Existing site 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.



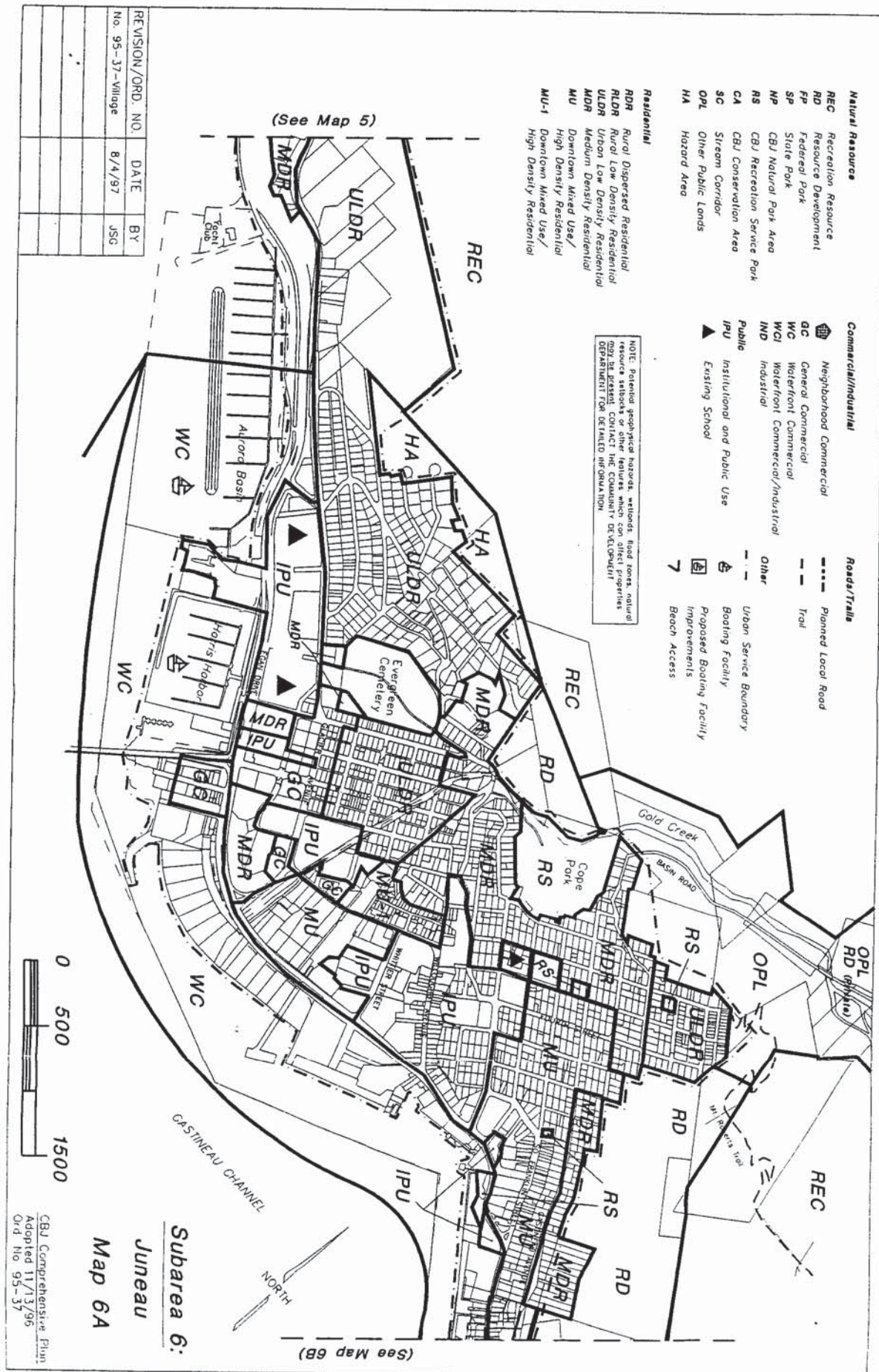


Any questions?



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.

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.

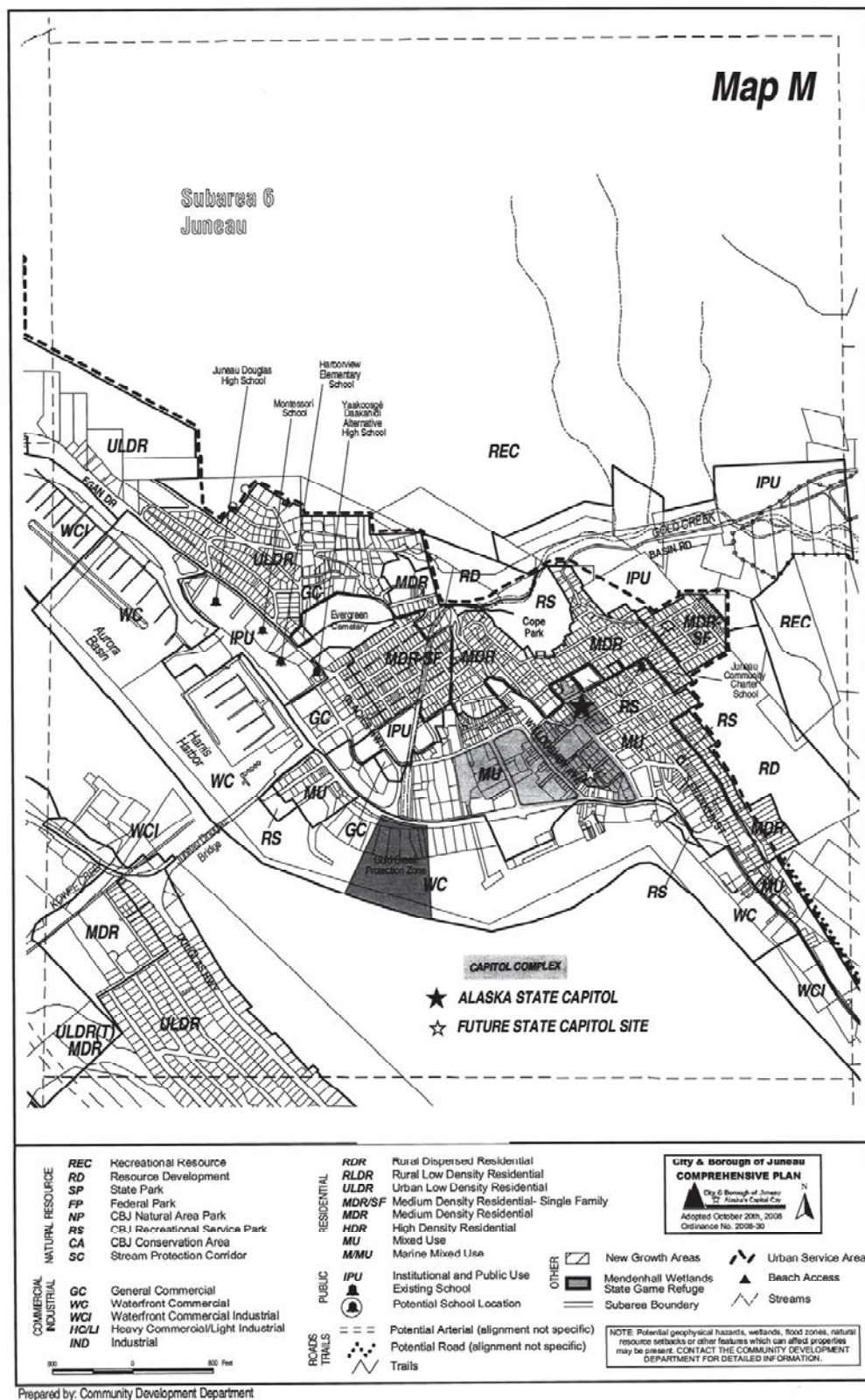
Neighborhood Commercial. Neighborhood commercial areas generally sell goods necessary to meet daily needs, and occupy less than two acres. Such uses include small grocery stores, dry cleaners and beauty/barber shops. Areas shown on the map are conceptual unless existing use is neighborhood commercial.

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.

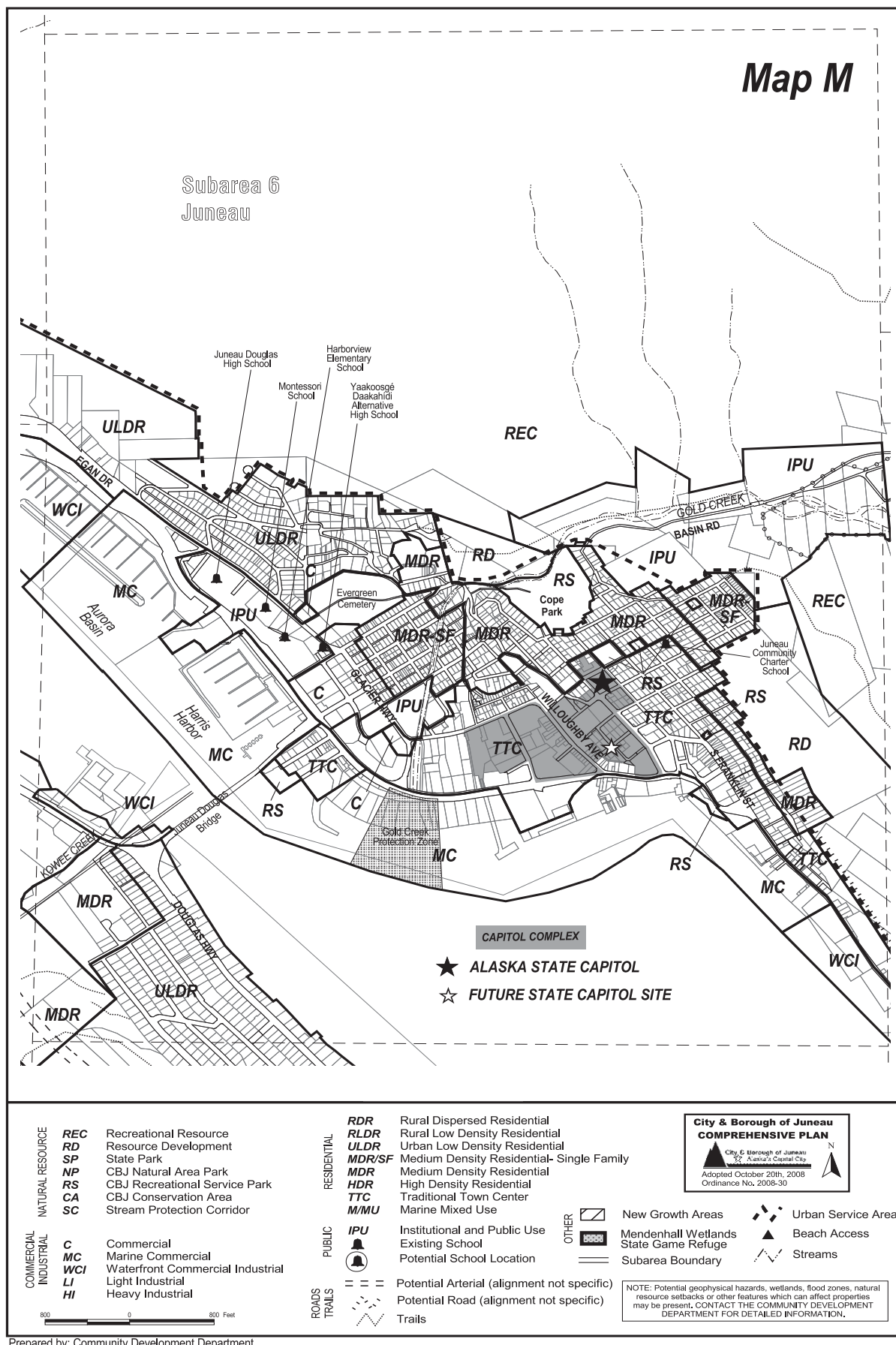
Medium Density Residential—Single Family Detached (MDR/SF). These lands are characterized by single-family detached homes at densities ranging from 10 to 20 units per acre. Only single-family detached homes, single-family detached homes with an accessory apartment, cottage houses and bungalow houses 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

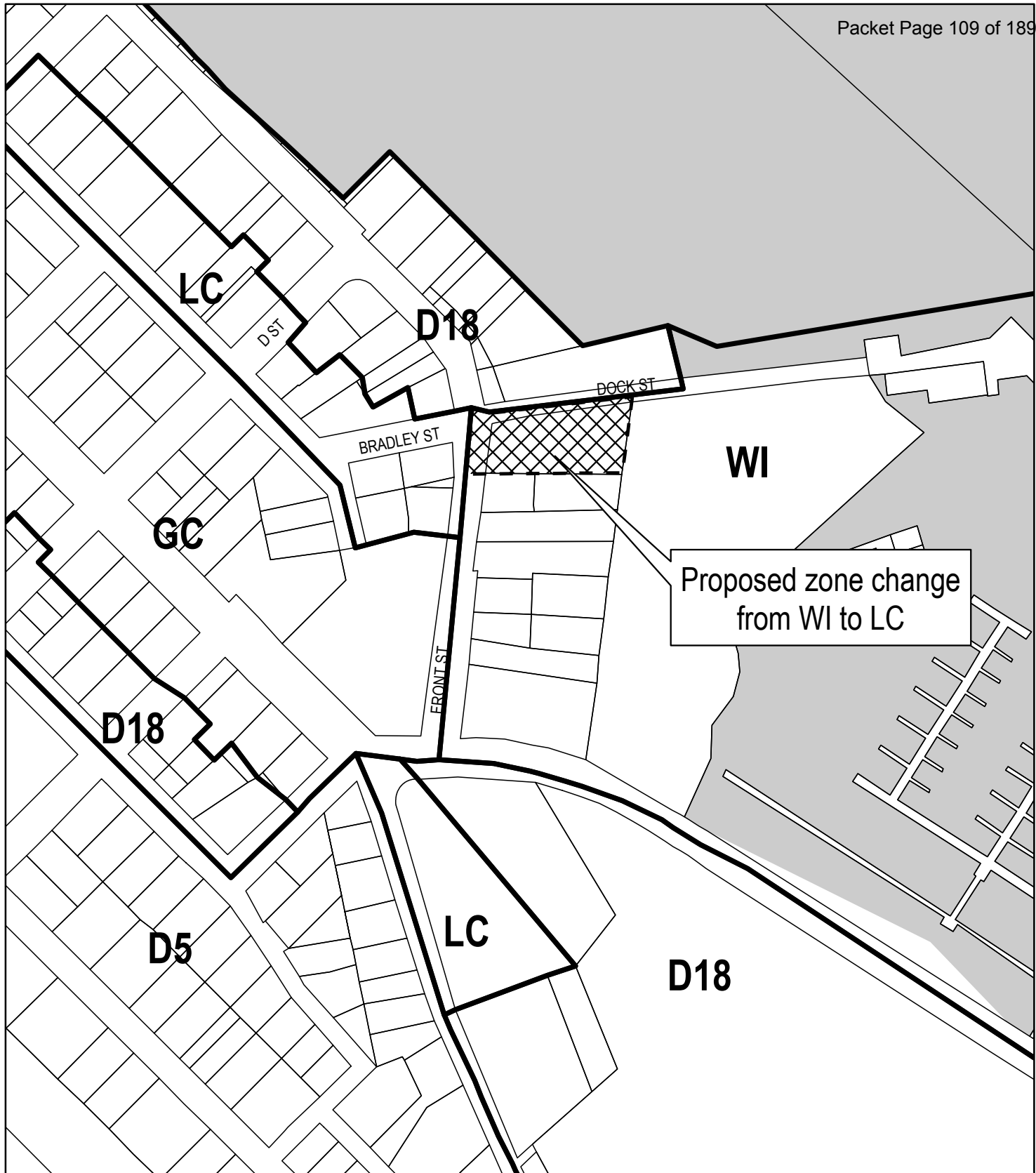


Exhibit A - Ordinance No. 2017-30
Zone Change for TRACT A, BLOCK 32,
MILLSITE ADDITION to DOUGLAS TOWNSITE
from WI (Waterfront Industrial) to LC (Light Commercial)

0 125 250
Feet



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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2805

**A Resolution Dissolving the Friends of the Flag Committee and
Repealing Resolution No. 2054.**

WHEREAS, from approximately 1978 through 2000, a group of volunteers calling themselves the Friends of the Flag Committee generously donated their time and energy towards the purchase and annual installation of state flags along Egan Expressway between the Douglas Bridge and City Hall; and

WHEREAS, in 2000, with the adoption of Resolution 2054, the Assembly agreed to make the Friends of the Flag Committee an advisory board of the CBJ's in order to allow the group protection under the CBJ's insurance policies; and

WHEREAS, the Friends of the Flag Committee met with Travel Juneau, a nonprofit organization dedicated to the Juneau visitor industry and its economic benefit to the community, and the Tourism Best Management Practices (TBMP) group to discuss transferring of the Friends of the Flag's efforts to the two entities, and

WHEREAS, the Human Resources Committee, at its meeting on June 5, 2017, was apprised of the discussions between the Friends of the Flag, Travel Juneau, and TBMP; and

WHEREAS, Travel Juneau and TBMP have agreed to assume the annual installation of the flags, making the advisory board now unnecessary; and

WHEREAS, the Assembly appreciates the work done by the Friends of the Flag Committee and the valued contributions made by its members to the community of Juneau.

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

Section 1. The Friends of the Flag Committee is hereby dissolved.

Section 2. Repeal of Resolution. Resolution No. 2054 is repealed.

//

//

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

MEMORANDUM

CITY/BOROUGH OF JUNEAU
155 SOUTH SEWARD STREET, JUNEAU ALASKA 99801

DATE: September 19, 2017

TO: Duncan Rorie Watt
City Manager

FROM: Renee Loree, Purchasing Officer *Renee Loree*

SUBJECT: **ASSEMBLY RECOMMENDATION FOR BID AWARD**
Term Contract for Junk Vehicle Disposal
Bid No. 18-023

Bids were opened on the subject project on September 7, 2017. Channel Construction's bid was received as the only responsive and responsible bidder. Channel Construction is currently the vendor for this term contract under Contract No. B16-101, operating on a month-to-month basis until Bid No. 18-023 is finalized and awarded. Results of the bid opening are as follows:

<u>Bidder</u>	<u>Total Bid</u>
Channel Construction, Inc.	\$157,643.70

With the concurrence of Michele Elfers, Chief Landscape Architect with the Solid Waste & CIP Group, the Purchasing Division recommends award to Channel Construction, Inc. on the basis of having the lowest responsive, responsible bid price in the amount of \$157,643.70 based on Total Bid.

Buyer: Shelly Klawonn, Senior Buyer
Funding: 570770401-5390 – Waste Management, Junked Vehicles
Commitment: \$157,643.70

Approved: _____
Duncan Rorie Watt, City Manager

Date of Assembly Approval: _____





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Packet Page 113 of 189

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

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

August 29, 2017

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	10026
License Type:	Standard Marijuana Cultivation Facility
Licensee:	Rainforest Farms, LLC
Doing Business As:	RAINFOREST FARMS, LLC
Physical Address:	5763 Glacier Highway Juneau, AK 99801
Designated Licensee:	James Barrett
Phone Number:	907-957-4751
Email Address:	rainforestjames@gmail.com

AMCO has received a complete renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under 3 AAC 306.035(c)(2).

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to me the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell
Director

Alcohol & Marijuana Control Office

License Number: 10026**License Status:** Active**License Type:** Standard Marijuana Cultivation Facility**Doing Business As:** RAINFOREST FARMS, LLC**Business License Number:** 1032787**Designated Licensee:** James Barrett**Email Address:** rainforestjames@gmail.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.356750, -134.500043**Physical Address:** 5763 Glacier Highway
Juneau, AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10025351**Alaska Entity Name:** Rainforest Farms, LLC**Phone Number:** 907-957-4751**Email Address:** rainforestjames@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Entity Official #1****Type:** Individual**Name:** James Barrett
[REDACTED]
[REDACTED]**Phone Number:** 907-957-4751**Email Address:** rainforestjames@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Entity Official #2****Type:** Individual**Name:** Michael Healy
[REDACTED]
[REDACTED]**Phone Number:** 907-973-2337**Email Address:** michealrhealy@gmail.com**Mailing Address:** PO Box 946
Skagway, AK 99840
UNITED STATES**Entity Official #3****Type:** Individual**Name:** Giono Barrett
[REDACTED]
[REDACTED]**Phone Number:** 907-209-5310**Email Address:** rainforestgiono@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Note:** No affiliates entered for this license.



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Rainforest Farms, LLC	License Number:	10026		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Rainforest Farms				
Premises Address:	5763 Glacier Highway				
City:	Juneau	State:	AK	ZIP:	99801

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Michael Healy
Title:	Member

Section 3 – Changes to Licensed Marijuana Establishment

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

Initials

I certify that **no changes have been made**, except for those that have been previously reported or requested on a form prescribed by the Board, to this licensed establishment's business name, ownership, licensed premises diagram, or operating plan, and (for marijuana product manufacturers) that I do not wish to request Board approval for production of any new proposed marijuana products.

☒

I certify that **a change has been or will be made** to one or more of the items listed above for this establishment, and I understand that an additional form(s) and fee(s) must be submitted to AMCO before any renewal application for this license can be considered complete.

☐

If you have selected the second certification, please list any and all of the five types of changes that need to be reported/requested:



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

Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

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

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

Sign your initials to the following statement **only if you are unable to certify one or both of the above statements**:

Initials

I have attached a written explanation for why I cannot certify one or both of the above statements, which includes the type of offense, as required under 3 AAC 306.035(b)(4).

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

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

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

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Michael R Healy
Signature of licensee

Michael R Healy
Printed name of licensee

State of Alaska
Notary Public
Michelle Gihl
April 23, 2021

Michelle Gihl
Notary Public in and for the State of Alaska
My commission expires: 07-23-2021

Subscribed and sworn to before me this 24 day of August, 2017.



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications**What is this form?**

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	RAINFOREST FARMS, LLC	License Number:	19926		
License Type:	STANDARD MARIJUANA CULTIVATION FACILITY				
Doing Business As:	RAINFOREST FARMS				
Premises Address:	5763 GLACIER HWY				
City:	JUNEAU	State:	AK	ZIP:	99801

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	JAMES BARRETT
Title:	MEMBER/MANAGER

Section 3 – Changes to Licensed Marijuana Establishment

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

Initials

I certify that no changes have been made, except for those that have been previously reported or requested on a form prescribed by the Board, to this licensed establishment's business name, ownership, licensed premises diagram, or operating plan, and (for marijuana product manufacturers) that I do not wish to request Board approval for production of any new proposed marijuana products.



I certify that a change has been or will be made to one or more of the items listed above for this establishment, and I understand that an additional form(s) and fee(s) must be submitted to AMCO before any renewal application for this license can be considered complete.



If you have selected the second certification, please list any and all of the five types of changes that need to be reported/requested:

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Alaska Marijuana Control Board

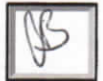
Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

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

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.



I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.



Sign your initials to the following statement only if you are unable to certify one or both of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or both of the above statements, which includes the type of offense, as required under 3 AAC 306.035(b)(4).



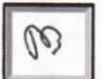
Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.



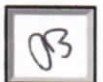
I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.



I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.



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

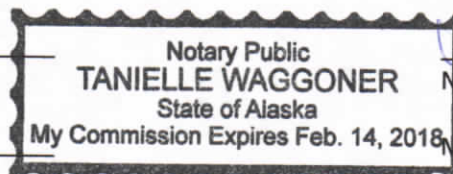


As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

JAMES BARNETT

Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: 2/14/2018

Subscribed and sworn to before me this 27th day of June, 2017.



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	RAINFEST FARMS, LLC	License Number:	10026		
License Type:	STANDARD MARIJUANA CULTIVATION FACILITY				
Doing Business As:	RAINFEST FARMS				
Premises Address:	5763 GLACIER HWY				
City:	JUNEAU	State:	AK	ZIP:	99801

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	GLENDA BARRETT
Title:	MEMBER

Section 3 – Changes to Licensed Marijuana Establishment

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

Initials

I certify that no changes have been made, except for those that have been previously reported or requested on a form prescribed by the Board, to this licensed establishment's business name, ownership, licensed premises diagram, or operating plan, and (for marijuana product manufacturers) that I do not wish to request Board approval for production of any new proposed marijuana products.



I certify that a change has been or will be made to one or more of the items listed above for this establishment, and I understand that an additional form(s) and fee(s) must be submitted to AMCO before any renewal application for this license can be considered complete.



If you have selected the second certification, please list any and all of the five types of changes that need to be reported/requested:

--



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

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

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

GJB

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

GJB

Sign your initials to the following statement **only if you are unable to certify one or both of the above statements**:

Initials

I have attached a written explanation for why I cannot certify one or both of the above statements, which includes the type of offense, as required under 3 AAC 306.035(b)(4).

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

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

GJB

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

GJB

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

GJB

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

GJB

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

Giono Barrett

Printed name of licensee

Notary Public
TANIELLE WAGGONER
State of Alaska
My Commission Expires Feb. 14, 2018

Notary Public in and for the State of Alaska

My commission expires: 2/14/2018

Subscribed and sworn to before me this 27th day of June, 2017.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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**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 1, 2017

City & Borough of Juneau

Attn: City Clerk

Via Email: mcb_notice@juneau.org

License Number:	10050
License Type:	Retail Marijuana Store
Licensee:	Rainforest Farms, LLC
Doing Business As:	RAINFOREST FARMS, LLC
Physical Address:	216 2nd Street Juneau , AK 99801
Designated Licensee:	James Barrett
Phone Number:	907-957-4751
Email Address:	rainforestjames@gmail.com

AMCO has received a complete renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under 3 AAC 306.035(c)(2).

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to me the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,

Erika McConnell

Erika McConnell
Director

Alcohol & Marijuana Control Office

License Number: 10050**License Status:** Active-Pending Inspection**License Type:** Retail Marijuana Store**Doing Business As:** RAINFOREST FARMS, LLC**Business License Number:** 1032787**Designated Licensee:** James Barrett**Email Address:** rainforestjames@gmail.com**Local Government:** Juneau (City and Borough of)**Community Council:****Latitude, Longitude:** 58.301300, -134.407000**Physical Address:** 216 2nd Street
Juneau , AK 99801
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10025351**Alaska Entity Name:** Rainforest Farms, LLC**Phone Number:** 907-957-4751**Email Address:** rainforestjames@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Michael Healy**Phone Number:** 907-973-2337**Email Address:** michealrhealy@gmail.com**Mailing Address:** PO Box 946
Skagway, AK 99840
UNITED STATES**Entity Official #2****Type:** Individual**Name:** James Barrett**Phone Number:** 907-957-4751**Email Address:** rainforestjames@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Entity Official #3****Type:** Individual**Name:** Giono Barrett**Phone Number:** 907-209-5310**Email Address:** rainforestgiono@gmail.com**Mailing Address:** PO Box 21714
Juneau, AK 99802
UNITED STATES**Note:** No affiliates entered for this license.



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

Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	RAINFOREST FARMS, LLC	License Number:	10050
License Type:	RETAIL MARIJUANA STORE		
Doing Business As:	RAINFOREST FARMS		
Premises Address:	216 2ND STREET		
City:	SUPRENU	State:	AK
		ZIP:	99801

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	GRAND BARRETT
Title:	MEMBER

Section 3 – Changes to Licensed Marijuana Establishment

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

Initials

I certify that **no changes have been made**, except for those that have been previously reported or requested on a form prescribed by the Board, to this licensed establishment's business name, ownership, licensed premises diagram, or operating plan, and (for marijuana product manufacturers) that I do not wish to request Board approval for production of any new proposed marijuana products.

GB

I certify that **a change has been or will be made** to one or more of the items listed above for this establishment, and I understand that an additional form(s) and fee(s) must be submitted to AMCO before any renewal application for this license can be considered complete.

If you have selected the second certification, please list any and all of the five types of changes that need to be reported/requested:

--



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

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

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

GB

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

GB

Sign your initials to the following statement only if you are unable to certify one or both of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or both of the above statements, which includes the type of offense, as required under 3 AAC 306.035(b)(4).

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

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

GB

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

GB

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

GB

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

GB

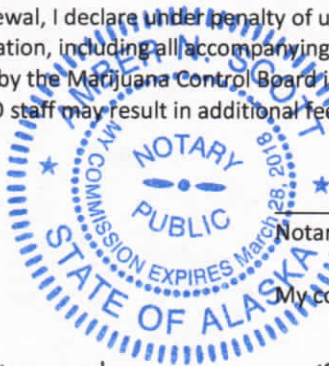
As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

Giono Barrett

Printed name of licensee

Subscribed and sworn to before me this 23rd day of August, 2018.



Notary Public in and for the State of Alaska

My commission expires: March 28th, 2018



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Rainforest Farms, LLC	License Number:	10050		
License Type:	Retail Marijuana Store				
Doing Business As:	Rainforest Farms				
Premises Address:	216 2nd Street				
City:	Juneau	State:	AK	ZIP:	99801

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	JAMES BARNETT
Title:	Member/Manager

Section 3 – Changes to Licensed Marijuana Establishment

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

Initials

I certify that no changes have been made, except for those that have been previously reported or requested on a form prescribed by the Board, to this licensed establishment's business name, ownership, licensed premises diagram, or operating plan, and (for marijuana product manufacturers) that I do not wish to request Board approval for production of any new proposed marijuana products.



I certify that a change has been or will be made to one or more of the items listed above for this establishment, and I understand that an additional form(s) and fee(s) must be submitted to AMCO before any renewal application for this license can be considered complete.



If you have selected the second certification, please list any and all of the five types of changes that need to be reported/requested:

--



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

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

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.



I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.



Sign your initials to the following statement only if you are unable to certify one or both of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or both of the above statements, which includes the type of offense, as required under 3 AAC 306.035(b)(4).



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

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.



I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.



I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.



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



As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO may result in additional fees or expiration of this license.

Signature of licensee

Printed name of licensee

JAMES BARRETT

STATE OF ALASKA

NOTARY PUBLIC
SARAH NIERRA

My Commission Expires

May 1, 2019

Notary Public in and for the State of Alaska

My commission expires:

May 1, 2019

Subscribed and sworn to before me this 24th day of August, 2017.



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Rainforest Farms, LLC	License Number:	10050		
License Type:	Retail Marijuana Store				
Doing Business As:	Rainforest Farms				
Premises Address:	216 2nd Street				
City:	Juneau	State:	AK	ZIP:	99801

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Michael Healy
Title:	Member

Section 3 – Changes to Licensed Marijuana Establishment

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

Initials

I certify that **no changes have been made**, except for those that have been previously reported or requested on a form prescribed by the Board, to this licensed establishment's business name, ownership, licensed premises diagram, or operating plan, and (for marijuana product manufacturers) that I do not wish to request Board approval for production of any new proposed marijuana products.

--

I certify that **a change has been or will be made** to one or more of the items listed above for this establishment, and I understand that an additional form(s) and fee(s) must be submitted to AMCO before any renewal application for this license can be considered complete.

--

If you have selected the second certification, please list any and all of the five types of changes that need to be reported/requested:

--

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

marijuana.licensing@alaska.gov

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

Phone: 907.269.0350



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

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

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.



I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.



Sign your initials to the following statement **only if you are unable to certify one or both of the above statements**:

Initials

I have attached a written explanation for why I cannot certify one or both of the above statements, which includes the type of offense, as required under 3 AAC 306.035(b)(4).



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

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.



I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.



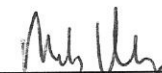
I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.



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



As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.


Signature of licensee

Michael R Healy
Printed name of licensee

State of Alaska
Notary Public
Michelle Gihl
April 23, 2021


Notary Public in and for the State of Alaska

My commission expires: 04-23-2021

Subscribed and sworn to before me this 24 day of August, 2017.

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

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-991

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$100,000 be transferred:

From: CIP

U76-004	Wastewater SCADA Improv	\$100,000
---------	-------------------------	-----------

To: CIP

U76-113	Maier Dr Forcemain Emergency Repair	\$100,000
---------	-------------------------------------	-----------

The \$100,000 consists of:

F519	Wastewater	\$100,000
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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: 10/16/2017
Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
ALASKA

SERIAL NUMBER T-992

It is hereby ordered by the Assembly of the City and Borough of Juneau,
Alaska, that \$300,000 be transferred:

From: CIP

W75-054	Douglas Highway Waterline Replacement CIP	\$300,000
---------	--	-----------

To: CIP

W75-055	Salmon Creek Filtration CIP	\$300,000
---------	-----------------------------	-----------

The \$300,000 consists of:

F514	Water	\$300,000
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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:
Drafted by: M. Cosgrove

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2809

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

WHEREAS, CBJ 08.50.010 provides that the Assembly establish fees for services provided under the Animal Control and Protection Code; and

WHEREAS, Resolution No. 2767, adopted on September 26, 2016, established the current schedule of fees and charges for animal control and protection services; and

WHEREAS, the Gastineau Humane Society has reviewed the current fee schedule and recommends modifications to improve its ability to provide quality service; and

WHEREAS, the Assembly has reviewed this recommendation and has determined that the proposed fee changes are warranted at this time.

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

Section 1. Animal Control and Protection Fee Schedule. Pursuant to CBJ 08.50.010, the following fees shall be charged for services provided under the Animal Control and Protection Code:

(a) Dog License Fees. The annual license fee shall be \$45.00 for each dog over the age of six months, provided that the fee shall be \$20.00 for each spayed female and each neutered male over the age of six months, and provided further that the fee shall be reduced by one-half for dogs acquired after September 1st of the calendar year and for dogs which attain the age of six months after that date. A late fee of \$15.00 shall be added to the license fee for any license issued after March 31st unless the dog is under six months of age or the owner relocated to the City and Borough within 30 days immediately prior to that date.

(b) Special License Fee. The annual fee for a special license for potentially dangerous or dangerous dogs shall be \$100.00. A late fee of \$50.00 shall be added to the special license fee for any special license issued after January 31st unless the owner relocated to the City and Borough within 20 days immediately prior to that date.

(c) License and Permit Transfer Fees. The fee for the transfer of a special license or an animal establishment permit shall be \$25.00.

(d) Duplicate Tag Fee. The fee for the issuance of a duplicate of a lost license tag shall be \$5.00.

(e) Impound Fee. The fee for impoundment shall be as follows:

Number of Impounds of Same Animal Within One Calendar Year	Fee
1 st	\$ 50.00
2 nd	\$ 60.00
3 rd	\$ 75.00
4 th and subsequent impounds	\$100.00

(f) Impound Boarding Fee. The fee for boarding an impounded animal shall be established according to the table below. The fee shall be charged per day or any portion of a day until the owner of the animal collects the animal from the shelter.

Boarding Fee Per Day	Altered Animal	Unaltered Animal	In-Season Animal
Basic Impound – any species	\$30	\$40	\$50
Dangerous Dog	\$50	\$50	\$50
Bite Quarantine - Canine	\$50	\$60	\$80
Bite Quarantine - Feline	\$30	\$40	\$50

For purposes of this section, a day shall be the period of time from midnight to midnight.

(g) Group License Fee. Six or more dogs kept at the same location by the same person and registered as a kennel may be licensed as a group for annual fee of \$5.00 per dog, which shall be good until expiration of the group license. If a dog leaves the group there shall be no refund or transfer of credit for the \$5.00 fee.

Section 2. Repeal of Resolution. Resolution No. 2767 is repealed.

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

Presented by: The Manager
Introduced:
Drafted by: M. Cosgrove

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2809

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

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WHEREAS, Resolution No. 2767, adopted on September 26, 2016, established the current schedule of fees and charges for animal control and protection services; and

WHEREAS, the Gastineau Humane Society has reviewed the current fee schedule and recommends modifications to improve its ability to provide quality service; and

WHEREAS, the Assembly has reviewed this recommendation and has determined that the proposed fee changes are warranted at this time.

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

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(a) Dog License Fees. The annual license fee shall be \$45.00 for each dog over the age of six months, provided that the fee shall be \$20.00 for each spayed female and each neutered male over the age of six months, and provided further that the fee shall be reduced by one-half for dogs acquired after September 1st of the calendar year and for dogs which attain the age of six months after that date. A late fee of \$15.00 shall be added to the license fee for any license issued after March 31st unless the dog is under six months of age or the owner relocated to the City and Borough within 30 days immediately prior to that date.

(b) Special License Fee. The annual fee for a special license for potentially dangerous or dangerous dogs shall be \$100.00. A late fee of \$50.00 shall be added to the special license fee for any special license issued after January 31st unless the owner relocated to the City and Borough within 20 days immediately prior to that date.

(c) License and Permit Transfer Fees. ~~The fee for the transfer of a dog license shall be \$2.50.~~ The fee for the transfer of a special license or an animal establishment permit shall be \$25.00.

(d) Duplicate Tag Fee. The fee for the issuance of a duplicate of a lost license tag shall be \$5.00.

(e) Impound Fee. The fee for impoundment shall be as follows:

Number of Impounds of Same Animal Within One Calendar Year	Fee
1 st	\$ 30.00 <u>50.00</u>
2 nd	\$ 50.00 <u>60.00</u>
3 rd	\$ 75.00
4 th <u>and subsequent impounds</u>	\$100.00

(f) Impound Boarding Fee. The fee for boarding an impounded animal shall be established according to the table below. The fee shall be charged ~~\$10.00~~ per day or any portion of a day until the owner of the animal is ~~contacted, at which time the fee shall increase to \$15.00 per day or any portion of a day, beginning on the day after the owner in [sic] contacted~~ collects the animal from the shelter.

<u>Boarding Fee Per Day</u>	<u>Altered Animal</u>	<u>Unaltered Animal</u>	<u>In-Season Animal</u>
<u>Basic Impound – any species</u>	<u>\$30</u>	<u>\$40</u>	<u>\$50</u>
<u>Dangerous Dog</u>	<u>\$50</u>	<u>\$50</u>	<u>\$50</u>
<u>Bite Quarantine - Canine</u>	<u>\$50</u>	<u>\$60</u>	<u>\$80</u>
<u>Bite Quarantine - Feline</u>	<u>\$30</u>	<u>\$40</u>	<u>\$50</u>

For purposes of this section, a day shall be the period of time from midnight to midnight.

(g) Group License Fee. Six or more dogs kept at the same location by the same person and registered as a kennel may be licensed as a group for annual fee of \$5.00 per dog, which shall be good until expiration of the group license. If a dog leaves the group there shall be no refund or transfer of credit for the \$5.00 fee.

Section 2. Repeal of Resolution. Resolution No. 2767 is repealed.

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

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-19

An Ordinance Amending the Uniform Sales Tax Code to Expand the Senior Citizen Sales Tax Exemption.

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

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

Section 2. Amendment of Section. CBJ 69.05.045 Senior citizen sales tax exemption, is amended to read:

69.05.045 Senior citizen sales tax exemption.

(a) Anyone 65 years of age or older who is a resident of the state and of the City and Borough may apply for and be issued by the manager a senior citizen sales tax exemption card, which entitles the cardholder and the cardholder's spouse to be exempt from sales tax for the sales of essential food, household supplies, personal care items, and utilities that are solely for the personal use or consumption of the cardholder or the cardholder's spouse.

...

(g) As used in this section, "essential food, household supplies, personal care items, and utilities" means:

- (1) Sales of "food"; ~~as defined by the Food and Nutrition Act of 2008, 7 USC § 2012(e)~~

(A) As defined by the Food and Nutrition Act of 2008, 7 USC § 2012(c); and

(B) Prepared food sold for immediate consumption on or off the seller's premises by an eligible retail food store. For purposes of this section:

(i) A food store is an "eligible retail food store" if the seller is not primarily engaged in the business of selling meals, and where the gross receipts derived from the sale of food prepared by or for all of the seller's establishments for immediate consumption on or off the premises of the seller's establishments constitutes less than twenty percent of the total gross receipts of sales at the establishments.

(ii) "Prepared food" means:

a) Food that is sold in a heated state or food that is heated by the seller;

b) Food where two or more food ingredients are mixed or combined by the seller for sale as a single item; or

c) Food sold with eating utensils provided by the seller such as plates, knives, forks, spoons, glasses, cups, napkins, or straws.

(2) Sales of electricity by a utility for use at the cardholder's principal place of abode;

(3) Sales of heating fuel, including wood, wood pellets, and fuel oil, for use at the cardholder's principal place of abode;

(4) Sales of water and wastewater service by the City and Borough of Juneau for service at the cardholder's principal place of abode; ~~and~~

(5) Sale of residential curbside refuse and recycling collection at the cardholder's principal place of abode and the use of landfill facilities by the cardholder or cardholder's spouse;

(6) Sales of household supplies. "Household supplies" for purposes of this section means disposable paper products and cleaning supplies such as toilet paper, paper towels, facial tissue, laundry detergent, bleach, and dishwashing soap, for use at the cardholder's principal place of abode; and

(7) Sales of personal care items. For purposes of this section, "personal care items" means toiletries customarily used for grooming purposes or to maintain personal cleanliness, such as soap, shampoo, toothpaste, deodorant, and hand-sanitizer. "Personal care items" does not include cosmetics or other similar products.

Section 3. Amendment of Chapter. Chapter 69.05.046 Rebate for qualifying senior citizens, is amended at subsection (a) to read:

69.05.046 Rebate for qualifying senior citizens.

(a) Any individual who qualifies for a senior citizen sales tax exemption shall qualify for a hardship rebate if the criteria set forth in this section are met. Applicants shall be entitled to a ~~\$325.00~~ \$300.00 rebate every year the applicant qualifies. Rebates for approved applications shall be remitted by September 30.

Section 4. 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

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-26

An Ordinance Authorizing the Manager to Dispose of Lot 4 and Lot 5 of the Renninger Subdivision.

WHEREAS, the City and Borough of Juneau recently subdivided a portion of USS 5504 into six buildable lots, known as Renninger Subdivision (Plat No. 2015-47); and

WHEREAS, this property has been included for disposal in the 2016 Land Management Plan, adopted May 23, 2016; and

WHEREAS, the Lands Committee, at its meeting on May 1, 2017, and the Planning Commission, at its meeting on July 25, 2017, both passed a motion of support for a sealed competitive bid sale of Lots 4 and 5 of the Renninger Subdivision and, if a sealed competitive bid sale is unsuccessful, an over-the-counter sale of the lots; and

WHEREAS, the disposal of Lot 4 and Lot 5 will assist the Assembly in meeting its goals of providing land for the creation of additional units to the Juneau community.

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 dispose of Lot 4 and Lot 5 of the Renninger Subdivision (Plat No. 2105-47, Juneau Recording District, State of Alaska).

Section 3. Title 53 and Land Management Plan. The sale of these lots are deemed to comply with the intent of, and meet or exceed the standards set forth in CBJ Title 53, which prescribes the process for disposing of City and Borough land, and CBJ Ordinance 2016-18, which adopted the City and Borough's Land Management Plan.

Section 4. Method of Sale. The lots shall be offered for sale by sealed competitive bid to the highest qualified bidder using the process provided for in CBJ 53.09.200 and 53.09.250, except as provided for herein.

Section 5. Minimum Bid. Minimum bids for each lot sold shall be \$412,000 for Lot 4; and \$382,000 for Lot 5.

Section 6. Bid. Bids must be accompanied by an earnest money payment in the amount of \$500.

Section 7. Competitive Bid Procedures. The qualified bidder having the highest bid amount will be named the apparent high bidder.

Section 8. Award.

(a) Apparent high bidders will be sent an "Award Notification" letter by certified mail. The letter shall provide the successful bidders 30 days to submit the following:

- (1) Completed Declaration of Intent;
- (2) A non-refundable \$150.00 document-handling fee;
- (3) Notwithstanding CBJ Title 53, a down payment equal to ten percent of the bid amount. The \$500 earnest money submitted with the bid shall be applied toward the down payment;
- (4) If a business or business entity, proof of current business license in the State of Alaska, and proof of signatory authority of the person submitting the bid;
- (5) Selection of title company to handle closing; and
- (6) Any other documents or items requested in the Award Notification letter.

(b) If a successful bidder fails to comply with the requirements in the Award Notification letter, the bidder shall forfeit the \$500 earnest money and all rights to the parcel, and the second highest bidder will then be awarded the opportunity to purchase the parcel.

(c) Notwithstanding CBJ Title 53, a bidder may purchase more than one parcel. Only the highest bid amount for each parcel will be made public. All other bids will remain confidential until after closing. Earnest money shall be returned to unsuccessful bidders.

Section 9. Title Insurance and Closing Costs. Purchasers shall be required to purchase title insurance and pay all closing costs.

Section 10. Payment and Financing. Purchasers of City and Borough parcels may elect to use City and Borough financing, paying the balance owed over a period of ten years, in annual, quarterly, or monthly payments at an annual interest rate of ten percent. The City and Borough shall not subordinate its security interest to other lenders. No bidder or purchaser may sell or assign his or her interest in a parcel until the City and Borough has been paid in full.

Section 11. Reoffering. Should the competitive bid process fail to result in the sale of one or both lots, the Manager may offer the lots for sale by an over-the-counter sale, held in accordance with CBJ 53.09.200 and 53.09.240.

Section 12. Other Terms and Conditions. The Manager may include such other terms and conditions as may be in the public interest and in accordance with CBJ Title 53.

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Section 13. 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

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-27

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

WHEREAS, the City and Borough of Juneau subdivided a portion of USS 5504 into six buildable lots; and

WHEREAS, this property has been included for disposal in the 2016 Land Management Plan, adopted May 23, 2016; and

WHEREAS, on April 26, 2017, the Alaska Housing Development Corporation (AHDC) submitted an application to purchase Lot 2 for fair market value through direct negotiations; and

WHEREAS, on April 27, 2017, AHDC submitted a letter discussing the organization's interest in purchasing Lot 2 to allow the City and Borough to satisfy one of its primary goals of providing affordable housing in a neighborhood setting; and

WHEREAS, the Lands Committee, at its meeting on May 1, 2017, passed a unanimous motion of support of the negotiated sale of Lot 2, Renninger Subdivision to AHDC; and

WHEREAS, the Assembly, at its meeting on May 15, 2017, passed a unanimous motion of support authorizing the manager to enter into negotiations for the disposal of Lot 2, Renninger Subdivision with AHDC at fair market value; and

WHEREAS, the Planning Commission, at its meeting on July 25, 2017, reviewed and approved the disposal of Lot 2, Renninger Subdivision to AHDC while encouraging the development of the maximum practical number of units per lot; and

WHEREAS, AHDC has repeatedly demonstrated its commitment to developing affordable housing in Juneau, recently purchasing Lots 6 and 7 of the Renninger Subdivision as part of this continual effort.

NOW, THEREFORE, 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 execute an agreement for the sale of Lot 2 of the Renninger Subdivision to AHDC.

Section 3. Conditions of Sale. Conveyance of Lot 2, Renninger Subdivision shall be pursuant to a land sale agreement, which must include the following terms:

(A) The purchase price for Lot 2 shall be \$204,000, the appraised fair market value.

(B) AHDC shall be required to purchase title insurance and pay all closing and recording costs.

(C) AHDC may elect to use City and Borough financing, paying the balance owed over a period of ten years, in annual, quarterly, or monthly payments at an annual interest rate of ten percent. If AHDC elects City and Borough financing, AHDC shall pay a down payment equal to five percent of the purchase price at closing. The City and Borough shall not subordinate its security interest to other lenders. AHDC shall not sell or assign its interest in a parcel until the City and Borough has been paid in full.

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

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
 Introduced: Sept. 11, 2017
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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 \$3,206,100 for the following Departments' Fiscal Year 2017 operating budgets:

<u>Department</u>	<u>Amount</u>
Bartlett Regional Hospital (BRH)	\$2,700,000
Docks	176,400
Human Resources	10,100
Risk	<u>319,600</u>
Total	\$3,206,100

Section 3. Source of Funds

<u>Department</u>	<u>Source of Funds</u>	<u>Amount</u>
Bartlett Regional Hospital	FY17 Revenues Exceeding Budget	\$2,700,000
Docks	FY17 Revenues Exceeding Budget	176,400
Human Resources	General Fund's Fund Balance	10,100
Risk	FY17 Revenues Exceeding Budget	<u>319,600</u>
Total		\$3,206,100

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: Sept. 11, 2017
 Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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 \$1,707,389 to fund the City and Borough of Juneau's fiscal year 2017 Public Employee Retirement System contribution distributed as follows:

General Fund:

Mayor & Assembly	\$ 632
Law	43,620
Manager's Office	39,057
Clerk's Office	8,413
Management Information Systems	50,071
Libraries	62,411
Human Resources	21,075
Community Development	74,195
General Engineering	69,674
Building Maintenance	37,046
Finance	124,523
Arboretum	3,459
Parks and Landscape	10,088
Total General Fund	<u>\$ 544,265</u>

Special Revenue Funds:

Capital Transit	\$ 119,135
Lands and Resources	11,087
Eaglecrest Ski Area	21,802
Streets	68,638
Parks and Recreation	89,891
Police	323,085
Capital City Fire	177,020
Visitor Services	14,422
Total Special Revenue Funds	<u>825,079</u>

Enterprise Funds:

Airport	79,732
Bartlett Regional Hospital	4,452
Harbors	38,877
Docks	38,726
Water	35,918
Wastewater	100,777
Waste Management	<u>5,273</u>
Total Enterprise Funds	<u>303,755</u>

Internal Service Funds:

Public Works Fleet	18,662
Self-Insurance	<u>15,627</u>
Total Internal Service Funds	<u>34,289</u>

Total Appropriation **\$ 1,707,389**

Section 3. Source of Funds

Alaska Department of Administration \$ 1,707,389

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: Sept. 11, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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 \$1,525,643 to fund Bartlett Regional Hospital's fiscal year 2017 Public Employee Retirement System contribution.

Section 3. Source of Funds

Alaska Department of Administration	\$ 1,525,643
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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: Sept. 11, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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. De-appropriation. The sum of \$180,000 of the Parks and Recreation's Fiscal Year 2017 operating budget is de-appropriated.

Section 3. Source of Funds.

General Fund's Fund Balance	\$ (180,000)
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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: Sept. 11, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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 \$6,600 for the purpose of implementing the NASA@ My Library STEM education initiative.

Section 3. Source of Funds

Alaska State Library: \$6,600

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: Sept. 11, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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 \$7,842 for the purpose of planning and design of historical interpretive sign panels at the Treadwell Mine Historic Park.

Section 3. Source of Funds

Alaska Department of Natural Resources,
Office of History & Archaeology:

\$7,842

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: Sept. 18, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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 \$100,000 for the Housing and Homelessness Services Coordinator Position in the Manager's Office.

Section 3. Source of Funds

Alaska Mental Health Trust Authority	\$100,000
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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: Sept. 18, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 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.

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 \$2,011,000 as Funding for the Juneau International Airport Taxiway A Rehabilitation Design and Taxiways E and D-1 Re-alignment Design Capital Improvement Project.

Section 3. Source of Funds

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

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

Peter Mlynarik, Chair
Marijuana Control Board
550 W 7th Ave., Suite 1600
Anchorage, AK 99501

Re: Comment from the City and Borough of Juneau Regarding the Proposed Regulations
Regarding the Addition of an Onsite Marijuana Consumption Endorsement

Dear Chair Mlynarik:

The City and Borough of Juneau respectfully provides the following comments to the Board's proposed regulations allowing for onsite marijuana consumption endorsements to retail marijuana licenses.

1. The City and Borough of Juneau has regulated smoking in public places within the City and Borough since 2001. In 2011, the CBJ successfully defended its second-hand smoke ordinance in *Fraternal Order of Eagles v. City and Borough of Juneau*, 254 P.3d 348 (Alaska 2011).

While the proposed regulations attempt to limit the smoking of marijuana within an onsite consumption area to some degree, the proposed regulations are not consistent with, and are less protective of public health, than the City and Borough of Juneau's code.

As this is a health and welfare issue more appropriately left to the municipalities to regulate within their communities, we ask that the regulations be amended to permit onsite consumption of marijuana by smoking (including vaping) only to the extent allowed by local code.

2. The proposed regulations require any retail store holding an endorsement to "maintain a ventilation system that directs air from the marijuana consumption area to the outside of the building through a filtration system adequate to reduce odor." (Emphasis added).

The proposed standard is less strict than the City and Borough of Juneau's:

CBJ 49.65.1260 - Odor.

All marijuana establishments shall utilize a ventilation and odor system that prohibits the detection of noxious odors from outside the licensed premises. For purposes of this section, noxious odors are those odors detectable outside of the licensed premises that a reasonable person of ordinary sensibilities would find negatively affects the person's enjoyment of life, health or property.

We ask that the proposed regulation be amended to defer to local ordinance. Without this change, the Board will be creating an unfair inconsistency within the CBJ. Retail stores without an onsite marijuana consumption endorsement will be required to comply with CBJ code, while those with the endorsement would ostensibly be required to comply only with the State's less

stringent ventilation requirement. Again, this is a health and welfare issue that is properly left to the municipalities to regulate within their respective communities.

3. The proposed regulations require an operator to “display all warning signs required under 3 AAC 360.360 within the marijuana consumption area, visible to all consumers.”

The CBJ also requires the display of certain documents (*see* CBJ 49.65.1255). We ask that the regulations be amended to require not only the documentation required by State law, but also any documentation or signage required by municipal ordinance.

We appreciate the continued work of the Board and its staff. Thank you for the opportunity to comment.

Sincerely,



DATE: September 13, 2017

TO: Mary Becker, Chair
Public Works and Facilities Committee

FROM: John Bohan, Chief CIP Engineer

SUBJECT: West Douglas Road Extension Supplemental \$500k Agreement

CBJ received exceptional bids for the construction of the West Douglas Road construction project about a year ago. The low bidder, ENCO, was \$500k below the engineer's estimate of \$2.0 million. The project constructed a 2.3 mile pioneer road from the end of North Douglas Highway around the back side of Douglas Island toward Middle Creek. The work is nearly complete on the original project and approximately \$750k remains.

This project is funded by a \$3 million Legislative Grant through the Department of Commerce, Community and Economic Development (DCCED) that is specific to this project only, extension of the West Douglas pioneer road. Unexpended funds are required surrendered back to the DCCED, they cannot be used for another purpose. These funds are set to expire in June of 2018.

The requested Supplemental Agreement with ENCO for \$600,000 will extend the pioneer road along the back side of Douglas Island another 1.1 miles to Middle Creek. This will leave approximately \$130k in reserve for inspection costs and contingency (unforeseen construction issues) to complete the project.

Supplemental Agreement Policy requires the Assembly approval on amounts greater than \$500,000 or greater than 25% of the original contract value. The Supplemental Agreement Policy and Public Interest finding are attached.

Recommendation

Staff requests the above \$600,000 Supplemental Agreement request and Public Interest Finding for West Douglas Road Extension be forwarded to the Full Assembly for approval.

Supplemental Agreement Public Interest Finding - West Douglas Pioneer Road Project, Contract BE17-039 - Supplemental Agreement for 1.1 miles of additional pioneer road construction.

Background:

The first phase of construction of the West Douglas Pioneer road is nearly complete. The initial 2.3 miles of the the West Douglas Pioneer Road (original contract) was selected and permitted based on the engineer's estimated construction cost. The project was bid in September 2016 with ENCO as the successful low bidder, approximately \$500k below the engineer's estimate.

This project is fully 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 extension of the West Douglas pioneer road. Unexpended funds are required surrendered back to the DCCED, they cannot be used for another purpose. These funds are set to expire in June of 2018.

With the 2.3 mile road almost complete, it was deemed that the available \$730k of remaining funds were sufficient pay for additional road construction to reach the next major control point along the West Douglas Road route, Middle Creek, an additional 1.1 miles of pioneer road. The Wetlands permit from the US Army CORPS of Engineer has been received, the Alaska Department of Fish and Game stream crossing permits have verbally been approved and are awaiting formal documentation and the Planning Commission has provided concurrence with the extension of the pioneer road. The extension of the pioneer road is 1.1 miles and will cost \$600,000.

The benefits of awarding additional pioneer road construction work to the existing construction contract with ENCO through the Supplemental Agreement mechanism are as follows:

Public Interest Finding Considerations:

Bid preparation Costs to bid the work separately: There will be no bid preparation costs if the Supplemental Agreement is authorized to proceed. The contractor will proceed with the work upon execution of the Supplemental Agreement. The estimated costs to prepare a new set of bid documents and bid the work as a separate contract are estimated between \$25,000-\$40,000.

Cost and Schedule Benefits from bidding the work separately: NONE.

- **Cost:** The original bids were low and competitive. Preparing a competitive bid for the work will likely result in similar bid prices or higher given the recent increase in fuel prices and potential price increase and availability uncertainty for materials (culvert pipe) due to Hurricane Harvey and Irma.
- **Schedule:** The time required to bid and issue a new contract for the work is as follows would be 9 to 12 weeks: 4 weeks to prepare the documents for bidding, 3 weeks for the bid advertisement and 2-3 weeks to issue notice to proceed, moving the construction start date into mid-December (from late October through the Supplemental Agreement), which would realistically push the start of work into late February, early March 2018 due to short daylight hours and adverse winter weather conditions. This delay would push the construction completion into mid-summer (July, August) which exceeds the DCCED Grant completion deadline of June. An earlier construction completion date could be mandated as part of the new bid documents, however, adding this requirement would increase bid prices to compensate for reduced production of working during the low light winter months, and the mandated completion date would not likely be met. Authorization of the Supplemental Agreement would allow an end of May, 2018 completion date which meets the DCCED deadline.

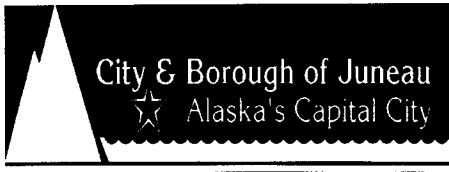
Similarity of Work: The work is identical to the work in the original contract. The additional work is to extend the pioneer road another 1.1 miles to Middle Creek on the back side of Douglas Island.

Mobilization and Proximity: ENCO, the contractor for the original contract is currently mobilized and occupying the project site while they are completing their final work. Given the timeline necessary if the extension project were to be bid, ENCO would be demobilized from the site and would not have a bidding advantage. If approved, ENCO would not have to demobilize the remaining equipment; it could remain on the project and be utilized to continue the work, saving partial mobilization costs.

Schedule Impacts: The additional work included in this Supplemental Agreement has already received the wetlands permits required by the US Army Corps of Engineers. The fish stream crossing permits have been verbally approved by ADF&G and are expected to be received before the October 16th Assembly meeting where this Supplemental Agreement request would be heard. The work could begin shortly after that date. If this additional work were required to be bid, the successful bidder could not be able to start until a formal notice to proceed was given, which is likely mid-December, at which time, short days and winter weather will delay their start into late February or early March when daylight hours are longer and winter weather is likely to start breaking. The delay in the start of the project would delay the completion date to mid-summer 2018 which is after the DCCED Grant expiration date in June 2018.

Site Constraints: ENCO is already familiar with the existing site conditions, construction standards and expectations of constructing the pioneer road and fish passage culverts. ENCO has already developed a routine and level of trust with the CBJ Project Engineer and Inspector that is effective and minimizes the time required for meeting expectations, inspection, questions and answers that would significantly increase administration and inspection costs if not established. Bringing in a potentially new contractor by bidding the project would require this level of trust to be re-established, costing additional man hours explaining expectations, answering questions, and gaining the trust of the new contractor to the level already achieved with ENCO.

Inspection and Administrative Efficiencies: Wilson Engineering, the Construction Administration and Inspection (CA&I) consultant currently engaged for the original contract would continue to work on the work proposed for the Supplemental Agreement. A good line of communication, working relationship and level of trust has already established between CBJ, ENCO and Wilson that reduces the amount of inspection and staff time to ensure the work is being completed to the expected construction standards. Bringing a new contractor into the project would require a significant amount of additional staff time (as was already completed during the original contract between CBJ, ENCO and Wilson) to reach the same comfort level with the adherence to the expected construction standards and procedures needed to successfully complete the project.



Policy and Procedures Manual

Policy #: C - 2	Date:	Subject: Construction Contract Supplemental Agreement Approval Policy
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Definitions:

Change Order – A written amendment to the contract covering a modification that is within the scope of the original contract.

Supplemental Agreement – A written amendment to the contract covering a modification to the contract that is outside of the scope of the original contract. Supplemental agreements are typically for owner requested changes that are considered in the public's best interests.

Public Interest Finding – A written narrative authored by the Engineering Department and approved by authority as identified in this policy that clearly addresses the following benefits to be derived from issuing a supplemental agreement. The narrative shall recommend an action based on the relative benefits of these issues.

- Bid Preparation Costs to bid the work separately.
- Cost and Schedule benefits anticipated from bidding the work separately.
- Similarity of Work – are the trades, materials, and equipment needed to complete the work similar?
- Mobilization costs and Proximity – does one contractor's proximity give them an unfair advantage for which the bid price may exceed a negotiated price?
- Schedule Impacts – comparative schedule risks of bidding the work to awarding the work without schedule delays. Identify any weather, permit conditions, or environmental impacts. Identify any increased risks from a compressed construction schedule if bid.
- Site Constraints – will award of additional work to another contractor result in potential schedule and cost delay claims from either contractor that would be in excess of those same claims if awarded to the original

contractor.

- Inspection and Administrative Efficiencies – discuss relative efficiencies of office and field personnel if authorizing one contract or two.

Background:

Owner requests for work outside of the scope of the original contract arise from time to time. Typically, these requests result from bids lower than expected, newly identified needs, maintenance needs, public safety concerns, proximity, public desire, use of opportunity, and documented savings in mobilization and materials.

The intent of this policy is to provide a mechanism to complete such work, if it is determined that is in the public's best interests.

Policy:

The project manager is responsible for project budget accounting. Engineering Department personnel may authorize or recommend supplemental agreements to the following amounts:

Chief Architect/Engineer	Items up to \$10,000 or up to 5% of the original contract amount, whichever is less.
City Manager	Items larger than Chief Architect/Engineer level and up to \$500,000 or up to 25% of the original contract amount, whichever is greater.
CBJ Assembly	Supplemental agreement items over the City Manager level.

Implementation:

The Chief Architect/Engineer may authorize, or may authorize project inspectors, to have the contractor proceed with supplemental agreement work to the amounts specified above. Project inspectors or Project Managers will conclude the scope, schedule, and estimated amount of authorized work in writing on the attached electronic form as soon as possible and acquire signatures from:

The Contractor's Representative;
Project Manager
Chief Architect/Engineer
Chief Contracts Engineer.

The City Manager and Engineering Director will authorize all supplemental agreement work as specified above. The Project Manager is responsible for concluding the supplemental agreement scope, schedule, and budget amount in writing and acquiring signatures from:

The Contractor's Representative
The Chief Engineer/Architect
The Contracts Engineer
Client Department Representative
Engineering Director
City Manager

as soon as possible.

The Assembly will approve all supplemental agreements over those specified above. The Project Manager is responsible for concluding the scope, schedule, and estimated budget of the work in a memo for inclusion in consent agenda of the CBJ Assembly's packet.

Distribution: Contracts Division
Architectural Division
Engineering Division
General Engineering Division
Public Works Director
Finance Director

**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: City and Borough Assembly

FROM: Amy Gurton Mead, Municipal Attorney

DATE: October 12, 2017

SUBJECT: SB 54 – A Special Session Bill to Amend SB 91

The CBJ lobbyist advised that SB 54 will be considered by the Legislature during the upcoming special session. Attached is a copy of the bill and a memo from the Alaska Criminal Justice Commission explaining the Commission's position on the recommended changes. (You'll note that the bill differs in some ways from the version approved by the Commission. The report is still useful however as it explains the substantive reasoning behind the proposed amendments.)

There have also been reports of an effort to repeal SB 91 in its entirety in lieu of amending it.

We are bringing this forward to ask whether the Assembly would like to take an official position on SB 54. Some background information so you can put this question in context:

The Alaska Criminal Justice Commission was created to bring forward recommendations to implement a "smart justice" approach in Alaska. "Smart justice" is the criminal reform philosophy whereby the focus becomes solving the drivers of crime as opposed to focusing solely on punishment. The Commission's official task was to "develop recommendations aimed at safely controlling prison and jail growth and recalibrating our correctional investments to ensure that we are achieving the best possible public safety return on our state dollars."

The recommendations designed to reduce prison population are found in the Criminal Justice Commission's 2015 report, which can be found at:
http://www.ajc.state.ak.us/sites/default/files/imported/acjc/recommendations/ak_justice_reinvestment_intiative_report_to_acjc_12-9.pdf.

If the State is going to continue criminal reform efforts under the SB 91 model, my recommendation is that the CBJ support SB 54. In conjunction, the Assembly may want to consider reminding the Legislature of the importance of reinvestment. As recommended by the Criminal Justice Commission at pages 29 and 30:

With the understanding that prison population reductions and the associated savings will likely be achieved in the near future, the Commission recommends that the state provide an upfront investment, and ongoing reinvestment based on

guidance from the Justice Reinvestment Oversight Task Force, into the following priority services:

- a. Pretrial services. Provide resources for the DOC to conduct pretrial risk assessments, make recommendations to the court regarding release and release conditions, and provide varying levels of supervision in the community.
- b. Victims' services in remote and bush communities. Provide for emergency housing and travel, forensic exam training and equipment for health care providers, and community-driven programs that address cultural and geographic issues.
- c. Violence prevention. Provide for community-based programming focused on prevention, education, bystander intervention, restorative justice, evidence-based offender intervention, and building healthy communities.
- d. Treatment services. Fund treatment and programming in facilities and in the community to address criminogenic needs, behavioral health, substance abuse, and sexual offending behavior.
- e. Reentry and support services. Expand transitional housing, employment, case management, and support for addiction recovery.

30-LS0461\N

CS FOR SENATE BILL NO. 54(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/3/17

Referred: Rules

Sponsor(s): SENATOR COGHILL, Micciche

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to crime and criminal law; relating to violation of condition of release;**
2 **relating to sex trafficking; relating to sentencing; relating to imprisonment; relating to**
3 **parole; relating to probation; relating to driving without a license; relating to the**
4 **pretrial services program; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 11.56.757(a) is amended to read:

7 (a) A person commits the **crime** [OFFENSE] of violation of condition of
8 release if the person

9 (1) has been charged with a crime or convicted of a crime;

10 (2) has been released under AS 12.30; and

11 (3) violates a condition of release imposed by a judicial officer under
12 AS 12.30, other than the requirement to appear as ordered by a judicial officer.

13 * **Sec. 2.** AS 11.56.757(b) is amended to read:

14 (b) Violation of condition of release is a **class B misdemeanor** [VIOLATION

PUNISHABLE BY A FINE OF UP TO \$1,000].

* **Sec. 3.** AS 11.66.130(a) is amended to read:

(a) A person commits the crime of sex trafficking in the third degree if [, WITH INTENT TO PROMOTE PROSTITUTION,] the person

(1) receives compensation for prostitution services rendered by another; and

(2) with the intent to promote prostitution,

(A) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;

(B) [(2)] as other than a patron of a prostitute, induces or causes another person who is 20 years of age or older to engage in prostitution;

(C) [(3) AS OTHER THAN A PROSTITUTE RECEIVING COMPENSATION FOR PERSONALLY RENDERED PROSTITUTION SERVICES,] receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or

(D) [(4)] engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

* **Sec. 4.** AS 11.66.135(a) is amended to read:

(a) A person commits the crime of sex trafficking in the fourth degree if the person

(1) receives compensation for prostitution services rendered by another; and

(2) engages in conduct that institutes, aids, or facilitates prostitution under circumstances not proscribed under AS 11.66.130(a)(2)(D) [AS 11.66.130(a)(4)].

* **Sec. 5.** AS 11.66.150 is amended by adding a new paragraph to read:

(4) "compensation" does not include any payment for reasonably apportioned shared expenses.

* **Sec. 6.** AS 12.55.125(e) is amended to read:

(e) Except as provided in (i) of this section, a defendant convicted of a class C

felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (4) of this subsection, [PROBATION, WITH A SUSPENDED TERM OF IMPRISONMENT OF] zero to one year [18 MONTHS]; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085;

(2) if the offense is a second felony conviction, one to three years;

(3) if the offense is a third felony conviction, two to five years;

(4) if the offense is a first felony conviction, and the defendant violated

(A) AS 08.54.720(a)(15), one to two years;

(B) AS 28.35.030(n)(1)(A) or 28.35.032(p)(1)(A), 120 days to 239 days;

(C) AS 28.35.030(n)(1)(B) or 28.35.032(p)(1)(B), 240 days to 359 days;

(D) AS 28.35.030(n)(1)(C) or 23.35.032(p)(1)(C), 360 days to two years.

* **Sec. 7.** AS 12.55.125 is amended by adding a new subsection to read:

(q) Other than for convictions subject to a mandatory 99-year sentence, the court shall impose, in addition to an active term of imprisonment imposed under (i) of this section, a minimum period of (1) suspended imprisonment of five years and a minimum period of probation supervision of 15 years for conviction of an unclassified felony, (2) suspended imprisonment of three years and a minimum period of probation supervision of 10 years for conviction of a class A or class B felony, or (3) suspended imprisonment of two years and a minimum period of probation supervision of five years for conviction of a class C felony. The period of probation is in addition to any sentence received under (i) of this section.

* **Sec. 8.** AS 12.55.135(a) is amended to read:

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than

(1) one year, if the

(A) conviction is for a crime with a mandatory minimum term of 30 days or more of active imprisonment;

(B) trier of fact finds the aggravating factor that the conduct constituting the offense was among the most serious conduct included in the definition of the offense;

(C) defendant has previously been convicted two or more times [PAST CRIMINAL CONVICTIONS] for conduct violative of criminal laws, punishable as felonies or misdemeanors, similar in nature to the offense for which the defendant is being sentenced;

(D) conviction is for an assault in the fourth degree under AS 11.41.230; or

(E) conviction is for a violation of

(i) AS 11.41.427;

(ii) AS 11.41.440;

(iii) AS 11.41.460, if the indecent exposure is before a person under 16 years of age; [OR]

(iv) AS 11.61.116(c)(2); or

(v) AS 11.61.118(a)(2);

(2) 60 days, if the defendant has one previous conviction for conduct violative of criminal laws, punishable as felonies or misdemeanors, similar in nature to the offense for which the defendant is being sentenced;

(3) 30 days.

* Sec. 9. AS 12.55.135(b) is amended to read:

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than

(1) 10 days unless otherwise specified in the provision of law defining the offense or in this section;

(2) 90 days if the conviction is for a violation of

(A) AS 11.61.116(c)(1) and the person is 21 years of age or older; or

(B) AS 11.61.120(a)(6) and the person is 21 years of age or older; or

(3) five days if the conviction is for a violation of AS 11.56.757.

* Sec. 10. AS 12.55.135(l) is amended to read:

(l) A court sentencing a person convicted of theft in the fourth degree under AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(3), removal of identification marks under AS 11.46.260(b)(3), unlawful possession under AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal simulation under AS 11.46.530(b)(3) may not impose

(1) a sentence of more than **10** [FIVE] days of **active** [SUSPENDED] imprisonment and a term of probation of more than six months if the person has previously been convicted two or more times of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360 or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; [OR]

(2) a sentence of **more than five days of** active [OR SUSPENDED] imprisonment **and a term of probation of more than six months** if the person has [NOT BEEN PREVIOUSLY CONVICTED, OR HAS] previously been convicted once [,] of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360 or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or

(3) a sentence of more than five days of suspended imprisonment and a term of probation of more than six months if the person has not been previously convicted of an offense under AS 11.46.110 - 11.46.220, 11.46.260 - 11.46.290, 11.46.360 or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.

* Sec. 11. AS 12.55.135(p) is amended to read:

(p) If the state seeks to establish an aggravating factor at sentencing

(1) under (a)(1)(C) **or (a)(2)** of this section, written notice must be served on the opposing party and filed with the court not later than 10 days before the date set for imposition of sentence; the aggravating factor in (a)(1)(C) **or (a)(2)** of this section must be established by clear and convincing evidence before the court sitting

without a jury; all findings must be set out with specificity;

(2) an aggravating factor under (a)(1)(B) of this section shall be presented to a trial jury under procedures set by the court, unless the defendant waives trial by jury, stipulates to the existence of the factor, or consents to have the factor proven under procedures set out in (1) of this subsection; an aggravating factor presented to a jury is established if proved beyond a reasonable doubt; written notice of the intent to establish an aggravating factor must be served on the defendant and filed with the court

(A) not later than 10 days before trial or at a time specified by the court;

(B) not later than 48 hours, or at a time specified by the court, if the court instructs the jury about the option to return a verdict for a lesser included offense; or

(C) not later than five days before entering a plea that results in a finding of guilt or at a time specified by the court unless the defendant waives the notice requirement.

* **Sec. 12.** AS 12.55.145(a) is amended to read:

(a) For purposes of considering prior convictions in imposing sentence under

(1) AS 12.55.125(c), (d), or (e),

(A) a prior conviction may not be considered if a period of 10 or more years has elapsed between the date of the defendant's unconditional discharge on the immediately preceding offense and commission of the present offense unless the prior conviction was for an unclassified or class A felony;

(B) a conviction in this or another jurisdiction of an offense having elements similar to those of a felony defined as such under Alaska law at the time the offense was committed is considered a prior felony conviction;

(C) two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the

commission of another offense are not part of the same criminal episode or objective;

(2) AS 12.55.125(l),

(A) a conviction in this or another jurisdiction of an offense having elements similar to those of a most serious felony is considered a prior most serious felony conviction;

(B) commission of and conviction for offenses relied on as prior most serious felony offenses must occur in the following order: conviction for the first offense must occur before commission of the second offense, and conviction for the second offense must occur before commission of the offense for which the defendant is being sentenced;

(3) AS 12.55.135(g),

(A) a prior conviction may not be considered if a period of five or more years has elapsed between the date of the defendant's unconditional discharge on the immediately preceding offense and commission of the present offense unless the prior conviction was for an unclassified or class A felony;

(B) a conviction in this or another jurisdiction of an offense having elements similar to those of a crime against a person or a crime involving domestic violence is considered a prior conviction;

(C) two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective;

(4) AS 12.55.125(i),

(A) a conviction in this or another jurisdiction of an offense having elements similar to those of a sexual felony is a prior conviction for a sexual felony;

(B) a felony conviction in another jurisdiction making it a

crime to commit any lewd and lascivious act upon a child under the age of 16 years, with the intent of arousing, appealing to, or gratifying the sexual desires of the defendant or the victim is a prior conviction for a sexual felony;

(C) two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective;

(5) AS 12.55.135(a),

(A) a prior conviction may not be considered if a period of five or more years has elapsed between the date of the defendant's unconditional discharge on the immediately preceding offense and commission of the present offense unless the prior conviction was for an unclassified or class A felony;

(B) a conviction in this or another jurisdiction of an offense having elements similar to those of a felony or misdemeanor defined as such under Alaska law at the time the offense was committed is considered a prior conviction;

(C) two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective.

* Sec. 13. AS 12.63.100(6) is amended to read:

(6) "sex offense" means

(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a

sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100(a)(3);

(B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

(i) sexual assault in the first degree;

(ii) sexual assault in the second degree;

(iii) sexual abuse of a minor in the first degree; or

(iv) sexual abuse of a minor in the second degree; or

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

(i) AS 11.41.410 - 11.41.438;

(ii) AS 11.41.440(a)(2);

(iii) AS 11.41.450 - 11.41.458;

(iv) AS 11.41.460 if the indecent exposure is before a person under 16 years of age and the offender has a previous conviction for that offense;

(v) AS 11.61.125 - 11.61.128;

(vi) AS 11.66.110 or 11.66.130(a)(2)(B) [11.66.130(a)(2)] if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense;

(vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200;

(viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense; or

(ix) AS 11.66.100(a)(2) if the offender is subject to punishment under AS 11.66.100(e);

* **Sec. 14.** AS 18.67.101 is amended to read:

Sec. 18.67.101. Incidents and offenses to which this chapter applies. The

board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death that resulted from

(1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime; or

(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses:

(A) murder in any degree;

(B) manslaughter;

(C) criminally negligent homicide;

(D) assault in any degree;

(E) kidnapping;

(F) sexual assault in any degree;

(G) sexual abuse of a minor;

(H) robbery in any degree;

(I) threats to do bodily harm;

(J) driving while under the influence of an alcoholic beverage, inhalant, or controlled substance or another crime resulting from the operation of a motor vehicle, boat, or airplane when the offender is under the influence of an alcoholic beverage, inhalant, or controlled substance;

(K) arson in the first degree;

(L) sex trafficking in violation of AS 11.66.110 or **11.66.130(a)(2)(B)** [11.66.130(a)(2)];

(M) human trafficking in any degree; or

(N) unlawful exploitation of a minor.

* **Sec. 15.** AS 28.15.011 is amended by adding a new subsection to read:

(d) Violation of (b) of this section is an infraction.

* **Sec. 16.** AS 29.25.070(g) is amended to read:

(g) If a municipality prescribes a penalty for a violation of a municipal ordinance, including a violation under (a) of this section, and there is a comparable state **crime** [OFFENSE] under AS 11 or AS 28 with elements that are similar to the

municipal ordinance, the municipality may not impose a greater punishment than that imposed for a violation of the state **crime** [LAW]. This subsection applies to home rule and general law municipalities.

* **Sec. 17.** AS 33.07.010, enacted by sec. 117, ch. 36, SLA 2016, is amended to read:

Sec. 33.07.010. Pretrial services program; establishment. The commissioner shall establish and administer a pretrial services program that provides a pretrial risk assessment for all defendants **detained in custody in a correctional facility following arrest and for any defendant for whom the prosecution requests to have a pretrial risk assessment at the next hearing or arraignment. The pretrial services program shall make** [,] recommendations to the court concerning pretrial release decisions, and **provide** supervision of defendants released while awaiting trial as ordered by the court.

* **Sec. 18.** AS 33.16.130(c) is amended to read:

(c) If the board denies parole, the board shall state the reasons for the denial, identify all of the factors considered relevant to the denial, and provide a written plan for addressing all of the factors relevant to the denial. The board may schedule a subsequent parole hearing at the time of the denial or at a later date [AS FOLLOWS:

(1) FOR THE FIRST PAROLE DENIAL, WITHIN TWO YEARS AFTER THE FIRST PAROLE ELIGIBILITY DATE;

(2) FOR THE SECOND AND SUBSEQUENT DENIALS, WITHIN TWO YEARS AFTER THE MOST RECENT PAROLE HEARING].

* **Sec. 19.** AS 33.30.061 is amended by adding a new subsection to read:

(d) A prisoner serving a term of imprisonment at a private residence as required by statute when electronic monitoring is not available does not have a liberty interest in that status. The commissioner may return the prisoner to a correctional facility if the commissioner finds that the prisoner has violated the terms and conditions of the imprisonment at the private residence.

* **Sec. 20.** AS 34.03.360(10) is amended to read:

(10) "illegal activity involving a place of prostitution" means a violation of AS 11.66.120(a)(1) or **11.66.130(a)(2)(A) or (D)** [11.66.130(a)(1) OR (4)];

* **Sec. 21.** AS 47.37.040 is amended to read:

Sec. 47.37.040. Duties of department. The department shall

(1) develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and drug abuse and treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with public and private agencies, organizations, and individuals, and provide technical assistance and consultation services for these purposes;

(2) coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers;

(3) cooperate with the Department of Corrections in establishing and conducting programs to provide treatment for alcoholics, intoxicated persons, drug abusers, and inhalant abusers in or on parole from penal institutions;

(4) cooperate with the Department of Education and Early Development, school boards, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing programs for the prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum materials for use at all levels of school education;

(5) prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous volatile substances;

(6) develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers that includes the dissemination of information concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

(7) organize and foster training programs for all persons engaged in treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and establish standards for training paraprofessional alcoholism, drug abuse, and inhalant abuse workers;

(8) sponsor and encourage research into the causes and nature of alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse for information relating to alcoholism, drug abuse, and inhalant abuse;

(9) specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

(10) conduct program planning activities approved by the Advisory Board on Alcoholism and Drug Abuse;

(11) review all state health, welfare, and treatment plans to be submitted for federal funding, and advise the commissioner on provisions to be included relating to alcoholics, intoxicated persons, drug abusers, and inhalant abusers;

(12) assist in the development of, and cooperate with, alcohol, drug abuse, and inhalant abuse education and treatment programs for employees of state and local governments and businesses and industries in the state;

(13) use the support and assistance of interested persons in the community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo treatment;

(14) cooperate with the Department of Public Safety and the Department of Transportation and Public Facilities in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while under the influence of an alcoholic beverage, inhalant, or controlled substance, and develop and approve alcohol information courses required to be taken by drivers under AS 28.15 or made available to drivers to reduce points assessed for violation of traffic laws;

(15) encourage hospitals and other appropriate health facilities to admit without discrimination alcoholics, intoxicated persons, drug abusers, and inhalant abusers and to provide them with adequate and appropriate treatment;

(16) encourage all health insurance programs to include alcoholism and drug abuse as a covered illness;

(17) prepare an annual report covering the activities of the department and notify the legislature that the report is available;

(18) develop and implement a training program on alcoholism and drug abuse for employees of state and municipal governments, and private institutions;

(19) develop curriculum materials on drug and alcohol abuse and the misuse of hazardous volatile substances for use in grades kindergarten through 12, as well as a course of instruction for teachers to be charged with presenting the curriculum;

(20) develop and implement or designate, in cooperation with other state or local agencies, a juvenile alcohol safety action program that provides alcohol and substance abuse screening, referral, and monitoring of persons under 18 years of age who have been referred to it by

(A) a court in connection with a charge or conviction of a violation or misdemeanor related to the use of alcohol or a controlled substance;

(B) the agency responsible for the administration of motor vehicle laws in connection with a license action related to the use of alcohol or a controlled substance; or

(C) department staff after a delinquency adjudication that is related to the use of alcohol or a controlled substance;

(21) develop and implement, or designate, in cooperation with other state or local agencies, an alcohol safety action program that provides services to persons who have been referred by a court under AS 11.71.050(a)(4), AS 28.35.028, 28.35.030, or 28.35.032, or referred by an agency of the state with the responsibility for administering motor vehicle laws in connection with a driver's license action involving the use of alcohol or a controlled substance;

(22) whenever possible, apply evidence-based, research-based, and consensus-based substance abuse and co-occurring substance abuse and mental health disorders treatment practices and remove barriers that prevent the use of those

practices;

(23) collaborate with first responders, hospitals, schools, primary care providers, developmental disability treatment providers, law enforcement, corrections, attorneys, the Alaska Court System, community behavioral treatment providers, Alaska Native organizations, and federally funded programs in implementing programs for co-occurring substance abuse and mental health disorders treatment.

* **Sec. 22.** AS 11.66.130(b), 11.66.135(b); AS 12.55.125(e)(4)(B), 12.55.125(e)(4)(C), and 12.55.125(e)(4)(D) are repealed.

* **Sec. 23.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) The following sections apply to offenses committed on or after the effective date of those sections:

- (1) AS 11.56.757(a), as amended by sec. 1 of this Act;
- (2) AS 11.56.757(b), as amended by sec. 2 of this Act;
- (3) AS 11.66.130(a), as amended by sec. 3 of this Act;
- (4) AS 11.66.135(a), as amended by sec. 4 of this Act;
- (5) AS 11.66.150(4), enacted by sec. 5 of this Act; and
- (6) AS 28.15.011(d), enacted by sec. 15 of this Act.

(b) The following sections apply to sentences imposed on or after the effective date of those sections for conduct occurring on or after the effective date of those sections:

- (1) AS 12.55.125(e), as amended by sec. 6 of this Act;
- (2) AS 12.55.125(q), enacted by sec. 7 of this Act;
- (3) AS 12.55.135(a), as amended by sec. 8 of this Act;
- (4) AS 12.55.135(b), as amended by sec. 9 of this Act;
- (5) AS 12.55.135(l), as amended by sec. 10 of this Act;
- (6) AS 12.55.135(p), as amended by sec. 11 of this Act; and
- (7) AS 12.55.145(a), as amended by sec. 12 of this Act.

(c) AS 33.16.130(c), as amended by sec. 18 of this Act, applies to sentences imposed on or after the effective date of sec. 18 of this Act.

* **Sec. 24.** Section 17 of this Act takes effect January 1, 2018.

* **Sec. 25.** Except as provided in sec. 24 of this Act, this Act takes effect immediately under

1 AS 01.10.070(c).

RECOMMENDATIONS TO THE ALASKA STATE LEGISLATURE BY THE ALASKA CRIMINAL JUSTICE COMMISSION

Recommendations 1-14 2017, Approved January 19 and January 27, 2017. Submitted to the Legislature on January 30, 2017.

The following recommendations from the Alaska Criminal Justice Commission are the result of discussions at the Commission's plenary meetings on January 19 and 27, 2017. At these meetings, the Commission solicited and considered information and views from a variety of constituencies to represent the broad spectrum of views that exist with respect to possible approaches to sentencing and administration of justice in the state.

When the Commission was created in 2014, the Legislature directed the Commission to make recommendations based on, among other things:

- The need to rehabilitate the offender;
- The sufficiency of state resources to administer the criminal justice system;
- The effect of state laws and practices on the rate of recidivism; and
- Peer-reviewed and data-driven research.¹

Since the Commission began operation, it agreed to forward only recommendations that were backed by data and were evidence-based. In 2015, the legislature further directed the Commission to forward recommendations that would either (1) avert all future prison growth, (2) avert all future prison growth and reduce the current prison population by 15%, or (3) avert all future prison growth and reduce the current prison population by 25%.

As part of SB91, the Legislature tasked the Commission with monitoring the efficacy of the reforms using data collected from certain state agencies. Because SB 91 was enacted in July of 2016, and parts of the bill will not go into effect until January 2018, the Commission does not yet have enough data to assess whether SB 91 is achieving its intended outcomes. Thus, the recommendations below are not based on data-driven research and they are not based on the data that the Legislature instructed the Commission to collect and analyze. Moreover, they are not expected to reduce the prison population, reduce recidivism, or reduce the criminal justice system's usage of state resources.

Rather, the recommendations below are based on feedback from members of law enforcement, prosecutors, and the public. This feedback reflected other factors the Commission has been directed to consider in making recommendations, including:

- The need to confine offenders to prevent harm to the public;
- The effect of sentencing in deterring offenders; and
- The need to express community condemnation of crime.²

¹ See AS 44.19.646. This statute was enacted in 2014 as part of SB 64.

² *Id.*

The Commission recognizes that the factors it has been instructed to consider in formulating its recommendations often work in tension. Not all of the recommendations below received unanimous support from the Commission. If a recommendation did not receive unanimous support from the Commission, the recommendation includes an explanation of the concerns of the Commissioners who did not support that recommendation.

Recommendation 1-2017: Return VCOR to Misdemeanor Status

In 2015, the Commission recommended that the crime of Violation of Conditions of Release (VCOR) be downgraded to a non-criminal violation, punishable by a fine. This recommendation was enacted in SB 91.³ Implementation of this provision did not immediately occur as the Commission intended. The Commission's recommendation was that those who violate conditions of their release would be arrested and held in jail until the judge in their underlying case could review bail. While SB 91 included an arrest provision so that defendants who violated conditions of their release could be arrested,⁴ some of those arrested were not being held in jail—they were being released as soon as they were brought to jail.

The Alaska Court System has now altered its bail forms to order defendants held in jail if they violate the conditions of their release; however, the Commission has heard anecdotal reports that this solution is not working universally. The Commission therefore recommends that the legislature enact a statute that would return VCOR to a crime. Specifically, **the Commission recommends that Violation of Conditions of Release become a Class B Misdemeanor, punishable by up to 5 days in jail.**

This recommendation did not receive unanimous approval from the Commission. Those who were in favor of this recommendation noted that this will ensure that offenders will be held in jail until they get to a bail hearing in front of the judge in their underlying case. That judge will then be familiar with the case and will be able to re-set bail.

Those who opposed this recommendation voiced concern that it was an unnecessary criminalization of conduct to solve an administrative issue, that it would simply stack crimes for defendants and increase unnecessary use of costly jail beds, and that the solution from the Alaska Court System (the change to the bail form) should be given time to work. There was also a concern from victims that if VCOR were to become a separate crime once again, it may encourage the practice of allowing defendants to plead to VCOR in exchange for dismissal of the underlying charge. The Commission does not condone this practice and may revisit this topic if it finds that this practice is occurring.

Recommendation 2-2017: Increase penalties for repeat Theft 4 offenders.

Theft in the fourth degree (Theft 4) penalizes simple theft (theft that does not involve burglary or violence) of items or services valued at \$250 or less. Theft 4 is a Class B misdemeanor, and SB 91 limited the penalties for this offense: for a defendant's first and second convictions of this offense, no jail time may be imposed (though fines and restitution may be imposed). For a defendant's third or subsequent

³ 2016 SLA Ch. 36 ("SB 91") §§ 29-30.

⁴ SB 91 § 51.

conviction of this offense, the maximum terms is 5 days suspended with 6 months of probation.⁵ The Commission's original recommendation to limit jail time for this offense was based on information from the Department of Corrections showing that these low-level offenders stole mostly toiletries and alcohol, and they accounted for a significant number of prison beds in a year.⁶

The Commission has received a good deal of feedback about this provision of SB 91. Business owners, law enforcement officers, and prosecutors feel this provision has emboldened some offenders to commit more lower-value theft crimes. They believe some prospect of jail time provides deterrence and reflects community condemnation. **The Commission therefore recommends that for third-time Theft 4 offenders, this offense should be punishable by up to 10 days in jail.** (This third-time offense would remain a Class B Misdemeanor).

This recommendation did not receive unanimous approval from the Commission. Those who voted against the recommendation believed it did not go far enough and would have preferred a recommendation to re-enact a statute (which was repealed by SB 91⁷) that made an offender's third Theft 4 within five years a Class A misdemeanor rather than a Class B misdemeanor.

The Commissioners voting in favor of this provision thought it would be a way to address the community's concerns regarding theft crime. The Commission did not have any data that this recommendation would prevent these types of theft. Studies of Alaskan offenders sentenced prior to SB91 show that misdemeanor property offenders such as these have historically recidivated at very high rates. There is no evidence to support the notion that rates of petty theft are related to prison sentences. Rates of property crime in Alaska have been rising for the past two to three years—a trend that began before SB 91 was introduced in the Legislature.⁸

While debating this recommendation, some Commissioners noted that for offenders struggling with homelessness and behavioral health disorders, jail is not a deterrent, but rather a housing option: some offenders will commit crimes to be assured a warm place to sleep at night, particularly during the winter. It was also noted that some offenders who are addicts commit low-level thefts to obtain resources to pay for their drug of choice.

All Commissioners agreed that further solutions are needed to address the problem of persistent low-level offending, including more options to treat mental illness, addiction, and chronic homelessness. Robust and comprehensive solutions are needed to get at the root causes of theft crime.

⁵ SB 91 § 93. When a sentence is suspended, it means that the offender will not serve the term "up front"; the offender will be placed on probation and will serve this time only if the offender commits a major violation of the conditions of probation or commits a new crime.

⁶ In 2014, 324 offenders were admitted to prison for Theft 4, and these offenders spent an average of 23 days behind bars after being convicted.

⁷ SB 91 § 179. (Referring to former AS 11.46.140(a)(3).)

⁸ The 30-year trend lines for Part I property crimes in Alaska and in Anchorage are downward; however, the shorter-term trend for these property crimes - between 2011 and 2015 – is upward in Anchorage, and upward to a lesser degree statewide.

Recommendation 3-2017: Allow municipalities to set different non-incarceration punishments for non-criminal offenses that have state equivalents.

In order to ensure that state statutes and municipal code provisions were not working at cross purposes, SB 91 limited the amount of jail time a municipality could impose for a municipal offense that has a state equivalent to the amount of jail time called for in state statute.⁹ In other words, state and municipal crimes that are equivalent must have equivalent punishments.

The provision as currently enacted, however, has been interpreted to apply not just to prison terms but to all forms of punishment, including fines for non-criminal offenses such as speeding. Municipalities have expressed concern that fines for equivalent state offenses are much lower than fines for municipal offenses, and this has been a significant change for the municipalities. **The Commission therefore recommends that the “binding provision” of SB 91 be amended so that it does not apply to non-criminal offenses found in municipal codes and regulations.** This recommendation passed unanimously.

Recommendation 4-2017: Revise the sex trafficking statute.

The provisions of SB 91 that altered the sex trafficking statutes were not based on any recommendation from the Commission. The legislative history suggests these provisions were intended to ensure that sex workers simply working together—not exploiting one another—could not be prosecuted for trafficking each other or trafficking themselves.¹⁰ However, as passed, the provisions could be read so that a person who might otherwise be found guilty of sex trafficking (i.e., someone receiving money for the sex work performed by others) could avoid prosecution if that person engaged in sex work personally (i.e., they also received money for sex work performed themselves.) **The Commission therefore recommends repealing sections 39 and 40 of SB 91 and amending existing statutes as follows:**

- **AS 11.66.130(a): After “a person” insert “receiving compensation for prostitution services rendered by another”**
- **AS 11.66.130(a)(3): Delete “as other than a prostitute receiving compensation for personally rendered prostitution services,”**
- **AS 11.66.135(a): After “a person” insert “receiving compensation for prostitution services rendered by another”**

The Commission also recommends that the Legislature define the term “compensation” as used in these statutes. “Compensation” should be defined so that it applies only to compensation for services performed and does not include things like shared rent, shared gas money, or shared hotel fees in instances where sex workers are working together to split costs.

⁹ SB 91 §113.

¹⁰ SB 91 §§ 39 and 40.

Recommendation 5-2017: Enact a 0-90 day presumptive sentencing range for first-time Class C Felonies.

SB 91 provides that Class C Felonies are punishable by a suspended term of 0-18 months for first-felony offenders.¹¹ This means that a first-time felony offender convicted of a Class C Felony is presumed to receive a probationary sentence that would include some amount of suspended time. A person receiving a probationary sentence with suspended time does not spend any time in jail up front, but is subject to jail time if they violate conditions of probation.

The purpose of this provision was to provide community supervision for first-time offenders to (1) allow the offender to maintain pro-social ties to the community and (2) ensure that the offender would comply with conditions of probation such as remaining sober, not committing new crimes, and paying fines and restitution to victims. If the offender did not succeed with these conditions, that offender could be made to serve part or all of the suspended time in jail.

The Commission heard numerous concerns about this provision in particular. Prosecutors felt that some violent Class C Felonies warranted jail time for a first-time offense, and were concerned that there was not enough of an incentive to encourage these offenders to get into treatment. Members of law enforcement were frustrated that this provision was overbroad and did not provide for an offender's immediate incarceration if the offender posed a danger to the community. Members of the community were offended by this provision and felt that it did not express community condemnation strongly enough.

Prosecutors and law enforcement preferred a provision that would allow a judge discretion in sentencing and would provide for immediate incarceration if necessary. They thought that while there were some cases where a probationary term was warranted for a first-time offender, the judge should be able to impose jail time in some instances, particularly cases involving violence.

The Commission therefore recommends that Class C Felonies carry a presumptive jail term of 0-90 days for first-felony offenders. The Commission also recommends retaining the provision allowing up to 18 months of suspended time.

This recommendation did not pass unanimously, and was the subject of considerable debate among the Commissioners. Those who voted against it would have preferred a much stronger provision; another proposal was to expand the sentencing range to 0-18 months for all class C felonies. The Attorney General was willing to compromise at 0-12 months for violent offenders and to 0-6 months for non-violent offenders.

This Commissioners debated the amount of time that might incentivize an offender to get treatment—some Commissioners thought that first-time felony offenders would not need long treatment programs (in the range of 60-90 days) while other Commissioners thought that some first-felony offenders would need longer treatment programs and a greater incentive to complete that treatment.

¹¹ SB 91 § 90. A second-time felony offender would receive a sentence of 1-3 years to serve if convicted of a Class C. A third-time (and subsequent) felony offender would receive a sentence of 2-5 years to serve if convicted of a Class C.

Commissioners in favor of this recommendation noted that this sentence could be enhanced (up to 5 years) if the judge or jury found certain aggravating factors.

Commissioners in favor of a shorter presumptive term were concerned that a longer term would constitute a more significant reversal of the intent behind SB 91, which was to supervise first time offenders in the community to encourage their rehabilitation and reduce the recidivism rate. The Commission relied on research showing that for first-time offenders, time in prison can actually make the offender more likely to recidivate after leaving prison. The Commission did not have any data or empirical evidence to show that a term of 0-90 days would reduce recidivism; this recommendation will almost certainly increase the prison population. However, Commissioners noted the strong public outcry around this provision and wanted to meet the community's standards for condemnation of crime.

Recommendation 6-2017: Enact an aggravator for Class A Misdemeanors for defendants who have a prior conviction for similar conduct.

SB 91 enacted a presumptive sentence range of 0-30 days for most Class A Misdemeanors.¹² This sentence can be increased up to 1 year (the previous limit) in some cases: for certain violent offenses and sex offenses, for cases where the conduct was among the most serious conduct included in the definition of the offense, and for cases where the defendant has two or more criminal convictions for similar conduct.

Prosecutors voiced concern over the provision allowing for a longer sentence for defendants who have past convictions for similar conduct, because it requires proof of at least *two* prior convictions. This proved to be a particular problem for second-time DUI (and Refusal) offenders. The minimum jail term for a second-time DUI/Refusal offender is 20 days; with a maximum of 30 days for a Class A Misdemeanor, that leaves only 10 days to suspend as a method of enforcing conditions of probation.

The Department of Law and the Department of Public Safety believe that judges should have the option for an increased penalty for defendants who have *one* prior conviction for similar conduct. This would allow a judge to impose more suspended time for second-time offenders and provide a greater incentive for defendants to get into treatment.

The Commission therefore recommends enacting an additional aggravating factor for Class A Misdemeanors for defendants who have one prior conviction for similar conduct. This aggravating factor would allow a judge to impose a sentence of up to **60 days**. This recommendation passed unanimously.

Recommendation 7-2017: Clarify that ASAP is available for Minor Consuming Alcohol.

The Alcohol Safety Action Program provides monitoring for misdemeanor DUI and Refusal cases to ensure that defendants are going to court-ordered treatment. In 2015 the Commission found that the ASAP program was overextended, and recommended that the program either be more robustly funded or be restricted only to DUI and Refusal offenders (rather than all offenders with alcohol-related

¹² SB 91 § 91.

convictions, as was the case). Accordingly, SB 91 limits ASAP to offenders who have been convicted of DUI and Refusal offenses.¹³

SB 165, also passed in 2016, made Minor Consuming Alcohol a violation (rather than a criminal offense). It also provided that the fine for this violation may be reduced if the defendant goes through ASAP. It therefore contemplates that ASAP will be available for these non-DUI offenders. This provision is in conflict with the above-referenced provisions in SB 91. **The Commission therefore recommends that ASAP be available for people cited for Minor Consuming Alcohol.**

Recommendation 8-2017: Enact a provision requiring mandatory probation for sex offenders.

In an apparent oversight, SB 91 eliminated the statutory provision requiring sex offenders to serve a period of probation. **The Commission therefore recommends that the Legislature enact a provision requiring sex offenders to serve a period of probation as part of their sentence.**

Recommendation 9-2017: Clarify the length of probation allowed for Theft 4.

SB 91 provides that an offender's third Theft 4 conviction be punishable by up to 5 days of suspended jail time and 6 months of probation.¹⁴ The law is silent, however on the allowable probationary term for a first or second Theft 4 conviction. (Theft 4 is a Class B Misdemeanor; misdemeanors generally carry a maximum probation term of 1 year.¹⁵) **The Commission therefore recommends that the Legislature clarify the allowable probationary period for first and second Theft 4 convictions.** The Commission believes that a probationary term is appropriate for these offenses.

Recommendation 10-2017: Require victim notification only if practical.

SB 91 requires the court, at the time of sentencing, to provide the victim with information on where to find information about the defendant's sentence or release, and the potential for a defendant's release.¹⁶ However, not all victims want to participate in sentencing, and the court will not always have current contact information for victims. Even if the victim has an address on file with the court, the victim may not want to automatically be sent information which would remind the victim of the crime. **The Commission therefore recommends that AS 12.55.011 be amended as follows:**

"(b) At the time of sentencing, the court shall, if practical, provide the victim with a form..."

Recommendation 11-2017: Felony DUI sentencing provisions should be in one statute.

Section 90 of SB 91 amends the provision in Title 12 that sets the presumptive sentencing ranges for Class C felonies. This section of SB 91 also includes sentencing ranges for Felony DUI and Refusal. In Title 28, where the statutes creating the offenses of Felony DUI and Refusal are found, those offenses are

¹³ SB 91 §§ 170-173.

¹⁴ SB 91 § 93.

¹⁵ SB 91 § 79.

¹⁶ SB 91 § 65.

given a mandatory minimum, not a presumptive range. Essentially there are two punishment provisions for the same offenses in two different statutes, which creates confusion. **The Commission therefore recommends that the Legislature place the penalty provision for Felony DUI and Refusal sentences in one statute only.**

Recommendation 12-2017: Clarify who will be assessed by Pre-Trial Services.

Section 117 of SB 91 states: “The commissioner shall establish and administer a pretrial services program that provides a pretrial risk assessment for *all* defendants, recommendations to the court concerning pretrial release decisions, and supervision of defendants released while awaiting trial as ordered by the court”(emphasis added).

The bill therefore contemplates that “all” defendants should be assessed. However, the purpose of the Pretrial Assessment Tool is to assist judges and pretrial services officers with the decision to release a defendant before trial. Not all defendants will be in custody pretrial; some will be issued citations and a summons to appear before the court. Typically these defendants will be low risk (because the officer who issued them the citation likely believed the person to be low risk, and did not arrest the person). **The Commission therefore recommends that AS 33.05.080 be amended as follows:**

“The commissioner shall establish and administer a pretrial services program that provides a pretrial risk assessment for all defendants brought into custody or at the request of a prosecutor at the next hearing or arraignment. [,] The pretrial services program shall make recommendations to the court concerning pretrial release decisions, and provide supervision of defendants released while awaiting trial as ordered by the court.”

Recommendation 13-2017: Fix a drafting error regarding victim notification.

SB 91 currently contains the following provisions:

- Section 122: **33.16.089. Eligibility for administrative parole:** “A prisoner convicted of a misdemeanor or a class B or C felony that is not a sex offense as defined in AS12.63.100 or an offense under AS 11.41.”
- Section 132: **33.16.120(h)** “A victim who has a right to notice under (a) of this section may request a hearing before a prisoner is released on administrative parole under 33.16.089.”
- Section (a) of AS 33.16.120 provides that a victim of a crime against a person (found in 11.41) or a victims of Arson in the first degree (a Class A felony) has a right to request notice of a hearing for *discretionary* parole.

Therefore, prisoners convicted of a Class A felony or a crime against a person (found in 11.41) will *not* be eligible for administrative parole. Section 132 of SB 91, however, provides for a victim’s right to request a notice of a hearing for administrative parole in these cases—i.e. to request notice of a hearing that will never happen because this class of offender is not eligible for administrative parole. **The Commission therefore recommends that section 132 be repealed.**

Recommendation 14-2017: Enact the following technical corrections to SB 91.

The Commission considers the following recommendations purely technical; they are designed to fix drafting or oversight errors.

- For the crimes of issuing a bad check, fraudulent use of an access device, and defrauding creditors, SB 91 pegged the threshold amount for a B-level felony (\$25,000) to inflation.¹⁷ **The Commission recommends removing this inflation adjustment for the B-felony amounts.** This change would mean that the B-level amount would remain at \$25,000 absent further legislative action.
- SB 91 changed driving on a suspended license to an infraction in most cases. However, driving without a valid license (arguably, less serious conduct than driving on a suspended license) continues to be a misdemeanor. **The Commission recommends that the crime of driving without a valid license also be reduced to an infraction** to be consistent with the changes made for driving with a suspended/revoked license.
- SB 91 Section 47; page 25; line 13: **The Commission recommends deleting the reference to “(B)” in “11.71.060(a)(2)(B).”** This change limits charging MICS 4 for possession of a compound containing a schedule VIA drug (similar to marijuana) to an ounce or more.
- **The Commission recommends enacting the following changes regarding Suspended Entry of Judgment (SEJ),** which will clarify that the crimes for which SEJ may not be used are the current crimes charged, and will add SEJ to the list of authorized sentences.
 - SB 91 Sec. 77; page 44; line 19: Delete “is convicted of” and insert “is charged with”
 - SB 91 Sec. 77; page 44; line 23: Delete “is convicted” and insert “is charged”
 - SB 91 Sec. 77; page 44; line 29: Delete “is convicted of” and insert “is charged with”
 - SB 91 Sec. 77; page 45; line 8: Delete “has been convicted of” and insert “is charged with”
 - SB 91 Sec. 77; page 45; line 11: Delete second “of” and after “original probation,” and insert “was imposed,”
 - AS 12.55.015(a)(8): Insert “suspend entry of judgement under AS 12.55.078;”
- Sending an explicit image of a minor to another person (a B misdemeanor AS 11.61.116(c)(1)) has an enhanced penalty under SB 91 of up to 90 days.¹⁸ However, posting an explicit image of a minor to a publically available website is limited to 30 days (an A misdemeanor pursuant to AS 11.61.116(c)(2)). **The Commission therefore recommends adding AS 11.61.116(c)(2) to AS 12.55.135(a)(1)(F) to align penalties for posting and sending explicit images of a minor.**
- **The Commission recommends adding the following language to SB 91 Sec. 79; page 45; line 17:** After “AS 11” insert “not listed in (1) of this subsection;”. This will clarify that the maximum probation term for felony sex offenses is 15 years, while all other unclassified felonies have a maximum probation term of 10 years.

¹⁷ SB91 §§ 12, 13, 23.

¹⁸ SB 91 § 91.

- **The Commission recommends adding the following language to Sec. 164; page 105; line 7:** After “AS 33.05.020(h)” insert “or 33.16.270”. SB 91 requires DOC to provide the Commission with data on earned compliance credits for probationers; this change would extend that requirement to parolees as well.
- **The Commission recommends amending sections 148 and 151 of SB 91 for clarity as to their applicability.** Section 185 of SB 91 states that sections 148 and 151 apply to parole granted before, on, or after the effective date of those sections. Section 190 states that the effective date of sections 148 and 151 is January 1, 2017.
 - Section 148 adds a new tolling provision for parolees who abscond. It also provides that the board may not extend the period of supervision beyond the maximum release date calculated by the department on the parolee’s original sentence. It therefore creates a different scheme for calculating an offender’s parole, and it would be difficult to apply this section to parole calculated under the previous scheme.
 - The Department of Corrections would like this language added to section 148: “The provisions of this section shall not be construed as invalidating any decision of the Board, issued prior to 1/1/17, which extended the period of supervision beyond the maximum release date on the original sentence.”
 - The Department also would like similar language added to section 151, which provides for earned compliance credits for parolees. This also requires a new time accounting system that would not apply to parole calculated under the previous scheme.