

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

June 26, 2017 7:00 PM

City Hall Assembly Chambers
Regular Meeting 2017-15

Submitted By:

Duncan Rorie Watt
City and Borough Manager

I. FLAG SALUTE

II. ROLL CALL

III. SPECIAL ORDER OF BUSINESS

A. **Recognition: Masoud Abdi's Citizenship**

IV. APPROVAL OF MINUTES

A. **June 5, 2017 Regular Assembly Meeting 2017-13**

B. **June 7, 2017 Special Assembly Meeting 2017-14**

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 2017-14 An Ordinance Proposing an Amendment to the Charter of the City and Borough Relating to Competitive Bidding.**

This ordinance would place on the October 2017 ballot a proposed Charter amendment regarding method of procurement for the purchase of supplies, materials, equipment and services. The CBJ Charter states that

all public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder, except in certain cases identified in the charter. The proposed amendment would add an exception to allow for competitive proposals and other alternative procurement methods adopted by the assembly by ordinance.

The State of Alaska, the Municipality of Anchorage, and the City of Ketchikan all currently have this flexibility in their procurement code. There are times when the ability to use alternate procurement methods would save the CBJ considerable amounts of time and money.

This issue was discussed at the Public Works and Facilities Committee meetings on May 1, 2017 and June 12, 2017 and forwarded to the Assembly for its consideration.

The City Manager recommends this ordinance be introduced, referred to the Committee of the Whole, and set for public hearing at the next regular Assembly meeting.

b. Ordinance 2017-17 An Ordinance Amending the General Provisions Code to Add a New Chapter Relating to Public Records.

The City and Borough of Juneau is required to comply with the Alaska Public Records Act (Alaska Statute 40.21.110 - 220) regarding the disclosure of public records. Although state law outlines the legal obligations that must be complied with by all municipalities, the procedural process provided for by state regulations that guides state agencies does not apply to municipalities.

At its meeting on April 3, 2017, the Assembly approved a request that an ordinance be drafted to formalize a uniform process for staff to follow in responding to requests for the disclosure of public records. This ordinance would create that procedural process.

The City Manager recommends this ordinance be introduced, referred to the Committee of the Whole, and set for public hearing at the next regular Assembly meeting.

c. Ordinance 2016-09(AR) An Ordinance Appropriating to the Manager the Sum of \$1,660 as Funding for AmeriCorps Training; Grant Funding Provided by the State of Alaska, Department of Commerce, Community and Economic Development.

The CBJ Parks and Recreation department applied for and was awarded funds from the State of Alaska, Department of Commerce, Community and Economic Development to send a Parks and Recreation employee to Anchorage to attend an AmeriCorps program planning meeting.

Attendance at this meeting provided the department with information needed to determine if it was appropriate to apply for a grant which would allow Parks and Recreation to administer the AmeriCorps program in Juneau.

Attendance of this meeting generated the information that was needed, and it was ultimately decided that this was not an avenue that the department would pursue, and better handled by the United Way. The grant covered all of the costs associated with this travel. This ordinance is a housekeeping measure to accept grant funds.

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

- d. **Ordinance 2017-06(A) An Ordinance Appropriating to the Manager the Sum of \$16,500 as Funding for the Library Department; Grant Funding Provided by the Friends of the Juneau-Douglas City Museum.**

This ordinance appropriates \$16,500 in grant funding to the Library Department, for the purpose of expanding hours of operation at the City Museum. There is no matching requirement for this grant.

Grant funding is provided by the Friends of the Juneau-Douglas City Museum through donations made for this purpose by the Benito & Frances C. Gaguine Foundation, Michelle & Robert Storer, Alison E. Browne, and the Friends of the Juneau-Douglas City Museum. These funds were raised to increase hours of operations at the museum. The funds will allow an increase in museum staffing from 0.75 FTE to 1.00 FTE for FY18. The grant fully funds salaries and benefits for this increase; there is no impact to support from the general fund.

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

- e. **Ordinance 2017-06(B) An Ordinance Appropriating to the Manager the Sum of \$15,000 as Funding for the Juneau Public Libraries; Federal Grant Funding Provided by Arts Midwest.**

This ordinance appropriates \$15,000 in grant funding to the Juneau Public Libraries, for the purpose of participating in the Big Read, an initiative of the National Endowment for the Arts (NEA) in partnership with Arts Midwest.

Big Read broadens our understanding of our world, our communities, and ourselves through the joy of sharing a good book.

Grant funding is provided by Arts Midwest. This federally funded grant is contingent upon funds to be received by Arts Midwest from the National Endowment for the Arts: CFDA (Catalog of Federal Domestic Assistance) #45.024.

This program has a dollar-for-dollar matching requirement and is matched with staff time from the Library, a cash contribution from the Friends of the Juneau Public Library, and third party in-kind contributions from the University of Alaska, Southeast *One Campus One Book* program, Bartlett Regional Hospital, the Alaska State Library, and the 49 Writers group.

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

2. Resolutions

a. **Resolution 2792 A Resolution Dissolving the Fisheries Development Committee and Repealing Resolution No. 2751**

The Fisheries Development Committee (FDC) was originally created in 1985 as an ad hoc committee. A permanent committee was established in 1989 through Resolution 1399. In 2007, Resolution 1399 was repealed and replaced by Resolution 2418 which reduced the number of FDC members from nine to seven. Then in May 2016, the committee was further reduced from seven to five members through the adoption of Resolution 2751 which repealed Resolution 2418.

Membership and quorum challenges have plagued the committee for a number of years and the FDC chair and Assembly Human Resources Committee have worked on this issue for the past six months. HRC and FDC chairs met with the Docks and Harbors Board to see if it would be feasible to recreate the FDC as a subcommittee or ad hoc group under the Docks and Harbors Board. The Docks and Harbors Board did not favor this move.

Other attempts to find alternative solutions were also unsuccessful. The Assembly Human Resources Committee, at its meeting on June 5, 2017, passed a motion requesting the Law Department draft a resolution to disestablish the Fisheries Development Committee.

The City Manager recommends this resolution be adopted.

3. Bid Award

a. **Term Contract for Juneau International Airport Runway Painting**

This is a four year term contract to provide painting of runways and aircraft movement areas at the Juneau International Airport. The contractor will provide all paint, materials, equipment, and labor to complete the project. The initial estimate was \$105,000. The higher amount of the bid is due to the re-evaluation of unit quantities and new FAA requirements such as outlining certain markings. In most cases, the unit cost of the bid items actually decreased.

Bids were opened on the subject project on June 2, 2017. Upon review of the specification the award posting occurred on June 5, 2017. The bid protest period expired on June 6, 2017. Results of the bid opening were as follows:

Specialized Pavement Marking, Inc.	\$132,044.92
Pacific Asphalt	\$248,828.73

The bid amount is based on need and may increase or decrease in succeeding years.

The City Manager recommends the award of bid no. 18-015, term contract for Juneau International Airport runway painting, to Specialized Pavement Marking, Inc. in the amount of \$132,044.92 per year.

b. **Cruise Ship Berths Safety Improvements**

Bid Award for Cruise Ship Berths Safety Improvements – DH17-045

Construction of this project would remove and replace existing decking in two areas of the dock: at the sloped ramp south of the parking garage, and seaward of the Visitor's Center. The new sloped dock area would comply with ADA requirements while the other decking is being replaced as it is deteriorated. A guardrail section north of the Port Field Office will also be installed.

A public bid opening was held on June 8, 2017. The Docks and Harbors Board reviewed the bids at a special board meeting on June 22, 2017 and recommended awarding the bid to Alaska Commercial Contractors in the amount of \$364,900.

The City Manager recommends the total bid be awarded to Alaska Commercial Contractors in the amount of \$364,900.

4. **Liquor License**

a. **Liquor License Renewal - Southern Glazer's Wine & Spirits of Alaska**

**Wholesaler-General Liquor License # 4859 Southern Glazer's Wine & Spirits of Alaska d/b/a Southern Wine & Spirits of Alaska
Location: 5452 Shaune Drive - Bay 2, Juneau, AK 99801**

Staff from the Finance, Fire, Public Works/Utilities, Police, and Community Development departments have reviewed the above renewal and recommends the Assembly waive its right to protest this renewal.

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

5. Transfers

a. **Transfer T-988 Transfers \$31,863 from the Augustus Brown Pool HVAC CIP P46-100 and \$120,000 from the AB Pool Short Term Repairs CIP P44-086 to Provide Funding for the Augustus Brown Pool Covers CIP P46-106 to Procure and Install Pool Covers at Augustus Brown Swimming Pool.**

This transfer of \$151,863 of sales tax funding from existing CIP Augustus Brown Pool HVAC and CIP AB Pool Short Term Repairs will provide the necessary funds to procure and install pool covers at both the leisure and lap pools at the Augustus Brown Swimming Pool. The Parks & Recreation department has determined that this will offer significant benefits including energy savings and reduction of relative humidity in the building.

The preliminary estimate of total project costs is approximately \$150,000.

The Assembly Public Works and Facilities Committee reviewed this request on May 22, 2017 and forwarded this to the Assembly for adoption.

The City Manager recommends this transfer be approved.

VIIIPUBLIC HEARING

A. **Ordinance 2017-11 An Ordinance Amending the Land Use Code Relating to Wireless Communication Facilities Setback Requirements.**

This ordinance would amend the section addressing setback requirements for wireless communication facilities in CBJ 49.65.930 by deleting the illustrative example provided. The Community Development Department determined the given example is inaccurate and confusing and recommends its deletion.

The Planning Commission considered the draft ordinance at its regular meeting on May 23, 2017, and approved a motion forwarding it to the full Assembly for its consideration. The Lands Committee considered the ordinance at its meeting on June 12, 2017, and recommended forwarding it to the Assembly for public hearing.

The City Manager recommends this ordinance be adopted.

B. Ordinance 2017-13 An Ordinance Amending the Waters and Harbors Code Relating to Coordination of the Docks and Harbors Board.

This ordinance amends the code provision outlining how the Docks & Harbors Board coordinates with the Assembly and manager by eliminating the requirement that the board submit “all security plans to the manager for review,” prior to the plan being submitted to the Coast Guard.

The only security plan submitted to the Coast Guard is the Facility Security Plan. The submittal of the Facility Security Plan rests solely with the “Facility Security Officer.” The Harbormaster is the Facility Security Officer for the City and Borough of Juneau. Because the plan contains sensitive security information as defined by federal law, its disclosure is limited to those who are “need to know.” Because the board is not “need to know” with respect to the plan, and as it does not oversee the submittal of the plan to the Coast Guard, that code requirement should be deleted.

To the extent the plan implicates the use of any department under the authority of the City Manager (such as fire or police), the Facilities Security Officer will continue to coordinate with the Manager.

The City Manager recommends this ordinance be adopted.

C. Ordinance 2017-16 An Ordinance Amending the Land Use Code Relating to Alternative Development Overlay Districts.

This ordinance would amend Title 49 to create temporary zoning overlay districts for the downtown Juneau and Douglas neighborhoods. Current zoning does not reflect the character of these historic neighborhoods, nor does it support the community’s vision for them as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan.

The ordinance would allow the Planning Commission flexibility in addressing setbacks, lot coverage, and vegetative coverage for residential buildings within the overlay boundaries. It does not exempt a developer from obtaining all other necessary permits or from meeting other requirements of Title 49.

The ordinance includes a sunset clause as the overlay districts are intended to be a temporary measure, providing needed flexibility in the code while allowing CDD time to draft new zoning standards that better fit the individual neighborhoods and preserve their historic character. The recommended sunset dates are 24 months for

Juneau and 36 months for Douglas.

On May 23, 2017, the Planning Commission approved the forwarding of the ordinance to the Assembly for its consideration. The Committee of the Whole considered this ordinance at its June 12, 2017, meeting and approved forwarding it to the full Assembly for public hearing.

The City Manager recommends this ordinance be adopted.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

A. Resolution 2799 A Resolution Supporting the Disposal of Lot C1, Juneau Subport Subdivision by the Alaska Mental Health Trust Authority.

The Mental Health Trust Authority, through its Trust Land Office, is in receipt of a proposal to purchase the subport property from a local private investor. This resolution would voice the Assembly's support for the sale of the property.

The City Manager recommends this resolution be adopted.

B. Notice of Appeal - Granite Mountain Properties LLC v Planning Commission - USE2017-0006

On May 23, 2017, the Planning Commission approved a conditional use permit for a marijuana cultivation facility in an Industrial zone at 1758 Anka Street. On June 14, a timely appeal of the Planning Commission's decision was filed.

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

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

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

As this is a quasi-judicial matter, the City Manager makes no recommendation.

C. Late Filed Application for Community Purpose Exemption - Perseverance Theatre

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

- A. CLIA Litigation Update

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

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - June 5, 2017

MEETING NO. 2017-13: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Ken Koelsch.

I. FLAG SALUTE

II. ROLL CALL

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

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Carl Uchtyl, Port Director; Patricia Wahto, Airport Manager; Bryce Johnson, Police Chief; Ed Mercer, Deputy Police Chief; David Campbell, Lieut., JPD; Bob Dilly, CSO; Jennifer Adams, CSO; Roger Healy, Engineering / Public Works Director; Bob Bartholomew, Finance Director; Robert Barr, Library Director; Charlie Ford, Building Official; Jeffra Clough, Eaglecrest Ski School; Brian Davies, Eaglecrest Ski Maintenance.

III. SPECIAL ORDER OF BUSINESS

A. Special Recognition - Sgt. Chris Burke

Police Chief Johnson recognized Sgt. Chris Burke upon his retirement and noted that he had received the Police Medal of Valor and the Police Purple Heart awards. Mayor Koelsch presented Sgt. Burke with his duty pistol, which was purchased for him by his friend, Jimmy Quinto.

B. Special Recognition - Carl Uchtyl

Mayor Koelsch recognized Port Director Carl Uchtyl for his work to coordinate the visit of the USS O'Kane. He said the visit was highly successful and provided a thoughtful welcome to the crew of the ship.

C. Proclamation - Juneau Pride

Mayor Koelsch proclaimed June 2017 as Juneau Pride Month and said this was a celebration of the diversity of Juneau. Brandon Demery was present to receive the proclamation and invited the community to the annual picnic at Sandy Beach on June 11th, from 11 am - 4 pm.

IV. APPROVAL OF MINUTES

A. May 15, 2017 Regular Assembly Meeting 2017-11

Hearing no objection, the minutes of the May 15, 2017 Regular Assembly Meeting 2017-11

were approved as corrected.

B. May 19, 2017 Special Assembly Meeting 2017-12

Hearing no objection, the minutes of the May 19, 2017 Special Assembly Meeting 2017-12 were approved.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

None.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Patrick Owen spoke about getting the Juneau Access Road EIS finished, the AJ mine open and the second crossing installed - all are projects which could create many jobs in the community. He spoke about the benefits of the second crossing to Douglas Island and the community.

William Quayle said it was wrong for the CBJ to charge \$1500 for a pedicab license and it would be better if it were priced at \$400, as a one time fee, as charged in Sitka. He also wants to be able to provide his pedicab service at night. He felt the police could save a lot of money in gas and do better crime prevention by using bikes instead of vehicles.

John Pugh said he represents a group of people that believe that giving children from ages 0-5 the best first start and supports education for this age of children. He spoke about the studies regarding this topic and that providing early childhood education attracts a young workforce to the community. There are a150 families that don't have daycare and there are more that avoid full time work due to lack of daycare. The group distributed materials and will present information at the Finance Committee meeting. He said this is imperative and drives the economy. The existing system is broken.

Colleen Brody spoke about Best Starts and said she is the Director of Gold Creek Daycare in the Federal Building and a new mother. In the four years she has worked there she has seen a great need for childcare, even seeing people moving from the community due to the lack of childcare. Operating a child care center in this community is not profitable. Her facility survives due to support from the federal government.

Bill Leighty spoke about President Trump's removal of the US from the Paris Climate Accord, saying that many states and cities are taking their own actions and he asked Mayor Koelsch and the Assembly to consider joining those communities. He cited the CBJ energy plan and support from existing groups in the community that could bolster this action.

Alaska Representative Tammie Wilson said she was present on her own behalf and spoke about her concern for public safety in Marine Park and on the streets and said that something has changed in the last few days for the positive. She thanked the Assembly for the attention to this matter.

Alaska Representative Cathy Tilton said she appreciated the ability to walk around downtown. She said she walks late at night after leaving the capitol, and this year it has

changed and has felt less safe. The tourists are here and there is a need to be proactive. She said the last few days have been much better and thanked the Assembly.

Luann McVey said that Juneau's unique location needs environmental protections that may not be needed elsewhere and spoke about the location of the Juneau water supply in the AJ Mine area. She spoke about the contamination issues from the mine into Gold Creek in the 1990's and said that Juneau needs its own mining ordinance. She values the clean water in Gold Creek and Gastineau Channel. She spoke about high heavy metal concentrates in the Gastineau Channel and concerns about health issues. She asked the Assembly to hear people's voices.

Dick Farnell spoke about alternative facts being promoted by the "gang of five," such as "...the Salmon Creek water plant is capable of providing water for the entire city." He said that is incorrect. Another "...we have a duplicative permitting process" - that is incorrect. "...the Planning Commission can deny a CUP even if all the conditions are met" - that is incorrect. "...city employees are incapable of overseeing a permitting process" - that is not correct. He said that CBJ hired an independent expert during the last permit process.

Larri Spengler addressed the proposed changes to the mining ordinance and asked the Assembly to not put aside the work done on this ordinance years ago that resulted in a well crafted approach, that provided a level of public process appropriate to Juneau, and that addressed socioeconomic factors. She asked the Assembly to not gut the ordinance, and to use the tools in the ordinance to address any mining proposals to come forward.

Carl Schroeder encouraged the Assembly to leave the mining ordinance as is. He was involved with drafting the ordinance and it was a socially divisive issue. The ordinance was a compromise. Many people would like stronger environmental and social protections and asked the Assembly to not consider reopening it, unless it would be to improve it with stronger protections.

Karla Hart said she was involved with the drafting of the mining ordinance and urged the Assembly to not reopen the ordinance. It is very divisive issue and we have many other issues that are pressing. If the ordinance is re-opened, she will ask for more protections than were granted in the existing ordinance.

Deborah Craig said the AJ Mine proponents are requesting changes in order to open a mine in Juneau's backyard. She read the preamble of the existing ordinance: "It is the purpose of this article to foster the development of a safe, healthy and environmentally sound mining industry while protecting the overall interests of public health, safety and the general welfare and minimizing the environmental and surface effects of mining projects for which an exploration notice or mining permit is required. She said AJ Mine proponents want to replace that language with, "The purpose of this article is to encourage mining and investment in mining." Current language upholds safety and health of the community as primary. Proponents would subvert this to encourage mining. She spoke of the Assemblymembers as transitory government representatives with a primary role of providing for public health and safety.

Bryn Fluherty asked the Assembly to keep a well reasoned ordinance in place. Primary

concerns are environmental and socioeconomic. Often a majority of workers for these jobs are brought in from other places. Housing is difficult to find now and she didn't want to add to the struggle.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
None.

B. Assembly Requests for Consent Agenda Changes
None.

C. Assembly Action

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

1. Ordinances for Introduction

- a. Ordinance 2017-11 An Ordinance Amending the Land Use Code Relating to Wireless Communication Facilities Setback Requirements.

This ordinance would amend the section addressing setback requirements for wireless communication facilities in CBJ 49.65.930 by deleting the illustrative example provided. The Community Development Department determined the given example is inaccurate and confusing and recommends its deletion.

The Planning Commission considered the draft ordinance at its regular meeting on May 23, 2017, and approved a motion forwarding it to the full Assembly for its consideration.

The City Manager recommends this ordinance be introduced, referred to the Lands Committee, and set for public hearing at the next regular assembly meeting.

- b. Ordinance 2017-13 An Ordinance Amending the Waters and Harbors Code Relating to Coordination of the Docks and Harbors Board.

This ordinance amends the code provision outlining how the Docks & Harbors Board coordinates with the Assembly and manager by eliminating the requirement that the board submit “all security plans to the manager for review,” prior to the plan being submitted to the Coast Guard.

The only security plan submitted to the Coast Guard is the Facility Security Plan. The submittal of the Facility Security Plan rests solely with the “Facility Security Officer.” The Harbormaster is the Facility Security Officer for the City and Borough of Juneau. Because the plan contains sensitive security information as defined by federal law, its disclosure is limited to those who are “need to know.” Because the board is not “need to know” with respect to the plan, and as it does not oversee the submittal of the plan to the Coast Guard,

that code requirement should be deleted.

To the extent the plan implicates the use of any department under the authority of the City Manager (such as fire or police), the Facilities Security Officer will continue to coordinate with the Manager.

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

- c. Ordinance 2017-16 An Ordinance Amending the Land Use Code Relating to Alternative Development Overlay Districts.

This ordinance would amend Title 49 to create temporary zoning overlay districts for the downtown Juneau and Douglas neighborhoods. Current zoning does not reflect the character of these historic neighborhoods, nor does it support the community's vision for them as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan.

The ordinance would allow the Planning Commission flexibility in addressing setbacks, lot coverage, and vegetative coverage for residential buildings within the overlay boundaries. It does not exempt a developer from obtaining all other necessary permits or from meeting other requirements of Title 49.

The ordinance includes a sunset clause as the overlay districts are intended to be a temporary measure, providing needed flexibility in the code while allowing CDD time to draft new zoning standards that better fit the individual neighborhoods and preserve their historic character. The recommended sunset dates are 24 months for Juneau and 36 months for Douglas.

On May 23, 2017, the Planning Commission approved the forwarding of the ordinance to the Assembly for its consideration.

The City Manager recommends this ordinance be introduced and referred to the Committee of the Whole.

VIIIPUBLIC HEARING

- A. Resolution 2791(d) A Resolution Adopting the City and Borough Capital Improvement Program for Fiscal Years 2018 Through 2023, and Establishing the Capital Improvement Project Priorities for Fiscal Year 2018.

This resolution would adopt the City and Borough Capital Improvement Program (CIP) for Fiscal Years 2018 through 2023, and establish the Capital Improvement Project Priorities for Fiscal Year 2018.

The Public Works and Facilities Committee reviewed the CIP at its meeting on February 27, 2017, and forwarded the plan to the Assembly.

The CIP resolution was introduced at the Assembly meeting on April 5, 2017, and referred to the Assembly Finance Committee (AFC), where it was reviewed during the

meetings of April 12, April 19, and May 3, 2017. It was open for public comment, as required by charter, during the Special Assembly meeting of April 26, 2017.

The AFC approved Resolution 2791(d) as amended and referred it to the full Assembly for adoption.

The City Manager recommends this resolution, as amended by the Assembly Finance Committee, be adopted.

Public Comment:

None.

Assembly Action:

***MOTION**, by Gregory, to adopt Resolution 2791(d).* Hearing no objection, it was so ordered.

- B. Ordinance 2017-05(b) An Ordinance Establishing the Rate of Levy for Property Taxes for Calendar Year 2017 Based Upon the Proposed Budget for Fiscal Year 2018.

This ordinance establishes the mill rates for property taxes for 2017, which fund a significant portion of the City and Borough of Juneau's FY18 operating budget. The Charter requires the Assembly to adopt, by ordinance, the tax levies necessary to fund the budget before June 15.

The mill levies presented in this ordinance support the City and Borough's FY18 Revised Budget as amended by the Assembly Finance Committee.

An opportunity for public comment was provided at a Special Assembly meeting on April 26, 2017. The Assembly Finance Committee reviewed the mill rate ordinance at its meetings on April 26 and May 10, 2017, approving a motion to amend the proposed mill rates and refer the amended ordinance to the full Assembly for adoption.

For FY18 the total mill levy recommended by the Finance Committee of 10.66 remains unchanged from FY17. The debt service mill rate is being reduced by .10 mills to 1.30 mills. The operating mill rate is recommended to be 9.36 mills (increase of .10 mills from FY17). The .10 mill increase is in the Areawide component of the operating mill rate. The .10 mill change between debt service and areawide operating rate results in no change to the overall property tax paid by any property owner. The other two components (Roaded Service & Fire Service) remain unchanged.

This ordinance proposes a total mill levy of 10.66; the components of which are:

<u>Operation Mill Rate by Service Area</u>	Millage
Roaded Service	2.30
Area	
Fire Service Area	0.36
Areawide	6.70
Operating Total	9.36

**Debt Service
Total**

**1.30
10.66**

The City Manager recommends this ordinance, as amended by the Assembly Finance Committee, be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Weldon, to adopt Ordinance 2017-05(b). Hearing no objection, it was so ordered.

- C. Ordinance 2017-06(b) An Ordinance Appropriating Funds from the Treasury for FY18 City and Borough Operations.

This ordinance appropriates \$335,130,700 for the City and Borough of Juneau's FY18 operating budget, excluding the School District. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves. These transfers account for \$93,728,500 of the FY18 operating budget.

The original ordinance was introduced at the April 5, 2017, Special Assembly meeting and referred to the Assembly Finance Committee for deliberation. The Finance Committee held 6 meetings/work sessions on the budget. An opportunity for public comment was provided at a Special Assembly meeting on April 26, 2017. The Assembly Finance Committee moved the amended budget ordinance back to the full Assembly at its May 10, 2017, meeting. The CBJ Charter requires adoption by June 15, 2017.

The City Manager recommends this ordinance, as amended by the Assembly Finance Committee, be adopted.

Public Comment:

Stephanie Sell supported funding for the Community Service Officer budget and asked the Assembly to maintain the current level of service. She works for ADF&G and spoke of the close relationship with the JPD CSO's regarding bear nuisances. JPD has enforcement authority that ADF&G does not have. CBJ has an active bear committee with a variety of agency representatives and the public, and she spoke about their activities. She said the loss of the position would have a negative impact upon the community.

Assembly Action:

MOTION, by White, to adopt Ordinance 2017-06(b), and to consider a supplemental ordinance to fund the CSO position in the future. Hearing no objection, it was so ordered.

- D. Ordinance 2017-01 An Ordinance Amending the Building Regulations Code.

This ordinance would update CBJ Title 19, the Building Code, based on the 2012 model codes adopted by the CBJ as modified by the Building Code Advisory Committee.

The Public Works and Facilities Committee (PWFC) reviewed this ordinance at its April 10 and May 1, 2017, regular meetings. The PWFC recommended approval at its May 1, 2017, regular meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Gladyszewski, to adopt Ordinance 2017-01. Hearing no objection, it was so ordered.

- E. Ordinance 2016-09(AO) An Ordinance Appropriating to the Manager the Sum of \$43,900 as Supplemental Funding for the Juneau International Airport for the Fiscal Year 2017 Operating Budget; Funding Provided from the Juneau International Airport Fund's Fund Balance.

This ordinance would appropriate an additional \$43,900 to the FY17 Airport operating budget, increasing the airport's spending authority by \$43,900. Funds would be provided by the Airport Fund's Fund Balance.

The Airport Board approved the supplemental spending authority and Airport Fund Balance to cover the additional expense at its March 14, 2017, meeting. The Assembly Finance Committee referred this request for approval to the full Assembly at its meeting on April 19, 2017.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

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

- F. Ordinance 2016-09(AP) An Ordinance Appropriating to the Manager the Sum of \$180,000 as Supplemental Funding for the Parks and Recreation Program for the Fiscal Year 2017 Operating Budget; Funding Provided from the General Fund's Fund Balance.

This ordinance would appropriate an additional \$180,000 to the FY17 Parks and Recreation operating budget. Funds would be provided by the General Fund's Fund Balance.

Although Parks and Recreation's FY17 general operations expenditures are within the approved budget, the following issues resulted in the needed supplemental:

When the FY17 budget was developed, the department projected a 16% increase in revenue generation between FY16 and FY17, and a plan to increase promotion of the department's programs was put in place. Although revenues have increased in FY17, they have not increased as much as anticipated. In addition, the Parks and Recreation department reduced its general fund support by a combined total of \$669,300 in FY16 and FY17.

Any portion of the supplemental that is not used would be returned to fund balance.

The Assembly Finance Committee referred this request for approval by the full Assembly at its meeting on April 19, 2017.

The City Manager recommends this ordinance be adopted.

Public Comment:

None.

Assembly Action:

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

- G. Ordinance 2016-09(AQ) An Ordinance Appropriating to the Manager the Sum of \$250,000 as Funding for the Pump Room as Part of the Fountain and Whale Related Site Elements that are Part of the Bridge Park Capital Improvement Project; Funding Provided through a Donation from The Whale Project Committee.

The Whale Project is donating \$250,000 to the CBJ for the construction of the pump room as part of the fountainworks for the whale statue at the Seawalk Bridge Park. This work will be completed as part of the Phase III Seawalk Bridge Park to Gold Creek project and construction is anticipated this summer and fall. The donated funds will be appropriated into the Bridge Park CIP, P41-090.

The Public Works and Facilities Committee forwarded this request to the full Assembly at its May 1, 2017, regular meeting.

The City Manager recommends this ordinance be adopted.

Public Comment:

Bruce Botelho was present, along with Jim Clark and Jean Overstreet of the Whale Project Committee, to present the "large check" of \$250,000 to CBJ from the committee's fundraising efforts. Former Mayor Botelho said the statue will be a enduring symbol for Juneau and an acknowledgement of the 50th anniversary of statehood.

Assembly Action:

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

Mayor Koelsch thanked the Whale Project Committee on behalf of the full Assembly.

- H. Resolution 2793(b) A Resolution Authorizing the Sale, Possession, and Consumption of Alcoholic Beverages Within the Eaglecrest Ski Area and Repealing Resolution 477.

This resolution would authorize the sale, possession, and consumption of certain alcoholic beverages in the Eaglecrest Ski Area during private parties, within the Eaglecrest ski area by sale of a licensed vendor, and at special events or in connection with a commercial use permit upon approval by the Eaglecrest Board.

The Human Resources Committee first considered this issue at its February 13, 2017, meeting at the request of the Eaglecrest Board. The HRC approved a motion to direct the Attorney to draft the resolution. The issue was then heard by the Assembly Committee of the Whole at its joint meeting with the Eaglecrest Board on February 27, 2017, and again at its May 1 and May 22, 2017, meetings. On May 22, the COW approved a motion to forward the resolution (amended to limit the type of alcoholic beverages which may be sold, possessed, or consumed) to the full Assembly for its consideration. One additional amendment, a new section specifically repealing Resolution 477, was also added. The amended language is shown in the attached version (b) by italicized text.

The City Manager recommends adoption of this resolution.

Public Comment:

Lucy Squibb supported the consumption and sales of alcohol at Eaglecrest. She said she is an avid skier and supports the ski area. She is a ski coach and supports the Alpine Ski team and has travelled the world skiing and most ski areas allow the sale of alcohol. This change will also assist in supporting the ski area financially. She asked the Assembly to pass the resolution.

Assembly Action:

MOTION, by Nankervis, to adopt Resolution 2793(b).

Ms. Becker objected. She said the question had been asked in previous years and the overwhelming answer was no to sales of alcohol. We still have driving accidents, but having tailgate parties where it is cold, vs. having alcohol inside where it is warm, would contribute to more drinking. There are many children's programs at the ski area and serving alcohol was not providing a good example.

Mr. Nankervis said supervised alcohol consumption was better than unsupervised, and there would be no hard alcohol and nor late night sales, and he thought the idea was overdue. He said most other ski facilities allow this and the unique issue is that this is a public vs. a private ski area.

Roll call:

Aye: Gladziszewski, Gregory, Jones, Kiehl, Nankervis, Weldon, White, Koelsch

Nay: Becker

Motion passed, 8 ayes, 1 nay.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

A. Lands in Trust

Ms. Mead said she provided a draft letter that outlined facts in the matter and spoke about a meeting that was held between the CBJ and CCTHITA. She asked for approval or modification of the letter as the Assembly's comments were due the next day.

MOTION, by Gladziszewski, to send the draft letter, as amended by adding reference to the comments in the letter from the Alaska Department of Law letter, including point 2 on page 3 regarding the "piecemeal process" and point B on page 4 about the process for providing notice.

Mr. Kiehl asked if she thought there were issues related to the future parcels that the proposed structure of an agreement did not address. Ms. Gladziszewski said that the comments were only on the current parcels and the Assembly has not analyzed the entire project.

Mr. Kiehl said that the draft letter was comprehensive, forward looking and designed to look at impacts we might reasonably see, more than one parking lot. He said the letter addressed the long term issues.

Mr. Nankervis said there is a reference to a 13-year agreement that maintains the lots as a parking lot, and in a previous presentation from CCTHITA there was some reference about dissolution of that agreement and he did not see anything regarding this in the letter. Ms. Mead said the request was that the agreement be revocable by either party. Mr. Nankervis said he had concerns that a party could remove themselves from an agreement without concurrence of another party. Ms. Mead said the letter of intent lays out the building blocks for a future intergovernmental agreement, which would include an extrication process. Ms. Mead said no one anticipates termination tomorrow but it is correct that it is revocable by either party. Mr. Nankervis said he opposed the motion for that reason.

Ms. Gladziszewski said the agreement can go away at any time but the land in trust is forever and Ms. Mead said that was correct.

Ms. Becker asked about the BIA's role in any agreement. Ms. Mead said the federal government, through the BIA, would take ownership of these parcels if the application is approved. The BIA needs to know what the impacts to the federal, state and local government would be. The intergovernmental agreement is meant to mitigate impacts to the multiple

jurisdictions. If there were no agreement it would not impact the process. The importance of what the state called the piecemealed approach regards the difference in the standards that are applied by the BIA are between off reservation and on reservation applications. Right now this is all off reservation property. There is a request to make this an initial reservation of the tribe, which can only happen on trust property. If the trust parcels are granted reservation status, which is concurrently being considered, the comments from the local government on future applications are given different weight. Once reservation status is granted the addition of additional property is an easier process, in that the local government's concerns are lessened.

Ms. Becker asked what a reservation can do that a trust can not do. Ms. Mead said that trust property is governed by federal law, but reservation status becomes a sovereign enclave.

MOTION, by Jones, to add a reference to item A on page 2 of the state's letter into the letter from CBJ. Hearing no objection it was so ordered.

Mr. Kiehl said he thought the structure of the agreement to mitigate impacts was good and the Assembly should support the tribe's application. This will be complicated, there will be things we did not foresee, but this may improve the way a significant portion of our community manages their lands. Since the tribe came to the table in good faith and we worked through everything we can foresee today, it behooves us to say yes. This new relationship is coming and we have partners here that are willing to work with us.

MOTION, by Kiehl, to amend to add an explicit statement of support for the application to the letter.

Ms. White said she didn't see where the letter did not support the application. She said she did not see that CBJ was asking to deny the application.

Mr. Nankervis objected. There is not an objection in the letter now and did not want to put anything in indelible ink.

Ms. Becker agreed and had concerned about reservation status and the activities that could be allowed without any right for CBJ input or agreement.

Mr. Gregory spoke in favor of the letter as drafted and it has done what the Assembly asked. He thanked Mr. Kiehl for his comments. The land in trust issue will move forward whether CBJ agrees or not and CCTHITA has been a good neighbor and this move opens the door for CCTHITA to enhance the lives of their tribal members. As elected officials of CBJ we should move forward in full support of their lands into trust whether they become a reservation or not, and he supported the letter as amended.

Roll call:

Aye: Gladziszewski, Gregory, Kiehl, Weldon, Koelsch

Nay: Becker, Jones, Nankervis, White

Passed 5-4.

The Assembly took a brief at-ease at 8:35 p.m.

Ms. Mead said there was a slight inconsistency between Mr. Kiehl's amendment and Ms. Gladziszewski's main motion that needed clarification. The state's position did not state support or not for the application because it want to consider the entirety of applications. There are more applications pending before the BIA than the one's sent out for review. There is the Andrew Hope Building parcel. The state's position is a need to consider them all together and not piecemeal the applications. She asked if it was correct to say that we support the application but we would like to consider the applications as a whole. Ms. Gladziszewski said it was possible to support the application and still object to the process, as the piecemeal process does prevent a full and fair evaluation, and allows a different standard of review for the next application, and the notice was problematic and we still support the application. Ms. Mead clarified as CBJ would like to review all applications, however, if you are going to move forward, we support it.

Roll call on main motion, as amended:

Aye: Gladziszewski, Gregory, Jones, Kiehl, Weldon, White, Koelsch

Nay: Becker, Nankervis

Motion passed, 7 ayes, 2 nays.

XI. STAFF REPORTS

None.

XII. ASSEMBLY REPORTS

A. Mayor's Report

Mayor Koelsch asked Mr. Watt to prepare a list of accomplishments, challenges and future goals on or before June 14 for his evaluation process. On or before June 28, he asked Mr. Watt to meet individually with each Assemblymember on that list and during the July COW meeting he asked to add an executive session for the city manager evaluation.

Mayor Koelsch said that at the June 12 COW, the Mayor and the Manager will have the mining committee structure set out with tasks assignments.

B. Committee and Liaison Reports

Affordable Housing Commission: Liaison Gregory said Kathleen Strasbaugh was elected to be chair and Wayne Coogan is the vice chair. They have working groups and one focus is on identifying a site on Back Loop Road for a new trailer park with a potential for 90-100 units. The commission continues to review the vacancy rate. The Commission is requesting direction from the Assembly.

Eaglecrest Board: Liaison Gregory said the board is meeting with Nordic ski club to boost numbers, working to set rates, working on exterior lighting for safety at the Dimond Park Field House.

Juneau Economic Development Council: Liaison Weldon said the Maritime Festival was

successful with 5000 attendees. JEDC made a loan to a child care provider. The STEM summer camp has started. Juneau is ranked 8th in the nation for most vibrant arts small communities by the National Center for Arts Research. Juneau is the most visited city in Alaska in the summer with an expectation of 1,055,000 cruise passengers, which is 50,000 more than Seattle. The JEDC IT Team developed a tool in the "SLACK" app that allows retailers to share information about shoplifters amongst themselves. The next meeting is set for June 7.

School Board: Liaison Weldon said the board honored retirees and approved its deferred maintenance and small CIP for FY18, a resolution in support of Pre-K Programs, and the next meeting is set for June 13.

Lands and Resources Committee: Chair White said the next meeting is set for June 12.

Aquatics Board: Liaison White said the pool covers for Augustus Brown pool have been ordered.

Travel Juneau: Liaison White said the next meeting is set for June 8.

Assembly Homeless Task Force: Ms. White said she would meet with Mr. Gregory and Ms. Gladziszewski soon to identify a structure for the task force.

Sustainability Commission: Liaison Gladziszewski said work continues on the energy plan and the Assembly would see it soon.

Human Resources Committee: Chair Jones said the Board met and hear annual reports from the Juneau Human Rights Commission and the Treadwell Arena Advisory Board. Hearing no objection, the Assembly accepted the recommendations of the HRC and approved the following appointments.

Bidding Review Board:

Edward King appointed to a term ending May 31, 2020.

Board of Equalization:

Paul Nowlin reappointed to a term ending December 31, 2019.

Juneau Human Rights Commission:

Samantha Weinstein and Haifa Sadighi reappointed to terms ending May 31, 2020.

Freddie Olin IV appointed to a term ending May 31, 2019. 2019.

Treadwell Arena Advisory Board:

Jason Soza reappointed to a term ending May 31, 2020.

Utility Advisory Board:

Grant Ritter and Janet Schempf reappointed to terms ending May 31, 2010.

Mr. Jones spoke about meeting with the remaining and past members of the Juneau

Commission on Aging, which does not currently have a quorum, to consider reconstitution of the group. He directed the Assembly to review the materials in the packet and said the HRC would meet for an additional half hour at the June 26 meeting to discuss regeneration and support for the JCOA.

Hearing no objection, the Assembly accepted the recommendation of the HRC to direct the attorney to draft a resolution dis-establishing the Fisheries Development Committee, following its review of the matter.

Mr. Jones said he has met with DBA and the Friends of the Flag Board about partnering with the DBA and Travel Juneau to sponsor the group (regarding insurance) instead of the CBJ. This matter is still under review.

Mr. Jones noticed the Full Assembly as the HRC meeting on June 7 to interview candidates for Docks and Harbors, Eaglecrest and the Aquatics Board.

Downtown Business Association: Liaison Jones said the next meeting is set for June 13.

Airport Board: Liaison Jones said the board held a special meeting to discuss changes to regulations regarding network transportation companies. Comments on the regulations are due June 21. There is a special meeting set for June 22 at 10 am to review the regulations and comments.

Finance Committee: Chair Kiehl thanked the Assembly and staff for the work on the budget. He asked for suggestions to improve the budget process while it was fresh in people's minds. The next meeting is set for June 14 to review the reauthorization of the 1% sales tax.

UAS Campus Council: Liaison Kiehl said the council is on hiatus. The administration there is awaiting a budget from the state and has sought outside help on the consolidation of campuses.

Alaska Municipal League: Liaison Kiehl said the summer meeting will be held in Haines on August 16 and 17. He said the League staff sent out email about Transportation Network Companies (TNC's) and has serious questions about pre-emption to municipalities to regulate the industry, and has asked municipalities to ask the Governor to not sign the bill.

Public Works and Facilities Committee: Chair Becker said the PWFC met and approved the Augustus Brown Pool cover, received the results of the informal poll on the Meander Way LID, with 20 aye, 5 nay, of 27 property owners. The matter is forwarded to the Committee of the Whole.

Docks and Harbors Board: Liaison Becker congratulated the board on the ribbon cuttings for Douglas Harbor and Statter Harbor. The board is also discussing TNC's and concerns about pickup locations. Taxis now pay for spaces to pickup passengers. The Marine Exchange entered into a parking agreement with Docks and Harbors. The Board received a request to put sales carts on the docks and they will look into it. The next meeting is set for June 22.

Chamber of Commerce: Liaison Becker said Senator Murkowski spoke to the Chamber

about Arctic and said the U.S. needs to catch up. Ms. Becker said the Chamber is holding a golf challenge soon.

Alaska Committee: Liaison Becker said the AK Committee will contribute to the commissioning program for the new Coast Guard Cutter Bailey Barko, which will be home ported in Ketchikan, and the welcoming banner for the USS O'Kane.

CBJ/JSD Joint School Facilities Committee: Chair Becker said the next meeting is set for June 14. The consultant's report is complete and distributed and she asked the members to come with questions.

Committee of the Whole: Chair Nankervis said the COW discussed lands in trust, community wellness and alcohol at Eaglecrest. The next meeting is set for June 12.

C. Presiding Officer Reports

None.

XIIIASSEMBLY COMMENTS AND QUESTIONS

The Mayor thanked the Alaska Committee for their contributions to welcome the USS O'Kane and the new Coast Guard Cutter being commissioned in Juneau on June 14.

Mayor Koelsch asked to schedule a budget debriefing on the next Finance Committee agenda.

Mr. Nankervis said he appreciates the work of volunteers on CBJ boards and noted the difficulty of finding people to serve. He suggested the Assembly review the need for all of the boards and commissions.

Mr. Kiehl thanked the leadership team for the meeting with CCTHITA. He appreciates all who organized the Memorial Day observances. He suggested the Affordable Housing Commission look at ways to address blighted properties, preservation of existing housing stock and redevelopment. He said the pending energy plan and actions to implement the plan could be a way to address concerns Mr. Leighty brought to the Assembly.

Mr. Jones suggested that Mr. Watt work with CBJ staff and enterprise boards that will need to address pending arrival of TNC's. Mr. Watt said he is meeting with staff and representatives from UBER via teleconference soon and he will report back to the COW.

The Assembly and staff discussed TNC's.

MOTION, by White, to send a letter to Governor Walker outlining CBJ's concerns, including modifications needed at the airport and in the downtown corridor. Hearing no objection, it was so ordered.

Ms. White suggested the Affordable Housing Commission could address concerns about aging housing stock in Juneau.

Ms. Weldon asked for an update on making space available for the US Coast Guard to dock.

Gregory -- asked amy - land in restricted status - do we have authority over them? we have limitations but it is no where near land into trust. health and safety, enforceable and limited from taking the property.

Thanks for the support of the lands in to trust applications.

XIV.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

William Quayle said he supported mining, establishing a smelter, and using the smelter to recycle plastics to make processors and computers. This would eliminate the city's financial problems.

XV. EXECUTIVE SESSION

A. CLIA Litigation

MOTION, by Nankervis, to enter into executive session, to discuss a matter, the immediate knowledge of which would have a detrimental effect on city finances, specifically, the CLIAA lawsuit.

Hearing no objection, the assembly entered executive session at 9:45 p.m. and returned to regular session at 10:00 p.m.

Mr. Nankervis said the Assembly received an update and had a discussion on the CLIAA litigation.

XVI.ADJOURNMENT

There being no further business to come before the Assembly, the meeting adjourned at 10:02 p.m.

Signed: _____
Laurie Sica, Municipal Clerk
Mayor

Signed: _____
Kendell D. Koelsch,

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - June 7, 2017

I. CALL TO ORDER / ROLL CALL

Special Meeting #2017-14 of the City and Borough of Juneau Assembly, held in Conference Room #224 of the Municipal Building, was called to order at 8:49p.m. by Mayor Ken Koelsch.

Assemblymembers present: Mayor Ken Koelsch, Loren Jones, Jesse Kiehl, Maria Gladziszewski, Jerry Nankervis, Debbie White, Mary Becker, Norton Gregory, and Beth Weldon.

Others present: Beth McEwen, Deputy Clerk

II. AGENDA TOPICS

A. Board Appointments

The Full Assembly sitting as the Human Resources Committee (HRC) will be interviewing applicants for the Eaglecrest, Aquatics, and Docks and Harbors Boards at a meeting immediately preceding this Special Assembly meeting. The HRC will forward its recommendations to the Assembly for appointments to the following seats:

Eaglecrest Ski Area Board - two (2) seats for full terms beginning July 1, 2017 and expiring June 30, 2020.

Aquatics Board - two (2) seats for full terms beginning July 1, 2017 and expiring upon the board's sunset date, currently set at May 28, 2018, or at the end of a full three-year term ending June 30, 2020 if the sunset date is extended or removed.

Docks & Harbors Board - three (3) seats for full terms beginning July 1, 2017 and expiring June 30, 2020.

The Manager has no recommendations regarding these appointments.

Human Resources Committee (HRC) Chair Loren Jones reported on the below recommendations being forwarded by the HRC for Assembly action.

MOTION by Mr. Jones for the Assembly to appoint Bruce Garrison and Dave

Hanna to the Eaglecrest Board to terms beginning July 1, 2017 and expiring June 30, 2020. *Hearing no objection, the motion carried.*

MOTION by Mr. Jones for the Assembly to reappoint Max Mertz and Pat Watt to the Aquatics Board to terms beginning July 1, 2017 and expiring June 30, 2020, unless the board has an earlier sunset date. *Hearing no objection, the motion carried.*

MOTION by Mr. Jones for the Assembly to appoint E. Budd Simpson, Don Etheridge and Mark Ridgway to the Docks & Harbors Board to terms beginning July 1, 2017 and expiring June 30, 2020. *Hearing no objection, the motion carried.*

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

IV. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 8:51p.m.

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-14

An Ordinance Proposing an Amendment to the Charter of the City and Borough Relating to Competitive Bidding.

WHEREAS, the City and Borough of Juneau Charter requires that contracts for public improvements, and where practicable, purchases of supplies, materials, equipment, and services be by competitive bid; and

WHEREAS, the Charter language can be interpreted to limit the CBJ's ability to award competitively solicited contracts on anything other than a cost basis; and

WHEREAS, the ability to allow for competitively bid contracts to be awarded based on terms other than pure cost would be of benefit to the public by allowing greater flexibility in project delivery; and

WHEREAS, this type of competitive procurement method is in widespread use by other public entities within the State of Alaska.

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

Section 1. Classification. Section 2 of this ordinance, if approved by the voters pursuant to Section 3, is of a general and permanent nature and shall become a part of the City and Borough of Juneau Home Rule Charter. Sections 3, 4, and 5 of this ordinance are noncode sections.

Section 2. Charter Amendment. The Charter of the City and Borough of Juneau is amended at Section 9.14 Competitive bidding, to read as follows:

Section 9.14. Competitive bidding.

(a) The assembly by ordinance shall provide for competitive bidding and procedures for competitive bidding.

(b) Contracts for public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder. This subsection (b) shall not apply to purchases of:

- (1) Professional services,
- (2) Services of officers and employees of the municipality acting within the scope of their office or employment,
- (3) Services of officers and employees of the State of Alaska or the federal government if such services are provided pursuant to a written agreement with the employer,
- (4) Services of students and members of the faculty of an accredited high school, college, or university if such services are provided pursuant to a written agreement with the school, or
- (5) Services of members and employees of a nonprofit corporation registered as such with the State of Alaska, if:
 - (A) The services are provided pursuant to a written agreement with the corporation, and
 - (B) The total amount paid by the municipality divided by the number of hours of service provided by the members and employees of the corporation does not

exceed double the minimum hourly wage established by the Alaska Wage and Hour Act.

(6) Public improvements which, upon a written finding by the Manager that it would be in the best interests of the City and Borough based on cost, timing, and other relevant criteria, may be procured by supplemental agreements amending existing capital improvement contracts, competitive sealed proposals, or by other alternative procurement methods adopted by the assembly by ordinance. The maximum dollar amount, the criteria utilized, and the methodology shall be set by ordinance.

(c) All contracts and purchases exceeding an amount to be established by ordinance shall require prior assembly approval.

Section 3. Submission to the Voters. An amendment to Section 9.14 of the Charter of the City and Borough of Juneau, Alaska, shall be submitted to the qualified voters of the City and Borough at the next regular municipal election. The City and Borough Clerk shall prepare the ballot title as provided by this ordinance and shall perform all necessary steps in accordance with law to place this proposition before the voters at the next regular municipal election.

Section 4. Proposition. The proposition to be submitted to the voters as required by Section 3 shall read substantially as follows:

PROPOSITION NO. _____

CHARTER AMENDMENT

Shall Section 9.14 of the Charter of the City and Borough of Juneau, Alaska, be amended as set forth in Ordinance No. 2017-14?

BE IT ENACTED by the City and Borough of Juneau, Alaska, that Section 9.14 Competitive bidding, reading as follows, is adopted as part of the Charter of the City and Borough of Juneau, Alaska:

Section 9.14. Competitive bidding.

(a) The assembly by ordinance shall provide for competitive bidding and procedures for competitive bidding.

(b) Contracts for public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder. This subsection (b) shall not apply to purchases of:

- (1) Professional services,
- (2) Services of officers and employees of the municipality acting within the scope of their office or employment,
- (3) Services of officers and employees of the State of Alaska or the federal government if such services are provided pursuant to a written agreement with the employer,
- (4) Services of students and members of the faculty of an accredited high school, college, or university if such services are provided pursuant to a written agreement with the school, or
- (5) Services of members and employees of a nonprofit corporation registered as such with the State of Alaska, if:
 - (A) The services are provided pursuant to a written agreement with the corporation, and
 - (B) The total amount paid by the municipality divided by the number of hours of service provided by the members and employees of the corporation does not exceed double the minimum hourly wage established by the Alaska Wage and Hour Act.
- (6) Public improvements which, upon a written finding by the Manager that it would be in the best interests of the City and Borough based on cost, timing, and other relevant criteria, may be procured by supplemental agreements amending existing capital improvement contracts, competitive sealed proposals, or by other alternative procurement methods adopted by the assembly by ordinance. The maximum dollar amount, the criteria utilized, and the methodology shall be set by ordinance.

(c) All contracts and purchases exceeding an amount to be established by ordinance shall require prior assembly approval.

FOR THE AMENDMENT []

AGAINST THE AMENDMENT []

Section 5. Effective Dates. (a) The Charter amendment proposed in Section 2 of the ordinance shall become effective on the day following the date the election results are certified for the regular municipal election held October 3, 2017, if a majority of the qualified voters voting on the proposition set forth in Section 4 vote for the amendment.

(b) Section 3 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall become effective thirty days after adoption of this ordinance.

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. 2017-17

An Ordinance Amending the General Provisions Code to Add a New Chapter Relating to Public Records.

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 Title. Title 1 General Provisions, is amended by adding a new chapter to read:

Chapter 01.70 PUBLIC RECORDS

01.70.010 Purpose.

The purpose of this chapter is to establish uniform procedures to ensure that requests for disclosure of public records are handled in a timely, reasonable, and responsive manner. All disclosable public records shall be made available upon request and upon compliance with the requirements of AS 40.25.110 - AS 40.25.220 and this chapter.

01.70.020 Form of requests.

This section applies to all requests except for routine requests processed under CBJ 01.70.030. Requests for the inspection or copying of records shall be made in writing addressed to the

1
2 municipal clerk. The municipal clerk shall maintain a log of all requests for the disclosure of
3 public records that shall include the date and time of the request and fee charged, if any. If a
4 requester is unable to write a request due to a physical or mental disability, the municipal
5 clerk shall either assist the requester in preparing a written request or treat the requester's
6 oral request as a written request.
7

8 **01.70.030 Routine Requests.**

9 Routine requests for inspection or copying of records may be processed by the director of the
10 department in which the records are located. For purposes of this section, a routine request is
11 a request for records that are clearly to be made available to the public and that can be
12 responded to quickly with a minimal amount of effort or time by staff. Routine requests may be
13 submitted orally or in writing. Routine requests do not include requests for records that might
14 be exempt from disclosure, requests that will or might be denied for any reason, requests that
15 will take more than one person-hour of staff time to respond to, or requests from a person
16 involved in litigation with the City and Borough. If it is determined that a request being
17 processed under this section is not a routine request, the request shall be transmitted to the
18 municipal clerk for processing under CBJ 01.70.060.
19
20

21 **01.70.040 Description of records requested.**

22 (a) A request for records must describe the records sought in sufficient detail to enable staff
23 to locate and identify the records. If the records are described by the requestor in general
24 terms, the municipal clerk shall attempt to communicate with the requestor to identify the
25 records requested and lessen the administrative burden of processing an overly broad request.

1
2 (b) If it is determined that the description of records sought is not sufficient to allow staff to
3 identify the requested records, the requestor shall be notified promptly that the request cannot
4 be approved or processed until a sufficient description of the records is received.

5 (c) A requester may not be asked to provide a justification or explanation of need or
6 intended use, but the municipal clerk may inquire whether the person making the request is a
7 party, or represents a party, involved in litigation, including any judicial or administrative
8 proceeding, arbitration, or mediation, with the City and Borough to which the requested record
9 is relevant or could be relevant. If so, the requester shall be informed to make the request in
10 accordance with applicable court rules.
11

12
13 **01.70.050 Access to records, format.**

14 (a) The City and Borough shall not be required to manipulate data to create new records in
15 response to a request for public records, nor is it required to compile or summarize records in
16 response to a request for information.

17 (b) Except as provided by law, if the request is for a public record that contains confidential
18 information, the confidential information shall be masked or deleted before the record is
19 provided.
20

21 (c) Records will be made available in the format in which the City and Borough maintains
22 or disseminates records. Exact reproduction shall not be required, but any alteration of the
23 form or medium of the record must not change the substantive content of the information.
24

25 **01.70.060 Response to requests for public records.**

(a) All municipal officers and employees shall, consistent with the orderly conduct of

1
2 municipal business, make a good faith and diligent effort to provide a prompt response to
3 requests for inspection or copying of records.

4 (b) Requests will be responded to as staff time allows without interrupting the orderly
5 conduct of City and Borough business. The municipal clerk will make a good faith effort to keep
6 the requester apprised of the estimated time in which the response will be made.

7 (c) As soon as practicable and upon payment of any fee established under this chapter, the
8 municipal clerk shall furnish all requested records that are disclosable. If any of the records
9 are not disclosable, the requester shall be provided a written denial in accordance with CBJ
10 01.70.090.
11

12
13 **01.70.070 Fees for copying, production, and review.**

14 (a) *Copying fee.* The fee for copying public records may not exceed the applicable standard
15 unit cost established by the City and Borough of Juneau print shop. "Copying" includes paper
16 copies as well as the production of scanned PDF pages and the actual cost of paper, tapes,
17 microfiche, disks or other media used.

18 (b) *Review and production fee.* Except as otherwise provided, if the review and production
19 of records for one requestor in a calendar month exceeds five-person hours, the requestor must
20 pay all costs associated with the review and production of the records. The review and
21 production fee is the equivalent of the actual salary plus benefits for the time spent by City and
22 Borough staff to search, review, and copy the records. A "search" of records shall include, but is
23 not limited to, any computer programming work required to extract or copy electronically-
24 stored records. A "review" of records shall include the time spent to examine the records for the
25 purposes of determining whether the document is responsive to the request, and if so, whether

the document will be disclosed or withheld based on privilege, exemption, or other exception.

The production and review fee will be in addition to the copying fee.

(c) *Electronic services and products.* The fee for electronic services and products shall be based on recovery of the actual incremental costs of providing the electronic services and products, and a reasonable portion of the costs associated with building and maintaining the information system of the City and Borough.

(d) *Payment of applicable fees.*

(1) The requester shall pay all required fees before the records are disclosed, except the manager may waive this requirement in accordance with CBJ 01.70.080.

(2) The manager may require payment in advance of the review and production of records when the manager reasonably believes that the review and production will require more than five hours to complete and will generate a fee under this section that is not waivable under CBJ 01.70.080.

01.70.080 Waivers and reductions in fees.

(a) The fees required by this chapter may be reduced or waived by the city manager when

(1) The amount of the fee is \$5 or less;

(2) In the case of indigency; or

(3) If the manager finds the records or electronic services and products are to be used for a public purpose.

(b) Fee reductions and waivers shall be uniformly applied among persons who are similarly situated.

(c) *Fee reduction in the case of indigency.* If a person is unable to pay a fee and signs an affidavit on a form provided by the manager to that effect, the manager will waive all or part of the applicable fees in accordance with the table below. No waiver or reduction will be granted if the manager finds, based upon reliable information, that the affidavit of indigency was made fraudulently or in bad faith.

Annual gross income(from all sources in the prior year), as a percent of current Health and Human Services Poverty Guidelines for Alaska	Amount of Waiver
1 – 100%	100% waiver
101 – 149%	75%
150 – 174%	50%
175 – 199%	25%
200% plus	No waiver

(d) *Public purpose waiver or reduction.* A waiver or reduction of fees may be granted if the requester certifies, and the manager finds, that

- (1) The records are likely to contribute significantly to the public's understanding of the operations or activities of the municipality;
- (2) The records are not sought primarily for a purpose that is commercial or financial;
- (3) The records are not sought by or on behalf of a person involved in litigation, including any judicial or administrative proceeding, arbitration, or mediation, with the City and Borough in which the records are or could be relevant; or
- (4) The combined amount of all fees, including the amount of any waiver or reduction granted to the requester or to any other requesters acting in concert with the

requester in making requests for the same or related records, does not exceed \$500 during any period of 12 consecutive months.

01.70.090 Denial.

(a) A request for a public record that complies with this chapter may be denied only if

(1) The record is not known to exist after a diligent search is made for it;

(2) The record is not in the City and Borough's possession, and after a diligent search, where the record is to be found remains unknown or outside the City and Borough's control;

(3) The record has been destroyed in accordance with an applicable record-retention schedule; or

(4) Nondisclosure of the record is authorized by federal or state law or regulation.

(b) A denial under this section is a final administrative order for purposes of appeal. The denial must be in writing, must specify the specific ordinance, statute, regulation, or court decision that is the basis for the denial, and must briefly state the reason for the denial. A denial must further state that, as provided by AS 40.25.124, the requester may obtain judicial review by appealing the denial to the superior court.

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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

Presented by: The Manager
Introduced: June 26, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-09(AR)

An Ordinance Appropriating to the Manager the Sum of \$1,660 as Funding for Americorps Training; Grant Funding Provided by the State of Alaska, Department of Commerce, Community and Economic Development .

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 \$1,660 to support travel for one employee for Americorps Training activities.

Section 3. Source of Funds

Alaska Dept of Commerce, Community & Economic Dev: \$1,660

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: June 26, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(A)

An Ordinance Appropriating to the Manager the Sum of \$16,500 as Funding for the Library Department; Grant Funding Provided by the Friends of the Juneau-Douglas City Museum.

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 \$16,500 to expand hours of operation at the City Museum in FY18.

Section 3. Source of Funds

Friends of the Juneau-Douglas City Museum: \$16,500

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

Presented by: The Manager
Introduced: June 26, 2017
Drafted by: Finance

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-06(B)

An Ordinance Appropriating to the Manager the Sum of \$15,000 as Funding for the Juneau Public Libraries; Federal Grant Funding Provided by Arts Midwest.

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

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

Section 2. Appropriation. There is appropriated to the Manager the sum of \$15,000 to participate in the Big Read, an initiative of the National Endowment for the Arts (NEA) in partnership with Arts Midwest.

Section 3. Source of Funds

Arts Midwest : \$15,000

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:
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2792

A Resolution Dissolving the Fisheries Development Committee and Repealing Resolution No. 2751.

WHEREAS, the Fisheries Development Committee (FDC), designed to advise and assist the Assembly regarding all aspects of fisheries development and enhancement in the Juneau area, was created in 1985 as an ad hoc committee, and made a permanent, nine member committee in 1989 by Resolution No. 1399; and

WHEREAS, the FDC was reestablished with seven members in 2007 by Resolution 2418, and again in 2016 with five members by Resolution 2751; and

WHEREAS, given the ongoing membership and quorum challenges facing the FDC, the Human Resources Committee met with the FDC to consider the committee's future role and possible reorganization; and

WHEREAS, as a result of those discussions, the Human Resources Committee, at its meeting on February 13, 2017, directed a resolution dissolving the FDC be brought back to the Human Resources Committee for its consideration; and

WHEREAS, at its meeting on June 5, 2017, the Human Resources Committee approved forwarding the resolution to the Assembly for its consideration; and

WHEREAS, the Assembly appreciates the work done by the Fisheries Development Committee and the valued contributions made by its members.

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

Section 1. The Fisheries Development Committee is hereby dissolved.

Section 2. Repeal of Resolution. Resolution No. 2751 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

TO: Duncan Rorie Watt
City Manager

DATE: June 8, 2017

FROM: Renee Loree *Renee Loree*
Purchasing Officer

SUBJECT: RECOMMENDATION TO AWARD
Term Contract 18-015 for Juneau International Airport Runway Painting

Bids were opened on the subject project on June 2, 2017. Upon review of the specification the award posting occurred on June 5, 2017. The bid protest period expired at 4:30 p.m. on Tuesday, June 6, 2017. Results of the bid opening are as follows:

Bidder**Total Bid**

Specialized Pavement Marking, Inc.
Pacific Asphalt

\$132,044.92
\$248,828.73

Buyer: Shelly Klawonn, Senior Buyer
Funding Source: 560500301-5390/5490 – Airfield Maintenance Shop
Commitment: \$132,044.92 – These are FY18 PO funds to be issued on or after July 1, 2017.

With the concurrence of John Coleman, Administrative Officer II, the Purchasing Division recommends award to Specialized Pavement Marking, Inc. on the basis of having the lowest responsive and responsible bid price in the amount of \$132,044.92.

Approved: _____
Duncan Rorie Watt, City Manager

Date of Assembly Approval: _____





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

May 31 2017

City & Borough of Juneau

Attn: Beth McEwen

Via Email: beth.mcewen@juneau.org

Cc: City.Clerk@juneau.org

Re: Notice of 2017/2018 Liquor License Renewal Application

License Type:	Wholesaler-General	License Number:	4859
Licensee:	Southern Glazer's Wine & Spirits of Alaska		
Doing Business As:	Southern Wine & Spirits of Alaska		

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jedediah Smith".

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



Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17e: Wholesale

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

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing beverage dispensary – tourism license that will expire on December 31, 2016. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only needs to be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed.

Licensee:	Southern Glazer's Wine & Spirits of Alaska, LLC	License #:	4859
License Type:	Wholesale - General	Statute:	AS 04.11.160(a)
Doing Business As:	Southern Wine & Spirits of Alaska		
Premises Address:	5452 Shaune Drive - Bay 2		
Local Governing Body:	City & Borough of Juneau		
Community Council:	None		

Mailing Address:	1600 NW 163 Street Attn Tammy Love				
City:	Miami	State:	FL	ZIP:	33169

Enter information for the licensee who will be designated as the primary point of contact regarding this application and the license.

Designated Licensee:	Steven Becker		
Contact Phone:	305-625-4171	Business Phone:	305-625-4171
Contact Email:	stevenbecker@sgws.com, tammylove@sgws.com		

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





**Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17e: Wholesale**

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

Section 2 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 3.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

Section 3 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC). Partnerships may skip to Page 3. Sole proprietors should skip to Section 4.

Alaska DOC Entity #:	118548
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Alaska Division of Corporations:

Yes No

Is your entity in good standing with the Alaska Division of Corporations?

☒ ☐





**Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17e: Wholesale**

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

This subsection must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

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

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

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

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

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





**Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17e: Wholesale**

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

Section 4 – Authorization

Communication with AMCO staff:

Yes No

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

☒ ☐

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

Tammy Love - 305-627-1261 tammylove@sgws.com

Section 5 – License Operation

Check the box that best describes your liquor license operations in calendar years 2015 and 2016:

The license was regularly operated continuously throughout each year, for 8 or more hours each day.

☒

The license was regularly operated during a specific season each year, for 8 or more hours each day.

☐

The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.
If this box is checked, an AMCO employee will contact you after reviewing your application.

☐

The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years.
If this box is checked, an AMCO employee will contact you after reviewing your application.

☐

Section 6 – Convictions

Applicant convictions in calendar years 2015 and 2016:

Yes No

Has any person named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2015 or 2016?

☐ ☒

If "Yes", list all convictions:





**Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17e: Wholesale**

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

Section 7 – Certifications

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

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and if the licensee is an organized entity, that all current entity officials/stakeholders are listed with the Division of Corporations.

JB

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

JB

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

JB

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

JB

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 Alcoholic Beverage Control Board.

JB

I have submitted a completed Form AB-25: Supplier Certification for each distiller, brewer, vintner, or importer of each product line of alcoholic beverages that I have purchased or intend to purchase, offer for sale, or sell. Additionally, I have submitted as part of this application the required supplier fee, following the attached Supplier Fee Schedule.

JB

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Steven R. Becker / Executive VP-Treasurer
Printed name of licensee

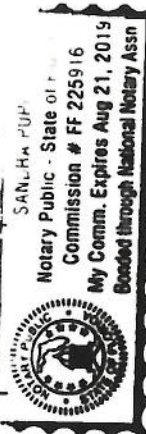
Signature of Notary Public

Notary Public in and for the State of Florida

My commission expires: 8/21/19

Subscribed and sworn to before me this 20 day of November, 20 14.

License Fee:	\$ 2000.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 2200.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Supplier Fee and Miscellaneous Fees:					\$2,000.00
GRAND TOTAL (if different than TOTAL):					\$4,200.00



SOUTHERN GLAZER'S WINE AND SPIRITS OF ALASKA, LLC
Member/ Affiliates of Member

Name	Title		Phone Number
Southern Glazer's Wine and Spirits-Pacific Northwest Holdings, LLC	Sole Member	1600 NW 163 Street Miami, FL 33169	305-625-4171
Wayne E. Chaplin	Chief Executive Officer	1600 NW 163 Street Miami, FL 33169	305-625-4171
Sheldon I. Stein	President	1600 NW 163 Street Miami, FL 33169	305-625-4171
Steven R. Becker	Executive Vice President, Treasurer & Compliance	1600 NW 163 Street Miami, FL 33169	305-625-4171
Lee F. Hager	Executive Vice President, Secretary & Administration	1600 NW 163 Street Miami, FL 33169	305-625-4171
Melvin A. Dick	Senior Vice President and President of Wine Division	1600 NW 163 Street Miami, FL 33169	305-625-4171
Brad I. Vassar	Executive Vice President, Chief Operating Officer	1600 NW 163 Street Miami, FL 33169	305-625-4171
Thomas A. Greenlee	Executive Vice President-Finance	1600 NW 163 Street Miami, FL 33169	305-625-4171



Presented by: The Manager
 Introduced: June 26, 2017
 Drafted by: Finance

TRANSFER REQUEST FOR THE CITY AND BOROUGH OF JUNEAU,
 ALASKA

SERIAL NUMBER T-988

It is hereby ordered by the Assembly of the City and Borough of Juneau, Alaska, that \$151,863 be transferred:

From: CIP

P46-100	Augustus Brown Pool HVAC	\$31,863
P44-086	AB Pool Short Term Repairs	\$120,000

To: CIP

P46-106	Augustus Brown Pool Covers	\$151,863
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The \$151,863 consists of:

F215	Sales Tax General	\$31,863
F215	Sales Tax Areawide	\$120,000

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: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-11

An Ordinance Amending the Land Use Code Relating to Wireless Communication Facilities Setback Requirements.

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 49.65.930 General requirements, is amended to read:

49.65.930 General requirements.

...

(f) *Setbacks.* Freestanding towers and appurtenant structures shall be subject to the setbacks described below:

(1) If the tower is not constructed using breakpoint design technology, the minimum setback distance from the nearest property line shall be equal to the height of the proposed tower.

(2) If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure or the minimum yard setback

requirements, whichever is greater. ~~For example, on a 100-foot tall freestanding tower with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the tower to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.~~ Certification by a professional engineer registered in the State of Alaska of the breakpoint design and the design's fall radius must be provided with the application.

(3) Any appurtenant structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

...

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

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

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-13

An Ordinance Amending the Waters and Harbors Code Relating to Coordination of the Docks and Harbors Board.

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 85.02.045 Coordination, is amended to read:

85.02.045 Coordination.

(a) The City and Borough Docks and Harbors Board shall, no later than November 30 each year, provide the assembly with a written review of docks and harbors department operations during the preceding fiscal year. The review shall include fee schedules, revenues by source, operating expenditures, customers served, and any recommended amendments to the Downtown Waterfront Development Plan. The manager shall review and comment on the recommendations.

(b) The board shall submit to the assembly committee of the whole at least semi-annually a report on port and harbor operations and pending issues.

(c) The assembly shall appoint a member to serve as liaison to the board.

(d) The board shall adopt safety policies acceptable to the City and Borough risk manager or such other officer as the manager may designate.

(e) In emergencies, the harbor shall, to the extent necessary to resolve the emergency, be under the control of the fire chief or such other officer as the manager may designate.

(f) ~~The board shall submit all security plans to the manager for review and approval prior to submittal to the United States Coast Guard.~~ Reserved.

Section 2. 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. 2017-16

An Ordinance Amending the Land Use Code Relating to Alternative Development Overlay Districts.

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

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

Section 2. Amendment of Chapter. Title 49, Chapter 70 is amended by adding a new article XII to read:

ARTICLE XII. ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT

49.70.1200 Purpose.

The purpose of the Alternative Development Overlay District is to provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This article is intended to provide for the development of housing, preserve the character of neighborhoods, and promote the restoration of blighted buildings.

49.70.1210 Overlay Districts.

(a) *Downtown Juneau Overlay District.* This article applies to property within the Alternative Development Overlay District for Downtown Juneau as shown on the map dated May 25, 2017. The Downtown Juneau Overlay District shall cease to exist and the provisions

1
2 of this article shall not apply to property within the Downtown Juneau Overlay District after
3 August 1, 2019.

4 (b) *Downtown Douglas Overlay District.* This article applies to property within the
5 Alternative Development Overlay District for Downtown Douglas as shown on the map dated
6 May 25, 2017. The Downtown Douglas Overlay District shall cease to exist and the provisions
7 of this article shall not apply to property within the Downtown Douglas Overlay District after
8 August 1, 2020.
9

10 **49.70.1220 Relationship to Existing Zoning.**

11 This article applies only to allowed residential uses in the Alternative Development Overlay
12 District. This article provides an alternative development process in addition to the underlying
13 zoning regulations. An alternative development permit does not exempt a developer from
14 obtaining all other required permits.
15

16 **49.70.1230 Alternative Development Procedure.**

17 (a) *Alternative Development Permit.* The board of adjustment shall hear all applications
18 pursuant to this article.
19

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

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

(d) *Director's review procedure.*

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

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

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

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

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

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

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

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

(e) *Review of director's determinations.*

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

(A) Whether the proposed development is appropriate according to the Alternative Development Overlay District;

(B) Whether the application is complete; and

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

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

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

(1) Materially endanger the public health or safety;

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

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

49.70.1240 Alternative Development Requirements.

The board of adjustment may reduce the following requirements of the Table of Dimensional Standards, 49.25.400, for development of new residential buildings, and the expansion, restoration, or repair of existing residential buildings. The term residential building includes accessory structures.

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

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

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

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

(c) *Vegetative Coverage.* A lot within the overlay shall maintain 15% vegetative coverage.

Section 3. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

...

(10) Board of adjustment.

- (A) De minimis variance, \$120.00;
- (B) Variance other than a de minimis variance, \$400.00.
- (C) Alternative development permit, \$400.00.

...

Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

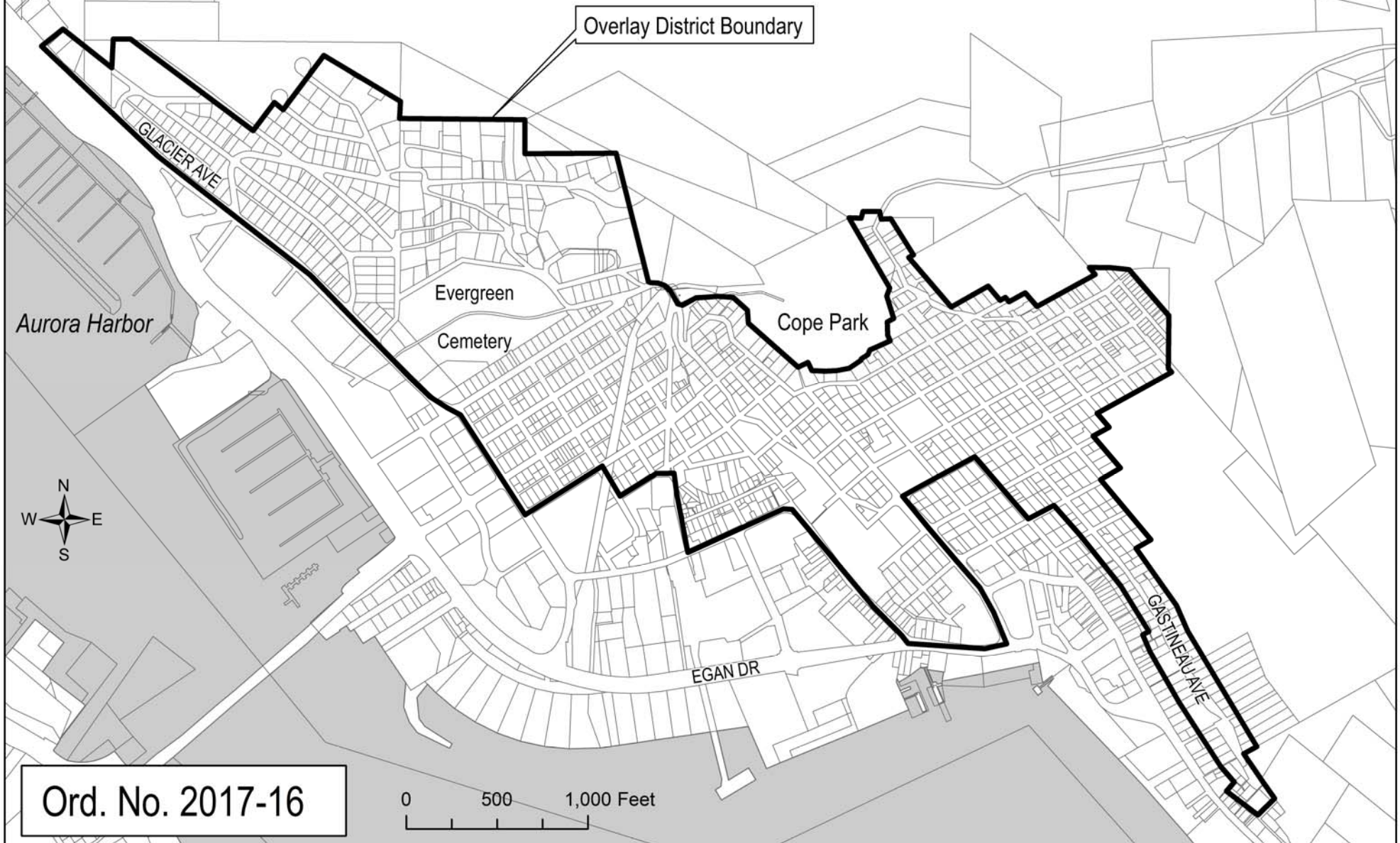
Adopted this _____ day of _____, 2017.

Attest: _____
Kendell D. Koelsch, Mayor

Laurie J. Sica, Municipal Clerk

Alternative Development Overlay District for Downtown Juneau

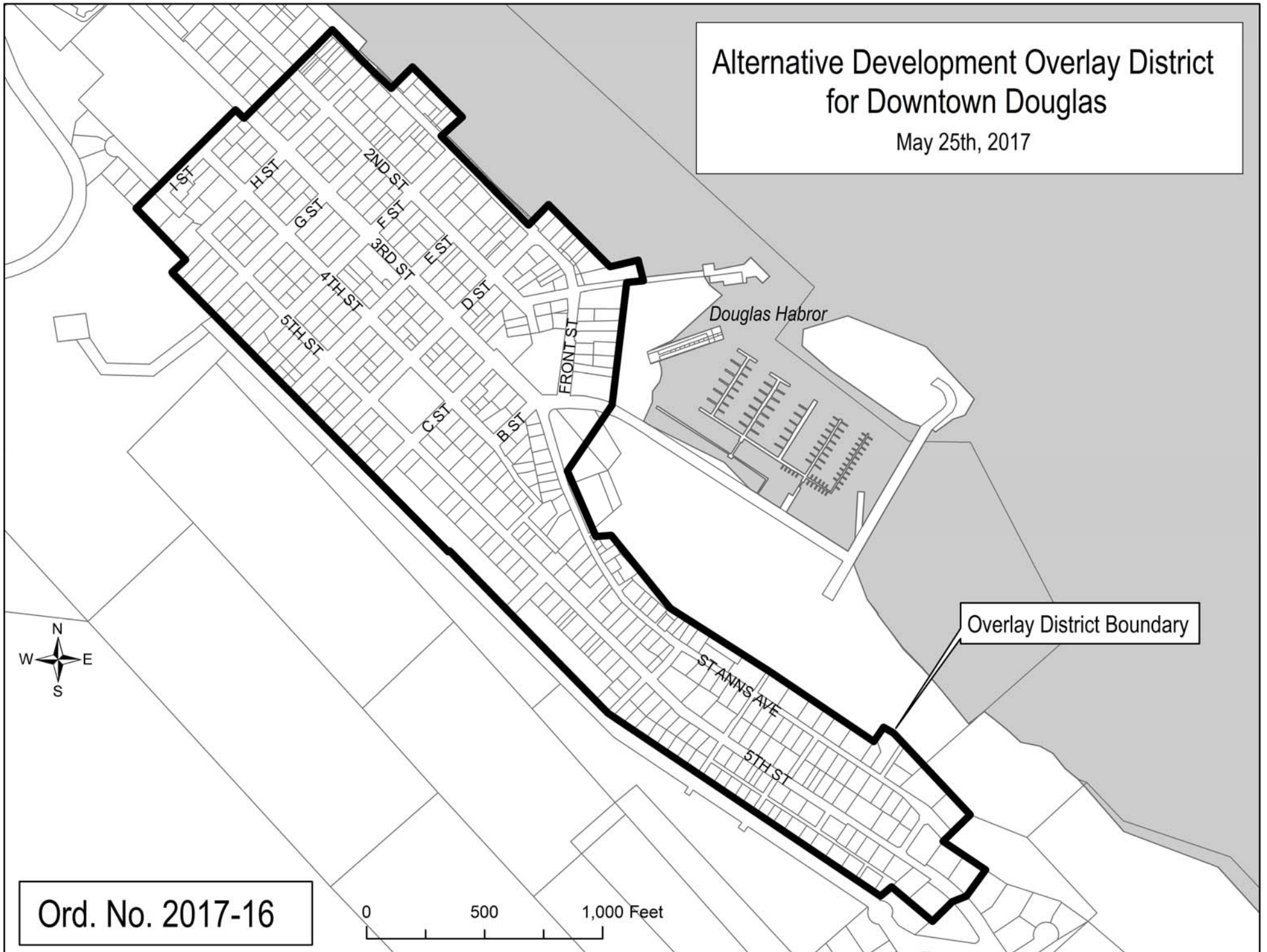
May 25th, 2017



Ord. No. 2017-16

Alternative Development Overlay District for Downtown Douglas

May 25th, 2017



Ord. No. 2017-16



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

DATE: May 11, 2017

TO: Planning Commission

FROM: Jill Maclean, AICP Senior Planner
Community Development Department

A handwritten signature in black ink, reading 'Jill Maclean', is positioned to the right of the 'FROM:' field.

FILE NO.: AME2017 0008 and 0009

PROPOSAL: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Juneau and Douglas neighborhoods.

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 – Public Notification for AME2017 0008 and 0009

Attachment B – Ordinance Language ADOD for Downtown Juneau

Attachment C – Ordinance Language ADOD for Downtown Douglas

Attachment D – Map of ADOD for Downtown Juneau, dated May 10, 2017

Attachment E – Map of ADOD for Downtown Douglas, dated May 10, 2017

DISCUSSION

Downtown Juneau and Downtown Douglas were predominantly built by miners and fishermen as dense villages. Modern day zoning does not appropriately reflect this history, nor does it ensure the preservation of the character of these historic neighborhoods.

The current zoning districts do not support the community's vision for downtown Juneau and Douglas as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan. The current zoning does not provide sufficient standards for new residential development, or the expansion, rehabilitation, or restoration of existing residential dwellings.

An Alternative Development Overlay District (ADOD) provides CBJ staff adequate time to draft new zoning standards that fit the individual neighborhoods, while providing the Planning Commission with the flexibility to work with property owners to permit appropriate residential

Planning Commission
 File No.: AME2017 0008 and 0009
 May 11, 2017
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development projects. The proposed Alternative Development Overlay District provides flexibility to permit new residential development, or the expansion, repair, or restoration of existing residential development.

PURPOSE

The purpose of the Alternative Development Overlay District is to provide adequate minimum standards and procedures for the construction of new residential buildings and rehabilitation of existing residential buildings, while providing time to implement new zoning regulations. This article provides for the development of housing, preserves the character of neighborhoods, and promotes the restoration of blighted buildings.

A benefit of an Alternative Development Overlay District is that it improves predictability and clarity for property owners, the Planning Commission, and CBJ staff by better defining the process and standards for development activities for residential uses within the downtown areas.

The Alternative Development Overlay Districts provide the Planning Commission flexibility in addressing setbacks, lot coverage, and vegetative coverage for residential buildings within the overlay boundaries.

SUNSET PROVISION

Alternative Development Overlay Districts are temporary and include sunset provisions. For the purposes of these ordinances, the recommended sunset dates are as follows:

1. AME2017 0008 Downtown Juneau:
 - a. The Alternative Development Overlay District Downtown Juneau sunsets in 24 months from the date of adoption. Downtown Juneau is slated for an area plan/strategy over the next two years, and the ADOD supports this process and timeframe.
2. AME2017 0009 Downtown Douglas:
 - a. The Alternative Development Overlay District Downtown Douglas sunsets in 36 months from the date of adoption. Downtown Douglas area planning is further in the future, thus the ADOD for Douglas is given a longer timeframe to better support the needs of the property owners in the interim.

PROPOSED BOUNDARIES

1. AME2017 0008 Downtown Juneau
 Downtown Juneau's boundary encompasses the historic neighborhoods of the Highlands, Telephone Hill, Chicken Ridge, Casey Shattuck, Starr Hill, and Gastineau Avenue (see Attachment D – Map of ADOD for Downtown Juneau, dated May 10, 2017).

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2. AME2017 0009 Downtown Douglas

Downtown Douglas' boundary encompasses the historic neighborhood of downtown Douglas (see Attachment E – Map of ADOD for Downtown Douglas, dated May 10, 2017).

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed Alternative Development Overlay Districts as discussed in this report and attached documents comply with the Comprehensive Plan:

Chapter 3: Principles for Creating Livable Mixed Use Communities.

Design on a Human Scale

Compact, pedestrian-friendly communities (emphasis added) allow residents, workers and visitors to walk to shops, services, cultural venues, and jobs, reduce traffic congestion and improve people's health. Commercial space should face the street and should mimic a traditional Main Street development pattern with clear display windows, multiple entrances, all weather canopies and seating areas. There should be no blank walls facing public streets or walkways. Parking should be provided in the rear of structures with access roadways limited to side streets. Pedestrian pathways should be well-lit and protected from rain and snow.

Provide Choices

People want variety in housing styles and size (emphasis added) and want conveniently accessible shopping, recreation, entertainment, transportation and employment. A variety of pedestrian-friendly uses creates dynamic neighborhoods and accommodates residents in different stages of their lives. Residential densities should be a minimum of 10 dwelling units per gross acre of land within the development with higher densities of 30 to 80 units per acre encouraged. These densities facilitate the efficient provision of frequent transit service, convenient shops and services, affordable development, and help create a vibrant street life.

Adapt to Urban Centers

Take advantage of the presence of adequate municipal water and sewer services, other utilities, roads and infrastructure by pursuing in-fill development on vacant land within the urban service area, adaptive re-use of vacant buildings and/or redevelopment of underutilized or older, obsolete buildings. In-fill and redevelopment structures should respect the overall character of the existing neighborhood (emphasis added), although building heights and densities will be

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greater. New developments should provide vehicular, pedestrian and viewshed connectivity to adjacent established neighborhoods.

Chapter 3 – Community Form

Policy 3.2: TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE BOUNDARY 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 Procedure

3.2 - SOP3 Establish specific policies and land use categories and land use map designations for the full range of needed land uses and activities with an emphasis on compact development of commercial and residential uses along express (fast service to distinct destinations) public transit corridors.

Chapter 4 – Housing

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.

POLICY 4.4. TO FACILITATE THE PRESERVATION AND REHABILITATION OF EXISTING HOUSING, PARTICULARLY HOUSING AFFORDABLE TO LOW- INCOME RESIDENTS.

POLICY 4.7. TO ENCOURAGE PRESERVATION OF RESIDENTIAL STRUCTURES THAT ARE ARCHITECTURALLY AND/OR HISTORICALLY SIGNIFICANT TO THE CBJ AND WHICH CONTRIBUTE TO THE HISTORIC AND VISUAL CHARACTER AND IDENTITY OF THE NEIGHBORHOOD.

Implementing Action

4.7 - IA2 In developing new zoning or development standards in areas with concentrations of historic structures, ensure that relaxed standards, such as higher building heights, do not induce a property owner to demolish the historic structure in favor of a larger structure or development.

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

Development Guideline

4.8 - DG1 When reviewing rezoning applications within the Urban Service Area, higher densities than are found on adjacent or surrounding properties should be

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 Page 5 of 6

deemed consistent and harmonious with the character of the neighborhood, provided that the overall scale and massing of the new development is compatible with the neighborhood and the siting and/or design of the new structure(s) assures the privacy, light and air of its neighbors.

Chapter 10 – Land Use

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.

Implementing Action

10.2 - IA2 Review the existing multifamily zoning districts along transit corridors to increase density limits, reduce parking requirements for residential units, decrease lot sizes, and to allow a wider range of housing types including modular or manufactured homes, accessory apartments, live/work units, loft-style dwellings, and co-housing types (emphasis added).

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 10.6: TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY.

Implementing Action

10.6 - IA1 Continue existing incentives and develop additional incentives to encourage and reward excellence in site design and provision of amenities or facilities, particularly those related to preservation of natural terrain and vegetation, building orientation to maximize energy efficiency and privacy, and screening the parking in medium-to-high density developments. These incentives may include lower permit fees and/or permit expediting services (emphasis added).

Sub-Area 6: Juneau (Comp Plan Maps K, M, & N)

Guidelines and Considerations for Subarea 6:

1. Preserve the scale and densities of the older single family neighborhoods in the downtown area, including the Casey-Shattuck “flats” and Star Hill historic districts, Chicken Ridge, Basin Road, Mt. Maria, the Highlands, and the higher density apartments and homes in the vicinity of the Federal Building.
2. Encourage the retention of existing dwelling units in or near the older residential neighborhoods to avoid exacerbating traffic and parking congestion and to preserve the privacy and quiet of those neighborhoods.

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COMPLIANCE WITH TITLE 49

Title 49 has been examined, and it is determined that the proposed ordinance complies with the Code. Specifically, the ordinance language states that it supplements the existing code (the underlying zoning remains) and that an alternative development permit does not exempt a developer from obtaining all other required permits, such as a conditional use permit for an accessory apartment on a substandard lot, or a parking waiver if a parking reduction is needed.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan. Additionally, this change would not create any internal inconsistencies with any plans or codes, providing the amendments stated above are approved.

RECOMMENDATIONS

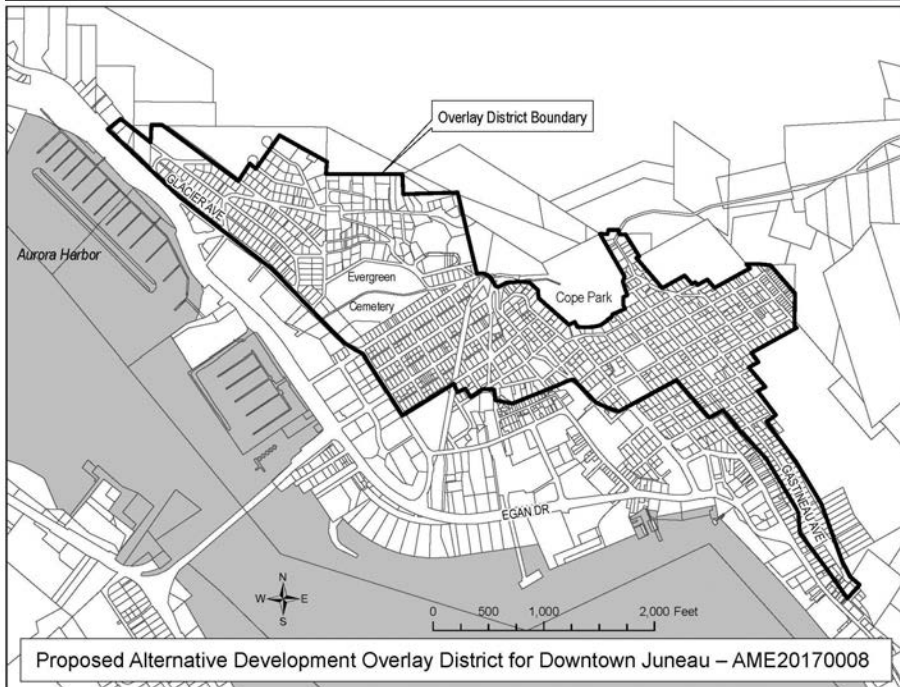
AME2017 0008 DOWNTOWN JUNEAU STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward the draft text amendments and Alternative Development Overlay District map to the Assembly with a recommendation for approval.

AME2017 0009 DOWNTOWN DOUGLAS STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward the draft text amendments and Alternernative Development Overlay District map to the Assembly with a recommendation for approval.

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

PROPOSAL: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Juneau neighborhoods.

The overlay provides flexibility to work with property owners to permit new residential development or the expansion, repair, or restoration of existing residential development.

File No:	AME2017 0008	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Location:	Downtown Juneau
Hearing Date:	May 23, 2017	Hearing Time:	7:00 PM
Place:	Assembly Chambers, Municipal Building 155 South Seward Street, Juneau, Alaska 99801		

PLEASE NOTE:

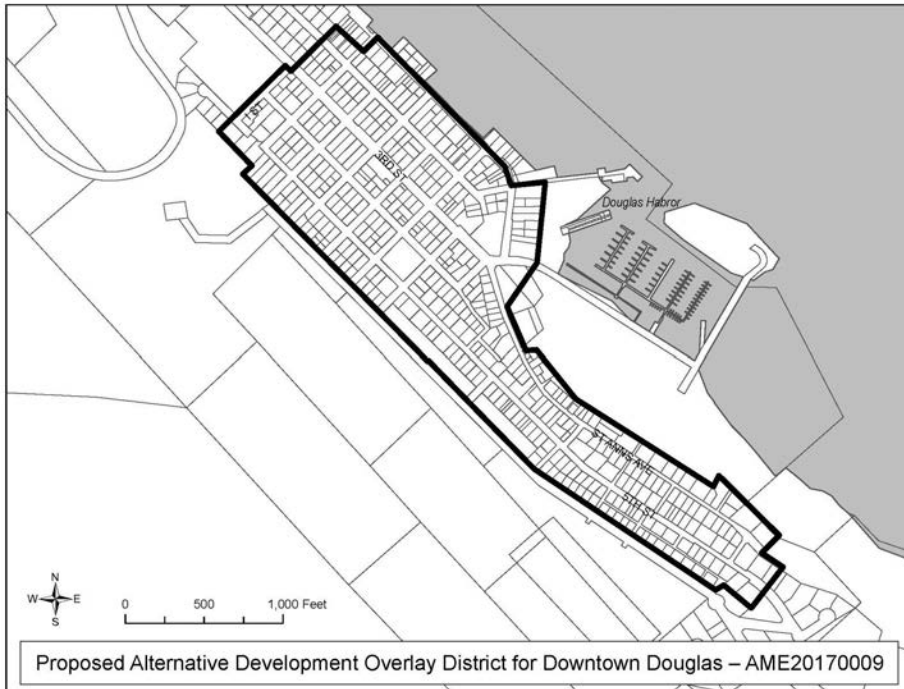
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Jill Maclean at jill.maclean@juneau.org or (907) 586-0756.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

PROPOSAL: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Douglas neighborhoods.

The overlay provides flexibility to work with property owners to permit new residential development or the expansion, repair, or restoration of existing residential development.

File No:	AME2017 0009	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Location:	Downtown Douglas
Hearing Date:	May 23, 2017	Hearing Time:	7:00 PM
Place:	Assembly Chambers, Municipal Building 155 South Seward Street, Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Jill Maclean at jill.maclean@juneau.org or (907) 586-0756.

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(Sections 1-4 would be created in Article XX in 49.XX)

Section 1. – Alternative Development Overlay District.

1A. Purpose. The purpose of the Alternative Development Overlay District is to provide adequate minimum standards and procedures for the construction of new residential buildings and rehabilitation of existing residential buildings, while providing time to implement new zoning regulations. This article provides for the development of housing, preserves the character of neighborhoods, and promotes the restoration of blighted buildings.

1B. Location. There is adopted for the purpose of defining the Alternative Development Overlay District in the City and Borough, Alternative Development Overlay District Downtown Juneau Map, dated May 10, 2017, as the same may be amended from time to time by the assembly by ordinance.

1C. – Sunset Provision. This article shall terminate 24 months after adoption.

Section 2. Relationship to Existing Zoning. This article applies only to allowed residential uses in the Alternative Development Overlay District. This article provides an alternative development process that supplements the underlying zoning regulations. An alternative development permit does not exempt a developer from obtaining all other required permits.

Section 3 – Alternative Development Planning Procedure.

3A. Alternative Development Permit. The board of adjustment shall hear all applications pursuant to this article.

3B. Pre-application conference. Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the alternative development permit procedure. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this article shall be provided to the developer at the conference.

3C. Submission. The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.

3D. Director's review procedure.

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

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

(3) The director shall forward the application to the board of adjustment together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in section 3E.1.

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

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

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3E. Review of director's determinations.

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

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Alternative Development Overlay District-- Downtown Juneau – 05-10-17

93 buildings. The term residential building includes an accessory structure for any parking
94 space.

95 **4A. Setbacks.** No part of any residential building may be erected closer to the property
96 line than (i) the average setback of residential buildings within a 150 foot radius as
97 determined by the director, or (ii) the footprint of the existing residential building. No
98 encroachment into the public right-of-way or on adjacent property shall be permitted.

99 **4F. Lot Coverage.** Residential lots within the overlay shall not exceed 75% lot
100 coverage.

101 **4G. Vegetative Coverage.** Residential lots within the overlay shall maintain 15%
102 vegetative coverage.

103 **Section 5. Fee.** The fee for an alternative development permit shall be \$400. (Create
104 49.85.100(10)(C))

Alternative Development Overlay District-- Downtown Douglas – 05-10-17

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Alternative Development Overlay District-- Downtown Douglas – 05-10-17

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Alternative Development Overlay District
for Downtown Juneau

May 10th, 2017

Overlay District Boundary

GLACIER AVE

Aurora Harbor

Evergreen

Cemetery

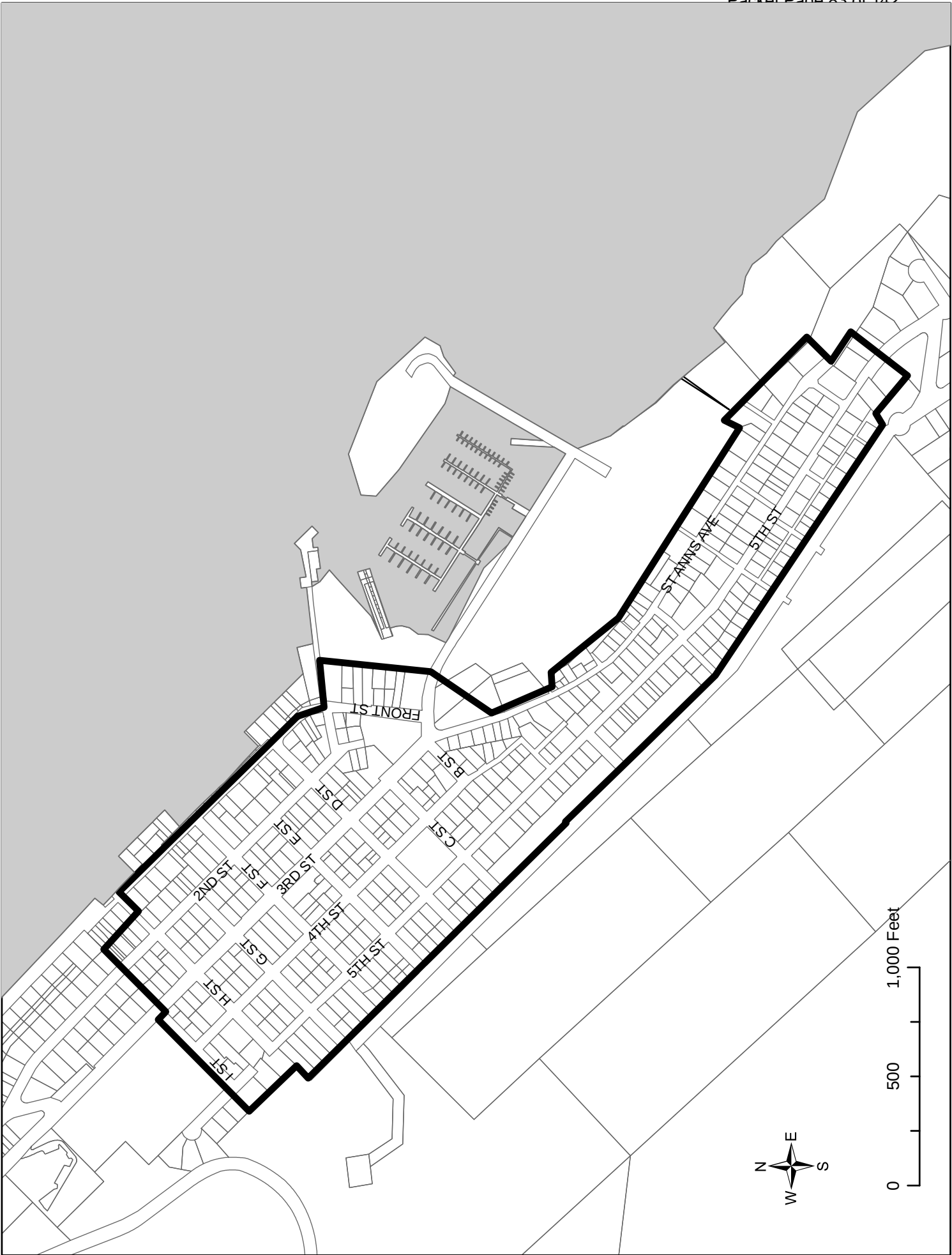
Cope Park

GASTINEAU AVE

EGAN DR



Attachment D - ADOD Map, Juneau



Attachment E - ADOD Map, Douglas

Roll Call Vote:

Yeas: Hickok, Miller, Voelckers, LeVine, Greene, Dye, Haight

Nays:

The motion passed by unanimous vote.

AME2017 0008: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Juneau neighborhoods.

Applicant: City and Borough of Juneau

Location: Downtown Juneau

Commission Member Disclosures

Mr. Miller said there was a variance request before the Commission a few weeks ago in which he needed to recuse himself since he may be constructing the house for the applicant for that variance. The location of that home is in the downtown neighborhood covered by this text amendment, he noted. He discussed this situation with the City Attorney because if the text amendments were to pass that his clients could feasibly benefit from that action. The City Attorney said that since this is for an entire neighborhood where all would receive the same benefits, that his remaining on the Commission for these text amendments would not be in conflict, he said.

Mr. LeVine noted that he owns a home which would potentially be affected by these text amendments, and for all the reasons listed by Mr. Miller, Mr. LeVine said he felt satisfied that he did not have a conflict either.

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendments and Alternative Development Overlay District map to the Assembly with a recommendation for approval.

AME2017 0009: Text amendment to revise Title 49 to create a temporary zoning overlay district for downtown Douglas neighborhoods.

Applicant: City and Borough of Juneau

Location: Downtown Douglas

Staff Recommendation

Staff recommends that the Planning Commission forward the draft text amendments and Alternative Development Overlay District map to the Assembly with a recommendation for approval.

Ms. Maclean told the Commission that the downtown Juneau and Douglas areas were predominantly built by miners and fishermen in dense villages. Current zoning does not appropriately reflect this history, she said, nor does it ensure the preservation of the character of these historic neighborhoods.

The current zoning districts do not support the community's vision for downtown Juneau and Douglas as walkable, compact neighborhoods, as described in the 2013 Comprehensive Plan, said Ms. Maclean. The current zoning does not provide sufficient standards for new residential development, or the expansion, rehabilitation, or restoration of existing residential dwellings, she said. The variance process has changed, noted Ms. Maclean, and it is no longer as flexible as it used to be. A new tool has become necessary, she said. The Planning Commission created an ad hoc committee to address these issues, and the committee with CDD staff and representatives from the Law Department met on May 3, and May 8, (2017) said Ms. Maclean.

The committee chose to develop an Alternative Development Overlay District for downtown Juneau and the town of Douglas, said Ms. Maclean. These overlay districts are temporary, providing specific zoning controls in a defined area of the City where the existing zoning does not provide sufficient standards for the area's current activities, said Ms. Maclean. An overlay district may supplement or supersede an area's zoning, and may include guidelines, she noted.

By using the descriptive word "supplement", that means the underlying zoning stays in effect and is always an option. The Alternative Development Overlay District is simply adding more options for the Commission to review. It does not mean that the more restrictive of the two would apply, she said. This is only for residential uses, noted Ms. Maclean. The purpose of this is to provide time to implement new zoning regulations, providing the development of housing while the permanent zoning is developed, said Ms. Maclean.

The Alternative Development Overlay Districts are to provide the Planning Commission with three items, said Ms. Maclean:

1. Setbacks
2. Lot coverage
3. Vegetative coverage

This will not speak to height, use, density, or any other regulations within Title 49, said Ms. Maclean.

There is one distinguishing difference between the two overlay districts, noted Ms. Maclean. That is the Sunset Clause, providing Juneau with a Sunset Clause of 24 months, and downtown Douglas with the Sunset Clause of 36 months. Other than boundaries, the Sunset Clause is the only difference between the two overlay districts, said Ms. Maclean.

Ms. Maclean indicated on a map the boundaries for the Alternative Development Overlay Districts. Downtown Juneau's boundary encompasses the historic neighborhoods of the High lands, Telephone Hill, Chicken Ridge, Casey Shattuck, Star Hill, and Gastineau Avenue, noted Ms. Maclean. The commercial district on South Franklin is not included since that is primarily commercial, said Ms. Maclean. The Alternative Development Overlay District for downtown Douglas encompasses the historic neighborhood of downtown Douglas, excluding the newer home development which begins past Savikko Park, she said.

The Commission needs to make some decisions on these text amendments, said Ms. Maclean. The first item is to decide where this article would be placed if approved within Title 49. There is discussion that it could be in variances and appeals or if it belonged in specified use areas, she said. The staff recommends that it be placed within the specified use areas of the Title, she noted. The staff felt it would be best to keep this separate and distinct from variances, said Ms. Maclean.

Commission Comments and Questions

Mr. Miller asked if a property owner did not fall within the boundaries and yet met the distinction of being a historical home if there would be a mechanism to include it at a later time.

The boundaries can be modified, said Ms. Maclean, but that would have to be approved by first the Commission and then the Assembly.

Chairman Haight asked if the process would be the same as for zone changes.

Mr. LeVine asked for a brief summation as to how the boundaries were formulated.

Ms. Maclean explained that the historic district maps were used as the base and that the cartographer within the department assisted with formulating those boundaries, including any historical residences that he noted.

Mr. Voelckers stated he noticed that the homes on Telephone Hill were not included within the boundary. He noted there are several historical properties on that ridge which probably have very similar setback issues to other properties within the boundary. There are also three or four older homes behind the Andrew Hope building adjacent to the Willoughby District, he noted, which are not included within the Juneau boundary.

Ms. Maclean stated they may not have thought of including Telephone Hill.

Regarding the older homes behind the Andrew Hope building, Ms. McKibben said there are

two types of land status within the Village; there are restricted deed properties which the City does not permit, and there is the property which is owned out right which she understands may be created in a trust by the Tlingit and Haida Central Council. In that case, it would probably not be eligible to be permitted by the City, she added.

Mr. Voelckers stated that it appeared not to be a problem to include Telephone Hill within the boundary.

An alternative development permit does not exempt the builder from obtaining all of the other required permits, said Ms. Maclean. Obtaining an alternative development permit would go before the Board of Adjustment, said Ms. Maclean. The term “residential buildings” includes an accessory structure for any parking space, said Ms. Maclean. They would appreciate feedback from the Commission on what buildings could be included under accessory structures, said Ms. Maclean. They felt garages would fall under accessory structure as well as greenhouses and sheds and other types of structures which may fall under these guidelines, explained Ms. Maclean.

Four A of the proposed amendment speaks to the setbacks, said Ms. Maclean. “No part of any residential building may be erected closer to the property line than (i) the average setback of residential buildings with any 150-foot radius as determined by the Director, or (ii) the footprint of the existing residential building. No encroachment into the right-of-way or an adjacent property shall be permitted.”

Ms. Maclean repeated that the applicant would always be able to comply with the underlying zoning, or to seek a variance rather than pursue the Alternative Development Overlay District option.

Four B (incorrectly written as ‘4F’) speaks to the lot coverage, said Ms. Maclean; “Residential lots within the overlay shall not exceed 75 percent lot coverage.”

Four C (incorrectly written as ‘4G’) addresses vegetative coverage; “Residential lots within the overlay shall maintain 15 percent vegetative coverage.”

The average lot coverage is 34 percent, said Ms. Maclean. The median is 32 percent, she noted, and the outliers consisted of one lot having 10 percent coverage and another lot having 89 percent coverage, she noted.

Encroachment on other properties would not be allowed, she said.

Mr. Dye asked what would happen if an existing lot footprint was 80 percent of the lot coverage. He asked if the 75 percent lot maximum would still apply.

Ms. Maclean said if they wanted to rebuild on the exact existing footprint than it could be whatever that existing footprint was, and if it was 80 percent they could build up to 80 percent upon an existing footprint.

The staff proposes that the alternative development fee be \$400, which is the same as for a variance, noted Ms. Maclean.

The Alternative Development Overlay District complies with the Comprehensive Plan, said Ms. Maclean, specifically Chapter 3 on creating mixed use communities. It speaks to creating compact, pedestrian friendly communities, she said. It addresses a variety of houses, styles and sizes, she noted. This amendment speaks specifically to Chapter 4 of the Title under "housing" to facilitate the preservation and rehabilitation of existing housing, said Ms. Maclean.

The Comprehensive Plan addresses Sub – Area Six, which is Juneau, said Ms. Maclean. It calls for preserving the scale and the density of the older single-family neighborhoods in the downtown area, she read. It also states its purpose is to preserve the existing dwelling units in or near the older residential neighborhoods, she said.

Ms. Maclean repeated that the Commission needs to decide where this Alternative Development Overlay District should reside within Title 49, the maximum lot coverage, which the staff now recommends at 60 percent, and the minimum vegetative coverage is proposed at 15 percent, as recommended by both the staff and the ad hoc committee, said Ms. Maclean. The Commission also needs to decide if accessory structures would be included, she said.

The staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan, said Ms. Maclean. Also this change would not create any internal inconsistencies with any plans or codes, providing the amendments stated above are approved.

Mr. LeVine asked why the word "supplement" was used, stating that he found it confusing. He stated, "This article provides an alternative development process that may be used as an alternative to the underlying zoning regulations." Mr. LeVine stated that to him this was an unambiguous statement whereas when read with the word supplement it sounded like "in addition to" rather than as an "alternative to..."

Ms. Maclean said she saw no problem with that change to the verbiage.

The zoning overlay district for downtown would still be subject to public hearings, noted Ms. Maclean.

Referring to 4A, Setbacks, Mr. LeVine noted that it should perhaps be more clear that not all of the setbacks together would be averaged, but that front would be averaged with front, side to side, and rear to rear yard setbacks.

Public Comment

Thea Howard, a resident of the historic district in Juneau, said that her property would be affected by this decision, as would the property of many of her neighbors. She said she wondered what the real reason was for enacting these text amendments. Ms. Howard said it seemed to her that there is already an existing set of rules in which the Commission may function.

Ms. Howard noted that when someone came before the Commission and wants to do something outside of the rules, that the Commission just decides to change the rules to accommodate the applicant.

Maintaining the historical neighborhood is extremely important for the community, and it is what attracts visitors to Juneau every year, noted Ms. Howard. Ms. Howard asked how many properties would be affected by these proposed text amendments. She said she bet they could be counted upon one hand. Ms. Howard said she did not want to discourage people from fixing up their property within the historical district, but that she was not sure that changing the rules was the answer. There are already rules in place which enable the Planning Commission or the Board of Adjustment to look at requests on a case-by-case basis, said Ms. Howard.

Mr. Voelckers explained to Ms. Howard that the ability of historical home owners to fix up their property has been based upon aspects of the variance in the past which are no longer open to them. He said that is why they are considering the Alternative Development Overlay District while they consider further zoning changes to better represent the district. He said the text amendments are to accomplish exactly what Ms. Howard is supporting, so he was surprised to hear from her that this is not constructive.

Ms. Howard responded by saying that these text amendments would enable people to construct "McMansions". She said that is what the variance the Commission denied a few weeks ago was about; a big home, on a small lot. She said that is what these text amendments would allow. She said when larger properties were constructed to tower over smaller properties, that changes the flavor of the neighborhood. She said she did not feel it was the Commission's role to change the rules of for a few individuals. She said she felt the Commission's role was to review and analyze requests on a case-by-case basis. She said the variance already provides the process to do that.

Mr. Miller said that he agrees completely that the variance process is what has been used in the past, and very successfully. However, said Mr. Miller, recently the variance has been hamstrung by some rulings coming out of an Assembly appeal decision with guidance from the

Law Department. Now, said Mr. Miller, there is not a process for Commission review on certain variance requests which in the past was a good process. This is the fix, said Mr. Miller, so that variances aren't required anymore.

Mr. Dye said the Alternative Development Overlay District process is based upon the Conditional Use Permit process. An applicant choosing this process would still have to demonstrate why, still come before the Commission, and public notice would still be given, said Mr. Dye.

Ms. Howard said the historic character of the neighborhood will not be promulgated if the Commission allowed huge houses to be erected.

Dennis Harris, a resident of the Juneau historical district, said he did not see why this issue would be going before the Board of Adjustment, which he thought dealt with tax issues, instead of the Planning Commission. (*"...a strict application of the zoning standards may produce an especially difficult and unreasonable burden for a property owner. **In those cases the Planning Commission, sitting as the Board of Adjustment, may grant a variance to dimensional or design standards so that an individual lot owner can enjoy the same granted rights as others.**"*)¹

Mr. Harris said the proposed text amendments do not solve one of the problems of those who live in the original townsite. The original surveying for the area was one degree off, said Mr. Harris. For those who want to buy or sell one of those properties extensive title searching is necessary, and lengthy explanations must be given to banks, especially if they are not located in Juneau, said Mr. Harris. He said the original townsite plat needs to be replatted. That would solve some of the issues, he said.

Mr. Fanning said he was before the Commission this evening representing his wife and several other residents within the area. He said he has a home on Sixth Street which is a triplex. They are having trouble selling the triplex, said Mr. Fanning. He said it is zoned D-5, for a single family dwelling with an apartment. The appraiser will not appraise the dwelling because it is within a single family D-5 zone, he said. He cannot appraise it as a single family dwelling because it has three stoves, said Mr. Fanning. Therefore, they are stuck, and they cannot sell this piece of property, he said.

They are generally in favor of the overlay district, said Mr. Fanning. He said he does take note of homes on certain streets which are right next to each other which are not 60 percent of the lot size. Having 15 percent vegetative coverage for some property within the star Hill area would be very difficult, he said. He said it is his understanding that if a house were to burn down, in order to reconstruct, it would have to meet all of the provisions within the code for a new dwelling. If the residence was constructed on a nonconforming lot then in order to meet

¹ Community Development Department: Web site: www.juneau.org/permits

the code it would have to be reconstructed to a size smaller than its original size, said Mr. Fanning.

Chairman Haight noted that he has been hearing a reoccurring question during public testimony. The purpose of these text amendments is to use an intermediary measure while they review how well this supplemental regulation works, and to give the staff and Commission the opportunity and the time to build a new zoning regulation that better fits these areas.

Ms. Maclean stated that if a home had to be rebuilt due to a fire, the text amendments as they stand today would allow the home to be rebuilt within its existing footprint, if it is an allowed residential use. In this instance, with the residence being a triplex, the owner would have to prove an allowed, legal use for the third unit, she said. Otherwise, she said, the home could be rebuilt as a duplex with a Conditional Use Permit utilizing the same footprint as the original structure.

If the house were to burn down, the footprint would not be affected, but the structure would need to be in alignment with the existing use, said Mr. LeVine.

Mr. Miller said that issues such as what Mr. Fanning is experiencing with his lot are very important and that perhaps it could be Incorporated into the new zoning overlay which in two years would replace the temporary Alternative Development Overlay District.

Juneau resident Sean Eisele said this was not planned but that he is the individual who is trying to buy Mr. Fanning's dwelling. He said as far as they can tell, the Fanning triplex was built as such before there were any zoning laws. Across the street, still in D-5 zoning, is a four plex, said Mr. Eisele. To purchase the house, he needs a multi-family loan, said Mr. Eisele. However, the bank will not lend because the dwelling is not zoned for a multi-family residence, he said. Mr. Eisele said the City said that it would not be allowable to rebuild as a duplex. The City's logic is if the house was changed during this temporary Alternative Development Overlay District, it would mean the house may not be rebuilt if something happened to it, he said. Therefore, it may not qualify for a loan under this temporary amendment, he said.

The Triplex should be able to be constructed if it burned down as the duplex, since that is a permissible use, said Mr. Eisele. However, he said, were it to be rebuilt since it is a nonconforming dwelling, it would not be able to be in conformance with the existing code, he said. By definition, he said, it is a nonconforming dwelling. That seems like a bad reading, said Mr. Eisele. This sale has been stalled, perhaps, because of that reading, he said. Homes that were approved during the Sunset Clause that needed to be rebuilt, would not necessarily meet the setback requirements, he said, under new rules.

Mr. LeVine said this is an issue which the ad hoc committee discussed. The problem in Mr. Eisele's circumstance is that he would be changing the use, said Mr. LeVine.

Ms. Maclean said the other issue is that this lot in question is a substandard lot. Therefore, she said, it would not meet the requirements for a duplex. They could possibly construct for single family home with perhaps a Conditional Use Permit for an accessory apartment on a substandard lot.

Mr. Eisele said code says nothing about lot size when rebuilding. There are things such as lot size and setbacks which should not have to be complied with since the lot is already noncompliant, he said.

Ms. Maclean clarified that the Board of Adjustment is the Planning Commission. As they look at zoning they would also be possibly exploring other items such as density, which they decided to leave out of the temporary overlay district. They felt that needed further analysis and public input, said Ms. Maclean. She said she did not think requiring 15 percent vegetative lot coverage would be too burdensome in most cases.

Greg Chaney, speaking as a resident within the historical district, said he feels this is a good start and that the current zoning does not fit the development pattern of the area. He said he calculated that the density on Kennedy Street is over 30 units per acre, and it is zoned single family residential. If the setbacks were averaged from certain homes within his residential area it would be about 40 feet, said Mr. Chaney. Therefore, he said, he was a little concerned that if they try to do the math they may come up with some unsatisfactory answers.

Mr. Chaney said he felt the portion of the existing code which dealt with substandard setbacks within the neighborhood may be the best avenue to follow. Mr. Chaney said he felt the Alternative Development Overlay District was an interesting concept. The area could definitely use a rezoning, he said. It does not fit the D-5 zone, he said.

Mr. LeVine clarified with Mr. Chaney that when averaging setbacks that anything more than the minimum would count as the minimum setback.

Mr. Chaney concurred with the feedback from Mr. LeVine.

Mr. LeVine asked if they could add the provision just brought up by Mr. Chaney.

LOCATION IN TITLE 49

The Commission concurred that the text amendment be located in the specified use area of Title 49.70.

MAXIMUM LOT COVERAGE

Mr. Dye said he was fine going with the lower number of 60 percent instead of 75 percent since the pre-existing dwelling clause is already within the language.

Mr. Voelckers said he is leaning towards the 60 percent lot coverage as well. He said it is no one's intent to create a McMansion syndrome.

The Commission concurred that the text amendment for lot coverage be set at 60 percent.

MINIMUM VEGETATIVE COVERAGE

The Commission concurred that the minimum vegetative coverage be set at 15 percent.

INCLUSION OF ACCESSORY STRUCTURES SUCH AS GARAGES, CARPORTS, GREENHOUSES AND SHEDS

Mr. Voelckers clarified that every one of the accessory structures would factor into the total lot coverage of 60 percent.

The staff concurred.

Mr. LeVine said that he felt the accessory structures should be included considering the character of the neighborhood.

Mr. Voelckers asked how a deck is defined in terms of lot coverage. He asked if it needed to be a certain amount above grade to be included in the lot coverage.

Ms. Maclean said decks are not included.

The Commission concurred that accessory structures are included in the total lot coverage.

FEE FOR AN ALTERNATE DEVELOPMENT PERMIT

The Commission concurred that the fee for an alternative development permit be set at \$400.

SETBACKS

Mr. LeVine said as he mentioned earlier, he has concerns that the existing language is not clear regarding the computation of setbacks.

Ms. Maclean suggested that it read: "...the average corresponding setback of residential buildings within a 150-foot radius..."

Mr. LeVine said he felt that was clear language.

Mr. LeVine said he did think it made sense to create minimum and maximum setbacks as they are averaging the setbacks. He said it made sense to him to average anything that was above the minimum to count as the minimum and to ascertain that anything that is encroaching count as a zero.

The Commission concurred that line (i) of 4 A read; “the average corresponding setback of residential buildings within a 150-foot radius as determined by the director, or...”

The Commission concurred that setbacks be averaged so that anything that was above the minimum counts as the minimum, and to ascertain that anything that is encroaching count as a zero.

TELEPHONE HILL AND SMALL RESIDENTIAL AREA LOCATED BEHIND THE ANDREW HOPE BUILDING
Mr. Voelckers said that he would recommend that they add Telephone Hill to the alternate development overlay district and he also recommended that they add the strip of residential area located behind the Andrew Hope Building with the thought that it is better to be inclusive rather than exclusive. It does provide that recourse should a property in that area have need of it, he said.

The Commission concurred that Telephone Hill be added to the Alternative Development Overlay District as well as the small residential area located behind the Andrew Hope Building.

Mr. Voelckers asked the staff to look again at certain small lots which were excluded from the Douglas overlay district.

Ms. Maclean said that she would reevaluate those lots for inclusion.

Mr. Voelckers asked why certain of the larger lots in the new development past Savikko Park were included since they were not historical.

Ms. Maclean said she believed they were included because there are some historical structures on those lots.

LANGUAGE ADJUSTMENTS

Mr. LeVine had several non-substantive edits. He said they could change the last sentence very slightly to read that, “This article is intended to provide for the development of housing, preserve the character of the neighborhoods, and promote the restoration of blighted buildings.”

The Commission concurred with the above language.

Mr. LeVine said he had a language adjustment for Section 2., Relationship to Existing Zoning. He suggested the second sentence read; “This article provides an alternative development process that exists in addition to the underlying zoning regulations.” He said this is to clarify that there are two separate processes.

MOTION: *by Mr. Miller, that the meeting be continued until 10:30 p.m.*

The motion was approved with no objection.

The Commission concurred with the language adjustment for the second sentence in section 2 as stated by Mr. LeVine.

Mr. LeVine rectified a typo in the first sentence under 3D, as did Mr. Voelckers.

The Commission voiced no objection to the language being corrected.

Mr. Voelckers said the word “lots” in 4F (4B) should be changed to “construction” and that the word “district” be added after “overlay”.

The Commission concurred with no objection.

MOTION: *by Mr. Voelckers, to move the approval of AME2017 0008 with the staff’s findings, analysis and recommendations with the changes approved by the Commission.*

The motion passed with no objection.

MOTION: *by Mr. Miller, to move the approval of AME2017 0009 with the staff’s findings, analysis and recommendations with the changes approved by the Commission.*

The motion passed with no objection.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS

Chairman Haight asked if the item brought up earlier in the evening regarding small wireless companies could be placed on the agenda for review.

Mr. Steedle said he would plan on filling in the Commission on this at the next Planning Commission meeting during the Director’s report.

XII. DIRECTOR’S REPORT

Mr. Steedle said he wanted to commend the Commission and the ad hoc committee for their work on these text amendments. He said it was very impressive. Mr. Steedle said he wanted to single out Mr. Dye for his effort.

Mr. Steedle said he also wanted to thank Ms. Maclean for her innovative approach on this project.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Lemon Creek Steering Committee

Mr. Voelckers reported that the Lemon Creek Plan is making excellent progress and that it should be before the Commission in late July or August. He said a final draft of the plan will be presented to the Lemon Creek Steering Committee on June 19, (2017).

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers said he wanted to thank the staff and Ms. Maclean. He said he felt the staff report was particularly good. He felt the good work on this these amendments will help their passage through the Assembly.

Mr. Miller said he felt what was accomplished tonight was amazing. He said the Wetlands Review Board is currently working on an ordinance change that will limit the need for variances. In the meantime, said Mr. Miller, what is the public to use to accomplish its goals. The code still remains the same, said Mr. Miller. If the variance needs to be different then it needs to be changed, said Mr. Miller. Mr. Miller said he has grave concerns that the issue has not yet been fully addressed.

Chairman Haight said that he agreed. He said variances do not go away. They still have to maintain and use the code, he said. It needs to be streamlined, said Chairman Haight. Mr. Voelckers said there have been at least three meetings held by the Title 49 Committee to clarify the language.

Mr. Steedle requested that they hold a COW (Committee of the Whole) on June 13, (2017). He said there are new members on the Title 49 Committee and that it would benefit the Commission as a whole to discuss where they are with variances. At that time the whole body can decide if it is ready to go to the Commission, back to Title 49, or make some other decision. Variances are taking longer than anyone in this room would like, said Mr. Steedle, and it is important that it be right. He said he does not think they are far off from this.

Ms. McKibben said they would also like to bring an overview of where the streamside buffer process is to the COW. It is going back to the Wetlands Review Board for one more view, she said. They would also like to discuss changes to the eagle nesting buffer, she said, bringing it to the Commission rather than remanding it back to the Title 49 Committee.

Mr. Steedle pointed out that both of those changes are related directly to variances.

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

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2799

**A Resolution Supporting the Disposal of Lot C1, Juneau Subport
Subdivision by the Alaska Mental Health Trust Authority.**

WHEREAS, the Trust Land Office manages the land and resources owned by the Alaska Mental Health Trust Authority and is tasked with generating revenue for the benefit of the Trust and its beneficiaries through land sales and other types of real property disposals; and

WHEREAS, the Trust Land Office is contemplating the sale of Lot C1, Juneau Subport Subdivision (Mental Health Parcel C204099, Trust Land Office project # 2017-156); and

WHEREAS, historically, the Trust has been unable to maximize the economic value of the land, which has sat vacant for many years and which has not generated any interest from potential investors; and

WHEREAS, the Trust Land Office has recently received a proposal from the private sector to purchase the property; and

WHEREAS, the proposal is consistent with the Trust Land Office's land sales policy; and

WHEREAS, the sale of the land will be in the best interest of the Alaska Mental Health Trust Authorities beneficiaries; and

WHEREAS, the City and Borough of Juneau understands that the interested buyer is proposing a project designed to further the development of Juneau's waterfront and which would be of great benefit of the community.

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

Section 1. The Assembly fully supports the disposal of Lot C1, Juneau Subport Subdivision, by the Alaska Mental Health Trust.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



OFFICE OF THE MUNICIPAL CLERK

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

Notice of Appeal

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

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

Action Being Appealed

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

- ☐ Agency Appealed From:
Planning Commission
- ☐ Description and Date of Decision:
A Conditional Use Permit for a Marijuana Cultivation facility in an Industrial Zone.
USE2017 0006 (May 25, 2017 - date filed with clerk).

Concerned Parties

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

- | | | | | |
|---|--|---------------------|---------------------|-----------------------------|
| ☐ Party Filing Appeal | Mailing Address | Telephone | Fax | Email |
| Granite Mountain Properties Limited Liability Company, by and through Simpson, Tillinghast, Sorensen, P.C. | One Sealaska Plaza Suite 300 Juneau, AK 99801 | 907-586-1400 | 907-586 3065 | taraujo@stsl.com |
| ☐ Parties Who Won the Decision Appealed | Mailing Address | Telephone | Fax | Email |
| Taku Horticulture Company, LLC | 8425 Valley Blvd. Juneau, AK 99801 | 907-723-0106 | N/A | Dturner907@yahoo.com |

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

- (1) The appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing;
- (2) The decision is not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made; or
- (3) The agency failed to follow its own procedures or otherwise denied procedural due process to one or more of the parties.

(b) The burden of proof is on the appellant. (Serial No. 92-36

☐ 2 (part), 1992).

-over-

JUN 14 2017

CBJ Manager's Office

2016 - Appeal Form
Page 2 of 2

Issues on Appeal²

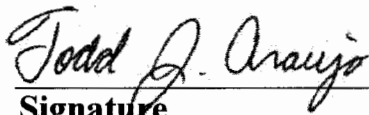
Concisely describe the legal and factual errors that form the basis for your appeal. Do not argue them: argument will be heard later.

The proposed marijuana cultivation facility will substantially decrease the value of property in the neighboring area, including that of the appellant, and therefore the Commission should have denied the permit pursuant to CBJ Sections 49.15.330(d)(5)(B) and (f)(2), and the Commission lacked substantial evidence to conclude otherwise. In addition, the Commission's decision was not supported by adequate written findings or the findings fail to inform the appeal agency of the basis upon which the decision appealed from was made.

Relief Requested

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

The decision of the planning commission should be overturned and the conditional use permit should be denied.



Signature

June 14, 2017

Date

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

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

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

-over-

CITY AND BOROUGH OF JUNEAU

Treasury Division

155 South Seward
Juneau, AK 99801
(907) 586-5218

044329

DATE 6/14/17

RECEIPT NUMBER

REC'D FROM: NAME Granite Mtn. Properties LLC

ADDRESS PO Box 34316

CITY Juneau

STATE AK ZIP 99803

DESCRIPTION

ARS ☐ BUS TAX ☐ REA TAX ☐ POLICE CIT ☐ SALES TAX ☐ HBR ☐ UTL ☐ G/L ☐

OTHER Appeal Filing Fee

CODE	AMOUNT
1.110 030101.4420.0009	\$500 ⁰⁰

RECEIVED

CREDIT CARD ☐

AMOUNT \$ 500⁰⁰

CASH ☐ CHECK ☒

REC'D BY: James J. Allen

TREA CASH 10/88

CITY CLERK
JUN 14 2017
RECEIVED



Community Development

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

PLANNING COMMISSION NOTICE OF DECISION

Date: May 25, 2017
 File No.: USE2017 0006

Taku Horticulture Company, LLC
 8425 Valley Blvd
 Juneau, AK 99801

Proposal: A Conditional Use Permit for a Marijuana Cultivation facility in an Industrial Zone.

Property Address: 1758 Anka Street

Legal Description: Lot 5A, Glacier Industrial III

Parcel Code No.: 5-B12-0-130-005-0

Hearing Date: May 23, 2017

The Planning Commission, at its regular public meeting, considered the application, staff memorandum, supplemental materials, public comments, and then adopted the analysis and findings listed in the attached memorandum dated May 12, 2017, as supplemented at the hearing, and approved the Conditional Use permit for a marijuana cultivation facility to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
2. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
3. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity without sight blockage from lighting hoods, plants, fixtures, or other equipment in the building.

Taku Horticulture Company, LLC
 File No.: USE2017 0006
 May 25, 2017
 Page 2 of 3

4. Prior to approval of a CBJ marijuana license, a revised surveillance camera plan shall be submitted to ensure the room has adequate surveillance coverage.
5. Vegetative cover totaling 1,096 square feet shall be shown on a site plan, reviewed and approved by CBJ staff, and installed prior to issuance of a CBJ marijuana permit. The vegetative cover areas shown on the plans shall be maintained with live vegetative cover.
6. Prior to approval of a CBJ marijuana license, a revised site plan illustrating the required parking and loading spaces shall be submitted and approved by staff.

Attachments: May 12, 2017, memorandum from Laura A. Boyce, AICP, Community Development, to the CBJ Planning Commission regarding USE2017 0006.

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

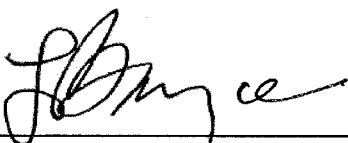
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

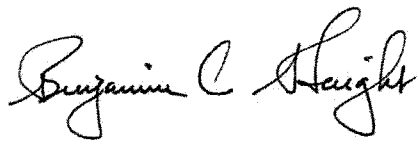
Effective Date: The permit is effective upon approval by the Commission, May 23, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or November 23, 2018, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.

Project Planner:


 Laura A. Boyce, AICP, Planner
 Community Development Department


 Ben Haight, Chair
 Planning Commission

Taku Horticulture Company, LLC

File No.: USE2017 0006

May 25, 2017

Page 3 of 3



Filed With City Clerk

May 25, 2017

Date

cc: Plan Review

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

CITY AND BOROUGH OF JUNEAU, ALASKA

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GRANITE MOUNTAIN
PROPERTIES LIMITED LIABILITY
COMPANY

Appellants.

CUP No. USE2017 0006

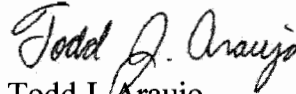
ENTRY OF APPEARANCE

Todd Araujo, of the law firm of Simpson, Tillinghast, Sorensen & Sheehan, P.C.,
One Sealaska Plaza, Suite 300, Juneau, Alaska 99801, hereby enters his appearance on
behalf of the Appellants, Granite Mountain Properties Limited Liability Company, in the
above-captioned matter. All notices, motions, and pleadings should be sent to this law
firm's address and to the attention of the undersigned attorney.

DATED this 14th day of June, 2017.

SIMPSON, TILLINGHAST, SORESEN & SHEEHAN, P.C.
Attorneys for Granite Mtn.

By



Todd J. Araujo
taraujo@stsl.com
ABA No. 0806040

SIMPSON, TILLINGHAST, SORESEN & SHEEHAN, P.C.
One Sealaska Plaza, Suite 300
Juneau, Alaska 99801
Phone: (907) 586-1400 Fax: (907) 586-3065



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

DATE: May 12, 2017

TO: Planning Commission

FROM: Laura A. Boyce, AICP, Planner
Community Development Department

FILE NO.: USE2017 0006

PROPOSAL: Marijuana Cultivation Facility in the Industrial (I) Zone District.

GENERAL INFORMATION

Applicant: Taku Horticulture Company, LLC

Property Owner: Dennis and Linda Mayer

Property Address: 1758 Anka Street

Legal Description: Lot 5A, Glacier Industrial III

Parcel Code Number: 5-B12-0-130-005-0

Site Size: 21,923 sf (0.503 acres)

Comprehensive Plan Future Land Use Designation: LI (Light Industrial)

Zoning: Industrial (I)

Utilities: CBJ Water and Sewer

Access: Anka Street

Existing Land Use: Mini and private storage with a caretaker's unit

Surrounding Land Uses:

- North - Commercial use (I)
- South - Commercial use (I)
- East - Mini-storage, Storage (I)
- West - Commercial use with caretaker's apartment (I)

Planning Commission
File No.: USE 2017 0006
May 12, 2017
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Vicinity Map



VICINITY MAP FOR
GLACIER INDUSTRIAL III LT 5A

250 125 0 250 Feet



Planning Commission
File No.: USE 2017 0006
May 12, 2017
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ATTACHMENTS

Attachment A: Conditional Use Permit application, including site plans
Attachment B: Public Notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 8,996 square foot marijuana cultivation facility in an existing storage facility in the Industrial (I) zone on Anka Street. Initially, the 3,108 square foot upstairs portion will be used for cultivation. If the business does well, then the operation will expand into the 5,888 square foot first floor area.

BACKGROUND

The building proposed to be used for marijuana cultivation is currently used for mini-storage and private storage. There is a caretaker apartment on the second story occupied by a watchman, along with private storage use. The storage use and the associated caretaker's unit was approved by an Allowable Use permit, USE96-0014, and Design Review permit, DRP96-0044. A variance (VAR96-0036) was denied in 1996 for a reduction in the required 5% vegetative cover. The building was constructed in 1996 with the required building permits (BLD-1205501 and BLD-1241301). Mini-storage use will continue on the first floor and the second floor will contain marijuana cultivation and the caretaker's apartment. There are no other uses on the property.

The applicant has indicated a potential expansion in the future on the first floor for additional cultivation space as well as retail. This Conditional Use permit review includes the review for the first floor and second floor cultivation operations. A new Conditional Use permit will be needed for any future retail operation.

ANALYSIS

The applicant has submitted an application with the State of Alaska Marijuana Control Board and will obtain a CBJ Marijuana License if both the state license and this Conditional Use Permit (CUP) are approved. The inspection required for the CBJ marijuana license will ensure that the applicant is held to the plans as submitted, special use requirements found in CBJ 49.65.1200, and any conditions required by this permit.

According to CBJ 49.65.1245(e) an approved Conditional Use Permit for marijuana establishments is subject to review by the Commission every five years from the date of issuance.

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Project Site – The subject lot was platted in 1995 (Plat No. 95-39). The subject lot has a width of 100 feet and a depth of 216 feet, resulting in a lot area of 21,923 square feet. The minimum lot size in the Industrial zone is 2,000 square feet. Setbacks in the Industrial zone are ten feet for the front and rear yards and zero feet for the side yards. The existing two story structure exceeds all of the minimum required yard setbacks. No exterior modifications or additions to the structure are proposed.

The 9,936 square foot commercial building contains two stories. The first floor, which is approximately 4,968 square feet, is used for mini-storage use. The second floor includes a 1,860 square foot caretaker's apartment and 3,108 square feet of storage use. Approximately 3,108 square feet of the second floor is to be initially occupied by the cultivation use with a future expansion of 4,563 square feet on the first floor for additional cultivation use. The caretaker's unit will remain. The applicant may apply for marijuana retail use in the future and will submit a Conditional Use permit (CUP) for that use.

	Existing Uses	Phase I Proposed Uses	Expansion Proposed Uses
First floor	4,968 square feet total – mini-storage use	Continued 4,968 mini-storage use	4,563 square feet of cultivation use (remainder 405 sf will be unused or for potential marijuana retail with an approved CUP)
Second floor	3,108 square feet storage use 1,860 caretaker's unit	3,108 cultivation use 1,860 caretaker's unit	3,108 cultivation use 1,860 caretaker's unit
Total Uses	8,076 storage use 1,860 caretaker's unit	4,968 sf storage use 3,108 sf cultivation use 1,860 sf caretaker's unit	8,996 sf cultivation use 1,860 sf caretaker's unit (405 sf potential marijuana retail with an approved CUP)

Project Design – The 9,936 square foot existing building will undergo interior renovations in order to accommodate the cultivation of marijuana and meet state and local marijuana regulation requirements. There are three entrances into the proposed cultivation area; two external doors and one internal door. All will be secured with cameras, alarms, motion detectors, door locks, entry key pads, and restricted access. The cultivation area will be secure and accessed only by those with a Marijuana Handler Permit or escorted registered visitors.

Only the second floor of the building has windows. There is one window each for the proposed cultivation office space, the packaging, and trimming rooms, for a total of three windows. The applicant has stated that they will block the windows with nontransparent material for any window in which product may be visible. Please refer to the site plans in Attachment A.

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The area where cultivation is proposed on the second floor is currently a single open space. The applicant intends to construct seven rooms, all connected by a common hallway. The rooms will be used for marijuana cultivation including a room for blooming, vegetation, drying, trimming, and packaging. In addition, there will be space for storage, waste, an ADA restroom, and a secure lobby/entry area.

On the first floor where cultivation is expected to expand in the future, the existing mini-storage space will be converted to four rooms for cultivation use, including a room for blooming, extraction, drying, and trimming. Another ADA accessible restroom will be located on the first floor. 405 square feet of area on the first floor is proposed for future marijuana retail. If the applicants intend to pursue that use, a separate Conditional Use permit is required.

CBJ 49.65.1245 identifies additional requirements for marijuana establishments. Those items to be reviewed are detailed below.

Ventilation & Filtration/Odor – The applicant is proposing to use high output fans that will pull unwanted air through charcoal scrubbers and exhaust out of the building. Charcoal filters out odor. There are four charcoal filters proposed in the second floor cultivation area. The first floor expansion area will include six charcoal filters in the cultivation area. Ultraviolet light (UV) filtration will also be used. The applicant has indicated that two Mission Air Systems by Excel Air will be purchased and used for filtration purposes.

The applicants will also use carbon dioxide for plant enrichment in the cultivation rooms. There will be a CO₂ monitoring system that will keep levels within state and local compliance. The proposed CO₂ usage is in compliance with the state and local regulations. CO₂ usage is subject to review by the CBJ Fire Marshal and will be inspected accordingly.

Fungicides & Pesticides – The applicant proposes using natural pesticides for pest control. Azamax is the applicant's preferred method, although a hydrogen peroxide solution may also be used. These are consistent with the pesticides list provided by the Alaska Department of Environmental Conservation to be used on marijuana crops provided by the Alaska Department of Environmental Conservation.

Security – According to CBJ 49.65.1245(a)(2) applicants are required to submit a security plan. State regulations require exterior lighting, alarm systems, video monitoring and commercial grade door locks. The site plan in Attachment A identifies the proposed security requirements, such as:

- Restricted areas where unescorted visitors are not allowed to enter,
- Exterior lighting,
- Exterior cameras,
- Interior cameras,

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- Interior motion detectors,
- Locked doors and key pads for entry, and
- Alarm sensors on doors and windows.

The secure office space will house the surveillance hardware. The applicant's indicate in their narrative in Attachment A that Doak's Lock and Key will install and monitor the security system. Conditions are proposed requiring a detailed security plan that shows the field of vision of each security camera, as well as ensuring that cameras have unobstructed views of the doors and activity areas. A caretaker will also continue to live on site.

Waste disposal – The applicants propose to implement hydroponic cultivation methods which means there will be less growing medium needed per plant. Grow stones will be used as the preferred medium which require washing and reuse of the material. Wastewater will be disposed of in exterior landscaping. Plant waste will be kept to a minimum and unusable material will undergo special processing prior to disposal.

For waste that cannot be reused, the applicant will grind up the waste and mix it with another organic material in order to render it unusable as required by state regulations. The waste will be stored in airtight containers, in view of surveillance cameras. Staff recommends as a condition of approval that all waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

Screening – CBJ 49.65.1245(a)(4) prohibits marijuana product from being visible to the general public from the right-of-way. As shown in the application materials, only the second floor of the building has windows. The applicant has stated that any window to a room that includes product will be blacked out. Only the office, packaging, and trimming rooms have a window. There is no ability to see into the facility from the public right-of-way. With the first floor expansion, cultivation will take place in fully enclosed rooms.

CBJ 49.15.330(g) identifies the general items that staff reviews for all Conditional Use Permits. Those items are detailed below.

Traffic – Traffic to and from the site will consist of employees and supply delivery. The applicant states that deliveries would not occur more than three times a week. Additional traffic will be generated by the existing mini-storage in the building, along with the caretaker's trips. The applicant anticipates four to six employees during the hours of 7 a.m. and 7 p.m., seven days a week. Supply deliveries such as CO₂ will occur infrequently on a weekly or biweekly basis. The cultivation use likely results in minimal addition to the overall traffic generated by the use. Marijuana is harvested cyclically and, once packaged, a large amount could be transported in a single trip.

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CBJ 49.40.300 states that a traffic impact analysis is NOT required when a development is projected to generate less than 250 average trips in a day. Further, the expected traffic generated by this proposed application is no more than expected from other uses permitted in the district.

Parking and Circulation – According to CBJ 49.40.210 the total number of parking spaces required for the proposed cultivation, mini-storage, and caretaker's establishment is 10. There are already 17 parking spaces on site, one of which is a van-accessible parking space, as required by Code.

Use	Use parking space requirement	Size of use	Parking spaces required
Office	1 per 300 sf	106 sf	0.35
Marijuana Cultivation	1 per 1,000 sf	2,973 sf	2.9
Storage	1 per 1,000 sf	4,740 sf	4.7
Caretaker unit	2	N/A	2
Total			10

CBJ 49.40.210(b)(3) requires that for 1 to 25 parking spaces, one space must be ADA accessible. Accessible spaces are required to be 13 feet by 17 feet, including an access aisle that measures 5 feet by 17 feet. The required number of standard parking spaces and ADA spaces per CBJ 49.40.210(b)(1)&(b)(3)(C) already exist. One loading space is required by Code. Although the site plan shows adequate room for a loading space, this is not detailed on the plan. A condition requiring a revised site plan illustrating the loading space is recommended.

Noise – All marijuana associated activities take place inside the building. Minimal noise is expected. The site is in an Industrial zoning district. Noise is expected to be less than other uses that may be permitted outright in the Industrial Zone.

Public Health or Safety – Several aspects of public health and safety related to a marijuana cultivation facility were addressed in previous sections of this report including CO₂ use, security, and odor management. CO₂ will be used in the cultivation process and governed by the requirements found in the International Fire Code and CBJ Title 19, the Building Code. CO₂ levels used to grow marijuana are well below the safe limits for sustained human exposure prescribed by OSHA at 5,000 ppm. However, a CO₂ monitoring system will be in place to alert if CO₂ levels reach an unsafe threshold.

The applicant has indicated that they plan to use a hydroponic cultivation method and use non-toxic and organic means of pest control. Any risk of toxic substances being transferred to a consumer is minimized by this growing method.

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The applicant's proposal meets all the state and local requirements for security including an alarm system, video surveillance, lighting, door locks, and appropriate signage. Finally, charcoal filters will be used in all grow rooms in the ventilation and filtration system to manage marijuana odor.

Habitat – No habitat regulated by CBJ Title 49 is affected by this proposal.

Vegetative Cover – CBJ 49.50.300 requires five percent of the site be maintained with live vegetative cover. For this site, 1,096 square feet of vegetative cover is required. Review of 2013 aerial photography as well as a site visit by staff confirmed that the vegetative cover requirement has not been met. A condition is recommended to require that the vegetative cover be in place prior to issuance of the marijuana license.

Property Value or Neighborhood Harmony – Adjacent existing uses in the neighborhood include additional mini-storage, a caretaker's unit, warehousing, and general industrial uses. Higher traffic generators, such as Costco and Home Depot, are in the vicinity located on Commercial Boulevard.

The marijuana cultivation facility is expected to produce less traffic, noise, and odor with its low number of employees, air filtration, and internal operation than these adjacent uses and should therefore have a neutral effect on the neighborhood. At the time of this staff report, no comments were received from the public. There is no evidence to suggest the use will have impact on property value or be out of harmony with the neighborhood.

Conformity with Adopted Plans – The proposed project is located in Subarea 5 of the 2013 Comprehensive plan and has a land use designation of Light Industrial (LI). According to the LI land use designation definition found on page 148 of the Comprehensive Plan, small- to medium-scale food production and processing and other manufacturing processes should be allowed on these lands. The proposed marijuana cultivation facility is a similar type of use.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

Planning Commission
File No.: USE 2017 0006
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The proposed development would help to diversify the economy and is a new business as encouraged by these policies. The proposed marijuana cultivation facility is consistent with the 2013 Comprehensive Plan.

FINDINGS

CBJ 49.15.330 (e)(1), Review of Director's Determinations, states that the Planning Commission shall review the Director's report to consider:

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
and,
3. Whether the development as proposed will comply with the other requirements of this chapter.

The Commission shall adopt the Director's determination on the three items above unless it finds, by a preponderance of the evidence, that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area;
or,
3. Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

Yes. Staff finds the application contains the information necessary to conduct review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

Planning Commission
File No.: USE 2017 0006
May 12, 2017
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2. Is the proposed use appropriate according to the Table of Permissible Uses?

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 14.240 for the Industrial zoning district.

3. Will the proposed development comply with the other requirements of this chapter?

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 12, 2017 and December 22, 2017 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way. Additionally the proposed development complies with CBJ 49.65.1245.

4. Will the proposed development materially endanger the public health or safety?

No. The applicant has proposed a surveillance and security system that meets the minimum state and local regulations. Further, much of the use, aside from employee and other occasional delivery traffic, is contained indoors in a secure facility where unescorted non-employees are not permitted.

5. *Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?*

No. The use is adjacent to storage, warehousing, and other industrial uses with similar and more intense off-site impacts such as noise and traffic. The proposed marijuana cultivation facility is not expected to decrease the value of or be out of harmony with property in the neighborhood.

6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Yes. The development of private businesses in Juneau is supported by the Comprehensive Plan. Further, the Light Industrial land use designation supports manufacturing uses.

Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

7. Will the proposed development comply with the Juneau Coastal Management Program?

N/A. This is not applicable to this application.

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RECOMMENDATION

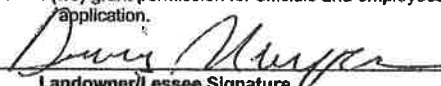
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an 8,996 square foot marijuana cultivation facility in the Industrial zone.

The approval is subject to the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
2. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
3. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity without sight blockage from lighting hoods, plants, fixtures, or other equipment in the building.
4. Prior to approval of a CBJ marijuana license, a revised surveillance camera plan shall be submitted to ensure the room has adequate surveillance coverage.
5. Vegetative cover totaling 1,096 square feet shall be shown on a site plan, reviewed and approved by CBJ staff, and installed prior to issuance of a CBJ marijuana permit. The vegetative cover areas shown on the plans shall be maintained with live vegetative cover.
6. Prior to approval of a CBJ marijuana license, a revised site plan illustrating the required parking and loading spaces shall be submitted and approved by staff.

DEVELOPMENT PERMIT APPLICATION

Project Number <u>USE 2017-0006</u>	CITY and BOROUGH of JUNEAU	Date Received: <u>3/20/17</u>
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Marijuana cultivation facility		
	PROPERTY/LOCATION		
	Street Address 1758 Anka St.	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Building B Suite A1 <u>Lot 5A, Glacier Industrial III</u>		
	Assessor's Parcel Number(s) <u>5-B12-0-130-005-0</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name Dennis/Linda Mayer	Contact Person: Dennis Mayer	Work Phone: 907-723-7779
	Mailing Address	Home Phone:	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
	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 <u></u> <u>2-21-17</u> Landowner/Lessee Signature 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 Taku Horticulture Company, LLC.	Contact Person: David L. Turner	Work Phone: 907-723-0106	
Mailing Address 8425 Valley Blvd.	Home Phone:	Fax Number:	
E-mail Address dturner907@yahoo.com	Other Contact Phone Number(s): 907-723-7963 Aaron Overton/907-209-4248 G.L.		
X <u></u> <u>2/21/17</u> Applicant's Signature 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)		<u>3/20/17</u>	<u>USE 17-006</u>
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	Zone Change Application				
	Other (Describe)				
Comments: _____ _____					Permit Intake Initials <u>TSP</u>

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

I:\FORMS\2010 Applications

Attachment A

Revised November 2009

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



Community Development

City & Borough of Juneau • Community Development
 155 S. Seward Street • Juneau, AK 99801
 (907) 586-0715 Phone • (907) 586-4529 Fax

Marijuana Cultivation

Case Number: PAC20170009

Project Description: Change of use from storage and caretakers residence to marijuana cultivation

Applicant: Taku Horticulture Company, LLC

Property Owner: Dennis Mayer

Property Address: 1758 Anka St

Parcel Code Number: 5B1201300050

Site Size: 21923 sq ft

Zoning: Industrial

Existing Land Use: Commercial mix

Conference Date:	3/1/2017 @ 10:30 am
Report Issued:	3/2/2017

List of attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Troy Mayer David Turner Aaron Overton	Applicant	northernlights@gci.net dturner907@yahoo.com
Ron King	Chief Regulatory Surveyor	Ron.King@Juneau.org
Eddie Quinto Kyle Paw	Permit Staff	Edward.Quinto@Juneau.org Kyle.Paw@Juneau.org
Dan Jager Sven Pearson	Fire Marshal	Dan.Jager@Juneau.org Sven.Pearson@Juneau.org
Tim Felstead	Planner	Tim.Felstead@Juneau.org
John Young	Commercial Plans Reviewer	John.Young@Juneau.org

Neighborhood Association/Contact: N/A

Pre-Application Conference Final Report

8. Ventilation and filtration/odor – some odor can be released as long as it will not annoy anyone. Title 49 provides a definition of what is acceptable. Constant heavy smells are likely to draw complaints.
9. Building – Add square footage to each room and label purpose of each room. Think about future expansion to the downstairs area. Give potential layout now. Mention possible future activities now.
10. Fungicides, pesticides and fertilizer – mention what products you intend to use for these purposes.
11. Screening - Marijuana product from being visible to the general public from the right-of-way. Suggest all windows should be screened (not able to see inside from exterior). Though 2nd floor office windows will not be required to be screened since they will not be visible to general public from Right of Way. Comment on this in the narrative.
12. Fire District – Look at Fire handout attached. Technical details on the CO2 system should be provided.
13. Traffic – Comment on number of employees. Number of deliveries for supplies and number of collections each week should be estimated.
14. Engineering – NA
15. Noise – Noise impacts are in keeping with the area.
16. Drainage – No change to existing situation.
17. Utilities – (water, power, sewer, etc.) - No additional water down sewer. Most operations have a closed system with water being put back into plants. General Engineering suggested releasing water as storm water or adding to outdoor vegetation. Suggest checking with AK DEC that this is allowed.
18. Wetlands – N/A
19. Habitat – (Eagle, Riparian, etc.) – NA
20. Hazard/Mass Wasting/Avalanche/Hillside Endorsement – NA
21. Flood – NA
22. Plat or covenant restrictions – None observed that would affect operation
23. Other Agency Reviews – (DOT&PF, Alcohol Beverage Control Board, Corps of Engineers, DEC waste-water, DNR, USF&WL, FAA, US Coast Guard, Corrections etc.) – Other relevant agencies will be copied into application for comment.

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development permit Application
2. Conditional Use permit application including:
 - a. Narrative. What you have is a good start. Address additional points included in this report and break it into the relevant headings used in the attached staff report for another cultivation operation.
 - b. Site plan showing parking and vegetative coverage (to release bond)
 - c. Relevant building plans showing proposed layout, labelled rooms, room sizes, alarms locations, exterior lighting, camera locations (including field of vision), windows, doors etc.
 - d. Photos of site (a planner will most likely need to come and do a site visit as well)

Taku Horticulture Company, LLC
David L. Turner
1750 Anka St.
Building B, Ste. A
Juneau, AK 99801
907.723.0106
ALASKA JUNEAU
Parcel #
Zone: Industrial

Conditional Use Permit Application

Taku Horticulture Company, LLC, (THC), will operate as a marijuana cultivation facility. Our plan is to produce and sell marijuana to a wholesale market.

The address is listed as industrial use. Our production facility will have very little, if any, impact on the surrounding businesses. First floor of the building is public storage owned and operated by D&L Rentals. Second floor is split into two units. One is a private residence and the other a private storage unit. The 69'x53' personal storage space will become our facility. Non-load bearing walls will be built to allow separation of space.

Depending on the marijuana market and growth of the company, there is a possibility of utilizing the storage unit space on the first floor. Tenants will be given notice of change in business. The entire building, with exception of watchman's apartment, will become the facility. About 2/3 of the first floor will be cultivation and the remaining 1/3 will be split for extraction and retail. Solvent less extraction methods, ice extraction along with Rosin technology will be used for extracting cannabinoids.

There are 12 parking spaces. Two of which are reserved for the private residence, 6 spaces for public storage access and 4 spaces provided for THC.

Automation of production means THC will operate 24 hours per day. Labor will be performed by 4-6 employees during the hours of 7 am to 7 pm, Sunday-Saturday.

THC will contract a local security/alarm company, (Doak's Lock&Key), to install and maintain security surveillance equipment. Such devices as motion detectors, window/door alarms, cameras, monitors and storage for record keeping of security cameras.

Surveillance cameras will be installed to allow a view of each entrance and exit of the building. The exterior of the building will have security lights illuminating a 20' radius. This will ensure clear footage of surveillance cameras on a 24 hour period.

All doors entering the facility will remained locked, 24 hours per day. The only exception will be to allow employees to perform tasks related to the operation of the facility.

Multiple surveillance cameras will be installed throughout the inside of the facility. Surveillance cameras will record on a 24 hour period. All surveillance footage will be stored and kept on a 40 day time period for review by official employees of THC, Juneau Police Department (JPD) or agent of state marijuana control office. Security signs will be posted

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Attachment A

Pg 1 of 2

throughout the interior and exterior of the premises. No loitering signs will also be posted on the exterior of premises. Employees will receive instruction on how to deter/recognize loitering.

There will be a locked door outside of the waiting/lobby of the facility. A second heavy duty steel door with Bluetooth activated lock will lead into restricted access areas. A doorbell will notify employees of visitor/guests. A maximum of 4 visitors/guests are allowed a guided tour of cultivation areas only. Security, drying, mechanical, trimming rooms are off limits to visitors/guests. There will be marked borders and signs posted as precaution to visitors/guests. No admittance into the facility to minors. Visitors/guests will sign in a guest book with full name, duration of visit, purpose of visit, state ID number and signature.

In the circumstance of a breach in security during non business hours, a manager or official employee will contact JPD, security monitoring company and owner of the business. Immediate action will be performed to secure the facility if needed.

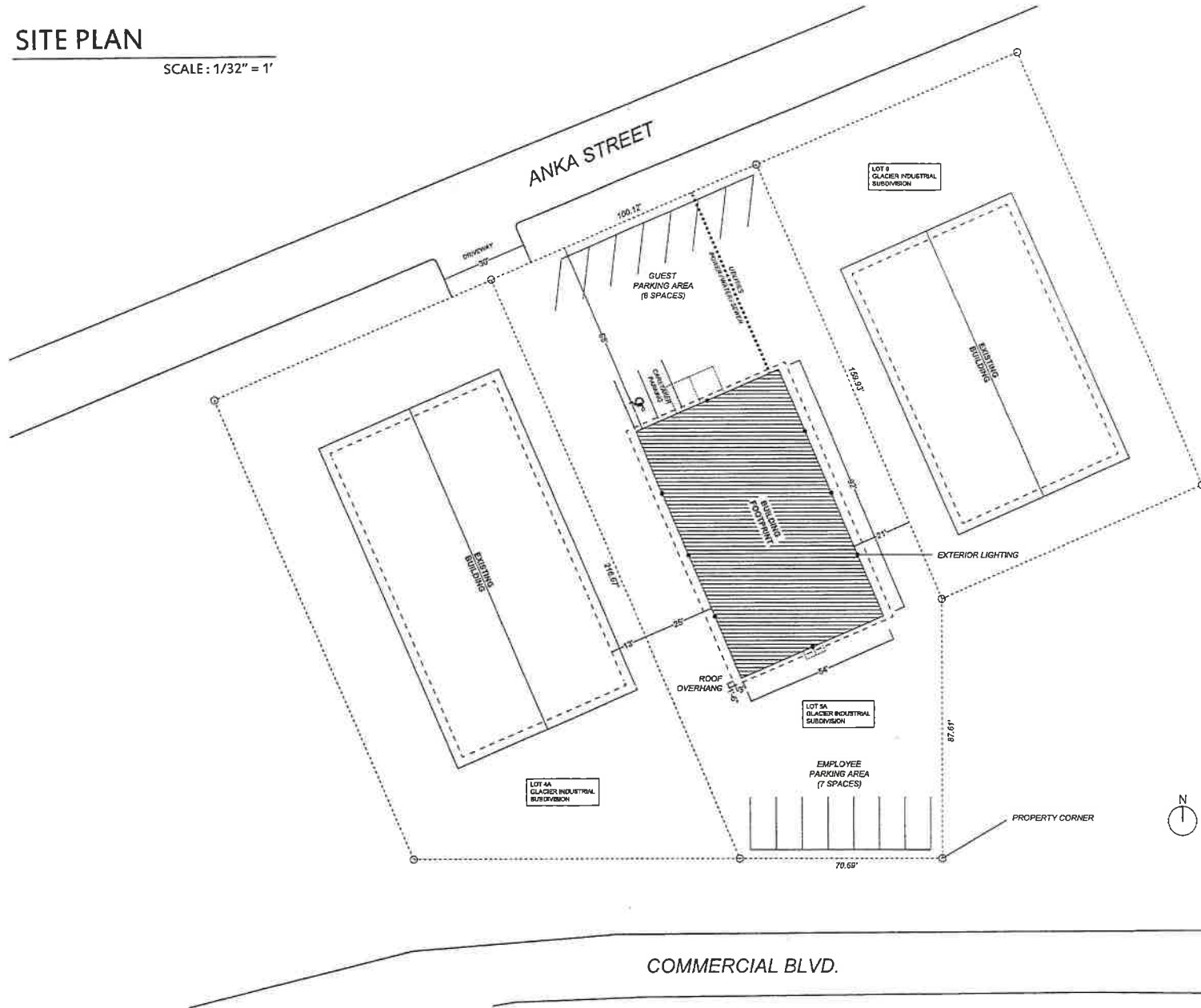
THC will implement hydroponic cultivation methods. This allows for little growing medium to be used, 1.5 liters of medium per plant. Grow stones is our choice of growing medium. The stones will be washed and reused. Waste water will be disposed of through exterior landscaping. Plant waste will be kept to a minimum. We plan on introducing a defoliation technique which will introduce an edible or usable product to the market. Undesirable plant material will undergo a process before disposal. All undesirable plant material will be entered into METRC, state regulations will apply. Mulching, mixing with dirt, waste water, then placed into an airtight container. The container will be stored in view of surveillance cameras for up to, no less then a 72 hour time period. This process breaks down the plant material and could then be used in compost if desired.

State of the art technology, LED's will be applied to our lighting system. Our lamps will radiate 70% less heat than standard HID grow lights. High output fans will pull unwanted air through charcoal scrubbers and exhaust out of the building. Charcoal filters out 99.7% percent of undesirable odor in the air. In addition to environmental controls we will implement CO2 enrichment through the cultivation rooms. A monitoring system will keep levels of CO2 within compliance with applicable state and local regulations/codes.

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SITE PLAN

SCALE: 1/32" = 1'



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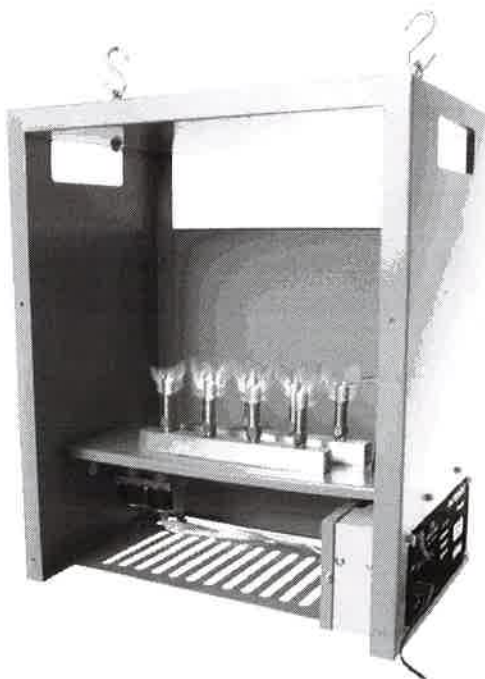
Explore Our Store!

Home (<http://www.hydrogalaxy.com/>)Shop (</categories/>)Burbank Store (<http://www.hydrogalaxy.com/burbank-store/>)Blog (<http://www.hydrogalaxy.com/blogging/>)Brands (<http://www.hydrogalaxy.com/brands.php>)★ **Sale (/on-sale/?sort=bestselling)**Reviews / [Log in](#)pay with Speed through checkout 

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Autopilot CO2 Generator LP 11310-18104 BTU APCG8LP

Autopilot (<http://www.hydrogalaxy.com/brands/Autopilot.html>)

Autopilot CO2 Generator LP 11310-18104 BTU APCG8LP

☆☆☆☆☆ Write a review

~~\$474.95~~ \$365.39

(You save \$109.56)

 Sign Up to see what your friends like.

SKU: APCG8LP

Weight: 22.00 LBS

Quantity:

Add To Cart

Add to Wishlist

 ([http://pinterest.com/pin/create/button?url=http://www.hydrogalaxy.com/climate-control/18-104-btu/&media=http://cdn2.bigcommerce.com/server2100/da4db/products/43820/images/101114/c=2&description=Hydro Galaxy - Autopilot CO2 Generator LP 11310-18104 BTU APCG8LP, \\$365.3 control/co2-equipment/co2-generator-lp-11-310-18-104-btu/](http://pinterest.com/pin/create/button?url=http://www.hydrogalaxy.com/climate-control/18-104-btu/&media=http://cdn2.bigcommerce.com/server2100/da4db/products/43820/images/101114/c=2&description=Hydro%20Galaxy%20-%20Autopilot%20CO2%20Generator%20LP%2011310-18104%20BTU%20APCG8LP,%20$365.39))

**Dimensions:**

Width: 10.00

Height: 18.00

Depth: 15.00

Product Description**Attachment A**RECEIVED
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Safest and most reliable CO₂ generators on the market.

Autopilot CO₂ generators feature powder-coated steel enclosures that resist moisture, rust and discoloration - providing years of trouble-free operation.

Our two-stage safety pilot valve does not allow fuel to flow to the burner unless the pilot is lit, and will shut down the fuel supply in the event the unit falls or tips over. The solid state electronic ignition module creates a spark to light the burners. Autopilot CO₂ generators are available in both propane and natural gas models.

Features

- Dual solenoid valves
- Precision manufactured brass burners
- Solid state electronic ignition module—no pilot light necessary
- Tip over switch shuts off gas source if the unit falls or tips over
- Shut down warning with LED error indicator light
- Fabricated with all high quality components
- Easy to operate

Components

8 pre-mounted brass burners
12' gas hose and pressure regulator
Hanging hardware kit
24V power supply

ifications

- 1.5 amps/120 volts
- Provides 22 cubic feet per hr of CO₂
- For spaces larger than 14' x 14'

Other top rated products



Grower's Edge...

(<https://yotpo.com/go/CzluU0k>) (<https://yotpo.com/go/zn06g>)

★☆☆☆☆(1)

\$17.99

Hydrofarm Jump Start...

<https://doi.org/10.1002/2477-8576.12136>

★★★★★(4)

\$75.59

Grower's Edge...

<https://doi.org/10.1016/j.jm.2019.04.001>

★★★★★(1)

\$10.79

Super Sprouter...

<https://vimeo.com/gofitUyau>

\$38.69

Blauberg 4" Axial Inline...

<https://vopop.com/ge/gezde61666/>

\$31.49

Gro1

Figure 1

★ ★

\$15

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([http://my.yotpo.com/landing_page?redirect=https%3A%2F%2Fwww.yotpo.com%2Freviews-by-yotpo&utm_campaign=branding link reviews widget v2&utm_medium=widget&utm_source=branding link reviews widget v2](http://my.yotpo.com/landing_page?redirect=https%3A%2F%2Fwww.yotpo.com%2Freviews-by-yotpo&utm_campaign=branding+link+reviews+widget+v2&utm_medium=widget&utm_source=branding+link+reviews+widget+v2))

☆☆☆☆☆

 [WRITE A REVIEW](#)

 ASK A QUESTION

Reviews (0) Questions (0)

Attachment A

<http://www.hydrogalaxy.com/climate-control/co2-equipment/co2-generator-lp-11-310-18-104-btu/?qclid=Cj0KEQIAuonGBRCaotXoycysvIMBEIQAcxV0nCCUF...> 2/4

Search...

-
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-
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-
- Catalog
- Climate Control
- Air Purification
- Can Filter Group
- Can 38-Special 150 Carbon Air Filter - No Flange



Can 150

Recommended Max CFM: 1260 CFM

Min CFM: 630 CFM

Flange: 10" - 12"

Outside Diameter: 38cm / 15"

Height: 150cm / 59"

Total Weight: 138 lbs

Carbon Bed: 2"

Recommended Fan:

Filtered Air

FAN	CFM	Watts
16" MaxFan	1410	322
14" MaxFan	1230	250
12" MaxFan	1440	480
12" CanFan HO	888	290
10" MaxFan	907	227

CAN 38-SPECIAL 150 CARBON AIR FILTER - NO FLANGE

SKU:

CF358651

10"-12" - No Flange - CF358651 ▼

Suggested Retail

\$333.32

- Overview
- Specifications
- Related Items
- Product Info

Attachment A

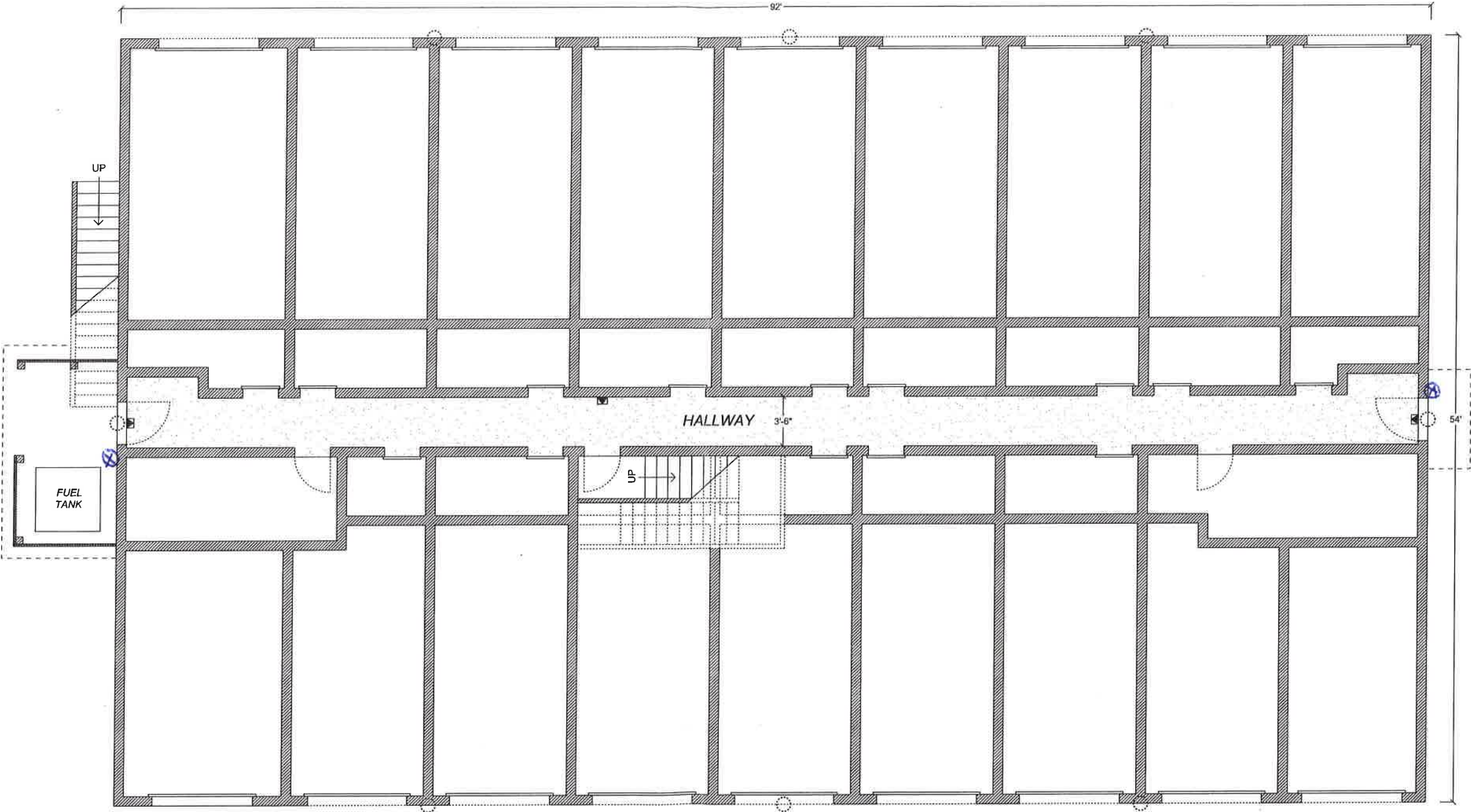
<https://www.hydrofarm.com/p/CF358651>

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CURRENT
FIRST LEVEL

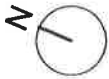
SCALE: 1/8" = 1'



LEGEND

- ⊗ Camera
- EXTERIOR LIGHTING
- ◼ EXIT SIGN W/
EMERGENCY LIGHTING
- PARTITION WALL

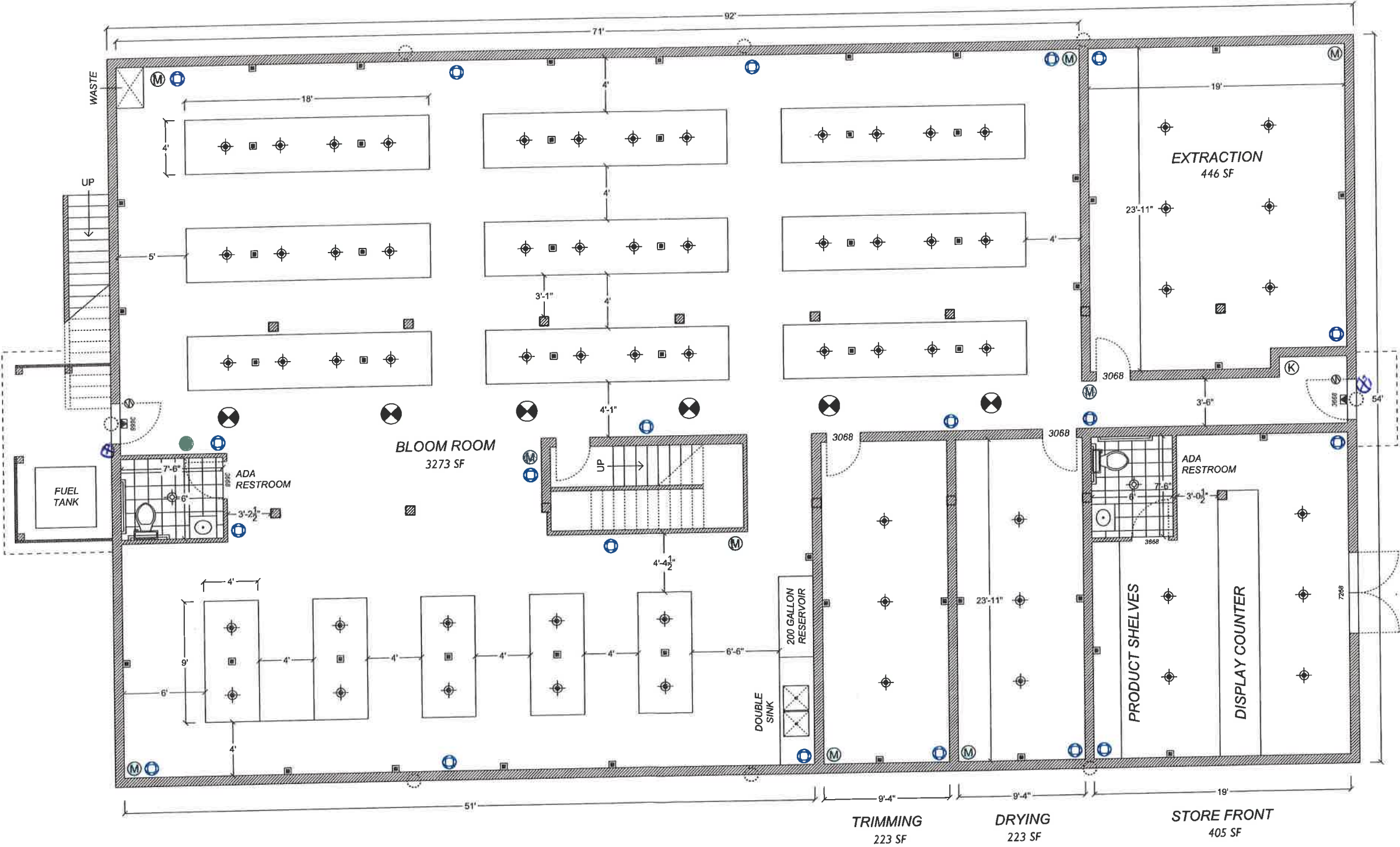
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FIRST LEVEL

SCALE : 1/8" = 1'

EXPANSION PROPOSAL



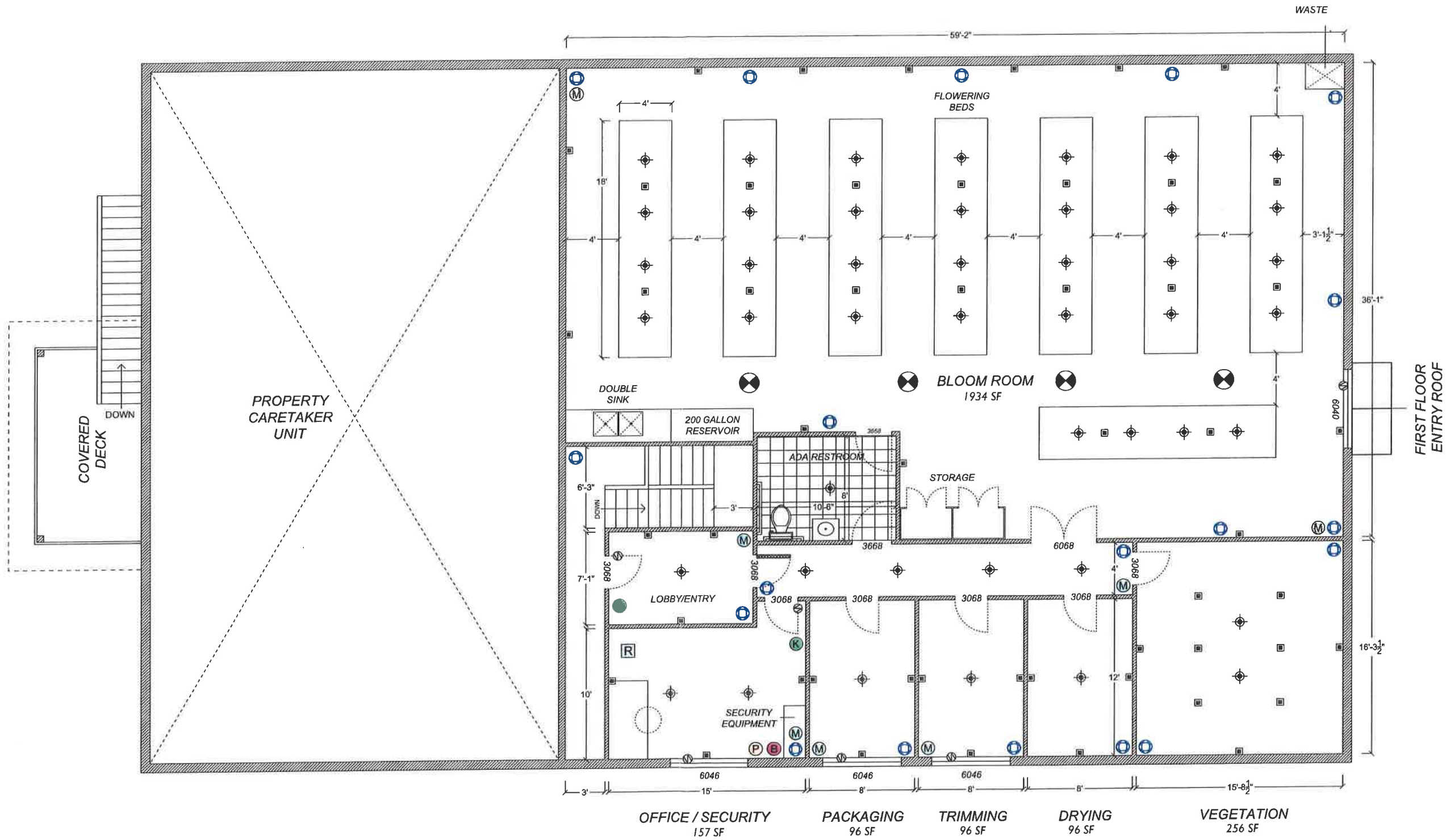
LEGEND		OVERHEAD LIGHTING		CAMERA
		4 GANG BOX		MOTION DETECTOR
		CHARCOAL FILTER		KEY PAD
		EXTERIOR LIGHTING		ALARM SENSOR
		EXIT SIGN W/ EMERGENCY LIGHTING		

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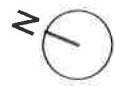
SECOND LEVEL

SCALE : 1/8" = 1'



LEGEND		OVERHEAD LIGHTING		RECORDER
		4 GANG BOX		MOTION DETECTOR
		CHARCOAL FILTER		KEY PAD
		CAMERA		BELL
		ALARM SENSOR		ALARM PANEL
		SECURITY DOOR		

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EXISTING
STORAGE
ENTRY/EXIT

PROPOSED
TAKU HORTICULTURE CO.
ENTRY/EXIT

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D & L RENTALS
HEATED AND UNHEATED
MINI STORAGE, SHOP SPACE
& OFFICE SPACE AVAILABLE
780-6860

B
11.1.2017
AREA 11

D & L RENTALS
HEATED
MINI STORAGE
SHOP SPACE
& OFFICE SPACE
AVAILABLE
780-6860

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B
BUSINESS DISTRICT
ANCHORAGE, AK



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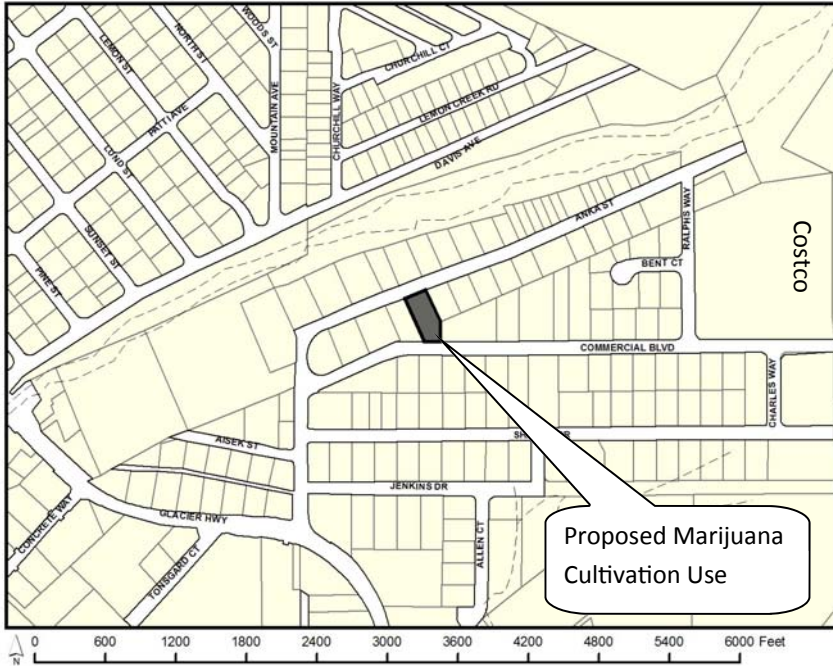
EXISTING
CARETAKER UNIT
ENTRY/EXIT

EXISTING
STORAGE
ENTRY/EXIT

TAKU HORTICULTURE CO.
ENTRY/EXIT

PROPOSED

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A Conditional Use Permit for a Marijuana Cultivation facility in an Industrial zone

File No:	USE2017 0006	Applicant:	Taku Horticulture Company
To:	Adjacent Property Owners	Property PCN:	5-B12-0-130-005-0
Hearing Date:	May 23, 2017	Owner:	Dennis Mayer
Hearing Time:	7:00 PM	Lot Size:	21,923 square feet
Place:	Assembly Chambers	Zoned:	Industrial (I)
	Municipal Building	Site Address:	1758 Anka Street
	155 South Seward Street	Accessed Via:	Anka Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

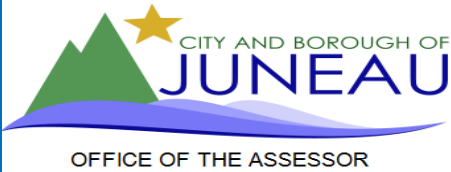


If you have questions, please contact Laura Boyce at Laura.Boyce@juneau.org or (907) 586-0753.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Attachment B

Date notice was printed: April 21, 2017



Address: 155 Municipal Way, Juneau, AK 99801
Phone: 907-586-5220, Fax: 907-586-4520

Assessor Summary of 2017 Late Filed Tax Exemption Application

Applicant: Perseverance Theatre
Parcel ID: 2D040T040040
Physical Address: 914 Third St Douglas AK (Douglas Townsite BL 4 LTS 4 5 & 8 FR)
Assessor's Office #: 2017-0585

The Assembly is asked to decide whether Perseverance Theatre has satisfied its burden to submit a late-filed community purpose exemption application.

The community purpose tax exemption is an optional State exemption that the CBJ has chosen to make available. AS 29.45.050(b)(1)(A); CBJ 69.10.020(8). A property owner is required to submit an application for the community purpose exemption every year by January 31. CBJ 69.10.020(8).

Basic Facts:

- Prior to 2016, Perseverance applied for and received partial community purpose exemption.
- 2016: Perseverance did not apply for any exemption.
- January 31: Deadline for community purpose exemption application
- March 31, 2017: Property assessment notices mailed
- May 1, 2017: 30-day deadline to appeal ended
- May 30, 2017: Perseverance applies for community purpose exemption

Legal Standard:

The Assembly has authority to decide exemption appeals pursuant to CBJ 15.05.041 and 15.05.160. Because this case would present an exemption issue separate from valuation if the late-filed application is accepted, the Assembly (and not the Board of Equalization, which hears valuation cases) has jurisdiction to decide this case.

There is no specific standard articulated for deciding late-filed community purpose exemptions. CBJ code does provide a 'good cause' standard for the Assembly to use in deciding whether to accept late-filed senior/veteran exemptions and there is an 'unable' standard for late-filed appeals used by the Board of Equalization (BOE) in both CBJ code and state law. The 'good cause' and 'unable' standards have been interpreted to be interchangeable¹. Under CBJ 69.10.020, 'good cause' is defined as follows:

¹ The BOE considered a valuation case involving a late filed exemption in the *Juneau I VOA LLC* case. The BOE's decision to deny the appeal and the application of the 'unable' standard to the late filed application, was affirmed by the Superior Court in *Juneau I VOA LLC v City and Borough of Juneau, Board of Equalization*, 1JU-16-88CI (Juneau Superior Court, April 4, 2017).

- (i) extraordinary circumstances beyond the control of the claimant, including but not limited to a medical condition or disability, impaired mental capacity, illiteracy, family emergency, death in the family, or other similar serious condition or event, that substantially impaired the claimant's ability to file a timely application;
- (ii) extraordinary circumstances for a finding of good cause do not include late filing due to the claimant's inadvertence, oversight, or lack of knowledge regarding the filing requirements or deadline, financial hardship, or reliance on misinformation provided by a professional such as a real estate broker, banker, attorney, or accountant.

Similarly, the unable standard was described in an April 19, 2013, memo from the City Attorney. The cover page and discussion of the 'unable' standard are attached. In essence, the 'unable' standard does not include situations in which the taxpayer forgot, overlooked, or was out of town. Rather, it covers situations beyond the control of the taxpayer and, as a practical matter, prevents the taxpayer from recognizing what is at stake and dealing with it. Such situations would include a physical or mental disability serious enough to prevent the person from dealing rationally with his or her private affairs.

Assessor's Comments:

Here, Perseverance Theatre states its application was filed late due to an administrative error. An administrative error made by Perseverance Theatre does not provide a substantial explanation or reason as to why they were unable to apply by the January 31 deadline. In fact, the BOE denied a late-filed valuation application and the Superior Court affirmed in *Juneau I VOA LLC* based on an administrative error of the taxpayer. There does not seem to be any difference between the administrative error in *Juneau I VOA LLC* and this case. Because Perseverance Theatre has not satisfied the 'unable' standard, I do not recommend granting this late filed application.

CBJ 69.10.020 - Property exempt.

The following property shall be exempt from the general tax...

- (8) The property of an organization not organized for business or profit-making purposes and used exclusively for community purposes, provided that income derived from rental of that property does not exceed the actual cost to the owner of the use by the renter. In order for property to be considered used exclusively for community purposes, its use must benefit a significant portion of the public and the organization seeking the exemption must have a current 501(c)(3) or 501(c)(4) exemption ruling from the Internal Revenue Service. In order to qualify for this exemption, the claimant must file a written application for the exemption no later than January 31 of each assessment year for which the exemption is sought. The application shall be on a form prescribed by the City and Borough Assessor and shall include all information determined necessary by the assessor to determine the character of the organization

and the nature of the uses made of the property. An exemption granted under this subsection shall be only for the assessment year for which the exemption was sought;

CBJ 15.05.041 - Challenges of tax status.

The owner of a property placed on the assessment roll may request the assessor remove such property from the roll if the owner believes the property is exempt....The procedure and period for challenging the tax status of a property shall be the same as for challenging the assessed value except that the appeal from the assessor's final decision shall be to the assembly which shall hear such appeals immediately prior to sitting as a board of equalization.

CBJ 15.05.160 - Time for appeal and service of notice.

- (a) Notice of appeal, in writing, specifying the grounds for the appeal, shall be filed with the board of equalization within 30 days after notice of assessment is mailed to the person appealing. If notice of appeal is not mailed within 30 days, the right of appeal ceases as to any matter within the jurisdiction of the board, unless it is shown to the satisfaction of the board of equalization that the taxpayer was unable to appeal within that time.

...



Office of the Assessor
155 S Seward Street
Juneau AK 99801

Non-Profit Exemption Application	
Assessment Year	☒ 2017 [] Other
Organization Name	Perseverance Theatre, INC
BPP Account #	
Parcel ID #	2D040T040040
Name of Applicant	

AS 29.45.030 and CBJ 69.10.020(8) allow for exemptions on Real Property and Business Personal Property for Non-Profit Organizations meeting certain requirements. The applicant has the burden of proof that both the property and the organization are eligible for exemption. Application for this exemption must be submitted to the municipal assessor before January 31 of the applicable year.

FILER CONTACT INFORMATION			
Filer Name:	Perseverance Theatre	Filer Email:	Finance@PTAlaska.org
Primary Phone:	907-364-2421 xt 229	Secondary Phone:	9917-318-0399
Mailing Address:	914 Third Street	Property Address:	914 Third Street
	Douglas, AK		Douglas, AK
	99824		99824

PLEASE COMPLETE THIS SECTION IN ITS ENTIRETY	
Organization Type:	
☐ Religious ☒ Charitable ☐ Hospital ☐ Educational ☐ Community Purpose	
Is the organization organized as a not for profit entity? ☒ Yes ☐ No	
If yes, does your organization have a current IRS 501(c)(3) or 501(c)(4) ruling? ☒ Yes ☐ No ☐ N/A	
Is the property used exclusively (100%) for not for profit purposes? ☐ Yes ☒ No	
If no, please explain: One 1 Bedroom Apartment is rented at market rate, equal to about 4% of total building sq footage	
Is all square footage in the property used for not for profit purposes? ☐ Yes ☒ No	
Does your organization require membership or entrance fee to use or obtain access to the property claimed for exemption?	
☐ Yes ☒ No; If yes, how much is the membership fee? \$	
Was this property, or any portion, used for rental purposes during the past year? ☒ Yes ☐ No	
If yes, the rental income cannot exceed the actual cost of the use by the renter. Attach a summary of the rental revenues generated and expenses incurred. List the expenses by major category (maintenance, utilities, repair, etc.)	
☐ Attached ☐ N/A	
Describe the nature and uses of the property as it relates to the purpose of the not for profit function (attach additional pages as necessary): Perseverance Theatre's stages, lobby, dressing rooms, and admin offices	
Provide the following documentation: (please attach documentation if not currently on file with the Assessor's Office)	
Updated 501(c)(3) or 501(c)(4)	☐ Attached ☒ On File
Organization By Laws	☐ Attached ☒ On File
Article of Incorporation	☐ Attached ☒ On File
Documentation that provides a description of the activities such as brochures, pamphlets, website, copies of newspaper articles, etc.	☒ Attached ☐ On File
Certification: I hereby certify that the answers given on this application are true and correct to the best of my knowledge. I understand that a willful misstatement is punishable by a fine or imprisonment under AS 11.56.210	
Signature and Title of Applicant:	Date:
	May 25, 2017
Assessor Approval [] Yes [] No Date: _____ Comments:	

Contact Us: CBJ Assessor's Office			
Phone:	Email:	Website:	Physical Location
Phone # (907) 586-0333	Assessor_Office@juneau.org	http://www.juneau.org/finance	155 South Seward St Rm. 114
Fax # (907) 586-4520			Juneau AK 99801



CBJ-Assessor's Office

MAY 30 2017

May 25, 2017

CBJ Assembly
155 S Seward Street
Juneau, Alaska, 99801

Dear Mayor Koelsch and members of the Assembly,

Perseverance Theatre is writing to request a late acceptance of our application (Attached) for property tax exemption for our property at 914 Third Street in Douglas, known as Perseverance Theatre. Our use of the building and IRS tax exempt status has not changed since our last application for property tax exemption was approved.

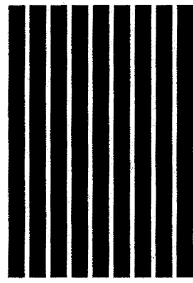
The theatre's application was late due to an administrative error on our end. Nonetheless, we request your support of maintaining the theatre's property tax exempt status in 2017 as we continue to pursue our efforts to build a long term resilient business model for our theatre that will support Juneau's rich web of arts and cultural activities by including the home base of Alaska's largest theatre company, and only Actors Equity (union) theatre company. Our administrative capacity has been taxed while we have implemented a plan that has moved up well down the path for this goal of retaining Perseverance as a vibrant asset to the community, and your support accepting this late request will undoubtedly contribute further to our efforts.

Thank you for your consideration and your service to Juneau,

Art Rotch,
Artistic Director, Perseverance Theatre

Art Rotch *Artistic Director*
Molly Smith *Founder*
Bob Urata *Board President*

914 Third Street, Douglas, Alaska 99824
907-364-2421 ~ fax 907-364-2603 ~ www.ptalaska.org



CBJ Law Department MEMORANDUM

Packet Page 141 of 142

To: Board of Equalization
From: John W. Hartle, City Attorney 
Subject: Board of Equalization: Standards and Procedures
Date: April 19, 2013

SUMMARY

- (1) The Board of Equalization functions as a quasi-judicial body, which means that the Board has authority to hear and decide assessment appeals in a manner similar to a court, but less formal than a court.
- (2) The burden of proof is on the appellant property owner.
- (3) The Board should make specific findings in support of its decisions, and should base its decisions on the record.
- (4) To grant an appeal, Board members should make a motion to grant the appeal and vote in the affirmative; to deny an appeal (that is, uphold the assessor's decision), Board members should make a motion to grant the appeal and vote in the negative. The Board may also grant an appeal and make an adjustment to the assessment different from that requested by the appellant.
- (5) The assessment process, the Board's procedures and standards, and property taxation are all governed by Alaska Statute and CBJ Code. AS 29.45.190 - AS 29.45.210 provide the time for filing appeals, procedures before the Board, and the standards to be used by the Board in deciding appeals. The pertinent statutes and code sections are attached to this memorandum for your reference.

DEADLINE FOR FILING APPEAL

In order to appeal an assessment, a taxpayer must file an appeal within 30 days after the date of mailing of the assessment notice. AS 29.45.190(b); CBJ 15.05.160(a). After this time period, the right of appeal ceases, unless the Board finds that the taxpayer was “unable” to comply with the 30-day filing requirement. The word “unable” as used in this section does not include situations where the taxpayer forgot about or overlooked the assessment notice, was out of town during the period for filing an appeal, or similar situations. Rather, it covers situations that are beyond the control of the taxpayer and, as a practical matter, prevent the taxpayer from recognizing what is at stake and dealing with it. Such situations would include a physical or mental disability serious enough to prevent the person from dealing rationally with his or her private affairs.

There are few situations in which a taxpayer is “unable” to comply with the requirement that an appeal be filed within 30 days of the date of mailing of the notice of assessment. It is common knowledge that real property is subject to assessment and taxation and it is the duty of every property owner to take such steps as are necessary to protect his or her interests in the property. One of the steps that courts generally assume a prudent property owner takes is to have someone either watch or manage the property while the property owner is away from the property for an extended period of time.

It is the responsibility of the property owner to assure that the taxing authority has the correct address to which notices relating to assessments and taxes on the property may be sent in order that the property owner will receive timely notice of assessments and tax levies affecting the property. Failure to receive an assessment notice because it was sent to an old address that the property owner had not corrected, or because the notice was sent to the property owner at the correct address but while the property owner was out of town, are not reasons that make the property owner “unable” to file a timely appeal.

With respect to an appeal filed after expiration of the 30-day appeal period, the Board should consider the oral and written evidence presented by the property owner on the question of whether or not the owner was “unable” to file the appeal within the required 30-day appeal period. If the property owner fails to prove that he or she was “unable” to file the appeal in a timely manner, there is no basis for hearing the appeal, even if the Board believes the assessment should be adjusted.